UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS
FIRST SESSION

VOLUME 147—PART 15

OCTOBER 25, 2001 TO NOVEMBER 7, 2001
(PAGES 20643 TO 21955)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2001

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 25, 2001*

The House met at 10 a.m.

The Reverend Dr. Benjamin K. Watts, Shiloh Baptist Church, New London, Connecticut, offered the following prayer:

Our God who has been our heritage in ages past, our help in this present darkness, our hope in years to come, our healer from the storm and blast and our eternal home, we lay bare before Thee our lives, without disguise, without sentimentality, without pretension, but utterly as we are, we come to Thee. Cast out our fears and our anxieties and the uncertainties which envelop us as we think about the threats to our way of life.

Help us, O God, to manage the imperfections of our private lives that our public lives may give witness to courage and faith. Give us clear insight and focus that will allow the fragmentations and divisiveness of this world to be turned into wholeness. Help our highest thoughts and intents to become a positive reality and, at the very least, let them be a guidepost to the highest good.

Our Nation has been rocked by crumbling walls of disappointment and near despair. We thank Thee that though tempted to panic by disordered thinking, calmness, caring and compassion has been the solution for the men and women of this Nation. We are grateful for the secret revealed in this present crisis, that the souls that turned to Thee are able to control their emotions and perform acts of faith. Grant these civil liberties inner quietness of spirit that they may function in the midst of these days. Grant them disciplined courage that may meet the mounting pressures of the new world we face together.

As we as a Nation turn to Thee, allow our private thoughts and our private hopes and our private desires to be illuminated and enlarged that they may become one with Thy great will. We pray for the brave men and women who are preserving this great democracy on distant battlefields. We are mindful that their efforts allow us to enjoy life, liberty, and the pursuit of happiness. Spare us from national turmoil. In these perilous days turn the clouds of mourning into the radiant light of joy. Frustrate those organized principalities and powers of wickedness, enable us to radiate righteousness until all lawlessness shall cease. Grant this Congress discernment to stand, deliverance from all graft, devotion to ultimate good, and diligence in grace. As they stand in the gap leaning and depending upon Thee, may their centering consciousness and courage be a beaconlight to all Americans that this Nation shall prevail. Bless our President, his Cabinet, Congress, and the Military to continue to protect and preserve the fruits of peace for our present generation and for generations to come. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PENCE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PENCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE REVEREND BENJAMIN WATTS

(Mr. SIMMONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMMONS. Mr. Speaker, I rise to address the House to introduce the Reverend Benjamin K. Watts of the Shiloh Baptist Church in New London, Connecticut. Reverend Watts is known in the community as a preacher, a teacher, and a community leader. It is a reputation that is well deserved and is well documented.

He is vice-president-at-large of the Connecticut Missionary Baptist State Convention. He is on the board of directors of the Lawrence and Memorial Hospital. He heads up the Shiloh Development Corporation, the United Way, and he is a member of the Hartford Seminary. He is also a member of the New London Rotary Club and a member of the New London Chapter of the NAACP.

Reverend Watts is a leader in using faith-based initiatives to help his fellow man and his community. Working through the Shiloh Development Corporation, which was established in 1992, he provides community assistance and food, housing, education, and many other social services.

On behalf of my colleagues, Mr. Speaker, I thank the Reverend Watts for leading us in prayer today, I welcome him to this House of Representatives, and I appreciate very much his presence, his guidance and his blessing on this House as we begin our critical work today and into the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair announces there will be 10 1-minutes on each side.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SECURITY IS WHAT IS IMPORTANT AT AIRPORTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, as cochairman of the Congressional Travel and Tourism Caucus, I urge this House to immediately pursue the airline security measures that we see before us.

We can do a lot of promotion. We can spend a lot of money. We can urge people to travel. But if we do not make our airlines safe, they will not fly.

I just left a meeting with the theme team, with Secretary Norman Mineta, former chairman of the Democratic Committee on Transportation and Infrastructure, he was then in the minority, who seems to share the same goals that I have, that we have security at the airports, not necessarily labeling them as Federal employees.

In Palm Beach County, our airport, currently we could use the sheriff's department. The Palm Beach County Sheriff's Department could be hired with Federal resources in order to secure those going on planes.

The other side of the aisle seems to insist that if they are not Federal, Civil Service employees, then we will not proceed with this bill. I think it is more important to have security in the cabin of the airplane and making certain it is accomplished with Federal guidelines than simply calling them Federal employees.

We have to do this and we must do it now in order to encourage our citizens to travel safely once again in the skies.

CONGRESS SHOULD FIRE CIA AND SUPPORT HOMELAND FOR PALESTINIAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Reports persist that there are still a growing number of Arab people opposing their own governments. Now, if this is true, the governments of Egypt, Saudi Arabia, and Pakistan could be toppled, thus destabilizing the entire world. Yet nothing, my colleagues, from the Central Intelligence Agency.

This is ridiculous. We spend $40 billion a year and we get these reports from Fox and CNN. Beam me up. I think the Congress of the United States should fire the Central Intelligence Agency and put on contract Fox and CNN.

I yield back the fact that Congress should also support a homeland for the Palestinian people before this fiasco escalates to World War III.

HISPANIC HERITAGE MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased that Jacinto Acebal and his many fellow workers at the Miami General Mail Facility of the United States Postal Service are celebrating Hispanic Heritage Month.

This Friday, events will unfold celebrating Hispanic history and culture in our country as well as the contributions of Hispanics in all areas, public service, politics, entertainment, sports, business, science and military service.

As we face attacks that threaten the very core of our freedom and security, it is particularly fitting to mention the participation of Hispanics in the defense of our country. An unprecedented number of Americans of Hispanic heritage in active and reserve duty are serving in our military branches, helping to ensure that our way of life remains the standard to which many freedom-loving nations aspire.

As the first Hispanic American woman in Congress, I am proud to know that Jacinto and those at the Miami General Mail Facility are celebrating Hispanic Heritage Month, and I ask my colleagues to join me in celebrating with them.

AIRLINE BAGGAGE SCREENERS SHOULD BE FEDERAL OFFICERS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, in addition to attempting to assure safeguards for the taxpayer, who has to foot the bill, one of my principal concerns in questioning the airline bailout was the need to at the same time address the security of passengers on our airlines. But even I could not imagine that we would still be here seven weeks after the disaster of September 11 without this House doing anything to address airline security.

The other body acted with unanimity and in a bipartisan way and approved an approach to address and secure our airlines so that the people who are out there checking our baggage are not people who are paid less than the people that clean the bathroom at the airport or who bus the tables at the airport, as occurs right now. The people will be federal law enforcement officers.

That is the kind of person we rely on to screen the baggage that comes into this building and into our own office buildings. We should demand no less for the American traveling public. It is time to move forward on airline security.

TRIBUTE TO TOM TURK

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, since the terrorist attacks of September 11, thousands of Americans have volunteered to help New York and Washington recover from the devastating attacks and damage that was done on that date. Today, I am privileged and honored to come to the floor to recognize and commend Mr. Tom Turk of Elko, Nevada, who has spent the last 3 weeks at ground zero in New York City.

As a battalion chief for the Nevada Division of Forestry, Mr. Turk had never been east of the Mississippi until he left on September 18 to assist FEMA in the aftermath of those terrorist attacks on the World Trade Center. Recently, Mr. Turk mentioned what he will remember most about his experience in New York, and I think we can all relate to his words, which I would like to share, and I quote, "It has taught me not to take this life or the importance of family for granted. It has also taught me despite all this destruction and evil, that people, the public, the emergency workers, the residents of New York City and the people across this country are good to the core as a whole."

As America continues to brave this dark chapter of history, let us find strength in Mr. Turk's words; the good will and spirit of America will always survive.

HOUSE SHOULD FOLLOW SENATE'S LEAD ON AIRLINE SECURITY LEGISLATION

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I heard my dear friend from Florida rise, and I had not risen in some time but I wanted to have the record corrected.

I was a part of a group of many Members on both sides of the aisle some few weeks ago who believed the argument put forward by many in the airline industry that if we did not pass an immediate industry stabilization package, I think totaling some $5 billion in cash and $10 billion in loan guaranties, that the industry would sink.

Here we are, some several weeks after, 130,000 employees laid off, yet I still believe we did the right thing. Many of my colleagues on both sides of the aisle have expressed trepidation and concern about that vote, but here we are several weeks later still having done nothing to ensure the safety of those flying.

The gentleman from Florida (Mr. FOLEY) is a friend, and a dear friend. But to hear him suggest that Democrats or some in this body are blocking passage of this legislation because we want Federal employees, nothing could be further from the truth. We want to ensure that every airport security installation in this Nation is able to cross-share information with every other airport security installation in this Nation, which will secure the safety of all our passengers.

Let us follow the lead of the Senate and pass a bill here in this House that will allow for the safety of all Americans all across this great Nation.

□ 1015

PRESIDENT BUSH'S VISION TO CURE WHAT AILS AMERICAN ECONOMY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that without a vision, the people perish. President Bush's vision for curing what ails the American economy is very simple. It is a vision of tax relief and expanded trade. Yesterday Republicans and many Democrats in this House came together to give the President the beginning of the first half of that vision as we passed nearly $100 billion in urgent tax relief in this year alone out of this Chamber and sending it to the Senate. But there is more work to be done, and that is the President's vision for expanded trade.

Mr. Speaker, it is time that this Chamber gave the President the authority to negotiate trade agreements. We must give the President trade promotion authority. Over 100 international trade agreements in the last decade, the United States of America is a party to two. Pro-growth tax policies, expanded markets for foreign exchange, this is the President's vision. This should be America's vision. It should be the House's vision.

95 PERCENT OF BAGS IN BELLY OF AIRPLANE NOT SCREENED FOR EXPLOSIVE DEVICES

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this is the 43rd straight day that the Republican leadership of this House has blocked any votes doing any single thing to keep our airplanes from being hijacked or blown out of the sky. Imagine that. We are being sent home to our district for a 4-day weekend instead of voting here to do something about airline safety.

Mr. Speaker, I want my colleagues to think about this. When Members get on airplanes this afternoon or tomorrow morning, 95 percent of the bags in the belly of the airplane have not been screened in any way for an explosive device. Yet we have been blocked from having a vote on this or any airline safety issues for 43 days from an ideological hesitancy to allow the House to work its will. The Democrats are not blocking anything. The Democrats are in the minority. We are asking the Republican leadership to bring this bill to the floor. Let us have a vote and let us do something for airline security. After 43 days, it is high time.

FREEDOM IS NOT FREE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last Friday America lost two of its best and brightest. Specialist John Edmunds and PFC Kristofer Stonesifer died as their helicopter crashed in Pakistan while supporting a nighttime mission. Both of them were assigned to the 75th Ranger Regiment out of Fort Benning, Georgia. Both men were committed to excellence.

Private Stonesifer's ROTC instructor said, "He wanted to be the best soldier in the U.S. Army, and the best soldiers in the Army are in the Ranger battalion."

On September 11, America was shaken. We learned once again that freedom is not free. Freedom of religion, speech, assembly, and press were won at the cost of American lives.

Mr. Speaker, this great Nation is learning once again, to preserve these freedoms some brave and dedicated men have to put their lives on the line.

On Friday, Private Stonesifer and Specialist Edmunds paid the ultimate cost for our freedom. Every American owes these two Americans a debt of gratitude.

AMERICAN ECONOMY LAGS BECAUSE CONGRESS DID NOT DO ITS JOB

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, yesterday the House passed a bill that is labeled an economic stimulus package; but the fact of the matter is with $8 trillion taken out of the economy through declines in the stock market, and the decline in buying power anywhere from three to $400 billion, the amount passed in no way will stimulate the economy.

Despite the fact that the Fed will soon meet for the tenth interest rate cut, we are going to continue to see the American economy lag because Congress yesterday did not do its job. Instead, what Congress did was to give permanent tax cuts to those least likely to spend it: large corporations and those who are at the highest income.

Congress gave a retroactive tax cut, immediate rebates to large corporations, and nothing was in that bill for people who really need help, people who are expected to be unemployed, those employees who are at places like Kodak and others where thousands are being laid off.

Mr. Speaker, we are going to have to readdress and come back and look at this issue of economic stimulus to take care of those who are truly needy in this country and resist the urge to feed the greedy.

CONGRESS NEEDS TO PULL TOGETHER AND FORGO NEGATIVISM

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I along with others have been encouraged by the response to recent attacks on our country. We have seen a renewed patriotism, spiritual renewal in the country and a sense of unity. That unity has extended to the Congress. For the past 5 weeks, we have shown an exceptional spirit of cooperation here.

In that light, I was really disappointed in yesterday's debate. I saw a return to business as usual, negativism and blaming. My experience over a long period of time has been that having a common goal, having a larger purpose, having a sense of mission causes negativism and personal ambition and divisiveness to fall away.

Mr. Speaker, if there was ever a time that this Nation and this body needs to pull together, it is now. So if our speech and our actions and motives are filtered through the lens of national interest, we will pull together. We need to do this over time and not just in the heat of the moment.

Mr. Speaker, I hope that we will keep the national interest first and foremost in our thoughts and mind and prayers as we move forward as a body.

ECONOMIC STIMULUS BILL IS CRUEL HOAX PLAYED UPON AMERICA

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, on a daily basis we come in and put our right hand over our heart and say, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."'

For the Democratic Party to be criticized for being opposed to this cruel hoax that passed the House of Representatives under the guise of an omnibus economic stimulus bill is a cruel hoax played upon America.

Mr. Speaker, there is not a day that we do not see scripts at the bottom of the screen on television about people losing their jobs. Yesterday, Hershey closed down, 1,100 people immediately lost their jobs.

We bailed out the airline industry, only to see all of these airline people getting laid off. This House has not done anything for the very least of these people. We are spiritual, I believe; but Members are going to have to help my belief.

OVERSIGHT NECESSARY OF CHARITABLE AND RELIEF EFFORTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I welcome the gentlewoman from Indiana with her comments to this extent: honorable people can disagree. Where I take exception is when patriotism is impugned and motives are attributed when there is honest disagreement. That is the key difference.

Now, to a sense of unity and a sense of action, let me call the attention of the House to a matter of concern that is neither Republican nor Democrat but totally American. That is the fate of the survivors and the dependents of the horrible attacks on September 11.

Mr. Speaker, various charitable agencies have come together saying they will help fund relief for the victims of the disaster. And yet there has been a disconnect between that promise and reality.

As a member of the House Committee on Ways and Means, I have called upon the gentleman from California (Mr. THOMAS) to take oversight interest in the status of these charities to make sure that we helped people who have suffered and in that way restore our sense of unity and legitimate oversight. These people need our help.

AIRLINE SAFETY MUST BE ADDRESSED

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, nearly 2 weeks ago the Senate passed a bill on airline safety. It is now time for the House to take up that bill, and we would urge the leadership of the House to bring that bill forward immediately. We took care of the airlines. We have not taken care of the industry: the riders, the American people, the people who work in the airports, the airports, the concessionaires.

Mr. Speaker, it is important that we take care of security, that we have all bags checked as they go onto our planes, and we make sure that the screeners who screen us are conviction-free and are able to do the jobs that it will take to secure the safety of the American flying public. Bring the bill forward now. We must protect Americans' right to ride airplanes, and we must protect the airports and the people who work in them.

CONGRESS SHOULD SUPPORT TRADE PROMOTION AUTHORITY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to urge my colleagues to support granting the President Trade Promotion Authority, or TPA.

Formerly known as Fast Track Authority, TPA has worked well in the past, giving our Presidents the flexibility and authority they need to negotiate the best deals for America. From our first free trade agreement with Israel, to the FTA with Canada, the NAFTA with our two North American trading partners, and the Uruguay Round of GATT world trade talks which created the WTO, Trade Promotion Authority has proven effective.

Trade Promotion Authority for the President does not mean no authority for Congress and the American people. Our trade negotiators have proven their commitment to developing consensus positions so that, once the negotiations are concluded, the trade agreements will win the approval of Congress and the American people.

Without Trade Promotion Authority, there can be no more Free Trade Agreements. Without free trade, America loses.

AMERICA NEEDS AIRLINE SECURITY BILL

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, we need an airport security bill. This is not a partisan issue. I share completely the views of my colleague, the gentleman from Virginia (Mr. WOLF), who is the chairman of the Subcommittee on Commerce, Justice, State and the Judiciary that appropriates money.

Mr. Speaker, we know what happened a few years ago in Northern Virginia. A Pakistani by the name of Mir Aimal Kasi walked up to several people sitting in line to turn in to the CIA, and brutally murdered them. Reached in with an assault weapon and killed them. It took years, but we found him. His roommate was a baggage screener at Dulles Airport. 87 percent of these people hired by Argenbright, who does the baggage screening at National Airport and Dulles Airport, are not U.S. citizens.

How can we do a background check on someone who is not a U.S. citizen, and many are illegal aliens, and they are doing the passenger and baggage screening at our airports? It is not working. The airlines have looked for the bottom line, the cheapest people who will work for the least amount of money. We need to federalize and professionalize them.

AIRLINE STABILIZATION BOARD SHOULD NOT HAVE FINANCIAL STAKE IN AIRLINES

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, several weeks ago we passed the airline bailout bill. I voted against that bill for several reasons, one of which is right now an airline stabilization board is deciding which airlines win and which lose. That is not a good position for the Federal Government to be in.

The Federal Government as a regulator of the airlines should not be in a position to pick winners and losers in the economy. What complicates this issue is that the legislation authorized this board to take a financial stake in those airlines through warrants, stock options, or other equity instruments. That is a bad idea, and I would encourage that board not to do so. By taking a financial position in those airlines, that board will then have an interest in making sure that those airlines that they choose to win will succeed, and that those airlines they choose not to fund and give loan guarantees to to fail.

Mr. Speaker, as a regulator, the Federal Government should not be in that position. I would encourage that board not to take a financial position in airlines.

CONGRESS NEEDS TO REFOCUS ON SECURITY OF NATION

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, Americans want Congress to strengthen homeland security and help workers after the terrorist attacks. They want us to look at our borders and make sure that they are secure and make sure. we have sufficient vaccine and make sure that we are sure that we have the security that is needed.

But at the same time, Christmas came early yesterday. The leadership of the House decided to give a tax break to the corporations and the special interests of this country. At a time when we should be looking at what is occurring as far as the security of this country, they chose to send checks out.

Mr. Speaker, Ford Motors will receive a $2.3 billion check. Chevron will get $314 million. Exxon will get $254 million. IBM will get $1.4 billion. General Motors, they are going to get a check for $832 million. Christmas came early.

The only ones that are benefiting from the atrocity of September 11 are the corporations. We need to refocus and concentrate on the security of this Nation. I ask the leadership of the House to reconsider their position.

☐ 1030

NATION NEEDS AN AIRLINE SECURITY BILL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, this Nation is on a wartime footing and this House should be on a wartime schedule. We left this city last Wednesday. We came back and went into session at 6 o'clock on Tuesday. Yesterday morning, we went into session at 10 o'clock a.m. and finished our work by 5 p.m. We are leaving today by 2 o'clock. We have yet to pass an airline security bill.

The American people who get on airplanes today and tomorrow and next week will do so knowing that at least 95 percent of the luggage that is placed in the belly of that airplane will not be screened for explosives. How can we tell the American people to go back to life as normal? How can we encourage people to get on our airplanes and fly as long as this House is negligent and refuses to bring an airline security bill to this floor for honest, open debate and a vote? All we are asking for is the right to have a vote on this airline security bill.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 70, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 70) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "November 16, 2001".

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 24, 2001, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House this morning is H.J. Res. 70. Its purpose is to extend the current continuing resolution through November 16. We had hoped, Mr. Speaker, that this would not be necessary, but as all of our colleagues know, the House was really not able to function for nearly a week because of the anthrax contamination that was located in some of our areas. In addition to that, some of the House office buildings were closed and we were not able to actually recover the information, the papers and the materials that we needed to carry on some of our appropriations work.

I might say, Mr. Speaker, we actually offered to put on some of those moon suits that the decontaminators were wearing so that we could actually get into the building and recover the files and the information we needed, but, of course, that suggestion was rejected and so we have had a delay. That is the reason why we come to the floor with another continuing resolution, but absent any further delays over which we have no control, we expect to complete our appropriations business by the end of this continuing resolution.

The terms and conditions of the previous CRs remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001. Last week, Mr. Speaker, we passed two conference reports, Interior and Military Construction. Yesterday, the committee reported out the Defense appropriations bill. We expect to file that bill sometime early next week.

In addition to the CR today, we hope to be appointing conferees on the Foreign Operations bill. We will meet in conference on the Treasury-Postal bill this afternoon and have that conference report on the floor next week. Next week, we also hope to go to conference on the Legislative Branch, the VA-HUD, and the Energy and Water appropriations bills. We also expect to appoint conferees on Agriculture which the Senate hopes to complete today, and also Transportation which they passed in August but we have not yet received a request to go to conference.

Next week, we also plan to put together a package to allocate the funding provided in the emergency supplemental bill to address military, domestic security, humanitarian assistance and recovery requirements related to the September 11 terrorist attacks.

Mr. Speaker, I would explain that in the $40 billion supplemental that we enacted immediately after the attacks on September 11, $10 billion of that had no strings attached, the President was able to use it quickly in any legal way that he chose. The second $10 billion, the President is able to use, after he notifies the Appropriations Committees of the House and the Senate 15 days prior to releasing the funds. The last $20 billion, according to the law, had to go through the regular appropriations process.

Actually, we just received information on the $20 billion from the White House on Wednesday afternoon last week as this building was being evacuated, and so we have not really had an opportunity to review what they have proposed relative to the $20 billion. But we will do that very quickly now and hopefully will include it as part of the Defense appropriations bill when it comes to the floor.

We have a lot of work to do, and I appreciate the bipartisan cooperation and spirit that we have had here in the House all of this year and especially since the September 11 terrorist attacks. This Congress has come together. As one Member, it makes me extremely proud of my colleagues in the way that they have responded and joined with the President to assure the perpetrators of that tragedy, that terrible attack, are going to be punished and that we are going to do everything to disrupt their ability to ever do something like that to the United States again.

Mr. Speaker, I apologize for the hoarseness that overcame me there for a few seconds.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 15 minutes.

I would simply observe for the gentleman from Florida that many of my constituents would say that the Republic has never yet been harmed when a Member of Congress has been hoarse, but let me simply make some points about the issue at hand.

Mr. Speaker, this body is an odd mixture of being both a legislative institution and a political institution. Sometimes I believe the fact that the cameras have come into this place have created all kinds of incentives for this place to be much more a political institution than it is a legislative institution, and I regret that.

I also think that we have another problem in the House. Woodrow Wilson wrote in his famous book a long time ago that Congress did its work in committee, and in my view Congress does its best work in committee. And I think there is always a tension in a legislative and political body between efforts of the two parties to get their messages out and to get their will forced through the House, and, on the other hand, the efforts of the committees of the House to do the work of the House on behalf of every Member and on behalf of the country. We have a committee system because none of us can be an expert on everything, and we are, through the committee system, given the opportunity to specialize and develop knowledge in discrete areas of government.

I think this is one of those times when the committee system needs to be allowed to work on behalf of the House rather than being frustrated by other pressures, and that is what drives me to make the comments I want to make today.

This continuing resolution certainly deserves to be supported by every Member. It will allow the committee to begin to produce conferences, conference reports, between the two Houses now that the mini-filibuster is over on the other side of the Capitol, but I think there is a fundamental problem that we face as we go into dealing with each of those conference reports. As Members understand, after the events of September 11, we appropriated a $40 billion package to the President: $10 billion was to be used pretty much as he saw fit on an emergency situation; the next $10 billion is supposed to be spent after serious and involved consultation with the Congress, the President essentially has 15 days during which he is supposed to work out any potential differences with the Congress before he proceeds to spend that money; and then, lastly, we indicated that we would at a later date provide the other $20 billion that we had agreed to provide at that time. But during that debate, it was made clear many times over by people on both sides of the aisle that that $40 billion was just a down payment, not a ceiling, it was just a down payment. It was a limitation on how much could be spent immediately until the Congress and the executive branch got its act together and could make a more informed set of judgments about what else we needed to protect the country. And now I think we have to face the question of whether or not we are going to be asked to proceed with these bills under that $40 billion cap or if we are going to recognize that the world has changed a whole lot since that $40 billion package was passed.

We will be bringing to the floor next week a defense bill which is essentially a peacetime defense bill. We are no longer at peace. In my view there are significant portions of the Pentagon budget that will need to be augmented above the levels provided in that appropriation bill. But there are a great many other items which I believe are going to cost far more than that $40 billion that we have so far provided authority for, and I think that money needs to be directed specifically and directly at homeland security issues. And without an understanding that we need to go above that $40 billion, we will not be able to provide the public or the Nation with the degree of safety that it has a right to expect.

We have heard a lot of comments about airline security this morning. Obviously that has to be the first order of business. I think it is amazing that we have not passed an airline security bill more than a month after the tragic events of September 11. But even if we were to do that today, that is just the tip of the iceberg. There are a great many other security-related items which we need to focus on.

We have had a lot of reference made to the fact that the House went out of business last week after the anthrax problem was discovered. That afforded me an opportunity to get a series of briefings that I otherwise would not have had time to get at this point in the year, and so I spent the next 4 days when this House was out of session being briefed by the NSA, the CIA, HHS, CDC, FBI, a whole range of agencies that have responsibilities directly related to homeland security.

□ 1045

It is clear to me on the basis of those discussions that we need to move significantly beyond the amounts that the administration has provided in its budget submission of last week if we are to really do the job of securing the home front as well.

We just passed a tax bill yesterday, not with my vote; but we gave large amounts of money to the largest corporations in this country: over $2 billion to Ford; $1.6 billion, or $1.4 billion, I believe, to AT&T; $600 million to GE, not exactly the most needy clients in the country.

If we can do that, well, I do not think we should have done that. I think we should have instead protected the integrity of the budget process and protected the integrity of the fiscal bottom line by not providing them those outlandish reductions, and instead we should have used that money for security-related items. I do not want to get into a debate about what happened yesterday, but I want to give you some examples of the things I think we need to do that will require us to go far beyond the $40 billion that we are talking about.

First of all, you cannot talk about the National Security Agency and what it does in public; but I am telling you, seeing what they are doing and seeing the work that they are trying to do to help us track terrorism, there is no doubt in my mind that they are going to need more people above and beyond those being provided right now.

The same with the FBI. If you take a look what they are trying to do, the FBI asked for almost $1.5 billion in additional funding. They have been provided in the budget request submitted by the administration so far a little more than one-third of that amount.

The Customs Service, we have had everybody talk about the vulnerabilities of this country on the Canadian border. The Customs Service, I am told, requested $800 million to do something about that. The budget submission provides only $114 million to meet that problem. I think that action is at great variance with our needs.

We also have a number of other efforts at the CIA which I think need augmenting.

In the area of public health, we have been told by my good friend the Secretary, who was formerly the Governor of Wisconsin, Tommy Thompson, we have been told that they are going to buy 300 million units of smallpox vaccine. I think that is terrific. But it will not do us much good if we have not strengthened the ability of public health officials down to the local level in every community in this land to actually deliver those vaccines, and, more importantly, to do the detection work and the detective work to make certain that we are not 2 weeks into an epidemic before we realize that we have got an epidemic.

In transportation, I would challenge anyone to show me that we are buying all the bomb detection equipment that can be produced to provide greater security for this country. Rail passengers, how often have you had your bags checked when you get onto a train in this country? Amtrak has requested $500 million for increased security. That request was cut by $495 million, or 99 percent.

The Coast Guard, we have a huge number of ports of entry in this country. The Coast Guard is taxed to the limit. They need more resources to protect this country and the security of this country, as far as I am concerned; yet they are not getting, in my view, nearly the resources they need.

Food safety, we inspect less than 2 percent of the food that comes into this country. We desperately need to upgrade FDA, USDA and other agencies' ability to protect the Nation's food supply, both domestically and imported; and they are not getting sufficient resources to do that.

There are many other areas of security-related concern that I could go into. I take this time simply to make the point that we cannot afford "business as usual" in dealing with these appropriation bills. In my view, we are going to have to live up to the words that we uttered on this House floor just a few weeks ago when we approved that initial $40 billion package. We are going to need to provide additional funds above $40 billion, in my view, to meet all of these threats.

I want to make clear, I think that it is very likely that many of the requests from agencies that were turned down by OMB were turned down for very justifiable reasons, because we know that agencies will use almost any excuse to put their hand out to get more money. So I do not object to OMB scrubbing those numbers hard, but I do object to us having to live within an artificial dollar ceiling when the home base security of the United States is at stake.

If we are at war, then we indeed ought to heed the words of the Vice President, who correctly said that this may be the first war in this country's history where we suffer more casualties at home than we do abroad. If that is the case, then we need to prepare for it; and we need to make the investments that are necessary.

So I would urge every single Member of this House over the next 3 or 4 days to think through what they have heard from their own constituents and what they have seen as they travel around the United States when it comes to other areas of security that we need to deal with.

Now, we know each party has our own preferences in terms of economic policy in this country, in terms of tax policy, in terms of spending policy. That is fine. Those differences are healthy, at least most of the time. But today I am not talking about that. There is nothing philosophical, there is nothing ideological, about the idea of spending whatever is necessary and whatever can be usefully spent in order to upgrade the security of our transportation system, of our food supply, of our schools, and every other point of vulnerability in this country.

We are in a new era. We need to think like it, and that means we need to get rid of these artificial ceilings and think more clearly about what is the best use of our time and what are crucial uses of public money.

I have no problem whatsoever stacking up the list of items that I just mentioned and comparing them to some of the tax items that this Congress passed yesterday. If you ask any citizen on the street, including many citizens who benefited the most by those tax cuts yesterday, I would bet you by at least a seven or eight to one ratio, they would say, look, put security first.

That is all I am asking. We have got, in my judgment, about a week for the House to make some concrete judgments, or else all of these decisions are going to be made by the Senate. They may make some good decisions, but I think it would be kind of nice if we participated. I think as the body charged with the responsibility to initiate appropriations, I think that we ought to be dealing from the House document, rather than dealing from the Senate document that they put together at a later date.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say that the gentleman from Wisconsin (Mr. OBEY) and I have discussed the issues that he has just spoken about numerous times at great length, and I certainly agree with what he said.

I think it is important to note that many of the appropriations bills that the House passed, actually passed prior to the terrorist attack on September 11, and were all peacetime budgets. The defense bill that we marked up yesterday was actually a peacetime budget. It dealt with the issues and the dollars that were available prior to the September 11 terrorist attack.

So the gentleman from Wisconsin (Mr. OBEY) is exactly correct. We have to move. Except for the $40 billion supplemental, we have to move into a wartime status here in the Congress, as we have done emotionally, as we have done by statements of support for the President, as we have done by changing some laws to give our law enforcement and our military more ability to move quickly to do what has to be done.

The post-September 11 budget has to be considered real. As for the $40 billion, I do not think anybody believes that it is going to be enough to do what we have to do. What we have to do, the list is long, includes eliminating and bringing to justice bin Laden, his lieutenants, and the al Queda, and to remove them from any position of being able to influence terrorist attacks anywhere in the world.

Mr. Speaker, America is not the only target. Other nations in the world are also targets. In the World Trade Center, for example, on that fateful day of September 11, there were nationals from 68 different countries who lost their lives in that attack on the World Trade Center. At our own Pentagon here, just outside of Washington, D.C., not only were members of our military killed in that attack, but also civilians, who were representing industry and meeting with Pentagon officials, military officials.

So the target is very large, and it is important that we eliminate and disrupt the ability of any terrorist to carry out any additional attack, whether it be airplane bombs or truck bombs or anthrax or bacteria or disease germs, or whatever it might be. It is important that people do not have to live in fear, and they should not. It is important that places in our country are not under attack.

I am satisfied that we are doing everything humanly possible to make sure that does not happen again, but there is a lot that needs to be done. We are prepared, and we have advised the President and our leadership knows that we, the Committee on Appropriations, are prepared to move quickly without any hesitation on addressing whatever the needs are. We are going to provide whatever it takes to keep America and our people secure and free from the terrorists who would try to damage our people and our country.

Mr. Speaker, as we proceed through this appropriations process in the next few days and the next few weeks, we will be addressing the issues that the gentleman from Wisconsin (Mr. OBEY) just discussed. We will be addressing the issues of what the needs really are. We will meet those needs, to the best of our ability; and as the needs arise, if there is something else that needs to be done, we are going to do it. We are going to do whatever it takes to stop the bin Ladens of the world, the Al Quaedas of the world, and those people who would bring terrible tragedy upon this Nation of ours. We are not going to stand for it, and I am committing this Committee to this, Mr. Speaker. We will provide whatever is necessary to make this guarantee and to support our President and our military in this effort.

The Members of our Army, our Navy, our Marine Corps, our Air Force and our Coast Guard, our intelligence agencies, our law enforcement, the FBI, are all doing tremendous work. In briefing after briefing, about none of which we have revealed anything that is classified, by the way, Mr. Speaker, but after receiving many, many briefings, I am really impressed with how well they have come together, how well they are doing their job, how well they are beginning to disrupt the ability of any terrorist organization attempting to bring additional tragedies upon this great Nation of ours.

So, Mr. Speaker, we remain united in this House, in this Congress, in this government, with the President leading us in this effort. We stand in strong support of all of our military and civilians who are on the frontline in this battle. We are going to do what has to be done; and the terrorists of the world might as well understand that, because we are coming to get them. If we have to get the rats out of the rat hole, we are going to get into the rat hole with them, but we are going to get them out.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Florida and commend him for the way he and the gentleman from Wisconsin (Mr. OBEY) have had this discussion this morning, and say in that spirit that there are some things that are a little bit disturbing and puzzling to some of us on this side of the aisle as we not only strive to, but hopefully perform, in 110 percent of support of our President and the bipartisan dedication of the United States in winning the war on terrorism internationally, as well as domestically.

□ 1100

Many of us were puzzled at the bringing of yesterday's tax bill to the floor and the discussion and the debate that ensued around it because, to some of us, it did not fit the spirit of the times and we respectfully disagreed. Why some folks's blood pressure went up as high as it did, I do not know.

But here is my concern, and I say this for the benefit of both sides of the aisle. The day before yesterday, Mitch Daniels, Director of OMB, stressed, "There are very, very few things more important to President Bush than the State of American agriculture. But at the moment, there are at least two things more important. One is concerning international terrorism; the other is protecting Americans here at home. The President deserves the chance to work on those and then he will turn his attention to the other more important issues such as farm policy and a new farm bill."

Now, this request was being made to the Senate, in saying please do not bring the farm bill up now, deal with it next year. As my colleagues know, we passed the farm bill in the House bipartisanly, equal support, 290 to 130 votes, indicating that the will of the House, the wisdom of the House, in the same spirit as the budget that the gentleman from Florida talked about, where the budget numbers came from, it was the budget that passed the House. Well, it seems to me that yesterday, at least in the House and the House leadership, tax policy became more important than winning the war, or certainly more important than passing a farm bill.

Now, I hope I am wrong on that, because I do believe that it is still critically important to us and our food policy that we deal with this issue this year. But it is a little bit puzzling when we have messages that seem to contradict each other being sent at the same time most of us, if not all of us, and I would say all of us, bipartisanly are sincerely interested in doing everything we can to back our President in his excellent conduct of this terrible situation we find ourselves in. But somehow, we have to find a way to communicate on domestic policy and seemingly, right now, we have a mixed message going on concerning agriculture that bothers some of us greatly. I hope in our discussions we will be able to plug that back in and get back on track.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I just want to say, Mr. Speaker, that I think this is an important step today to keep this thing going. We are operating under somewhat duress and unusual circumstances, but I am glad to see that the Committee on Appropriations, on a bipartisan basis, is keeping the ball rolling. I hope that the other body, sometimes known as the United States Senate, which we are not allowed to refer to by name, would also move as quickly as we have been moving. We have passed the DOD bill, which is pending only because of a paperwork snafu in the Rayburn Building, we cannot actually get to the physical bill, but we will have passed 13 out of 13 appropriations bills, and I hope that the folks in the other body will move quickly so that we can get this thing resolved and we can get to the war on terrorism and focus all of our energies on that and stimulating the economy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.J. Res. 70, a continuing resolution which extends temporary funding for all Federal Government agencies until November 16, 2001. This resolution provides further continuing appropriation for FY 2002 by extending a previous continuing resolution.

Mr. Speaker, since September 11, 2001, the legislative work of both bodies of the Congress has been significantly hampered for a number of reasons which required our immediate attention. As a result, we have not been able to complete all of the appropriations bills for fiscal year 2002. Nevertheless, we must make sure that essential services of the Federal Government continue uninterrupted without any diminution in Federal services to the American public.

In this time of national unity and pride, we must keep our museums and monuments open to the public to show the world that America will continue to enjoy its rich heritage and civil liberties. Also, we must provide continued funding for federal law enforcement, transportation and health care agencies so that our country may respond effectively to unforeseen emergencies.

I support this resolution, and I urge its adoption.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to the order of the House of Wednesday, October 24, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Joint Resolution 70 will be followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 405]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly

Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ballenger
Barr
Callahan
Cubin
Cummings
Everett
Fattah
Gallegly
Gonzalez
Gordon
Hoeffel
Istook
Miller, Gary

☐ 1129

Mr. BAIRD and Mr. KLECZKA changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRAVES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 52, not voting 19, as follows:

[Roll No. 406]

AYES—361

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stump
Sununu
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—52

Borski
Boswell
Brady (PA)
Capuano
Carson (IN)
Costello
Crane
DeFazio
English
Etheridge
Filner
Ford
Gillmor
Gutknecht
Hastings (FL)
Hefley
Jackson-Lee (TX)
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Olver
Peterson (MN)
Rahall
Ramstad
Sabo
Schaffer
Scott
Slaughter
Stenholm
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Visclosky
Waters
Watt (NC)
Weller
Whitfield
Wicker
Wu

NOT VOTING—19

Barr
Callahan
Cooksey
Cubin
Cummings
Everett
Fattah
Gallegly
Gonzalez
Gordon
Hastings (WA)
Hoeffel
Istook
Johnson, Sam
Jones (OH)
Lewis (CA)
Linder
Lynch
Miller, Gary

☐ 1139

So the Journal was approved.

The result of the vote was announced as above recorded.

PERMISSION TO HAVE UNTIL MIDNIGHT, OCTOBER 26, 2001, TO FILE CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight October 26, 2001, to file a conference report on the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

APPLYING SPECIAL ORDER OF OCTOBER 24, 2001 RELATING TO "UNITED WE STAND REMEMBRANCE DAY" TO HOUSE JOINT RESOLUTION 71

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the special order of the House of October 24, 2001, relating to the United We Stand Remembrance Day be applied to House Joint Resolution 71.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATING SEPTEMBER 11 AS PATRIOT DAY

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of October 24, 2001, I call up the joint resolution (H.J. Res. 71) amending title 36, United States Code, to designate September 11 as Patriot Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 71 is as follows:

H.J. RES. 71

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked aircraft crashed in southwestern Pennsylvania after passengers tried to take control of the aircraft in order to prevent the hijackers from crashing the aircraft into an important symbol of democracy and freedom;

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, killing thousands of innocent people; and

Whereas in the aftermath of the attacks the people of the United States stood united in providing support for those in need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DESIGNATION OF SEPTEMBER 11 AS PATRIOT DAY.

(a) DESIGNATION.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 144. Patriot Day

"(a) DESIGNATION.—September 11 is Patriot Day.

"(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on—

"(1) State and local governments and the people of the United States to observe Patriot Day with appropriate programs and activities;

"(2) all departments, agencies, and instrumentalities of the United States and interested organizations and individuals to display the flag of the United States at halfstaff on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001; and

"(3) the people of the United States to observe a moment of silence on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

"144. Patriot Day.".

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 24, 2001, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 71, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 11, 2001, the United States fell victim to the worst terrorist attack in our history. The attack was prompted by a hatred for freedom and liberty and resulted in the deaths of thousands of innocent people. On that day, four civilian aircraft were hijacked.

Two crashed into the Twin Towers of the World Trade Center in New York City. A third struck the Pentagon building here in Washington, D.C., and the fourth hijacked plane crashed in a rural part of southwestern Pennsylvania, after passengers on that plane heroically tried to take control of the aircraft.

Since these attacks, we have honored our heroes, mourned those that we have lost, and offered an unprecedented amount of support and comfort to those in need. We have also witnessed an outpouring of unity and American spirit that has been unmatched in our Nation's history.

In remembrance of the tragic events of September 11, as well as the remarkable events that followed, House Joint Resolution 71 would designate September 11 as United We Stand Remembrance Day.

Each year the President of the United States would issue a proclamation calling upon the people of the United States to observe this day with appropriate programs and activities.

I want to commend the author of this legislation, Mr. Speaker, the gentleman from New York (Mr. FOSSELLA), for bringing this important measure to the floor. I also want to thank the Committee on Rules for expediting the consideration of this bill in the House.

I urge my colleagues to support this resolution. It is an important step towards ensuring that the events of September 11 are never forgotten.

Mr. Speaker, I ask unanimous consent that the balance of the time on our side be given to the gentleman from New York (Mr. FOSSELLA) and that he be permitted to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 44 days ago thousands of innocent, brave souls began to rest with the Almighty. Each individual is a chapter in the wonderful and cherished story known as America.

They were born in different towns. Some spoke different languages. They worshipped different faiths: Christian, Jew, Hindu and Muslim. At home, they were known by different names: sister, brother, aunt, uncle, grandma, grandpa, son, daughter, mom, and dad. At home, they did different things. They coached little league; they instructed in the Bible; they taught our kids how to play soccer.

□ 1145

During the day they had different jobs, dishwasher, broker, secretary, electrician, accountant, police officer, EMS worker, court officer, soldier, sailor, marine, airman, firefighter, and so much more. That was up until September 11. They were the essence of America. But these differences that they had were minor compared to the things they had in common. They all cherished freedom and they all loved America.

After September 11, they each had one more thing in common. They united this Nation, the crucible of liberty, to keep us strong, just and free. It is thus our task to ensure that future generations know, acknowledge, and remain thankful to the honorable lives that perished tragically, but not in vain, on September 11, 2001.

For the past 44 days, our Nation has grieved over the loss of thousands of brave men and women. It has been a great time of sadness for our Nation and for me personally. Like countless families on Staten Island and Brooklyn, in New York and across America, our family suffered a loss in the terrible attack at the Trade Center, and more friends and neighbors than I care to count. My prayers go out to each of them and to every family that has suffered.

This is just a front page of a recent newspaper, our daily in our local hometown, the Staten Island Advance. Each one of these photos represents a tragic end to a wonderful life. Each has left families: sons and daughters without parents, mothers and fathers without sons and daughters. We will always remember them and always honor them.

In this time of grief and tragedy of the past 44 days, we have also seen the very best of America. I stood proudly on that Tuesday, September 11, on concrete, where hours before stood the grandest of New York's skyscrapers, as construction workers, along with firemen and police officers planted an American flag in the debris and rubble. I watched proudly on Tuesday as New York's bravest and finest, iron workers, steelworkers, carpenters, hoisted concrete slabs with their bare hands to find survivors, to find their brothers in the wreckage.

Today, my colleagues, the Congress convenes to proclaim its support for permanently establishing September 11 as a national day of remembrance. It is our intention, beginning September 11, 2002, and each year thereafter, that America and its citizens officially remember, honor, and pay tribute to the thousands of innocent lives lost by the terrorist attack on September 11, 2001: those who died at the Trade Center, those who died at the Pentagon, and those who died in Pennsylvania.

The American story is far from finished. Indeed, the best chapters are yet to come. We must believe that. Each chapter represents individuals who perished and lost their lives, with names like Egan, Hamis, Bergin, Pinto, Palazzo, Moran, and thousands more.

We also must believe, however, that there is a just God directing our people in a just cause of liberty. That cause, like others before, which crushed fascism and communism, is now to forbid the tyranny of terrorism. Sixty years ago, freedom-loving people looked to the United States as the arsenal of democracy. Today, the world turns again towards America, and that arsenal is stronger than ever. We will not retreat nor submit to the heinous acts of evildoers. We will and must, instead, stand firm, stand tall, and stand united with this arsenal known as the American spirit, guided by freedom and justice with direction from the almighty and in support of our Commander-in-Chief. We will be vigilant, valiant and brave, and we will prevail.

It is simple to say that September 11, 2001 will be a day we will never forget, but today this body establishes forever that the freedom and the sacrifice of so many who perished on September 11, 2001 will be honored and always remembered.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume, and I rise to congratulate my colleague, the gentleman from New York (Mr. FOSSELLA), and the other sponsors of this bill.

Mr. Speaker, on the floor before I have mentioned the fact that I am intimately acquainted with the World Trade Center Towers. I was in New York when there was just a hole there and the debate was raging about what those buildings should look like and how high they should go, et cetera, et cetera. As a member of the New York State Legislature, I visited there many times, because the New York State executive offices were located in the World Trade Center Towers.

I have now gone to numerous affairs at the restaurant, the Windows on the World, and been in numerous conferences in the World Trade Center. So the memories are not difficult to conjure up when I think of what happened that day and the flames raging. I do not want to remember. I want to forget, and I try hard to forget. But there are some things we must remember, and I think that this bill calls upon us to remember what I stated here on the floor before; that parents should tell their children about the bravery of the New York City firemen and policemen who went in to stop the spreading inferno while others were rushing out to safety. They should tell their children that hundreds of policemen and firemen died performing their duties, and that there were many other acts of bravery and courage by many other individuals.

This is a time for mourning, it is also a time for rage. Very well organized devils have done this ghastly deed. We are face-to-face with evil geniuses and cold-blooded murderers. They must be surgically exposed and driven from the face of the Earth.

Without declaring war, war was launched. We were attacked and lost thousands of casualties. This is not just a war that should be framed as the opposition has chosen to frame it. It is not a religious war, and those who claim it is a religious war are using that as a cover for a war of fanatics and zealots who have really no base, no human base of any significance. This is a war against a way of life. This is a war against what they call modernity. This is a war against a Nation that believes that all men are created equal. It is a war against a Nation that believes all women are created equal. It is a war against a value system that says we should make decisions democratically, with no high-level chiefs imposing themselves and their will on low-level people; there should be no high-level chiefs declaring that others should martyr themselves by the thousands in order to achieve the goals of a jihad.

It is a very serious war, and there is no one thing that we can do here or there, no negotiations that will end this war. These zealots, these fanatics must be met head on. And I think the act of remembrance that should take place once a year, as required in this bill, the act of remembrance on a national basis, will only help us to fortify our resolve that we too have fervor, we too feel strongly about certain principles, we too are willing to die. Not suicidally, not murderously to take other lives, but we are willing to die in defense of our beliefs. We too have heroes, we too have martyrs, and we would like for a concrete demonstration of this to take place at least once a year.

For a long time, I am sure that from day to day and week to week there will be ways in which people will recognize and remember what happened on September 11. I have gone to a number of memorial services every weekend. I would like to see them stop, but they will not stop, I know, and it is very important that they take place. But to guarantee that Americans never forget, this bill and this remembrance ceremony that is called for here is very much in order. I welcome it, I congratulate the sponsors again, and we should all step up and joyously vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to rise in strong support of H. J. Res. 71, designating September 11 as Patriot Day, permanently establishing a remembrance day on September 11. I thank the gentleman from New York (Mr. FOSSELLA), my colleague and fellow New Yorker, for introducing this important, meaningful resolution in a timely manner.

Along with many of my colleagues, I lost too many of my own constituents. One hundred two families in my district were impacted by this tragic event, and we are joining together today to make certain that those who lost their lives and those who gave their service unstintingly on September 11 are going to be duly honored. Just as we recall when President Kennedy was assassinated or when Pearl Harbor, another day of infamy, was attacked, our Nation will never forget the tragic events of September 11, and this resolution reinstills that duty by all of us to remember.

Family, friends and neighbors are both victims and heroes as a result of these atrocious, barbaric attacks. The terrorists may have attacked our national symbol but they failed to bring down our national spirit. The dedicated service of our firefighters, our police, and rescue personnel, as well as the generous charitable contributions by individuals, by corporations and organizations throughout our Nation and elsewhere, has been a testament and reaffirmation to the American spirit.

This measure honors not only our missing and our lost, but also the inspirational way that Americans have united with the victims' families and with our President in seeking to bring justice to the perpetrators. With this resolution, we thank every American for proving that we truly are the United States.

Accordingly, I urge all of my colleagues to fully support this important bill.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, September 11, 2001 will be a day that we shall long remember and never forget, and so I rise in strong support and commend the gentleman from New York (Mr. FOSSELLA), and all of those who are cosponsors of this resolution.

September 11 we will never forget because we can never forget the many acts of bravery on the part of all those who responded to the call: Firemen, law enforcement officials, volunteers, and people who came from all walks of life to pitch in. So we remember the tremendous sacrifices.

But we also remember those who are responding even to this day. Two days ago, I attended a going away party for a young man in my community whose reserve unit was being called up. E–5 Glen Johnson was there with his fiance, members of both their families and friends. It was both a joyful and somber occasion, joyful because Glen had prepared himself and was ready to serve his country, sober because everyone knew the dangers associated with his mission.

□ 1200

Mr. Speaker, we paused during those festivities to offer words of safekeeping and words for his safe return. Now we pause to offer a prayer for all of those who are being called to active duty, called to respond to the events of September 11 so that we can try and make sure that our world is safe from terrorism and that what we experienced on that day we will never experience again.

Mr. FOSSELLA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I commend the gentleman from New York (Mr. FOSSELLA), who has put this legislation together and brought it before the House. Certainly the pain that he and so many of my New York colleagues have had due to this terrible tragedy, what a great opportunity it is to speak on behalf of this legislation.

It would be an understatement to say that the events of the past month and a half have had a profound and lasting impact on each and every citizen. September 11 is a day few of us will ever forget. Yet, it is a day we must all remember.

As a Nation, we were horrified and saddened at the images of destruction and death at the World Trade Center and the Pentagon: despicable attacks perpetrated by evil cowards. But we were uplifted, too, by the scenes of a Nation coming together, of complete strangers laying themselves on the line to aid their fellow man and of the sheer heroism to save countless lives.

The death toll in these attacks on our Nation, upon our very freedom, has already surpassed that of Pearl Harbor. Just as December 7 shall forever live in American history as the Day of Infamy, September 11 should forever live as a day of remembrance, a day that we honor our fallen brothers and sisters, and reflect once again on the real freedoms that we enjoy in the country, and what it means to be an American.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. OWENS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I support the resolution of the gentleman from New York (Mr. FOSSELLA).

On December 7, 1941 America awoke to the immediacy of war. Sixty years later, war returned to U.S. soil. In each case the reaction was the same, and so will be the result. America came together to help the victims and mobilize against the enemy. Japan regrets December 7, and Osama bin Laden will regret September 11. We must never forget the lessons of these two days or those who were massacred.

They were killed simply because they showed up for work or got on a plane. On the morning of September 11, thousands of innocent people, many of whom were my friends and constituents, went about their morning routines. They ate their breakfasts, read the paper. Then unknowingly, they kissed their loved ones good-bye for the last time. We must enact this day of remembrance not just for those gone, but because those morning routines, the simple, sacred pleasures of daily life, are worth protecting with all our might.

Mr. FOSSELLA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I thank the gentleman for yielding me this time, and thank him for bringing this legislation to the floor.

On September 11, we awoke to one of the greatest tragedies that Americans have ever seen. We watched as airplanes were used as missiles and slammed into buildings. Another plane was dispatched to Washington to attack the mightiest fortress of our military might. And another, under the brave, patriotic efforts of those folks that were on Flight 93 crashed into the ground, into the field in Pennsylvania.

There will come a day when our buildings are repaired and the skyline of New York will see once again mighty structures dotting its land, and the fields of Pennsylvania will be grown over from the scar that is left behind from the crash; but we can never forget what transpired that day where thousands and thousands of people lost their lives, innocent men and women who did nothing more, nothing worse than getting up in the morning, traveling to work, hugging their children and kissing their spouses goodbye; and truly kissing them good-bye for the last time.

This piece of legislation is a great piece of legislation. It will help us to not only remember those who lost their lives, those heroes of that fateful day, but it will also pay tribute to the many Americans who have banded together to show what America is truly about, about being compassionate. And when the buildings are rebuilt and the fields are grown over and the fortresses are repaired, we will continue to remember. We will never forget in our lifetimes, and we must never let future generations grow weak so this type of terrorist activities can once again take place.

Mr. Speaker, I commend the gentleman for bringing this important legislation to the House floor.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, there are certain days whose importance in American history enable every American to know their importance by heart. July 4 and June 6 are days of heroism commemorating the bravery of our Founding Fathers and declaring their independence from tyranny and the courage of fellow Americans storming the beach at Normandy.

December 7 is a day of infamy marking the anniversary of the attack on Pearl Harbor. Like December 7, the annual anniversary of September 11 will bring back the feelings of shock and horror which we all felt as we saw the tragic events occurring right before our eyes.

September 11 had always been just another day in the calendar year, a day when we went about our lives, a day no different than any other. This year that was ended forever, and it simply is no longer just another day. From now on, September 11 will not pass unrecognized. It will be a day of remembrance thanks to my colleague from Staten Island commemorating the thousands of people who lost their lives and the innocence which we as Americans lost.

Every American, regardless of where they live, was touched personally by both the ghastly horror of the carnage of September 11, and more importantly, touched by the overwhelming outpouring of goodwill: the bravery of the police and firefighters, the corresponding applause and support that they got from all Americans, long lines of Americans giving blood, and the opening of wallets to support the victims and their families. We became unified as one American family that day, and all of the little differences seem so unimportant now.

Mr. Speaker, I will never forget the importance of September 11. May we never have another day like it in our history. It will also be a day for families of the victims to remember their loved ones, a day for us to remember our heroes. Once again, I thank the gentleman from New York (Mr. FOSSELLA) and all of the sponsors of this legislation for bringing it forward today in such a timely manner.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY), who I know lost a cousin, John Moran, who I also was fortunate to know. He will be missed.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, it is a privilege to be able to join the gentleman from New York (Mr. FOSSELLA), who has done a tremendous job since these tragic events which uniquely impacted upon his district.

Mr. Speaker, no American who was alive on September 11 will ever forget the carnage, the death or the bravery. What occurred in New York, what happened in Washington, what happened in Philadelphia will always be etched in our memories; but it is absolutely essential that future generations also know exactly what occurred on that day. Yes, there was tremendous suffering. There was tremendous carnage, but there was also tremendous bravery and a coming together of the American spirit as never before.

In many ways, September 11 was America's finest hour. Yes, it was a day of infamy and tragedy; but it also represents America at its very best: America showing courage and bravery, America showing resolve.

Mr. Speaker, despite the many friends and neighbors that all of us lost, especially those of us from New York or Virginia, those who knew people in the Pentagon, the fact is all of us are strengthened by the courage those people showed in their deaths, and those deaths will always be a beacon for Americans as we go forward.

This resolution being put forth by the gentleman from New York (Mr. FOSSELLA) also represents America at its very best. It is because of resolutions such as this, because of the unity being shown in the House today, that America will win this war and will do it in honor of those who gave their lives on September 11.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for this resolution. It is indeed a very important resolution.

When we look back on September 11 of this year, we cannot help but be reminded that we are indeed bounded by the reality of our mortality. We had a situation where, unfortunately, many of our fellow Americans perished when they were merely trying to do what they do every day: hard-working Americans going to work, sitting at a desk, writing a memo, walking down the hall, going to get some papers from another office, doing what they do every day. They knew how their day began, but they had no knowledge as to how it would end. So because of the mean-spirited efforts of a few people, their lives came to an end; and they left mothers and fathers, sons and daughters, cousins, friends, relatives and neighbors behind.

This Patriot Day is so significant because there are so many things that we have seen over the last month or two since September 11 to remind us of how great this country is and how great Americans are. Perhaps one of the things that is etched into my mind and that will be etched, Mr. Speaker, for the rest of my life is how the gentleman called the dispatcher from the plane and as he talked, he asked her to say the 23rd Psalm with him. He then made the decision that he was not going to let his life perish and the others' lives perish; he was going to try to do something about it.

Mr. Speaker, that is the American spirit, the spirit that makes up what we call patriots. Many others did the same thing, just to hear about some of those last-minute phone calls which will forever be etched into our minds. Every September 11 we will be reminded of those great, great people.

But there was also something else that happened that day. We had an opportunity to stop majoring in minors and begin majoring in majors: those things that are so important in our lives, our family. We were reminded how significant it is that every single person has value, and that it did not make any difference whether they were Hispanic, white, black, Asian, it did not make any difference.

The fact is that we saw long lines in New York and in Baltimore and all over the country of people trying to give blood to help out. We saw the firemen with ashes all over their faces. We saw grown men with tears in their eyes. This is what America is all about.

□ 1215

This is what America is all about. When we celebrate this Patriot Day, it will be a day that will be etched in the memory of all of us, and we will join together, I am sure on that day, every year on September 11 and say we shall never let it happen again.

Again, I thank the gentleman from New York (Mr. FOSSELLA) for his foresight. I am reminded of a saying that our children are the living messages we send to a future we will never see, and this is a very, very, very important message.

Mr. FOSSELLA. I thank the gentleman from Maryland for his very inspirational and kind words.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. FORBES), a leader in this effort.

Mr. FORBES. Mr. Speaker, I too would like to commend the gentleman from New York for his leadership in bringing this resolution forward. There is no doubt that Americans for generations to come will remember the day of September 11 in their prayers and in their thoughts. But given the thousands who died that day, the thousands who were injured or lost loved ones and the many more who may now lose their lives seeking out the terrorists who perpetrated these evil acts, it is only fitting that we set that day aside each year in a more formal way.

There is not a citizen in the Nation or even the world who was not touched in some way by what happened that day. Those few tragic moments changed our lives forever. But while we mourned and suffered in angry silence, we were also moved to make a difference.

Millions of Americans of all ages answered the call of their neighbors in need. They donated their money, their sweat and time, and their love. And while nothing we can do can ever turn back the clock and bring back those who perished, these outpourings of camaraderie can be building blocks for a brighter tomorrow.

For years now, we have been told that Americans were shrinking into their shells, that we were losing our feeling of community. But the past several weeks have proven those theories wrong. Americans of all ages, races, creeds and backgrounds came out onto their proverbial front porches and engaged their neighborhoods.

By designating the day of September 11 as United We Stand Remembrance Day, we not only remember those who were lost that day but also remember the acts of unity that followed. Each year on this day, we can rekindle the fires of patriotism and fellowship and remind each other that our need for unity never ends. On that day each year, we will remind each other that no matter where we have come from, we are all and will always be Americans.

Mr. Speaker, I am proud to do my part in this national effort. I encourage my colleagues to support this resolution.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

I think it is very important that on Patriot Day, as this day will be called, a day of remembrance, that we remember, first of all, all of those policemen and firemen who performed far beyond the call of duty and all the other heroic acts that were performed, but also it is important for us to remember that the days following September 11 were some of the finest hours of the Congress of the United States.

We moved, in a bipartisan way, to deal with some very serious issues. We immediately made it easier for firemen and policemen killed in the line of duty to receive a Federal benefit. We immediately declared that all of the people who were in the World Trade Center, the Pentagon and other places affected by that day were victims of war and the Federal Government would assume responsibility for them as victims of a warlike act.

We later passed the airline assistance bill which also had in it the Victims Assistance Fund. First of all, the airline assistance bill, regardless of how we may quibble about the amount and the arrangements, it recognized the fact that the airline industry is 10 percent of our total economy, the largest economy in the world and the airline industry is 10 percent, with a domino effect on many other parts of our economy, the tourism industry, the travel industry, the theater industry. It was an act which with a minimum amount of deliberation and debate was a sound act promulgated by this Congress. The Victims Assistance Fund which was included in the same legislation is probably unparalleled in the history of the Nation. I do not think we have ever created a fund similar to the Victims Assistance Fund which says, in essence, that it is an open-ended fund to take care of the needs of all of the victims. It is understood that insurance companies would have certain responsibilities. In New York State, I think the law says that the airlines are responsible since the catastrophe was initiated by a crashing of the two airlines, but the legislation we passed will not quibble about that. It says to every victim, the families of all the victims, that there is a Victims Assistance Fund, it will be administered by the Justice Department, a special master will set the rules and those people who cannot afford lawyers and long delays for litigation, they will have an equal chance to be the recipients, the families to be the recipients of some kind of formulas and fair and objective approaches to the type of settlement that they deserve.

There were millionaires who lost their lives that day, people who work in the finance industry who had incomes far above $1 million who lost their lives. There were other people who were janitors working for a little more than the minimum wage who lost their lives. There were people there who were very elderly people who lost their lives, and there were people who were probably in their twenties and early thirties. In fact, I have gone to a couple of memorial services and nothing is more painful than to go to a memorial service for somebody who was not yet 40 years old and had a family and so much promise and witness that their years were hijacked, taken away from them and gone forever.

I hope that Patriot Day, the day of remembrance, will be an occasion where we act in a manner and remind ourselves of the need of the Congress to act in the same manner that it acted those few days after the September 11 catastrophe. This means that we must act in a manner which realizes that we are all in this together. Everybody is in this together, from one level of income down to the very bottom. Workers deserve as much attention from our government in meeting their needs as the people at the top.

I do not think the present concern with our economy and the need for a stimulus package in the economy can be separated from the catastrophe of September 11. That catastrophe accelerated the problem. Also, it reminds us that when we consider unemployment insurance for workers and people on the very bottom, those are the same families whose sons and daughters are also on the front lines in Afghanistan.

Afghanistan is an absolute necessity, but it is going to take a lot of pain and suffering from a lot of Americans. We know from past wars, Vietnam, Korea, that most of the people who die in our wars are the sons and daughters of working families.

And, therefore, in all of our legislation, a stimulus package and anything else, let us consider that the efforts to make certain that working families are taken care of is not a redistribution of wealth, it is a recognition of the fact that all Americans are in this together and we must in times of crisis move together and in times when there is an obvious need to comfort and take care of those who have suffered in their pain, also move together.

I want to conclude by saying that on October 12, I entered into the CONGRESSIONAL RECORD a rap poem which sort of anticipated the fact that regardless of whether or not we had this legislation, there are certain kinds of people, some of us who are poets and people who are composers and dramatists, we will always remember this day and in various ways there will be expressions of what happened and the spirit that grew out of September 11. I will just repeat what I said on October 12.

Mr. Speaker, the horror, the pain and anger of the catastrophe of the World Trade Center Towers on September 11 defy description in words. Nevertheless, in memory of the thousands who died, poets, musicians and artists of all kinds must make the effort to express our sorrow, our appreciation and our hope. The following rap poem is one of the numerous attempts to call forth hope out of this unprecedented devastation.

I call it Towers of Flowers.

Pyramid for our age
Funeral pyre
Souls on fire;
Monumental Massacre
Mound of mourning
Futures burning
Desperate yearning
Excruciating churning;
For all the hijacked years
Cry rivers,
Feel the death chill
Iceberg of frozen
Bloody tears;
Defiant orations of Pericles
Must now rise
Out of the ashes
Jefferson's profound principles
Will outlive the crashes.
Funeral pyre
Souls on fire
Lincoln's steel will
In the fiery furnace;
Mound of mourning
Futures burning
Desperate yearning;
Thousands of honored dead
Perished in pain
But not in vain.
Martin Luther King's courage
Will scrub the stain;
A new nation
Will overcome its rage
And for peace
March forever fully engaged.
Souls on fire
Funeral pyre
Pyramid for our age;
O say can you see
The monument of towers
Ashes hot with anger
Mountain of sacred flowers
Under God
Blooming with new powers.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I support this good resolution as the People's House acts to create Patriot Day, an official day of remembrance. In our history, there are defining moments that stand out. None is more defining than September 11, 2001. We have things that stand out in our mind that have made the character of America, and you could talk about the Declaration of Independence and the Gettysburg Address and the attack on Pearl Harbor and VE Day. This day, this infamous day, will rank right up with those events in defining our character, because it has been a wake-up call for America, a time when we have to realize that the world is not as we thought it was, and a time when we have to remember our heroes.

We had heroes at Valley Forge and we had heroes at Guadalcanal and at various times in our history, but at no time have we had greater heroes than the New York City firemen, those brave young men that ran up 80 flights of stairs to save people from that building. Both shifts went in and they had to have mass promotions later, like on a field of battle, because it was a field of battle.

Mr. Speaker, this remembrance day is important. We must never forget. And the way we must remember our fallen heroes is to take the necessary action to root out terrorism across the world wherever it is, cell by cell. That will be the official remembrance of our heroes that were lost in New York and Washington and in an abandoned mine field in Pennsylvania.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me start by thanking the gentleman from New York (Mr. FOSSELLA) for bringing this resolution to the floor.

Mr. Speaker, on September 11, I was in Washington when I watched on television the carnage in the middle of my own district in New York at the World Trade Center. September 11 is a day that will never be forgotten. Over 5,000 of our friends, neighbors, family members, heroes died while doing nothing but going to work in what may be the greatest one-day tragedy in the history of the United States.

We all have spoken about the heroes, the police officers, the firefighters, the emergency medical people who showed their heroism on that day, who showed their heroism which Americans always show when called upon to do so. There were also a lot of people who were not heroes that day. They were just ordinary, plain men and women who went to work, did not realize what was going to happen. It was just an ordinary day for them. They left in the morning, they kissed their wives, their husbands and children good-bye and they never came home and never will come home.

This attack on the United States was not a military attack. It was an attack on civilians. It was a deliberate attempt, a successful attempt, to kill as many American civilians as possible for the simple and great crime of being Americans. This we will never forget and we must never forget. We must not allow ourselves to forget how vulnerable we have become and how we must change that vulnerability. We must not allow ourselves to forget that it is now incumbent upon us in the memory of the people who have fallen, who have given their lives to root out terrorism from this world, to take away the ability of the terrorists to do it again because they will do it again if they can.

□ 1230

We must persevere in this war until we have removed the ability of the terrorists, wherever they may be, whether in Afghanistan or Iraq or wherever, to again attack the United States and wreak havoc on our citizens.

I am glad we are proclaiming September 11 as United We Stand Remembrance Day, so we can always remember every year those of our fellow citizens who died simply for being Americans, those of our fellow citizens who died as heroes in trying to save their fellow citizens, and we may also remember the treacherous attack upon our country and resolve that the United States will never be caught unprepared again, and that the United States will rid the world of this scourge of nihilistic terrorism.

I have thousands of families in my district that need not only our thoughts and our prayers, but a helping hand and a shoulder to lean on in this time of crisis. I am confident that they will get that shoulder from their fellow Americans.

I thank the Members of this House, and I urge the adoption of this resolution.

Mr. FOSSELLA. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I was somewhat reluctant to speak because I think this is such an important bill and I did not prepare my remarks; but I am compelled to speak, for a number of reasons.

Obviously, September 11 was a day we will never forget. Thousands of men and women and children from the United States and 79 other countries lost their lives, and we all saw it happen up close and personal. They were killed by an act of war, and because of this hideous act, this carnage, we, the United States, are at war, a war to wipe out terrorism.

Thousands of families lost their loved ones, but 73 families in the Fourth Congressional District lost loved ones; and my staff and I have attended if not all, most of these services.

You would see a father say good-bye to a son, and the father would say to the son, Son, I learned more from you than I ever taught you. Or a son, who said to his father who had died, in the eulogy saying to his father, You wanted me to become an adult. I became an adult very quickly on September 11, but not just because of September 11. And then this son talked about the qualities his dad wanted him to have. And he said, Dad, I have those qualities. I am an adult because of you, and, Dad, don't worry about Mom, I will take care of her.

Or the service with the father and the mother and the 3-year-old child, all killed. And we learned about the father, we learned about the mother, and then we were all saying, but what about this precious 3-year-old child? This precious 3-year-old child did not have a mother or father to speak for her, but her teachers came forward, and they talked about this child and gave a real life, and then had us all stand up and sing the Barney song, holding hands. That was her favorite song.

It was clear to me as you attend these services that we truly are, it is not just words, we are one Nation under God, and it is clear to me in God we trust.

When you go to ground zero you would see the carnage that is there, and you could be overwhelmed by it, but what overwhelms the carnage was the activity and the energy of the people there to help.

But what spoke mostly to me were the white-collar workers who were there handing out gloves, handing out water, handing out anything they could do to help to the service industry that was there, the fire and the policemen and the emergency people that were helping, the contractors, all these blue-collar workers that have gone unappreciated in our country for too long, and my white-collar constituents, on bended knee in gratitude for what they were doing. Now we need to add one more to the list of those uniformed workers: postal employees.

We are a Nation at war; but this is not about malice, because what we do is too vast for malice. This is a patriots' day, and I thank the gentleman for bringing this resolution forward.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to just rise to thank all my colleagues, to thank the leadership of the House on both sides, and particularly the Speaker of the House, for bringing this legislation to the floor.

I wish to thank Americans across our continent, and all freedom-loving people, and in particular the President of the United States for being a true leader at this time of need.

Earlier I showed a photo of too many Staten Islanders and those of the other side of the Verrazano Bridge in Brooklyn where my community suffered, perhaps more than any community should suffer; and they represented the finest and the wonder of America.

Here is an example of what I am talking about: Robert Curotolo, who was married in August of this year, a photo of him rushing into the Trade Center to participate in the greatest evacuation in the United States of America's history, where 25,000-or-so people were saved because of the heroic efforts of people like Robert Curotolo.

Robert never made it out of that Trade Center blast; and he, like so many others, will forever go down as true heroes and true patriots. And whether it is police officers, or court officers, or EMS workers, or the guy who was working in the kitchen in the restaurant on top of the Trade Center, or the soldier who worked in the Pentagon, or the brave men on that airline that brought it down in western Pennsylvania, we, I hope and pray, will come together as a country to respect the inherent goodness of our people and stand united like never before, to worship and cherish freedom, to stand under almighty God, to stand together, regardless of where we are from, regardless of how we worship, regardless of what we look like, regardless of who we think we are, that I hope and pray in their memory that each September 11 from here in perpetuity, that we honor the great United States of America and those who lost their lives.

Mr. ENGEL. Mr. Speaker, I would like to to thank my colleague and fellow New Yorker, Mr. FOSSELLA, for introducing this resolution designating September 11 as Patriot Day. Like December 7, 1941, September 11, 2001 will forever live in infany. Our country has been irrevocably altered by the events of September 11. Although we as a nation will recover, we will never forget the horror inflicted upon us.

The events of September 11 and their aftermath have brought this nation together as never before. Designating September 11 as Patriot Day will remind us, in perpetuity, of the evil acts committed and the heroic acts that resulted. I wholeheartedly support this resolution and thank my colleague for introducing it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express my support for this legislation designating September 11 as "United We Stand Remembrance Day." This date is a watershed event in world history, and should be properly etched in the history of this nation for time immemorial.

There are few occasions in the history of this country as tragic as the events that unfolded on September 11, 2001. Although it has now been over one month since terrorists assaulted our nation, those events still seem like just yesterday in the hearts and minds of so many citizens. When coupled with the rising concern about Anthrax, it may seem as if we may never get a chance to forget about this new world we are facing.

We must remember, however, the immediate reactions of Americans in New York, Washington, Pennsylvania and all over this country. Citizens reached out to save lives, give comfort, and share burdens they never thought they would face. American patriotism rose dramatically, and the idea of global citizenship and world peace finally became a general topic of conversation.

This nation was united by an act of terrible horror, but we have grown due to its unintended consequences. "United We Stand Remembrance Day" speaks volumes about this growth by remembering with particularity how we all feel about our lives and each other by honoring that day when we realized how much we value freedom, cherish democracy, and love our fellow men.

America is still a new nation. We are less familiar than other nations with the prospect of terrorism. This innocence helps us to honor this day, for we all have memories of kindness and warmth that triumph over the sadness that we might recall with "United We Stand Remembrance Day."

As the years go by, the pain of many families will lessen, and the wounds to our Nation's consciousness will heal. A large part of that healing will be done in perpetuity on September 11, and we will stand united each and every time citizens gather on September 11 to share fellowship.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the resolution introduced by our colleague, the gentleman from New York, Mr. FOSSELLA, designating September 11 as "United We Stand Remembrance Day."

For the past several weeks, we have heard and read the stories of countless family members, neighbors and friends who went to work on September 11, 2001 and never came home.

Our communities in northern New Jersey have been particularly hard-hit. It seems everyone in northern New Jersey knows someone who was lost. In all, the Fifth Congressional District lost more than 100 men and women. Their stories are heart-wrenching—nearly unbearable in their sadness.

I have spoken to many of these families in my own attempt to bring them some consolation. Even though there are no words to relieve their anguish, I told each family that they should take comfort in the knowledge that they have the deepest sympathy and support of an entire nation.

They also can take comfort in the knowledge that we will not forget the victims of September 11—our citizens who perished in and around the World Trade Center, the Pentagon and the plane crash in Pennsylvania.

Nor will we forget the heroism and the dedication of those emergency personnel who responded to help our communities recover from this murderous attack.

In this regard, the resolution before us today is a very positive step.

H. Res. 71 asks the President of the United States to call upon all citizens of this great nation to remember the event and honor our fallen fellow Americans with appropriate activities.

Mr. Speaker, we are now experiencing what FDR called the "the warm courage of national unity." It is evident in the turnout at religious services and candlelight vigils held across the nation. It is evident in display of our American flag everywhere in our communities.

We find our unity in a kinship of grief and a steadfast resolve to respond against our attackers.

With the passage of time, a new World Trade Center will be erected. The Pentagon will be rebuilt, stronger than ever. The scar in the Pennsylvania landscape will heal.

Yes, time heals all. But we must never allow the vivid memory of September 11, 2001 to fade into the pages of dusty history books.

Just as December 7 will forever be remembered as "a day that will live in infamy," so must we forever mark September 11 as "United We Stand Remembrance Day."

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of H.J. Res. 71, which designates September 11th as Patriot Day. The lives lost in the terrorist attack on this sad day must never be forgotten. Honoring them, as well as the thousands of rescue workers that worked tirelessly and bravely throughout this difficult time, is a fitting reminder of what this country stands for. We never forget our own, and we will always fight to continue our way of life.

This Resolution will also acknowledge how difficult it is to kill the American spirit. Those who oppose our way of life may try to destroy our buildings, but they will never destroy the sense of pride and love for this country that was exhibited throughout this difficult time.

Patriotism is a concept that is nothing new to Americans. This country exists because of the sacrifice and determination of brave patriots who fought, and continue to fight, for our freedom. We have embraced these fundamental beliefs and will do whatever it takes to preserve them. This latest attack on our way of life will be answered in a way that will once again make us proud to be Americans.

September 11th will forever be synonymous with other historical events that Americans have endured. It will serve as yet another reminder of how Americans come together during difficult times, as well as send a simple message to those who hide behind terrorism—America Will Never Fear You.

Mr. Speaker, I urge immediate passage of this legislation.

Mr. FOSSELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). All time having been yielded back, the joint resolution is considered read for amendment, and pursuant to the order of the House of Wednesday, October 24, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSSELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 407]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert

Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—25

Baird
Barr
Boucher
Callahan
Camp
Cooksey
Cubin
DeLay
DeMint
Everett
Fattah
Gallegly
Gonzalez
Hastings (WA)
Hoeffel
Hoekstra
Jackson-Lee (TX)
Johnson, E. B.
Miller, Gary
Roukema
Schaffer
Souder
Taylor (NC)
Waters
Young (FL)

□ 1300

Ms. SCHAKOWSKY and Mr. SHERMAN changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, I was unavoidably detained today and thus was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 405 (H.J. Res. 70, Making further continuing appropriations for Fiscal Year 2002)—Yes;

Rollcall No. 406 (On Approving the Journal)—Yes;

Rollcall No. 407 (H.J. Res. 71, amending title 36, United States Code, to designate September 11 as Patriot Day)—Yes.

TRIBUTE TO THE MEMORY OF THOMAS DOWNING, FORMER CONGRESSMAN FROM VIRGINIA'S TIDEWATER

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to take a moment to address the House to pass along the news that Thomas Downing, a former Congressman from the Tidewater area of Virginia, died Tuesday night. Former Congressman Downing was 82 years old and represented the Tidewater Peninsula for 18 years, from 1959 to 1977.

While Congressman Downing's record of long public service and work in the House of Representatives preceded most of today's Members, including myself, the impact and achievements of his career will long be remembered.

Next week there will be an opportunity when Members can speak about Congressman Downing. I would like to say a few words today to acknowledge the career of this dedicated public servant.

A graduate of Virginia Military Institute, Congressman Downing, who was an Army captain, led an Army reconnaissance team in World War II. On August 11, 1944, his unit was ambushed by the German troops. After the initial exchange of gunfire, two of his troops were injured. Congressman Downing immediately rescued them, and received the Silver Star, which said, "Captain Downing, without hesitation and with utter disregard for his personal safety, ran to the aid of his men among a hail of bullets."

Tom Downing was first elected in 1958, and is especially remembered for his dedication to his district, especially Newport News Shipbuilding. During his tenure, the shipyard added the area known as the Northyard, making it easier and more cost-effective to build some of the largest ships in the world.

In short, Congressman Downing served the Commonwealth of Virginia and the country with distinction. Again, on behalf of the entire House, we would like to pass our condolences on to the family and to his friends.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding.

Tom Downing was a good friend to everyone on the Peninsula. He represented part of what is now the First and Third Congressional Districts, and part, at one time, of the Second.

He is highly respected, and I look forward to participating in the special order for Tom Downing next week.

Mr. WOLF. I thank the gentleman.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I rise to inquire of the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, about the schedule for the rest of the week and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, October 30, at 12:30 for morning hour and at 2 o'clock p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 6 o'clock p.m.

On Wednesday and the balance of the week, the House will consider the following measures subject to rules:

The conference report to accompany H.R. 2590, the Treasury and General Government Appropriations Act, 2002, which should be filed at some point tomorrow and be ready for consideration in the House on Wednesday;

H.R. 3150, the bill of the gentleman from Alaska (Chairman YOUNG) to improve aviation security; and

The Department of Defense Appropriations Act for fiscal year 2002, which was marked up in full committee yesterday.

Appropriators are also continuing to work on several conference reports. The gentleman from Florida (Chairman YOUNG) reports that he is hopeful that the Energy and Water, VA-HUD, and Legislative Branch appropriations conference reports may all be ready for consideration in the House at some point next week. I will be happy to schedule them for consideration on the floor as soon as they become available.

Mr. BONIOR. Mr. Speaker, if I could inquire from my friend, the gentleman from Texas, is he still bringing fast track legislation to the floor, and if so, when?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I thank the gentleman for his inquiry.

Mr. Speaker, the fast track trade promotion authority legislation is, of course, a high priority of the administration and of many Members; to, I hope, most of the Members of this body.

It is not scheduled for next week. It is something we would like to schedule, but I do not see at this time any announcement that could be made on that legislation.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, what day does he expect the aviation security bill to come to the floor? Are we going to be able to offer our substitute under the proposed rule?

Mr. ARMEY. I thank the gentleman again for his inquiry.

If he will continue to yield, Mr. Speaker, we will consider the aviation bill on Wednesday. If I might mention, we also are aware that Wednesday is an important day in the family life of many of our Members, and we will try to complete our work in time for the Members to have time with their families on Wednesday evening, which is a time of great joy for the children.

Mr. BONIOR. I will remind my friend, the gentleman from Texas, and he may have already thought of this, but of course, we are changing clocks. We are falling behind an hour I believe it is Sunday, if I am not mistaken.

Mr. ARMEY. I thank the gentleman for the reminder. I certainly would have been caught napping. I appreciate that.

If the gentleman would continue to yield, on the other part of the question, obviously the Committee on Rules has not yet met on that bill.

I can say to the gentleman that I will be personally recommending that the rule include a substitute, and then of course a motion to recommit in consideration of that airline security bill.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota, the ranking member of the committee that deals with the support legislation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I just want to reinforce that on our side we would hope to be able to offer a substitute developed within our committee. We came very close to reaching agreement with the majority on our committee on one of the central issues of aviation security,' how screening shall be provided at domestic airports. I think that is a pivotal difference.

We would want to be sure that the rule would, in all fairness, give us the opportunity to offer our proposal as a substitute. Mr. Speaker, could the distinguished majority leader assure us that the Committee on Rules would make such a provision or substitute in order?

Mr. ARMEY. If the gentleman from Michigan (Mr. BONIOR) will continue to yield, let me just say that obviously the Committee on Rules will act on this, and I am sure the gentleman from Minnesota and others will make our recommendations to the Committee on Rules.

I can only tell the gentleman at this time that I will be recommending that a substitute be made in order.

Mr. OBERSTAR. I thank the gentleman.

Mr. BONIOR. I thank my colleague, and I wish him a good weekend.

ADJOURNMENT TO MONDAY, OCTOBER 29, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, OCTOBER 30, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, October 29, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, October 30, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE WAR ON TERRORISM AND THE FUTURE OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the war on terrorism continues; at home we deal with a chemical and biological attack, something that is unprecedented in our history; and overseas, our military forces are striking their targets in Afghanistan and they are involved in special operations in that country. This is a war on terrorism. This is a war in the truest sense of the word.

But what is important for us at home now to fully understand is that before we can win the war, we must be able to define what victory means. That definition is as important now as is our efforts to win the war physically and militarily.

Security at home is certainly an important goal that will mean victory or defeat. If we are not secure at home at the end of this conflict, there will have been no victory. Certainly we understand that: security and freedom for the United States of America.

Number two, the war on terrorism as outlined by the President sets some very majestic and very admirable goals, goals that we should not forget. And as we pursue victory in this war, let us remember that, from this podium, the President has set these goals that we should achieve before we can claim victory has been achieved.

One of those goals is setting a new definition for terrorism. Perhaps under

George W. Bush, we will be at long last able to establish a definition of terrorism and unite the world behind the concept that it is no longer acceptable to target noncombatants in any type of conflict.

So whether they are Palestinians blowing up noncombatants in front of a Pizza Hut, or whether it is Israeli troops involved with some sort of retaliation against unarmed civilians for an attack that they have suffered, or whether it is a bomb going off anywhere that kills unarmed people, or people who shoot unarmed people and kill them to achieve any end, that will no longer be acceptable in the civilized world. This is a laudable goal and a long-term goal.

But before we can have peace, before we can have victory in this war on terrorism, there is at least one interim goal we must achieve: that is, peace in Afghanistan.

Afghanistan for these last 20 years and the people of Afghanistan have lived under terror and repression and bloodshed in which so many of their noncombatants have been targeted. We must bring peace to the people of Afghanistan.

Unfortunately, that country has been the target of so many of the other countries around it who wanted to dominate Afghanistan. This itself has led to the conflicts in Afghanistan, and the horrible price that we eventually had to pay for ignoring that ongoing tragedy in Afghanistan.

Today I would submit that the King of Afghanistan, who has been exiled since the 1970s from that country, offers us the best hope, the only hope, of ending that ongoing tragedy.

□ 1315

There are many forces trying to offer other solutions. But if you look right below, as far as the other solutions, they are nothing more than the countries around Afghanistan trying to dominate through a strong individual or a puppet the people of Afghanistan.

The King of Afghanistan is the most beloved person in his country. The people love him. For years and years they have seen his rule, which lasted for 4 decades, as a time of peace and prosperity. They know that he will watch out for their benefit and is not someone who will be dominated by the Pakistanis or the Uzbekis or the Tajiks or any other group, but instead will look out for the people of Afghanistan.

He has pledged to head a transition government that will only be in place for a few years while a democratic process is instituted so the people of Afghanistan can determine their own destiny and that must be our goal: peace in Afghanistan, and the people of that country being permitted to control their own destiny through the electorial process. This is what will bring peace to the world. And I would ask our State Department to side with this strategy rather than being manipulated by other governments, like Pakistan, who are trying to still, in some way, dominate that country of Afghanistan.

WORKING FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, this country is on a wartime footing, and I think we should be on a wartime schedule in this House of Representatives. The reason I say that is it is 1:15 in the afternoon. This House has completed its work for the day. The American people know that we left Washington last Wednesday evening. We did not return to Washington for session until 6 p.m. this Tuesday. Yesterday we went in to session at 10 o'clock in the morning. We finished at about 5 o'clock yesterday afternoon. Today we went in session at 10 o'clock. It is now only 1:15 in the afternoon, and we have finished for the week and will not return to this Chamber to our work until 6 o'clock next Tuesday.

The reason I think that is unacceptable is the fact that we have yet to deal with the airline security legislation. And every day that passes, American citizens who get on our airlines, do so without being as fully protected as they ought to be.

I have here today an editorial from the Columbus Dispatch, the major newspaper in Columbus, Ohio, which is the capital city of our State. It was written on October 16. The editorial says in part: "Since terrorists blew up Pan Am Flight 103 over Lockerbie, Scotland, in 1988, many Americans have assumed that their checked baggage was being X-rayed. After all, without such a check, how could anyone be certain that a bomb hadn't been stowed in the cargo hold?

As Americans know now, travellers who believe that baggage was routinely X-rayed were enjoying a false sense of security."

Mr. Speaker, the American people need to know that when they buy a ticket and get on a passenger plane in this country today, that it is likely that 95 percent of the luggage that is placed into the belly of that airline has not been screened for explosive devices. Think about that. We are being urged to go back to life in a normal way. We are being urged to use the airlines, to travel by air, to fly.

But the American people have a right to know that today this Congress has yet to take action, this House has yet to take action on a bill to provide them airline security and, especially, to require that all the baggage that is placed in the airplanes that we fly on, that baggage is checked for explosives.

Now, it really puzzles me why the House has not acted. This is something the American people absolutely want to have done. The Senate more than 2 weeks ago voted 100 to nothing, every Senator of both political parties voted to pass this airline security legislation which would require the 100 percent check of all the luggage that is placed on our airlines. And yet day after day has passed, week after week has passed; and the leadership in this House has refused to even allow that legislation be brought to this floor for debate and a vote. It is unconscionable and the American people have a right to be outraged.

I would like to share some other comments from this editorial written by the Columbus Dispatch on October 16: "Will there be no end to the revelations of how poorly the Federal Government, airport security workers and airlines have handled the job of protecting passengers? How many other rules aren't being enforced? How much evidence do House Republicans need to convince them that only a top notch security force, paid by the taxpayers and not hired by the low-bid contractors, will make the airways as safe as possible?"

"A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it."

Those are the words of the Columbus Dispatch.

Many people are shocked to learn that here in the Washington area at the Dulles International Airport, 80 percent or more than 80 percent of the people who are responsible for screening our bags for explosive devices and making sure that weapons are not taken aboard our airlines, 80 percent or more are noncitizens. How can we do background checks on individuals who are noncitizens?

Mr. Speaker, this is a matter that deserves immediate attention on the part of this House. It is absolutely wrong that on Thursday afternoon at 1:20 in the afternoon we would discharge this House until 6 o'clock next week on Tuesday. It is wrong. The American people will not tolerate this continued delay, because their very lives are at stake.

NO GO FOR QATAR ROUND OF WTO TALKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, we have another bit of evidence on why free trade does not bring freedom.

The oil monarchy of Qatar wants to host the World Trade Organization talks next month, but yesterday the monarchy of Qatar condemned the actions of our brave soldiers who are fighting in Afghanistan in the war against terrorism.

Qatar's foreign minister said the following: the attacks against Afghanistan are unacceptable and we have condemned them. This same government two days after the September 11 attacks denied permission for America to use its airport facilities in the campaign against Osama bin Laden and the Taliban. Now the United States plans to send our top trade negotiators to this country for an international trade meeting?

Mr. Speaker, President Bush has said that in the war against terrorism every Nation must take sides, that each Nation must decide where it stands. The Government of Qatar made its decision yesterday, and Qatar is standing on the wrong side.

President Bush has no choice. He must not permit U.S. negotiators to attend the World Trade Organization ministerial in Qatar next month. There should be no Qatar round. Free trade should bring freedom.

A SAD STATE OF AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, it breaks my heart to see what is happening to our country today. All Americans have grieved over the losses served on 9–11. The grief for those who lost loved ones is beyond description. These losses have precipitated unprecedented giving to help the families left behind. Unless one has suffered directly, it is difficult to fully comprehend the tragic and sudden loss of close friends and family.

There are some who, in addition to feeling this huge sense of personal loss that all Americans share, grieve for other serious and profound reasons. For instance, many thoughtful Americans are convinced that the tragedy of 9–11 was preventable. Since that may well be true, this provokes a tragic sadness, especially for those who understand how the events of 9–11 needlessly came about.

The reason why this is so sad and should be thoroughly understood is that so often the ones who suggest how our policies may have played a role in evoking the attacks are demonized as unpatriotic and are harshly dismissed as belonging to the "blame America crowd."

Those who are so anxious to condemn do not realize that the policies of the American Government, designed by politicians and bureaucrats, are not always synonymous with American ideals. The country is not the same as the Government. The spirit of America is hardly something for which the Government holds a monopoly on defining.

America's heart and soul is more embedded in our love of liberty, self-reliance, and tolerance than by our foreign policy, driven by powerful special interests with little regard for the Constitution.

Throughout our early history, a policy of minding our own business and avoiding entangling alliances, as George Washington admonished, was more representative of American ideals than those we have pursued for the past 50 years. Some sincere Americans have suggested that our modern interventionist policy set the stage for the attacks of 9–11, and for this, they are condemned as being unpatriotic.

This compounds the sadness and heartbreak that some Americans are feeling. Threats, loss of jobs, censorship and public mockery have been heaped upon those who have made this suggestion. Freedom of expression and thought, the bedrock of the American Republic, is now too often condemned as something viciously evil. This should cause freedom-loving Americans to weep from broken hearts.

Another reason the hearts of many Americans are heavy with grief is because they dread what might come from the many new and broad powers the Government is demanding in the name of providing security. Daniel Webster once warned, "Human beings will generally exercise power when they can get it, and they will exercise it most undoubtedly in popular governments under pretense of public safety."

A strong case can be made that the Government regulations, along with a lack of private property responsibility, contributed to this tragedy, but what is proposed? More regulations and even a takeover of all airport security by the Government.

We are not even considering restoring the rights of pilots to carry weapons for self-defense as one of the solutions. Even though pilots once carried guns to protect the mail and armored truck drivers can still carry guns to protect money, protecting passengers with guns is prohibited on commercial flights. The U.S. Air Force can shoot down a wayward aircraft, but a pilot cannot shoot down an armed terrorist.

It will be difficult to solve our problems with this attitude toward airport security.

Civil liberties are sure to suffer under today's tensions, with the people demanding that the politicians do something, anything. Should those who object to the rapid move toward massively increasing the size and scope of the Federal Government in local law enforcement be considered un-American because they defend the principles they truly understand to be American?

Any talk of spending restraint is now a thing of the past. We had one anthrax death, and we are asked the next day for a billion dollar appropriations to deal with the problem.

□ 1330

And a lot more will be appropriated before it is all over. What about the 40,000 deaths per year on government-run highways and the needless deaths associated with the foolish and misdirected war on drugs? Why should anyone be criticized for trying to put this in proper perspective?

Countless groups are now descending on Washington with their hands out. As usual, as with any disaster, this disaster is being parlayed into an opportunity, as one former Member of the Congress phrased it. The economic crisis that started a long time before 9–11 has contributed to the number of those now demanding Federal handouts.

But there is one business that we need not fear will go into a slump: The Washington lobbying industry. Last year, it spent $1.6 billion lobbying Congress. This year, it will spend much more. The bigger the disaster, the greater the number of vultures who descend on Washington. When I see this happening, it breaks my heart, because liberty and America suffers, and it is all done in the name of justice, equality and security.

Emotions are running high in our Nation's capital, and in politics emotions are more powerful tools than reason and the rule of law. The use of force to serve special interests and help anyone who claims to be in need unfortunately is an acceptable practice. Obeying the restraints placed in the Constitution is seen as archaic and insensitive to the people's needs. But far too often the claims of responding to human tragedies are nothing more than politics as usual. While one group supports bailing out the corporations, another wants to prop up wages and jobs. One group supports federalizing tens of thousands of airport jobs to increase union membership, while another says we should subsidize corporate interests and keep the jobs private.

Envy and power drives both sides, the special interests of big business and the demands of the welfare redistributionists.

There are many other reasons to make one sad with all that is going on today. In spite of the fact that our government has done such a poor job protecting us and has no intention of changing the policy of meddling overseas, which has contributed to our problems, the people are more dependent on and more satisfied with government than they have been in decades, while demanding even more government control and intrusion in their daily lives.

It is aggravating to listen to the daily rhetoric regarding liberty and the Constitution while the same people participate in their destruction. It is aggravating to see all the money spent and civil liberties abused while the pilot's right to carry guns in self-defense is denied. It is even more aggravating to see our government rely on foreign AWACS aircraft to provide security to U.S. territory. A $325 billion military budget, and we cannot even patrol our own shores. This, of course, is just another sign of how little we are concerned about U.S. sovereignty and how willing we are to submit to international government.

It is certainly disappointing that our congressional leaders and administration have not considered using letters of marque and reprisal as an additional tool to root out those who participated in the 9–11 attacks. The difficulty in finding bin Laden and his supporters make marque and reprisal quite an appropriate option in this effort.

We already hear of plans to install and guarantee the next government of Afghanistan. Getting bin Laden and his gang is one thing, nation-building is quite another. Some of our trouble in the Middle East started years ago when our CIA put the Shah in charge of Iran. It was 25 years before he was overthrown, and the hatred toward America continues to this day. Those who suffer from our intervention have long memories.

Our support for the less than ethical government of Saudi Arabia, with our troops occupying what most Muslims consider sacred land, is hardly the way to bring peace to the Middle East. A policy driven by our fear of losing control over the oil fields in the Middle East has not contributed to American Security. Too many powerful special interests drive our policy in this region, and this does little to help us preserve security for Americans here at home.

As we bomb Afghanistan, we continue to send foreign aid to feed the people suffering from the war. I strongly doubt if our food will get them to love us or even be our friends. There is no evidence that the starving receive the food. And too often it is revealed that it ends up in the hands of the military forces we are fighting. While we bomb Afghanistan and feed the victims, we lay plans to install the next government and pay for rebuilding the country. Quite possibly, the new faction we support will be no more trustworthy than the Taliban, to which we sent plenty of aid and weapons in the 1980s. That intervention in Afghanistan did not do much to win reliable friends in the region.

It just may be that Afghanistan would be best managed by several tribal factions, without any strong centralized government and without any outside influence, certainly not by the U.N. But then again, some claim that the proposed Western financed pipeline through northern Afghanistan can only happen after a strong centralized pro-Western government is put in place.

It is both annoying and sad that there is so little interest by anyone in Washington in free market solutions to the world's economic problems. True private ownership of property without regulation and abusive taxation is a thing of the past. Few understand how the Federal Reserve monetary policy causes the booms and the busts that, when severe, as now, only serve to enhance the prestige of the money managers while most politicians and Wall Streeters demand that the Fed inflate the currency at an even more rapid rate. Today's conditions give license to the politicians to spend our way out of recession, they hope.

One thing for sure, as a consequence of the recession and the 9–11 tragedy, is that big spending and deficits are alive and well. Even though we are currently adding to the national debt at the rate of $150 billion per year, most politicians still claim that Social Security is sound and has not been touched. At least the majority of American citizens are now wise enough to know better.

There is plenty of reason to feel heartbroken over current events. It is certainly not a surprise or illogical for people working in Washington to overreact to the anthrax scare. The feelings of despondency are understandable, whether due to the loss of lives, loss of property, fear of the next attack, or concerned at our own frantic efforts to enhance security will achieve little. But broken or sad hearts need not break our spirits nor impede our reasoning.

I happen to believe that winning this battle against the current crop of terrorists is quite achievable in a relatively short period of time. But winning the war over the long term is a much different situation. This cannot be achieved without a better understanding of the enemy and the geopolitics that drive this war. Even if relative peace is achieved with a battle victory over Osama bin Laden and his followers, other terrorists will appear from all corners of the world for an indefinite period of time if we do not understand the issues.

Changing our current foreign policy with wise diplomacy is crucial if we are to really win the war and restore the sense of tranquility to our land that now seems to be so far in our distant past. Our widespread efforts of peacekeeping and nation-building will only contribute to the resentment that drives the fanatics. Devotion to internationalism and a one-world government only exacerbates regional rivalries. Denying that our economic interests drive so much of what the West does against the East impedes any efforts to diffuse the world crisis that already has a number of Americans demanding nuclear bombs to be used to achieve victory. A victory based on this type of aggressive policy would be a hollow victory indeed.

I would like to draw analogy between the drug war and the war against terrorism. In the last 30 years, we have spent hundreds of billions of dollars on a failed war on drugs. This war has been used as an excuse to attack our liberties and privacy. It has been an excuse to undermine our financial privacy while promoting illegal searches and seizures with many innocent people losing their lives and property. Seizure and forfeiture have harmed a great number of innocent American citizens.

Another result of this unwise war has been the corruption of many law enforcement officials. It is well known that with the profit incentives so high, we are not even able to keep drugs out of our armed prisons. Making our whole society a prison would not bring success to this floundering war on drugs. Sinister motives of the profiteers and gangsters, along with prevailing public ignorance, keeps this futile war going.

Illegal and artificially high priced drugs drive the underworld to produce, sell and profit from this social depravity. Failure to recognize that drug addiction, like alcoholism, is a disease rather than a crime, encourage the drug warriors in efforts that have not and will not ever work. We learned the hard way about alcohol prohibition and crime, but we have not yet seriously considered it in the ongoing drug war.

Corruption associated with the drug dealers is endless. It has involved our police, the military, border guards and the judicial system. It has affected government policy and our own CIA. The artificially high profits from illegal drugs provide easy access to funds for rogue groups involved in fighting civil wars throughout the world.

Ironically, opium sales by the Taliban and artificially high prices helped to finance their war against us. In spite of the incongruity, we rewarded the Taliban this spring with a huge cash payment for promises to eradicate some poppy fields. Sure.

For the first 140 years of our history, we had essentially no Federal war on drugs, and far fewer problems with drug addiction and related crimes was a consequence. In the past 30 years, even with the hundreds of millions of dollars spent on the drug war, little good has come of it. We have vacillated from efforts to stop the drugs at the source to severely punishing the users, yet nothing has improved.

This war has been behind most big government policy powers of the last 30 years, with continual undermining of our civil liberties and personal privacy. Those who support the IRS's efforts to collect maximum revenues and root out the underground economy, have welcomed this intrusion, even if the drug underworld grows in size and influence.

The drug war encourages violence. Government violence against nonviolent users is notorious and has led to the unnecessary prison overpopulation. Innocent taxpayers are forced to pay for all this so-called justice. Our eradication project through spraying around the world, from Colombia to Afghanistan, breeds resentment because normal crops and good land can be severely damaged. Local populations perceive that the efforts and the profiteering remain somehow beneficial to our own agenda in these various countries.

Drug dealers and drug gangs are a consequence of our unwise approach to drug usage. Many innocent people are killed in the crossfire by the mob justice that this war generates. But just because the laws are unwise and have had unintended consequences, no excuses can ever be made for the monster who would kill and maim innocent people for illegal profits. But as the violent killers are removed from society, reconsideration of our drug laws ought to occur.

A similar approach should be applied to our war on those who would terrorize and kill our people for political reasons. If the drug laws and the policies that incite hatred against the United States are not clearly understood and, therefore, never changed, the number of drug criminals and terrorists will only multiply.

☐ 1345

Although this unwise war on drugs generates criminal violence, the violence can never be tolerated. Even if repeal of drug laws would decrease the motivation for drug dealer violence, this can never be an excuse to condone the violence. On the short term, those who kill must be punished, imprisoned, or killed. Long term though, a better understanding of how drug laws have unintended consequences is required if we want to significantly improve the situation and actually reduce the great harms drugs are doing to our society.

The same is true in dealing with those who so passionately hate us that suicide becomes a just and noble cause in their effort to kill and terrorize us. Without some understanding of what has brought us to the brink of a worldwide conflict in reconsidering our policies around the globe, we will be no more successful in making our land secure and free than the drug war has been in removing drug violence from our cities and towns.

Without some understanding why terrorism is directed towards the United States, we may well build a prison for ourselves with something called homeland security while doing nothing to combat the root causes of terrorism. Let us hope we figure this out soon.

We have promoted a foolish and very expensive domestic war on drugs for more than 30 years. It has done no good whatsoever. I doubt our Republic can survive a 30-year period of trying to figure out how to win this guerilla war against terrorism. Hopefully, we will all seek the answers in these trying times with an open mind and understanding.

LONG-TERM TERRORIST STRATEGY SHOULD BE DEVELOPED WITH HIGH-LEVEL STATEMENT OF NATIONAL OBJECTIVES

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, on September 11 we were brutally awakened to the harsh realities we dreamed might never reach our shores. With the thousands of dead, we buried forever any illusion the scourge of transnational terrorism could not strike here.

Former Israeli Prime Minister Benjamin Netanyahu called it our "wake-up call from hell." We have awakened to a recurring nightmare of escalating brutality and carnage unfettered by moral or political constraints.

Each attack is practice and prelude for the next. Global terrorism turns our strengths against us, exploiting the freedom, pluralism and openness we cherish to spread hate, fear and death.

On that day, our world changed in ways we are still struggling to understand, our vision still blurred by disbelief and tears of grief.

Since then, there have been times I find myself longing for a return to the Cold War. The numbing calm of mutually assured destruction seems in retrospect more tolerable than the unnerving wait for the next random act of barbaric terrorist mayhem.

But if the global upheavals of the last century yield one lesson, it is this: the dynamic triumphs over the static, and we dare not indulge the urge to pause and reminisce.

To be sure, the post-Soviet Pax Americana is not quite what we expected. The Cold War is over, yet the world is a more dangerous place. Hard on the heels of hope, we are entering a new world order of growth and cooperation, intractable regional conflicts and the rise of radical Islamic militancy bringing, instead, the prospect of chronic, even cataclysmic disorder.

On the 50th anniversary of Winston Churchill's "Iron Curtain" speech at Westminster College, former British Prime Minister Margaret Thatcher described these "other, less appealing consequences" of the global situation.

She said, "Like a giant refrigerator that had finally broken down after years of poor maintenance, the Soviet empire in its collapse released all the ills of ethnic, social and political backwardness which it had frozen in suspended animation for so long."

In 1996, she was prescient enough to warn of the threat posed by radical Islamic movements and the middle-income countries, Iraq, Iran, Syria and others, shopping for chemical and biological weapons in the post-Soviet toxic bazaar.

The Iron Curtain has been replaced by a poison veil that shrouds the world in dread and terror. We also find our economic, military and cultural dominance fostering vocal, sometimes violent resentment to which we seem unaccustomed and unprepared to rebut. Former Senator Warren Rudman, who served as the co-chairman of the U.S. Commission on National Security 21st Century, recently said acknowledging and managing that resentment would have to become a central element of U.S. public diplomacy in the years and decades ahead.

That is not all that will have to change. The Nation's fight against terrorism will remain fragmented and unfocused until there is a thorough assessment of the threats we face and overarching national strategy articulated to guide planning, direct spending and discipline bureaucratic balkanization.

President Bush instructed the Director of the White House Office of Homeland Security, former Governor Tom Ridge, to formulate that strategy based on the most current threat intelligence.

When pressed for a national strategy, the previous administration pointed to a pastiche of event-driven Presidential decision directives and the Department of Justice's 5-year spending plan.

Reactive in vision and scope, that strategy changed only as we lurched from crisis to crisis, from Khobar Towers to the Cole, from Oklahoma City to Dar es Salaam.

President Clinton's National Security Council Coordinator for Counterterrorism, Richard Clarke, scoffed at our committee's request for a comprehensive threat assessment. He told us the threat came from the groups on the State Department's list of designated terrorists and the strategy was to hunt them down like criminals.

As recently as a month ago, threat assessment and security strategy were still viewed in some quarters as academic or bureaucratic exercises.

Today, as we worry about access to crop dusters and anthrax exposures by mail, a clear-eyed, fully informed view of the threat, particularly the threat posed by chemical agents and weaponized pathogens, is a national security imperative.

Assessing the threat of bioterrorism requires a sober judgment about the motives, intentions and capabilities of people so intoxicated with hate and evil they would kill themselves in the act of killing others.

These are the questions that confound the assessment process: When and where will terrorists use biological weapons against us? How will the agent be dispersed? For what type and magnitude of attack should we be prepared?

Available answers offer little comfort and less certainty in assessing the threat. Some conclude the technical difficulties of large scale production and efficient dissemination reduce the likelihood terrorists will use lethal agents to inflict mass casualties any time soon. Others think those barriers have been or will soon be overcome. Stills others believe neither large quantities nor wide dispersion are required to inflict biological terror.

From this cacophony of plausible opinions, those charged with formulating a national counterterrorism strategy must glean a rational estimate about the irrational possibility of biological attack.

Perhaps the most difficult dimension of the threat to assess is the deep-seated, almost primal fear engendered by the prospect of maliciously induced disease. For the terrorist, that fear is a potent force multiplier, capable of magnifying a minor, manageable outbreak into a major public health crisis. Failure to account for this unique aspect of biological terrorism understates the threat, increasing our vulnerability. Overstating the threat based on fear alone invites overreaction, in which we waste scarce resources and terrorize ourselves with Draconian security restrictions.

The changes wrought by the events of September 11 have also brought into sharper focus just how much of our national security apparatus is now irrelevant or ineffective.

Last week, Ambassador Paul Bremer, our Nation's first diplomat in 1986 to combat the spread of global terrorism, and chairman of the National Commission on Terrorism, noted that two of the four pillars of U.S. counterterrorism policy were already obsolete.

The first, to make no concessions to terrorists and strike no deals, has been made irrelevant by the rise of radical Islamic groups. Their only demand being the demise of the West, there can be no deal to strike.

The second pillar of our policy, bring terrorists to justice for their crimes, has been rendered ineffective by perpetrators willing to die with their victims. We can no longer indulge the tidy, familiar mechanics of solving the crime and punishing individuals when the crime offends humanity and the individuals are eager to be martyred.

That approach has been compared to battling malaria by swatting mosquitoes. To stop the disease of modern terrorism, the swamp of explicit and tacit state sponsorship must be drained and disinfected.

That leaves the final two precepts of current policy, isolate state sponsors of terrorism and enlist other Nations in that effort.

Like its totalitarian forebears, terrorism is not incorporal. Its practitioners must make anchor and draw sustenance through contact with the people, places and institutions susceptible to the pressures of military and political statecraft.

So building a coalition to punish state sponsors is now being pursued in earnest. But that was not always the case, and it is by no means clear what longer-term strategy should be pursued in this regard beyond Afghanistan.

That long-term strategy should be developed with a high-level statement of national objectives. It should be coupled logically to a statement of the means that will be used to achieve those objectives. Only then can we hope to resist the drift of the events thrust upon us by others and be prepared to confront terrorism in our time and on our terms.

It will not be easy. David Abshire, from the Center for Strategic and International Studies, CSIS, recently noted this critical strategic discussion occurs in the context of a greatly weakened State Department, a traumatized intelligence community, a disorganized NSC, and a reactive national security posture left over from the Cold War.

With regard to our intelligence capabilities, I would add the observation their trauma is in part self-induced. Self-satisfied and for the most part self-policed, intelligence agencies tend to see information as an end, not a means. We are partially blinded by the lack of human intelligence in key parts of the world. Classification standards and jurisdictional stovepipes all but guarantee critical observations, and analysis will not reach those who need them.

Ironically, a community so heavily dependent on technical means of intelligence-gathering has not been able to embrace the data mining and threat profiling tools others are using to glean important knowledge from open-source material.

Increasingly sophisticated terrorists are becoming adept at hiding their secrets in plain view. Our intelligence agencies are too busy protecting Cold War sources and methods to find them.

Similar institutional dynamics were present the last time the United States was coming to grips with a profound strategic paradigm shift: the emergence of the Cold War and the nuclear threat. President Eisenhower wisely tasked the bureaucracies to do what they often do best, compete with each other. Strategic options were identified, studied and urged on the President. Conceived in the White House sunroom, the Solarium Exercise, as it came to be known, produced the long-range strategy that guided U.S. national security policy for the next 5 decades.

•□ 1400

To meet the current threat, our strategy must be more dynamic and more open. Security is not a sedative, not a state of rest, but the level of vigilance required to protect, and advance, what we hold essential to life and liberty. Advocating for human rights and human freedoms is not cultural hegemony; it is our God-given right and duty.

Nor can we afford to be squeamish or patronizing in public discourse about the zealots who target us, or the weapons they wield. A naive or blurred perception of the threat fragments our defenses and leaves us avoidably vulnerable.

The inconveniences and sacrifices required to protect national security and maintain public safety will be more readily accepted if we are brutally honest about the true nature of our peril. The threat must be confronted with the same clear-eyed focus, steely intensity and unflagging vigilance with which the terrorists pursue their malignant cause.

Since September 11, we have shown we are up to the task.

In another age, another generation faced the prospect of another evil. Winston Churchill, addressing his besieged nation over the BBC in 1940, spoke to the timeless challenge of defending freedom. This is what Churchill said:

"And now it has come to us to stand alone in the breach, and face the worst that the tyrant's might and enmity can do. Bearing ourselves humbly before God, but conscious that we serve an unfolding purpose, we are ready to defend our native land against the invasion by which it is threatened.

"We are fighting by ourselves alone; but we are not fighting for ourselves alone. Here in this strong city of refuge which enshrines the title-deeds of human progress and is of deep consequence to Christian civilization; here, girt about by the seas and oceans where the Navy reigns; shielded from above by the prowess and devotion of our airmen, we await undismayed the impending assault.

"Perhaps it will come tonight. Perhaps it will come next week. Perhaps it will never come.

"We must show ourselves equally capable of meeting a sudden violent shock, or what is perhaps a harder test, a prolonged vigil. But be the ordeal sharp or long, or both, we shall seek no terms, we shall tolerate no parley; we may show mercy, we shall ask for none."

Mr. Speaker, I appreciate your willingness to take the dais and give me this opportunity.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 31, 2001

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 25, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 31, 2001.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 17, 2001, PAGE E1911

The following extension of remarks was inadvertently attributed to Mr. SCHIFF.

PERSONAL EXPLANATION

Mr. EHRLICH. Mr. Speaker, on Tuesday, October 16th, I was unavoidably detained from participating in floor proceedings. Had I been present, I would have voted in the following ways on the legislation the House considered:

H. Con. Res. 248, Expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation: "Yea."

H. Con. Res. 217, Recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard: "Yea."

H.R. 2272, The Coral Reef and Coastal Marine Conservation Act: "Yea."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 17, 2001 he presented to the President of the United States for his approval, the following bill.

H.J. Res. 69. Making further continuing appropriations for the fiscal year 2002, and for other purposes.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, October 29, 2001, at 2 p.m.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable STEPHEN F. LYNCH, 9th Massachusetts.

Honorable JEFF MILLER, 1st Florida.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Thomas M. Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Xavier Becerra, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Luis Gutierrez, Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A.

LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Stephen F. Lynch, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Jim McCrery, James P. McGovern, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, George Miller, Jeff Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louis McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Fortney Pete Stark, Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, James A. Traficant, Jr., Jim Turner, Mark Udall, Tom Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E. Watson, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4385. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenthion, Methidathion, Naled, Phorate, and Profenofos; Tolerance Revocations [OPP–300985A; FRL–6795–8] (RIN: 2070–AB78) received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4386. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Unlimited Tolerance Exemptions; Correction and Reopening of Comment Period [OPP–301152A; FRL–6803–8] (RIN: 2070–AB78) received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4387. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7074–2] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4388. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Operating Permit Program Revisions; West Virginia [WV-T5–2001–02a; FRL–7073–9] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4389. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program: Virginia [VA-T5–2001–01a; FRL–7073–6] received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4390. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; West Virginia [WV-T5–2001–01a; FRL–7073–7] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4391. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program: Delaware [DE-T5–2001–01a; FRL–7072–7] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4392. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations; Federal Republic of Yugoslavia (Serbia and Montenegro) Milosevic Regulations— received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4393. A letter from the Chief, Division of Management Authority, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Import of Polar Bear Trophies from Canada: Change in the Finding for the M'Clintock Channel Population (RIN: 1018–AH72) received October 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines for Implementing the Three Percent Set-Aside Provision Contained in the State and Tribal Assistance Grants Account Section of the Agency's FY 2001 Appropriations Act—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pretreatment Program Reinvention Pilot Projects Under Project XL [FRL–7073–3] (RIN: 2090–AA16) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4396. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Replacement of Reasonable Charge Methodology by Fee Schedules for Parenteral and Enteral Nutrients, Equipment, and Supplies [CMS–1010–F] (RIN: 0938–AK66) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Education and the Workforce.

4397. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Civil Money Penalties, Assessments, and Revised Sanction Authorities [CMS–6145–FC] (RIN: 0938–AK49) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. Wolf, Mr. Smith of New Jersey, Mr. Evans, Mr. Brown of Ohio, Mr. Gilman, Mrs. Maloney of New York, Mr. Crowley, Mr. English, Mr. Hastings of Florida, Mrs. Napolitano, Mr. Ford, Mr. Capuano, Mr. McDermott, Mr. Issa, Mr. Serrano, Mr. Langevin, Mr. Hall of Ohio, Mr. McGovern, Mr. Abercrombie, Mr. Faleomavaega, Mr. Underwood, Mr. George Miller of California, Mr. Ackerman, Ms. Pelosi, Ms. Lee, Mr. Kucinich, Mr. Sanders, Mrs. Kelly, Mr. Quinn, Ms. Solis, Mrs. Morella, Mr. Engel, Ms. McCollum, Mr. Payne, Ms. Carson of Indiana, Mr. Blumenauer, and Mr. Pitts):

H.R. 3169. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 3170. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 3171. A bill to direct the Attorney General to establish a program for the certification of Federal pilot officers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM (for himself, Mr. Blagojevich, Mr. Hilleary, Mr. Abercrombie, Mr. Largent, Mr. Houghton, Mr. Brown of South Carolina, Mr. Shimkus, Mr. Shadegg, Mr. Gutknecht, and Mr. Riley):

H.R. 3172. A bill to provide Federal reimbursement to the States for a limited tax holiday during the period beginning November 23, 2001, and ending December 2, 2001; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself and Mr. Evans):

H.R. 3173. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 and title 38, United States Code, to improve benefits for veterans; to the Committee on Veterans' Affairs.

By Mr. POMEROY:

H.R. 3174. A bill to authorize additional appropriations to combat bioterrorism; to the Committee on Agriculture.

By Mr. FOSSELLA (for himself, Mr. LaHood, Mr. Gilman, Mr. Hinchey, Mr. Ackerman, Mr. Reynolds, Mr. Grucci, Mrs. Maloney of New York, Mr. Engel, Mr. King, Mr. Nadler, Mr. Towns, Mrs. Lowey, Mr. McNulty, Mr. Walsh, Mr. Israel, Mr. Peterson of Pennsylvania, Mr. Forbes, Mr. English, Mr. Schrock, Mr. Sherwood, Mr. Boucher, and Mr. Moran of Virginia):

H.J. Res. 71. A joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day; to the Committee on Government Reform. considered and passed.

By Mr. DINGELL (for himself, Mr. Moran of Virginia, Mrs. Capps, Mr. Houghton, Ms. Kaptur, Mr. Hinchey, Mr. Kind, Mr. Callahan, Mr. Horn, Mr. Serrano, Mr. Issa, Mr. Rahall, Mr. Jackson of Illinois, Mr. Pallone, Mr. McGovern, Mrs. McCarthy of New York, Mr. Brown of Ohio, Mr. Conyers, Mr. Udall of Colorado, Mr. Farr of California, Mr. Kildee, Mr. George Miller of California, Mr. Obey, Mr. Leach, Mr. Sawyer, Ms. McKinney, Ms. McCarthy of Missouri, Mr. Bonior, Mr. Kucinich, and Mrs. Tauscher):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress with respect to ending the violence in Israel, the West Bank, and Gaza, and endorsing the recommendations of the Mitchell Committee Report; to the Committee on International Relations.

By Mr. PITTS:

H. Con. Res. 254. Concurrent resolution encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. Horn and Mr. Combest.

H.R. 730: Mr. McNulty.

H.R. 1296: Mr. Israel.

H.R. 1360: Mr. Inslee.

H.R. 1374: Mr. Conyers.

H.R. 1733: Ms. DeLauro.

H.R. 1780: Mr. Forbes.

H.R. 2098: Mrs. McCarthy of New York.

H.R. 2117: Mrs. Clayton.

H.R. 2577: Mr. Conyers.

H.R. 2918: Ms. McKinney.

H.R. 2919: Mr. Shows, Mr. Brown of Ohio, Mr. Rodriguez, Ms. Hart, Mr. Goode, Mr. McNulty, Mr. Walsh, Mr. Baca, and Ms. Ros-Lehtinen.

H.R. 2998: Mr. Clement.

H.R. 3017: Mr. Grucci, Ms. Woolsey, Mr. Combest, and Mr. Clement.

H.R. 3029: Mr. Sandlin, Ms. Pryce of Ohio, and Mr. Hall of Ohio.

H.R. 3046: Mr. Forbes, Mr. Jones of North Carolina, and Mr. Ferguson.

H.R. 3067: Mr. Gephardt, Mr. Holden, Mr. Berry, and Mr. Moore.

H.R. 3103: Mrs. Jones of Ohio, Ms. Lee, Ms. Solis, and Ms. Velázquez.

H.R. 3110: Mr. Hoyer, Mr. Shows, Mr. Taylor of Mississippi, Mr. Inslee, Mr. Kennedy of Rhode Island, Mr. Crowley, Ms. DeLauro, Mr. Serrano, Mr. Gonzalez, Mr. Barrett, Mr. Kleczka, Mr. Brown of Ohio, Mr. Lucas of Kentucky, Mrs. Napolitano, Mr. Lewis of Georgia, Mr. Frank, Mr. Schiff, Mr. Faleomavaega, and Mr. Delahunt.

H.R. 3113: Ms. DeLauro.

H.R. 3161: Ms. McCollum, Mr. Sandlin, Mr. Kildee, Ms. Woolsey, Ms. Norton, Mr. Acevedo-Vila, Mr. Waxman, and Mr. McIntyre.

H.R. 3166: Mrs. Tauscher.

H.J. Res. 67: Mr. Goode, Mr. McDermott, Mr. Doggett, Mr. Berman, Mr. Israel, Mr. Cox, Mr. LaTourette, Mr. Ford, Mr. Sherman, Ms. McCollum, Mr. Rothman, Mr. Maloney of Connecticut, Mr. Boswell, Mr. Cummings, Mr. Thompson of Mississippi, Mr. Rohrabacher, Mr. Pallone, Mr. Deutsch, Mr. Lewis of Georgia, Mr. Davis of Illinois, Mr. Walden of Oregon, Mrs. Christensen, Mr. Moore, Mr. Hill, Mr. Hinojosa, Mr. Crowley, Mr. Smith of Michigan, Mr. Gilman, Mr. Dooley of California, Mrs. Napolitano, Mr. Barrett, and Ms. McCarthy of Missouri.

H. Res. 98: Mr. Baird.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

DOD Appropriations Bill

Offered By: Mr. Traficant

Amendment No. 1: Page , after line , insert the following new section:

Sec. . No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

DOD Appropriations Bill

Offered By: Mr. Traficant

Amendment No. 2: Sec. . None of the funds made available by this Act may be used to award a contract to a person or entity whose bid or proposal reflects that the person or entity has violated the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SENATE—*Thursday, October 25, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD.)

The PRESIDENT pro tempore. The prayer will be led by our guest Chaplain, Rabbi Mark S. Miller.

PRAYER

The guest Chaplain, Rabbi Mark S. Miller of Temple Bat Yahm in Newport Beach, CA, offered the following prayer:

The universal genius, Issac Newton, referring to his predecessors said, "If I have seen further, it is by standing on the shoulders of Giants."

The 100 who grace this Chamber today stand on the shoulders of those many Senators whose vision elevated our national life and whose courage enriched humankind. We hear the frozen echoes of their lofty debates. We see them arising to confront the issues of their day. We note them chasing not the "bubble popularity" but seeking the shield of God's favor.

During their tenure, many a Senator answered the rollcall of glory. What an example they set! They were faithful in fearful times, commanding in common times, staunch in shaken times, persevering in perilous times, true in trying times.

We remember their statesmanship and stewardship with ongoing indebtedness. How we need a measure of their stoutness of spirit. How we need the inspiration of their steadying hand on the tiller as we awaken to war's alarms and deadly pestilence.

Soon we ourselves will become the ones who have gone before. May the generations to come stand upon our shoulders. May our careers be of such significance that those who succeed us throughout this century see even further into the future.

By our governance, may that future exalt God's blessings for all Americans; by our goodness, may that future extol God's design for this land of freedom; by our greatness, may that future enlarge God's plan for the safety and security of His world. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order previously entered, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

SCHEDULE

Mr. REID. Mr. President, as has been announced, we will begin consideration of the counterterrorism act as soon as the morning business is completed. There is approximately 5 hours of debate set aside for that.

Senator DASCHLE, the majority leader, indicated following that vote on the counterterrorism act, the Senate will begin consideration of the Agriculture Appropriations Act. The leader has said if we are able to complete our work on that bill tonight, there will be no session tomorrow. If we are unable to do that, we will work tomorrow until we complete that bill. I have conferred with the Presiding Officer, the chairman of the Appropriations Committee, and have been advised that the D.C. appropriations bill is ready to go. We are hopeful and confident we can complete that bill on Monday. We have a lot of work to do but we are moving. I express appreciation on behalf of the leader that we are able to move as quickly as we have been able to these past few days.

I ask unanimous consent Senator HUTCHISON and Senator MIKULSKI be given whatever time they may consume that does not exceed one-half hour before the debate starts on the counterterrorism bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas, Mrs. HUTCHISON, is recognized to speak for up to 30 minutes in conjunction with the remarks of the Senator from Maryland.

MEASURE READ THE FIRST TIME—S. 1573

Mrs. HUTCHISON. Mr. President, I send a bill to the desk and ask it be placed on the calendar, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

> A bill (S. 1573)) to authorize the provision of educational and health care assistance to women and children of Afghanistan.

Mrs. HUTCHISON. Mr. President, I ask for the second reading.

The PRESIDENT pro tempore. Is there an objection to the Senator's request?

Mrs. HUTCHISON. Mr. President, I object to my own request.

The PRESIDENT pro tempore. The objection is heard. This bill will be read for the second time on the next legislative day.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, thank you.

(The remarks of Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, and Ms. SNOWE pertaining to the introduction of S. 1573 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.)

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

If there is no further morning business, morning business is closed.

USA PATRIOT ACT OF 2001

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of H.R. 3162, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 3162) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The PRESIDENT pro tempore. The senior Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. Mr. President, what is the time agreement that we now have before us?

The PRESIDENT pro tempore. The chairman and ranking member of the Judiciary Committee have 90 minutes each; the Senator from Michigan, Mr. LEVIN, has 10 minutes; the Senator from Minnesota, Mr. WELLSTONE, has 10 minutes; the Senator from Maryland, Mr. SARBANES, has 20 minutes; the Senator from Wisconsin, Mr. FEINGOLD, has 1 hour; the Senator from Florida, Mr. GRAHAM, has 15 minutes; and the Senator from Pennsylvania, Mr. SPECTER, has 15 minutes.

Mr. LEAHY. I thank the Presiding Officer, the President pro tempore of the Senate.

Mr. President, I yield myself such time as I may need out of my 90 minutes.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. REID. Mr. President, I ask unanimous consent that during the day,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

when quorum calls are initiated, the time be charged proportionately, not only against the person who asked for the quorum to be initiated, but that it be charged proportionately against all people who have time under the agreement that is now in effect.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. That will be the order of the Senate.

The Senator from Vermont, Mr. LEAHY, is recognized.

(Mrs. CLINTON assumed the chair.)

Mr. LEAHY. Thank you, Mr. President. I agree with the distinguished Democratic leader in his request because we do want to have discussion of this piece of legislation, but there is no question we will vote on this piece of legislation today and we will pass this legislation today.

I think it is only fitting the Senator from New York is now in the chair as we begin discussion of this legislation because her State was one of those that was badly impacted, terribly impacted, tragically impacted on September 11, as were the people of New Jersey and Connecticut, who worked in the World Trade Towers, and, of course, those at the Pentagon in Virginia, including those in Maryland and the District of Columbia, and actually the whole Nation.

Today we consider H.R. 3162, the second House-passed version of the "Uniting and Strengthening of America Act" or "USA Act of 2001." Senate passage of this measure without amendment will amount to final passage of this important legislation, and the bill will be sent to the President for his signature. We complete our work six weeks after the September 11 attacks and months ahead of final action following the destruction of the Federal Building in Oklahoma City in 1995. The American people and the Members of this body deserve fast work and final action.

On October 4, I was pleased to introduce with the Majority Leader, Senator DASCHLE, and the Chairmen of the Banking and Intelligence Committees, as well as the Republican Leader, Senator LOTT, and Senator HATCH and Senator SHELBY, the Uniting and Strengthening America, or USA Act. This was not the bill that I, or any of the sponsors, would have written if compromise was unnecessary. Nor was it the bill the Administration had initially proposed and the Attorney General delivered to us on September 19, at a meeting in the Capitol.

We were able to refine and supplement the Administration's original proposal in a number of ways in the original USA Act, and have continued that process in the development of H.R. 3162. The Administration accepted a number of the practical steps I had originally proposed on September 19 to improve our security on the Northern Border, assist our Federal, State and local law enforcement officers, and provide compensation to the victims of terrorist acts and to the public safety officers who gave their lives to protect ours. This final version of the USA Act further improves the compromise by including additional important checks on the proposed expansion of government powers that were not contained in the Attorney General's initial proposal.

Let me outline just ten ways in which we in the bicameral, bipartisan negotiations were able to supplement and improve this legislation from the original proposal we received from the Administration.

We improved security on the Northern Border;

We added money laundering;

We added programs to enhance information sharing and coordination with State and local law enforcement, grants to State and local governments to respond to bioterrorism, and to increase payments to families of fallen firefighters, police officers and other public safety workers;

We added humanitarian relief to immigrant victims of the September 11 terrorist attacks;

We added help to the FBI to hire translators;

We added more comprehensive victims assistance;

We added measures to fight cybercrime;

We added measures to fight terrorism against mass transportation systems;

We added important measures to use technology to make our borders more secure;

Finally, and most importantly, we were able to include additional important checks on the proposed expansion of government powers contained in the Attorney General's initial proposal.

In negotiations with the Administration, I did my best to strike a reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I acquiesced in some of the Administration's proposals to move the legislative process forward. That progress has been rewarded by a bill we have been able to improve further during discussions over the last two weeks.

The Senate passed the original version of the USA Act, S. 1510, by a vote of 96–1 on October 11. The House passed a similar bill, based largely on the USA Act, the following day. The Majority Leader and I both strongly believed that a conference would have been the better and faster way to reconcile the differences between the bills, and to consider the proposals that had been included in the managers' amendment to S. 1510, which Republicans did not approve in time for consideration and passage with the Senate bill. The House did not request a conference when it passed the bill, however, and despite the understanding among House and Senate leadership, the House leadership abruptly incorporated the product of our discussions in a new bill rather than proceed to a quick conference.

Yesterday, the House passed H.R. 3162, which was based upon informal agreements reached by Senate and House negotiators, but which did not include additional important provisions to make the Justice Department more efficient and effective in its anti-terrorism efforts and to reduce domestic demand for illegal drugs, some of which are produced and supplied from Taliban-controlled regions of Afghanistan. I am disappointed that the commitment we received to hold a conference—at which these proposals could have been considered more fully—was not honored. Nonetheless, H.R. 3162, which the House passed yesterday, contains additional improvements to the USA Act that had been negotiated on a bicameral, bipartisan basis, and deserves the support of the Senate.

I do believe that some of the provisions contained both in this bill and the original USA Act will face difficult tests in the courts, and that we in Congress may have to revisit these issues at some time in the future when the present crisis has passed, the sunset has expired or the courts find an infirmity in these provisions. I also intend as Chairman of the Judiciary Committee to exercise careful oversight of how the Department of Justice, the FBI and other executive branch agencies are using the newly-expanded powers that this bill will give them. I know that other members of the Judiciary Committee—including Senator SPECTER, Senator GRASSLEY, and Senator DURBIN—appreciate the importance of such oversight.

The negotiations on anti-terrorism legislation have not been easy. Within days of the September 11 attacks, I began work on legislation to address security needs on the Northern Border, the needs of victims and State and local law enforcement, and criminal law improvements. A week after the attack, on September 19, the Attorney General and I exchanged the outlines of the legislative proposals and pledged to work together toward our shared goal of putting tools in the hands of law enforcement that would help prevent another terrorist attack.

Let me be clear: No one can guarantee that Americans will be free from the threat of future terrorist attacks, and to suggest that this legislation—or any legislation—would or could provide such a guarantee would be a false promise. I will not engage in such false promises, and those who make such assertions do a disservice to the American people.

I have also heard claims that if certain powers had been previously authorized by the Congress, we could somehow have prevented the September 11 attacks. Given this rhetoric it may be instructive to review efforts that were made a few years ago in the Senate to provide law enforcement with greater tools to conduct surveillance of terrorists and terrorist organizations. In May 1995, Senator LIEBERMAN offered an amendment to the bill that became the Antiterrorism and Effective Death Penalty Act of 1996 that would have expanded the government's authority to conduct emergency wiretaps to cases of domestic or international terrorism and added a definition of domestic terrorism to include violent or illegal acts apparently intended to "intimidate, or coerce the civilian population." The consensus, bipartisan bill that we consider today contains a very similar definition of domestic terrorism.

In 1995, however, a motion to table Senator LIEBERMAN's amendment was agreed to in a largely party-line vote, with Republicans voting against the measure. In fact, then Senator ASHCROFT voted to table that amendment, and one Republican colleague spoke against it and opined, "I do not think we should expand the wiretap laws any further." He further said that "We must ensure that in our response to recent terrorist acts, we do not destroy the freedoms that we cherish." I have worked very hard to maintain that balance in negotiations concerning the current legislation.

Following the exchange on September 19 of our legislative proposals, we have worked over the last month around the clock with the Administration to put together the best legislative package we could. I share the Administration's goal of providing promptly the legal tools necessary to deal with the current terrorist threat. While some have complained publicly that the negotiations have gone on for too long, the issues involved are of great importance, and we will have to live with the laws we enact for a long time to come. Demands for action are irresponsible when the roadmap is pointed in the wrong direction. As Ben Franklin once noted, "if we surrender our liberty in the name of security, we shall have neither."

Moreover, our ability to make rapid progress was impeded because the negotiations with the Administration did not progress in a straight line. On several key issues that are of particular concern to me, we had reached an agreement with the Administration on Sunday, September 30. Unfortunately, over the next two days, the Administration announced that it was reneging on the deal. I appreciate the complex task of considering the concerns and missions of multiple Federal agencies, and that sometimes agreements must be modified as their implications are scrutinized by affected agencies. When agreements made by the Administration must be withdrawn and negotiations on resolved issues reopened, those in the Administration who blame the Congress for delay with what the New York Times described as "scurrilous remarks," do not help the process move forward.

We expedited the legislative process in the Judiciary Committee to consider the Administration's proposals. In daily news conferences prior to the original passage of the USA Act, the Attorney General referred to the need for such prompt consideration. He made time to appear before the Judiciary Committee at a hearing September 25 to respond to questions that Members from both parties had about the Administration's initial legislative proposals. I thank the Attorney General for extending the hour and a half he was able to make in his schedule for the hearing for another 15 minutes so that Senator FEINSTEIN and Senator SPECTER were able to ask questions before his departure. I regret that the Attorney General did not have the time to respond to questions from all the Members of the Committee either on September 25 or at any time since. He promised to answer the written questions Members submitted about the legislation promptly, but we did not receive any answers before passage of S. 1510, H.R. 2975, or H.R. 3162. I will make those answers a part of the hearing record whenever they are received even after final passage of the legislation.

The Chairman of the Constitution Subcommittee, Senator FEINGOLD, also held an important hearing on October 3 on the civil liberties ramifications of the expanded surveillance powers requested by the Administration. I thank him for his assistance in illuminating these critical issues for the Senate.

To accede to the Administration's request for prompt consideration of the USA Act, the Leaders decided to hold the bill at the desk rather than refer it to the Committee for markup, as is regular practice. Senator HATCH specifically urged that this occur. Indeed, when the Senate considered the antiterrorism act in 1995 after the Oklahoma City bombing, we bypassed the Committee in order to deal with the legislation more promptly on the floor.

After Senate consideration and passage on the one-month anniversary of the terrorist attack, the House Republican leadership decided to proceed with a version of the Senate-passed bill rather than the bill reported by the House Judiciary Committee. H.R. 2975 passed the House with opposition on October 12. Unfortunately, the House did not take the traditional step of requesting a conference to reconcile the bills. In an apparent effort by the Administration and House Republican leadership to try to pressure the Senate to accept that version of the bill, without strong money laundering or biological weapons provisions and with a 5-year sunset, the House failed to take the procedural steps necessary to convene a conference. Had a conference been requested and begun, a final bill would have been passed last week. Instead, without a structure or process, discussions were less concentrated and it was only after a leadership meeting late last week that the major outline of the measure was agreed upon.

During the negotiations over the past two weeks, the Administration sought to eliminate the sunset altogether, but that effort failed. The House insisted that the amendments to the so-called "McDade law" be dropped, and the Administration acquiesced. Eventually, the House accepted the Senate's position on the need to include both money laundering and biological weapons provisions. Even then, the House Republican leadership reneged on the agreement to proceed by way of a traditional House-Senate conference. Instead, they opted to proceed by a new bill passed by the House in short order and sent to the Senate as an amendable measure. That brings us to today.

Given the expedited process that has been used to move this legislation through the House and now to the Senate, I will take more time than usual to detail its provisions.

This bill has raised serious and legitimate concerns about the expansion of authorities for government surveillance and intelligence gathering within this country. Indeed, this bill will change surveillance and intelligence procedures for all types of criminal and foreign intelligence investigations, not just for terrorism cases. Significantly, the sunset provision included in the final bill calls for vigilant legislative oversight, so that the Congress will know how these legal authorities are used and whether they are abused over the next four years.

We should be clear at the outset that while the sunset applies to the expanded surveillance authorities under FISA, it does not apply to other controversial provisions in the bill. As originally passed by the House, the sunset did not apply to the provisions on sharing grand jury information with intelligence agencies, in section 203(a), and the so-called "sneak and peak" authority for surreptitious search and seizure, in section 213. The final bill, H.R. 3162, removes two more provisions from the sunset—the expanded scope of subpoenas for records of electronic communications, in section 210, and the new authority for pen registers and trap and trace devices in criminal investigations, in section 216.

Congressional oversight is especially necessary to monitor the implementation of these new authorities. I agree with Leader ARMEY that the sunset will help ensure that law enforcement is responsive to congressional oversight and inquiries on use of these new authorities and that a full record is developed on their efficacy and necessity.

The Senate Judiciary Committee has the challenging duty to establish and maintain an oversight regime that allows the Congress to know how these powers are exercised.

This bill will authorize the expanded sharing with intelligence agencies of information collected as part of a criminal investigation, and the expanded use of foreign intelligence surveillance tools and information in criminal investigations. Where foreign-sponsored terrorism is the target of an investigation, criminal and foreign intelligence jurisdictions clearly overlap and agencies must coordinate their efforts accordingly. This bill enters new and uncharted territory by breaking down traditional barriers between law enforcement and foreign intelligence. This is not done just to combat international terrorism, but for any criminal investigation that overlaps a broad definition of "foreign intelligence."

Yet, before final passage of this bill, the Senate should recall our nation's unfortunate experience with domestic surveillance and intelligence abuses that came to light in the mid-1970s. Until Watergate and the Vietnam war, Congress allowed the Executive branch virtually a free hand in using the FBI, the CIA, and other intelligence agencies to conduct domestic surveillance in the name of national security. It was the Cold War, Members of Congress were reluctant to take on FBI Director J. Edgar Hoover, and oversight was non-existent. One of the few safeguards enacted into law drew a sharp line between foreign intelligence and law enforcement. The National Security Act of 1947, which established the Central Intelligence Agency, said—and still says today—that the CIA "shall have no police, subpoena, or law enforcement powers or internal security functions."

The provisions on the disclosure of "foreign intelligence" from Federal criminal investigations make fundamental changes in the rules for the handling of highly sensitive personal, political and business information acquired for law enforcement purposes. Such information may now be disclosed to intelligence, defense, and national security agencies. The law is changed not only to permit the wider sharing of information from grand juries, domestic law enforcement wiretaps, and criminal investigations generally (in section 203), but also to require Federal law enforcement agencies to share this information with intelligence agencies through the Director of Central Intelligence, unless the Attorney General makes exceptions (in section 905).

There would be far less controversy if these provisions were limited to information about domestic or international terrorism or espionage. Instead, they potentially authorize the disclosure throughout intelligence, military, and national security organizations of a far broader range information about United States persons, including citizens, permanent resident aliens, domestic political groups, and companies incorporated in the United States. The information may be shared if it fits the broad definitions of "foreign intelligence" and "foreign intelligence information."

The term "foreign intelligence" is defined to mean "information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities." The term "foreign intelligence information" is defined to include information about a United States person that concerns a foreign power or foreign territory and "that relates to the national defense or the security of the United States" or "the conduct of the foreign affairs of the United States." Therefore, potentially, whenever a criminal investigation acquires information about an American citizen's relationship with a foreign country or its government, that information is eligible to be disseminated widely as "foreign intelligence information"—even if the information is about entirely lawful activities, business transactions, political relationships, or personal opinions.

Criminal investigations acquire voluminous information about persons who are not involved in illegal activity. Many individuals are investigated and later cleared. Many cases are investigated and never prosecuted. Many witnesses are interviewed whose testimony never surfaces at trial. Immunity is granted to compel testimony before grand juries about people who are never indicted. Wiretaps and microphone "bugs" and computer communications intercepts pick up extensive information about activities and opinions and personal lives that have no relevance to the criminal activity that they are authorized to detect or monitor. Where regulatory or tax laws carry criminal penalties, investigators probe the confidential financial details of business transactions and records. Federal criminal investigators have enormous discretion, with little statutory or constitutional guidance for how they interview people, conduct physical surveillance, recruit informants in organizations, and request access to records they consider "relevant" to an investigation. All that information would be eligible to be disseminated widely within the government, beyond the purposes of the criminal investigation, if it meets the definition of "foreign intelligence" or "foreign intelligence information."

The risks of misusing this information were documented 25 years ago, when the Congress made public the record of Cold War abuses of investigative powers by Federal agencies acting in the name of national security. The Senate created a Select Committee To Study Governmental Affairs With Respect to Intelligence Communities, chaired by Senator Frank Church, to conduct a year-long investigation with extensive public hearings and detailed reports on the investigations of lawful political dissent and protest. The Church Committee found that the FBI's internal security and domestic intelligence programs compiled massive files on activities protected by the First Amendment and the political opinions of Americans.

During the height of antiwar protest and urban unrest in the late 1960's, Army intelligence joined the FBI in monitoring domestic political activity. National intelligence agencies such as CIA and NSA received extensive reporting from the FBI and the military, as well as from their own intelligence gathering on critics of government policy. Other law enforcement agencies such as the Internal Revenue Service were used to selectively investigate organizations based on their political views. Under President's of both parties, these agencies disseminated information to the White House about the lawful political activities and opinions of critics of Administration policy—all under the rubric of protecting the national security. The scope of intelligence gathering swept up environmental groups, women's liberation activists, and virtually any organization that mounted peaceful protest demonstrations.

During this unfortunate period in our history, the government did more than just gather information about protest and dissent. The FBI developed a systematic program to disrupt domestic groups and discredit their leaders, known as "COINTELPRO." The FBI's efforts included the selective sharing of information from its investigations to deny people employment and smear their reputations. Beginning with Communist and socialist groups, the FBI's COINTELPRO operations spread in the 1960s to the Klan, the "new left," and black militants. Elements of the civil rights and antiwar movements were targeted for disruption because of suspicion that they were "influenced" by communists; others because of their strident rhetoric. When some targets were suspected of engaging in violence, the FBI's tactics went so far as to place lives in jeopardy by passing false allegations that individuals were government informants.

The most notorious case was J. Edgar Hoover's vendetta against Dr. Martin Luther King, Jr. The Church Committee documented the FBI's effort to discredit Dr. King by disclosing confidential information that was obtained from wiretaps and microphones targeted against him. The wiretaps were justified to the Kennedy and Johnson Administrations on the grounds that some of Dr. King's advisors were Communists, but this excuse allowed the FBI to mount continuous political surveillance to undermine Dr. King's effectiveness. The FBI disseminated allegedly derogatory information not only within the government, but to media and other private organizations including efforts to deny Dr. King the Nobel Peace Prize. Most vicious of all was the FBI's preparation of a composite tape recording that was sent to him anonymously with an apparent invitation to commit suicide. During the 1964 Democratic National Convention in Atlantic City where the greatest controversy involved seating the Mississippi Freedom Democratic Party delegates, the FBI provided the Johnson White House a continuous flow of political intelligence from the wiretaps on Dr. King's telephones in Atlantic City.

These methods of domestic political surveillance and covert manipulation and disruption have no place in a free society. They are lawful for the CIA to use against terrorists abroad, under Presidential authorization and oversight by the Intelligence Committees. In the United States, however, such surveillance activities by our government offends our fundamental First Amendment rights of speech and association, and undermines our democratic values. Since the Church Committee investigation, one of the main reasons for maintaining barriers between domestic criminal investigations and foreign intelligence operations has been a concern that the no-hold-barred methods used abroad must not be brought back into this country.

The Church Committee recommended a series of safeguards to restrict the collection of information about Americans by the CIA, the National Security Agency, and other U.S. intelligence agencies. The Attorney General issued guidelines for FBI investigations and Presidents issued Executive Orders requiring procedures approved by the Attorney General for the collection and retention of information about Americans by U.S. intelligence agencies. These guidelines and procedures have served for the past 25 years as a stable framework that, with rare exceptions, has not allowed previous abuses to recur.

The most significant legislative result of the Church Committee investigation was the Foreign Intelligence Surveillance Act of 1978 which required court orders for national security electronic surveillance in the United States. No longer did the Executive branch have exclusive control over the vast powers of U.S. intelligence to conduct wiretapping, bugging, and other communications monitoring in this country. Surveillance was limited to foreign powers and agents of foreign powers, and the statutory probable cause standard for targeting an American as an "agent of a foreign power" required a showing of clandestine intelligence activities, sabotage, or international terrorist activities on behalf of a foreign power. Americans could not be targeted solely on the basis of activities protected by the First Amendment. Surveillance of Americans under FISA was limited to counterintelligence purposes to defend the nation against foreign spying and terrorism. Americans could not be considered "agents of a foreign power" on the basis of their lawful business or political relationships with foreign governments or organizations.

The Congress has been cautious in the decades following the revelations of the Church Committee about allowing use of criminal justice information for other purposes and, specifically, on sharing such information with intelligence agencies. In 1979 Attorney General Benjamin Civiletti testified before the House Judiciary Subcommittee on Constitutional Rights that the guidelines for "any dissemination outside the Bureau . . . will have to be very, very specific. We will have to be very certain the dissemination is lawful, meets the same standards of certainty, of intent, which is the basic reason for the collection of the information and the investigation. . . ." On the issue of FBI sharing with the CIA, Attorney General Civiletti said "you have to be extremely careful in working out, pursuant to the law, the information which is being exchanged, what its purpose is, how it was obtained and collected, so that you are not inadvertently, out of a sense of cooperation or efficiency, perverting or corrupting the fact that the CIA's main duty is foreign intelligence, and they have no charter, no responsibility, and not duty performance, no mission to investigate criminal acts in the United States."

The bill we are passing today makes potentially sweeping changes in the relationships between the law enforcement and intelligence agencies. In the current crisis, there is justification for expanding authority specifically for counterintelligence to detect and prevent international terrorism. I support the FBI request for broader authority under FISA for pen registers and access to records without having to meet the statutory "agent of a foreign power" standard, because the Fourth Amendment does not normally apply to such techniques and the FBI has comparable authority in its criminal investigations. However, I have insisted that this authority to investigate U.S. persons be limited to counterintelligence investigations conducted to protect against international terrorism and spying activities and that such investigations may not be based solely on activities protected by the First Amendment. None of the changes in FISA would authorize investigations of Americans for the broader, more ambiguous purpose of collecting "foreign intelligence" generally. In that respect, the bill adheres to the basic principles recommended by the Church Committee.

The gravest departure from that framework, and the one with most potential for abuses, is the new and unprecedented statutory authority for sharing of "foreign intelligence" from criminal investigations with "any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official." The Church Committee warned of the political abuse of the dissemination of intelligence from domestic investigations. Intelligence was disseminated to the White House to track the contacts of members of Congress with particular foreign embassies. Information was volunteered to the White House about Administration critics and other political figures. The Church Committee found "excessive dissemination of large amounts of relatively useless or totally irrelevant information" to the White House that was not evaluated and "thus exaggerated the dangers."

The Church Committee recommended permitting FBI dissemination of personally identifiable information about Americans to intelligence, military and other national security agencies in two areas—"preventive criminal investigations of terrorist activities" and "preventive intelligence investigations of hostile foreign intelligence activities." This has been substantially the practice under the Attorney General's guidelines and Executive order procedures since then.

The new authority to disseminate "foreign intelligence" from criminal investigations, including grand juries and law enforcement wiretaps, is an invitation to abuse without special safeguards. Fortunately, the final bill includes a provision, which was not in the Administration's original proposal, to maintain some degree of judicial oversight of the dissemination of grand jury information. Within a "reasonable time" after the disclosure of grand jury information, a government attorney "shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made." No such judicial role is provided for the disclosure of information from wiretaps and other criminal investigative techniques including the infiltration of organizations with informants. However, that authority to disclose without judicial review is subject to the sunset in four years.

Other safeguards can, if used properly, minimize the unnecessary disclosure of "foreign intelligence" that identifies an American. When the information comes from grand juries or wiretaps, the Attorney General is required under the bill to establish procedures for the disclosure of information that identifies a United States person. The Senate Judiciary Committee will want to take a very close look at these procedures. Although not required under the bill, such procedures would also be desirable for disclosure of information from criminal investigations generally, as permitted under section 203(d). In section 905, where the bill requires disclosure to intelligence agencies from criminal investigations, the Attorney General is authorized to make exceptions and must issue implementing procedures. Again, these procedures will be closely examined by the Senate Judiciary Committee.

These procedures will be critical in determining the scope and impact of these provisions. Will they focus the sharing of information on international terrorism, which is the immediate and compelling need before us, or will they sweep more broadly? Will they permit automatic dissemination to intelligence agencies of any information about foreign governments, foreign organizations, or foreign persons that is obtained in FBI investigations of international organized crime and white collar crime? What are the specific circumstances under which confidential information collected by particular agencies, such as the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms, will be disseminated to the U.S. Military or other agencies? What will be the guidelines for including information that identifies United States persons? How will need-to-know decisions be made on the handling of this information, and how will access be controlled? What will be done to ensure compliance with the 1947 ban on CIA having "police, subpoena, or law enforcement powers or internal security functions?"

These and many other questions must be the subject of the Judiciary Committee's oversight of the implementation of the surveillance and intelligence provisions of this bill. Our government is entering uncharted territory. Much of the government's experience from the Cold War era before the mid-1970s warns us of the risks of abuse. Reasonable measures that we are taking to protect against international terrorism may have far-reaching ramifications beyond the immediate crisis. There has never been a greater need for Congressional vigilance to ensure against unnecessary and improper use of the wide discretion being granted by a new law. I intend to ask the Attorney General and the Director of Central Intelligence to advise the Judiciary Committee of their implementation plans and practices every step of the way.

The final bill includes a long overdue remedy for unauthorized disclosure of information obtained from electronic surveillance under FISA and under criminal procedures. If the government monitors the conversations of a person under the electronic surveillance procedures of title 18 or FISA and that information is disclosed without proper authority, the aggrieved person may recover money damages from the Federal Government. Such improper disclosure is what happened in the past when the FBI passed information from the electronic surveillance of Dr. Martin Luther King to selected private individuals and organizations in an effort to discredit Dr. King. The government itself would be liable, in addition to individual employees, if something like this ever happens again.

This provision is especially valuable in this bill, because of the expanded sharing of information from electronic surveillance in criminal cases to agencies with intelligence, military, and other national security responsibilities. When this kind of sensitive information is disseminated more widely, the risk increases that it will be leaked.

As a deterrent against malicious leaks, this provision wisely includes procedures for administrative discipline as well as the civil remedy against the Government. When a court or the appropriate agency determines that there is serious question about whether or not an employee willfully disclosed information without proper authority, disciplinary proceedings must be initiated. If the agency head decides that discipline is not warranted, he or she must notify the Inspector General with jurisdiction over the agency and provide the reasons for the decision not to impose discipline.

Representative BARNY FRANK deserves credit for developing this proposal, and the Department of Justice has worked with Representative FRANK to ensure that the procedures for civil discovery take into account the needs for protecting related criminal investigations or prosecutions and classified operations under the Foreign Intelligence Surveillance Act.

When Congress authorized electronic surveillance in 1968 under title 18 and in 1978 under FISA, the legislation imposed civil and criminal sanctions for violations by individuals. This bill takes the law two steps forward by adding government liability and administrative discipline against government employees. Along with the sunset provision, judicial oversight of the sharing of grand jury information, and other improvements, the Frank amendment reflects the valuable contribution of the House of Representatives towards making this a balanced bill.

The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11. Even now, we cannot assess the full measure of this attack in terms of human lives, but we know that the number of casualties is extraordinarily high.

Congress acted swiftly to help the victims of September 11. Within 10 days, we passed legislation to establish a Victims Compensations Program, which will provide fair compensation to those most affected by this national tragedy. I am proud of our work on that legislation, which will expedite payments to thousands of Americans whose lives were so suddenly shattered.

But now more than ever, we should remember the tens of thousands of Americans whose needs are not being met—the victims of crimes that have not made the national headlines. Just one day before the events that have so transformed our nation, I came before this body to express my concern that we were not doing more for crime victims. I noted that the pace of victims legislation had slowed, and that many opportunities for progress had been squandered. I suggested that this year, we had a golden opportunity to make significant progress in this area by passing S. 783, the Leahy-Kennedy Crime Victims Assistance Act of 2001.

I am pleased, therefore, that the antiterrorism package now before the Senate contains substantial portions of S. 783 aimed at refining the Victims of Crime Act of 1984 (VOCA), and improving the manner in which the Crime Victims Fund is managed and preserved. Most significantly, section 621 of the USA Act will eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. Section 621 of the USA Act replaces the cap with a self-regulating system that will ensure stability and protection of Fund assets, while allowing more money to be distributed to the States for victim compensation and assistance.

Other provisions included from S. 783 will also make an immediate difference in the lives of victims, including victims of terrorism. Shortly after the Oklahoma City bombing, I proposed and the Congress adopted the Victims of Terrorism Act of 1995. This legislation authorized the Office for Victims of Crime (OVC) to set aside an emergency reserve of up to $50 million as part of the Crime Victims Fund. The emergency reserve was intended to serve as a "rainy day" fund to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victim compensation program and crime victim assistance services. Last month's disaster created vast needs that have all but depleted the reserve. Section 621 of the USA Act authorizes OVC to replenish the reserve with up to $50 million, and streamlines the mechanism for replenishment in future years.

Another critical provision of the USA Act will enable OVC to provide more immediate and effective assistance to victims of terrorism and mass violence occurring within the United States. I proposed this measure last year as an amendment to the Justice for Victims of Terrorism Act, but was compelled to drop it to achieve bipartisan consensus. I am pleased that we are finally getting it done this year.

These and other VOCA reforms in the USA Act are long overdue. Yet, I regret that we are not doing more. In my view, we should pass the Crime Victims Assistance Act in its entirety. In addition to the provisions that are included in today's bill, this legislation provides for comprehensive reform of Federal law to establish enhanced rights and protections for victims of Federal crime. It also proposes several programs to help States provide better assistance for victims of State crimes.

I also regret that we have not done more for other victims of recent terrorist attacks. While all Americans are numbed by the heinous acts of September 11, we should not forget the victims of the 1998 embassy bombings in East Africa. Eleven Americans and many Kenyan and Tanzanian nationals employed by the United States lost their lives in that tragic incident. It is my understanding that compensation to the families of these victims has in many instances fallen short. It is my hope that OVC will use a portion of the newly replenished reserve fund to remedy any inequity in the way that these individuals have been treated.

We cannot speak of the victims of the September 11 without also noting that Arab-Americans and Muslims in this country have become the targets of hate crimes, harassment, and intimidation. I applaud the President for speaking out against and condemning such acts, and for visiting a mosque to demonstrate by action that all religions are embraced in this country. I also commend the FBI Director for his periodic reports on the number of hate crime incidents against Arab-American and Muslims that the FBI is aggressively investigating and making clear that this conduct is taken seriously and will be punished.

The USA Act contains, in section 102, a sense of the Congress that crimes and discrimination against Arab and Muslim Americans are condemned, and in section 1002, a provision suggested by Senator DURBIN that condemns violence and discrimination against Sikh Americans. Many of us would like to do more, and finally enact effective hate crimes legislation, but the Administration has asked that the debate on that legislation be postponed. One of my greatest regrets regarding the negotiations in this bill was that objections prevented the Local Law Enforcement Enhancement Act, S. 625, from being included in the USA Act.

The Administration's initial proposal was entirely focused on Federal law enforcement. Yet, we must remember that State and local law enforcement officers have critical roles to play in preventing and investigating terrorist acts. I am pleased that the bill we consider today recognizes this fact.

As a former State prosecutor, I know that State and local law enforcement officers are often the first responders to a crime. On September 11, the nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These New York public safety officers, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local law enforcement partners. The USA Act provides three critical measures of Federal support for our State and local law enforcement officers in the war against terrorism.

We streamline and expedite the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and rescue workers who perish or suffer a disabling injury in connection with prevention, investigation, rescue or recovery efforts related to a future terrorist attack.

The Public Safety Officers' Benefits Program provides benefits for each of the families of law enforcement officers, firefighters, and emergency response crew members who are killed or disabled in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of our national fight against terrorism, it is important that we provide a quick process to support the families of brave Americans who selflessly give their lives so that others might live before, during, and after a terrorist attack.

This provision builds on the new law championed by Senator CLINTON, Senator SCHUMER and Congressman NADLER to speed the benefit payment process for families of public safety officers killed in the line of duty in New York City, Virginia, and Western Pennsylvania, on September 11.

We have raised the total amount of Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000. This provision retroactively goes into effect to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans during the year. Although this increase in benefits can never replace a family's tragic loss, it is the right thing to do for the families of our fallen heroes. I want to thank Senator BIDEN and Senator HATCH for their bipartisan leadership on this provision.

We expand the Department of Justice Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and authorize a doubling of funding for this year and next year. The RISS Secure Intranet is a nationwide law enforcement network that already allows secure communications among the more than 5,700 Federal, State and local law enforcement agencies. Effective communication is key to effective law enforcement efforts and will be essential in our national fight against terrorism.

The RISS program enables its member agencies to send secure, encrypted communications—whether within just one agency or from one agency to another. Federal agencies, such as the FBI, do not have this capability, but recognize the need for it. Indeed, on September 11, immediately after the terrorist attacks, FBI Headquarters called RISS officials to request "Smartgate" cards and readers to secure their communications systems. The FBI agency in Philadelphia called soon after to request more Smartgate cards and readers as well.

The Regional Information Sharing Systems Program is a proven success that we need to expand to improve secure information sharing among Federal, State and local law enforcement agencies to coordinate their counterterrorism efforts.

During negotiations following initial passage of the Senate and House bills, we added two new provisions to support State and local governments in the final legislation. At Senator BIDEN's request, the First Responders Assistance Act, was added as section 1005 of H.R. 3062. This provision authorizes a $25 million Department of Justice program to authorize grants to State and local authorities to respond to and prevent acts of terrorism.

I authored section 1014 of H.R. 3062 to authorize a Department of Justice grant program for State and local domestic preparedness support. These grants will help each State prepare for and respond to terrorist acts including but not limited to events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices. This provision improves an appropriated program to provide: 1, additional flexibility to purchase needed equipment; 2, training and technical assistance to State and local first responders; and 3, a more equitable allocation of funds to all States.

Our State and local law enforcement partners welcome the challenge to join in our national mission to combat terrorism. We cannot ask State and local law enforcement officers to assume these new national responsibilities without also providing new Federal support. This bill provides five key provisions for necessary Federal support for our State and local law enforcement officers to serve as full partners in our fight against terrorism.

I am deeply troubled by continuing reports that critical information is not being shared with State and local law enforcement. In particular, the recent testimony of Baltimore Police Chief Ed Norris before the House Government Reform Committee highlighted the current problem. I have also spoken to Mayor Giuliani and to Senator SCHUMER and Senator CLINTON about the need for better coordination and information sharing between the FBI and State and local law enforcement authorities who are being called upon to assist in the current terrorism investigations. This is no time for turf battles. The FBI must recognize the contributions of other law enforcement authorities and facilitate their continued cooperation in this national effort.

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. That border will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home State of Vermont has seen huge increases in Customs and INS activity since the signing of the North American Free Trade Agreement. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and Customs Service employees in each of the States along the 4,000-mile Northern Border. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and now hope that the Administration will fully fund this critical law enforcement improvement.

Senators CANTWELL and SCHUMER in the Committee and Senators MURRAY and DORGAN have been especially strong advocates of these provisions and I thank them for their leadership. In addition, the USA Act, in section 401, authorizes the Attorney General to waive the FTE cap on INS personnel in order to address the national security needs of the United States on the northern border. Now more than ever, we must patrol our border vigilantly and prevent those who wish America harm from gaining entry. At the same time, we must work with the Canadians to allow speedy crossing to legitimate visitors and foster the continued growth of trade which is beneficial to both countries.

In addition to providing for more personnel, this bill also includes, in section 402(4), my proposal to provide $100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. The bill also includes, in section 403(c), an important provision from Senator CANTWELL directing the Attorney General, in consultation with other agencies, to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States. In short, this bill provides a comprehensive high-tech boost for the security of our nation.

This bill also includes important proposals to enhance data sharing. The bill, in section 403, directs the Attorney General and the FBI Director to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center (NCIC) database, as the Administration and I both proposed. The Attorney General is directed to report back to the Congress in two years on progress in implementing this requirement. We have also adopted the Administration's language, in section 413, to make it easier for the State Department to share information with foreign governments for aid in terrorist investigations.

The USA Act contains a number of provisions intended to improve and update the Federal criminal code to address better the nature of terrorist activity and assist the FBI in translating foreign language information collected. I will mention just a few of these provisions.

The truth certainly seems self-evident that all the best surveillance techniques in the world will not help this country defend itself from terrorist attack if the information cannot be understood in a timely fashion. Indeed, within days of September 11, the FBI Director issued an employment ad on national TV calling upon Arabic speakers to apply for a job as an FBI translator. This is a dire situation that needs attention. I am therefore gratified that the final bill contains my proposal, in section 205, to waive any Federal personnel requirements and limitations imposed by any other law in order to expedite the hiring of translators at the FBI.

This bill also directs the FBI Director to establish such security requirements as are necessary for the personnel employed as translators. We know the effort to recruit translators has a high priority, and the Congress should provide all possible support. Therefore, the bill calls on the Attorney General to report to the Judiciary Committees on the number of translators employed by the Justice Department; any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

The Administration's initial proposal assembled a laundry list of more than 40 Federal crimes ranging from computer hacking to malicious mischief to the use of weapons of mass destruction, and designated them as "Federal terrorism offenses," regardless of the circumstances under which they were committed. For example, a teenager who spammed the NASA website and, as a result, recklessly caused damage, would be deemed to have committed this new "terrorism" offense. Under the Administration's proposal, the consequences of this designation were severe. Crimes on the list would carry no statute of limitations. The maximum penalties would shoot up to life imprisonment, and those released earlier would be subject to a lifetime of supervised release. Moreover, anyone who harbored a person whom he had "reasonable grounds to suspect" had committed, or was about to commit, a "Federal terrorism offense"—whether it was the Taliban or the mother of my hypothetical teenage computer hacker—would be subject to stiff criminal penalties. I worked closely with the Administration to ensure that the definition of "terrorism" in the USA Act fit the crime.

First, we have trimmed the list of crimes that may be considered as terrorism predicates in section 808 of the bill. This shorter, more focused list, to be codified at 18 U.S.C. §2332(g)(5)(B), more closely reflects the sorts of offenses committed by terrorists.

Second, we have provided, in section 809, that the current 8-year limitations period for this new set of offenses will remain in place, except where the commission of the offense resulted in, or created a risk of, death or serious bodily injury.

Third, rather than make an across-the-board, one-size-fits-all increase of the penalties for every offense on the list, without regard to the severity of the offense, we have made, in section 810, more measured increases in maximum penalties where appropriate, including life imprisonment or lifetime supervised release in cases in which the offense resulted in death. We have also added, in section 811, conspiracy provisions to a few criminal statutes where appropriate, with penalties equal to the penalties for the object offense, up to life imprisonment.

Finally, we have more carefully defined the new crime of harboring terrorists in section 803, so that it applies only to those harboring people who have committed, or are about to commit, the most serious of Federal terrorism-related crimes, such as the use of weapons of mass destruction. Moreover, it is not enough that the defendant had "reasonable grounds to suspect" that the person he was harboring had committed, or was about to commit, such a crime; the government must prove that the defendant knew or had "reasonable grounds to believe" that this was so.

I am deeply disappointed that the amendments to the so-called McDade law, which were included in the original USA Act, S. 1510, which passed the Senate, are not included in the bill before the Senate today. Well before September 11, the Justice Department has said that the McDade law—which subjects Federal prosecutors to multiple and potentially conflicting State bar rules—has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate Federal prosecutions. Despite this record of opposition, and the increasing demands upon Federal prosecutors in the wake of the terrorist attacks, the Administration simply acceded to House demands to remove this provision of the USA Act. This abandonment has removed a critical law enforcement provision from the bill. No one in the Senate knows more about the importance of this provision than Senator WYDEN, who worked strenuously to include the McDade law in this bill. But his efforts and mine proved unavailing without Administration backing through the entire process.

The McDade law has a dubious history, to say the least. At the end of the 105th Congress, it was slipped into an omnibus appropriations bill over the objection of every member of the Senate Judiciary Committee. Since it was adopted, it has caused numerous problems for Federal prosecutors, and we must find a way to amend it before more cases are compromised. At a time when we need Federal law enforcement authorities to move quickly to catch those responsible for the September 11 attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on Federal investigations and prosecutions caused by this ill-considered legislation.

Another provision of the USA Act that was not included in the Administration's initial proposal is section 801, which targets acts of terrorism and other violence against mass transportation systems. Earlier this month, a Greyhound bus crashed in Tennessee after a deranged passenger slit the driver's throat and then grabbed the steering wheel, forcing the bus into oncoming traffic. Six people were killed in the crash. Because there are currently no Federal laws addressing terrorism of mass transportation systems, however, there may be no Federal jurisdiction over such a case, even if it were committed by suspected terrorists. Clearly, there is an urgent need for strong criminal legislation to deter attacks against mass transportation systems. Section 801 will fill this gap.

The Computer Fraud and Abuse Act, 18 U.S.C. § 1030, is the primary Federal criminal statute prohibiting computer frauds and hacking. I worked with Senator HATCH in the last Congress to make improvements to this law in the Internet Security Act, which passed the Senate as part of another bill. Our work is included in section 814 of the USA Act. This section would amend the statute to clarify the appropriate scope of Federal jurisdiction. (1) The bill adds a definition of "loss" to cover any reasonable cost to the victim in responding to a computer hacker. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

(2) The bill amends the definition of "protected computer," to include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases and finally, this section eliminates the current directive to the Sentencing Commission requiring that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months.

Borrowing from a bill introduced in the last Congress by Senator BIDEN, the USA Act contains a provision in section 817 to strengthen our Federal laws relating to the threat of biological weapons. At a time when the national headlines are filled with news about anthrax and other biological threats, it is fitting that the House added this provision back to the bill after dropping it from H.R. 2975. Unfortunately, the bill does not contain certain regulatory provisions that the Administration initially proposed and later withdrew, apparently due to its inability to resolve inter-agency conflicts. Given the grave importance of this issue, I urge the Administration to resolve these disputes and work with the Congress to provide these additional protections.

Current law prohibits the possession, development, or acquisition of biological agents or toxins "for use as a weapon." Section 817 amends the definition of "for use as a weapon" to include all situations in which it can be proven that the defendant had any purpose other than a peaceful purpose. This will enhance the government's ability to prosecute suspected terrorists in possession of biological agents or toxins, and conform the scope of the criminal offense in 18 U.S.C. § 175 more closely to the related forfeiture provision in 18 U.S.C. § 176. This section also contains a new statute, 18 U.S.C. § 175b, which generally makes it an offense for certain restricted persons, including non-resident aliens from countries that support international terrorism, to possess a listed biological agent or toxin.

Of greater consequence, section 817 defines another additional offense, punishable by up to 10 years in prison, of possessing a biological agent, toxin, or delivery system "of a type or in a quantity that, under the circumstances," is not reasonably justified by a peaceful purpose. As originally proposed by the Administration, this provision specifically stated that knowledge of whether the type or quantity of the agent or toxin was reasonably justified was not an element of the offense. Thus, although the burden of proof is always on the government, every person who possesses a biological agent, toxin, or delivery system was at some level of risk. At my urging, the Administration agreed to drop this portion of the provision.

Nevertheless, I remain troubled by the subjectivity of the substantive standard for violation of this new criminal prohibition, and question whether it provides sufficient notice under the Constitution. I also share the concerns of the American Society for Microbiology and the Association of American Universities that this provision will have a chilling effect upon legitimate scientific inquiry that offsets any benefit in protecting against terrorism. While we have tried to prevent against this by creating an explicit exclusion for "bona fide research," this provision may yet prove unworkable, unconstitutional, or both. I urge the Justice Department and the research community to work together on substitute language that would provide prosecutors with a more workable tool.

Two sections of the USA Act were added at the request of the United States Secret Service, with the support of the Administration. I was pleased to accommodate the Secret Service by including these provisions in the bill to expand Electronic Crimes Task Forces and to clarify the authority of the Secret Service to investigate computer crimes.

The Secret Service is committed to the development of new tools to combat the growing areas of financial crime, computer fraud, and cyberterrorism. Recognizing a need for law enforcement, private industry and academia to pool their resources, skills, and vision to combat criminal elements in cyberspace, the Secret Service created the New York Electronic Crimes Task Force (NYECTF). This highly successful model includes over 250 individual members, including 50 different Federal, State and local law enforcement agencies, 100 private companies, and 9 universities. Since its inception in 1995, the NYECTF has successfully investigated a range of financial and electronic crimes, including credit card fraud, identity theft, bank fraud, computer systems intrusions, and e-mail threats against protectees of the Secret Service. Section 105 of the USA Act authorizes the Secret Service to develop similar task forces in cities and regions across the country where critical infrastructure may be vulnerable to attacks from terrorists or other cyber-criminals.

Section 506 of the USA Act gives the Secret Service concurrent jurisdiction to investigate offenses under 18 U.S.C. § 1030 relating to fraud and related activity in connection with computers. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two. This will enable the Secret Service to investigate a wide range of potential White House network intrusions, as well as intrusions into remote sites (outside of the White House) that could impact the safety and security of its protectees, and to continue its missions to protect the nation's critical infrastructure and financial payment systems.

The USA Act also authorizes, for the first time, a counter-terrorism fund in the Treasury of the United States to reimburse Justice Department for any costs incurred in connection with the fight against terrorism. I first authored this counter-terrorism fund in S. 1319, the 21st Century Department of Justice Appropriations Authorization Act, which Senator **HATCH** and I introduced in August.

Specifically, this counter-terrorism fund may be used: (1) to reestablish an office or facility that has been damaged as the result of any domestic or international terrorism incident; (2) to provide support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities; (3) to conduct terrorism threat assessments of Federal agencies; and (4) for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

This bill provides enhanced surveillance procedures for the investigation of terrorism and other crimes. The challenge before us has been to strike a reasonable balance to protect both the security and the liberties of our people. In some respects, the changes made are appropriate and important ones to update surveillance and investigative procedures in light of new technology and experience with current law. Yet, as I noted at the beginning of my statement, in other respects, I have deep concerns that we may be increasing surveillance powers and the sharing of criminal justice information without adequate checks on how information may be handled and without adequate accountability in the form of judicial review.

The bill contains a number of sensible proposals that should not be controversial.

For example, sections 201 and 202 of the USA Act would add to the list of crimes that may be used as predicates for wiretaps certain offenses which are specifically tailored to the terrorist threat. In addition to crimes that relate directly to terrorism, the list would include crimes of computer fraud and abuse which are committed by terrorists to support and advance their illegal objectives.

The bill, in section 206, would authorize the use of roving wiretaps in the course of a foreign intelligence investigation and brings FISA into line with criminal procedures that allow surveillance to follow a person, rather than requiring a separate court order identifying each telephone company or other communication common carrier whose assistance is needed. This is a matter on which the Attorney General and I reached early agreement. This is the kind of change that has a compelling justification, because it recognizes the ease with which targets of investigations can evade surveillance by changing phones. In fact, the original roving wiretap authority for use in criminal investigations was enacted as part of the Electronic Communications Privacy Act, ECPA, in 1986. I was proud to be the primary Senate sponsor of that earlier law.

Paralleling the statutory rules applicable to criminal investigations, the formulation I originally proposed made clear that this roving wiretap authority must be requested in the application before the FISA court was authorized to order such roving surveillance authority. Indeed, the Administration agrees that the FISA court may not grant such authority sua sponte. Nevertheless, we have accepted the Administration's formulation of the new roving wiretap authority, which requires the FISA court to make a finding that the actions of the person whose communications are to be intercepted could have the effect of thwarting the identification of a specified facility or place. While no amendment is made to the statutory directions for what must be included in the application for a FISA electronic surveillance order, these applications should include the necessary information to support the FISA court's finding that roving wiretap authority is warranted.

Section 220 of this bill authorizes nationwide service of search warrants in terrorism investigations. This will allow the judge who is most familiar with the developments in a fast-breaking and complex terrorism investigation to make determinations of probable cause, no matter where the property to be searched is located. This will not only save time by avoiding having to bring up-to-speed another judge in another jurisdiction where the property is located, but also serves privacy and Fourth Amendment interests in ensuring that the most knowledgeable judge makes the determination of probable cause. The bill, in section 209, also authorizes voice mail messages to be seized on the authority of a probable cause search warrant rather than through the more burdensome and time-consuming process of a wiretap.

The bill updates the laws pertaining to electronic records in three primary ways. First, in section 210, the bill authorizes the nationwide service of subpoenas for subscriber information and expands the list of items subject to subpoena to include the means and source of payment for the service.

In section 211, the bill equalizes the standard for law enforcement access to cable subscriber records on the same basis as other electronic records. The Cable Communications Policy Act, passed in 1984 to regulate various aspects of the cable television industry, did not take into account the changes in technology that have occurred over the last fifteen years. Cable television companies now often provide Internet access and telephone service in addition to television programming. This amendment clarifies that a cable company must comply with the laws governing the interception and disclosure of wire and electronic communications just like any other telephone company or Internet service provider. The amendments would retain current standards that govern the release of customer records for television programming.

Finally, the bill, in section 212, permits, but does not require, an electronic communications service to disclose the contents of and subscriber information about communications in emergencies involving the immediate danger of death or serious physical injury. Under current law, if an ISP's customer receives an e-mail death threat from another customer of the same ISP, and the victim provides a copy of the communication to the ISP, the ISP is limited in what actions it may take. On one hand, the ISP may disclose the contents of the forwarded communication to law enforcement (or to any other third party as it sees fit). See 18 U.S.C. §2702(b)(3). On the other hand, current law does not expressly authorize the ISP to voluntarily provide law enforcement with the identity, home address, and other subscriber information of the user making the threat. See 18 U.S.C. §2703(c)(1)(B),(C) (permitting disclosure to government entities only in response to legal process). In those cases where the risk of death or injury is imminent, the law should not require providers to sit idly by. This voluntary disclosure, however, in no way creates an affirmative obligation to review customer communications in search of such imminent dangers.

Also, under existing law, a provider (even one providing services to the public) may disclose the contents of a customer's communications—to law enforcement or anyone else—in order to protect its rights or property. See 18 U.S.C. §2702(b)(5). However, the current statute does not expressly permit a provider voluntarily to disclose non-content records (such as a subscriber's login records) to law enforcement for purposes of self-protection. See 18 U.S.C. §2703(c)(1)(B). Yet the right to disclose the content of communications necessarily implies the less intrusive ability to disclose non-content records. Cf. *United States* v. *Auler*, 539 F.2d 642, 646 n.9 (7th Cir. 1976) (phone company's authority to monitor and disclose conversations to protect against fraud necessarily implies right to commit lesser invasion of using, and disclosing fruits of, pen register device) (citing *United States* v. *Freeman*, 524 F.2d 337, 341 (7th Cir. 1975)). Moreover, as a practical matter providers must have the right to disclose the facts surrounding attacks on their systems. When a telephone carrier is defrauded by a subscriber, or when an ISP's authorized user launches a network intrusion against his own ISP, the provider must have the legal ability to report the complete details of the crime to law enforcement. The bill clarifies that service providers have the statutory authority to make such disclosures.

There is consensus that the existing legal procedures for pen register and trap-and-trace authority are antiquated and need to be updated. I have been proposing ways to update the pen register and trap and trace statutes for several years, but not necessarily in the same ways as the Administration initially proposed. In fact, in 1998, I introduced with then-Senator Ashcroft, the E-PRIVACY Act, S. 2067, which proposed changes in the pen register laws. In 1999, I introduced the E-RIGHTS Act, S. 934, also with proposals to update the pen register laws.

Again, in the last Congress, I introduced the Internet Security Act, S. 2430, on April 13, 2000, that proposed: 1, changing the pen register and trap and trace device law to give nationwide effect to pen register and trap and trace orders obtained by Government attorneys and obviate the need to obtain identical orders in multiple Federal jurisdictions; 2, clarifying that such devices can be used for computer transmissions to obtain electronic addresses, not just on telephone lines; and 3, as a guard against abuse, providing for meaningful judicial review of government attorney applications for pen registers and trap and trace devices.

As the outline of my earlier legislation suggests, I have long supported modernizing the pen register and trap and trace device laws by modifying the statutory language to cover the use of these orders on computer transmissions; to remove the jurisdictional limits on service of these orders; and to update the judicial review procedure, which, unlike any other area in criminal procedure, bars the exercise of judicial discretion in reviewing the justification for the order. The USA Act, in section 216, updates the pen register and trap and trace laws only in two out of three respects I believe are important, and without allowing meaningful judicial review. Yet, we were able to improve the Administration's initial proposal, which suffered from the same problems as the provision that was hastily taken up and passed by the Senate, by voice vote, on September, 13, 2001, as an amendment to the Commerce Justice State Appropriations Act.

The existing legal procedures for pen register and trap-and-trace authority require service of individual orders for installation of pen register or trap and trace device on the service providers that carried the targeted communications. Deregulation of the telecommunications industry has had the consequence that one communication may be carried by multiple providers. For example, a telephone call may be carried by a competitive local exchange carrier, which passes it at a switch to a local Bell Operating Company, which passes it to a long distance carrier, which hands it to an incumbent local exchange carrier elsewhere in the U.S., which in turn may finally hand it to a cellular carrier. If these carriers do not pass source information with each call, identifying that source may require compelling information from a host of providers located throughout the country.

Under present law, a court may only authorize the installation of a pen register or trap device "within the jurisdiction of the court." As a result, when one provider indicates that the source of a communication is a carrier in another district, a second order may be necessary. The Department of Justice has advised, for example, that in 1996, a hacker (who later turned out to be launching his attacks from a foreign country) extensively penetrated computers belonging to the Department of Defense. This hacker was dialing into a computer at Harvard University and used this computer as an intermediate staging point in an effort to conceal his location and identity. Investigators obtained a trap and trace order instructing the phone company, Nynex, to trace these calls, but Nynex could only report that the communications were coming to it from a long-distance carrier, MCI. Investigators then applied for a court order to obtain the connection information from MCI, but since the hacker was no longer actually using the connection, MCI could not identify its source. Only if the investigators could have served MCI with a trap and trace order while the hacker was actively on-line could they have successfully traced back and located him.

In another example provided by the Department of Justice, investigators encountered similar difficulties in attempting to track Kevin Mitnick, a criminal who continued to hack into computers attached to the Internet despite the fact that he was on supervised release for a prior computer crime conviction. The FBI attempted to trace these electronic communications while they were in progress. In order to evade arrest, however, Mitnick moved around the country and used cloned cellular phones and other evasive techniques. His hacking attacks would often pass through one of two cellular carriers, a local phone company, and then two Internet service providers. In this situation, where investigators and service providers had to act quickly to trace Mitnick in the act of hacking, only many repeated attempts—accompanied by an order to each service provider—finally produced success. Fortunately, Mitnick was such a persistent hacker that he gave law enforcement many chances to complete the trace.

This duplicative process of obtaining a separate order for each link in the communications chain can be quite time-consuming, and it serves no useful purpose since the original court has already authorized the trace. Moreover, a second or third order addressed to a particular carrier that carried part of a prior communication may prove useless during the next attack: in computer intrusion cases, for example, the target may use an entirely different path (i.e., utilize a different set of intermediate providers) for his or her subsequent activity.

The bill would modify the pen register and trap and trace statutes to allow for nationwide service of a single order for installation of these devices, without the necessity of returning to court for each new carrier. I support this change.

The language of the existing statute is hopelessly out of date and speaks of a pen register or trap and trace "device" being "attached" to a telephone "line." However, the rapid computerization of the telephone system has changed the tracing process. No longer are such functions normally accomplished by physical hardware components attached to telephone lines. Instead, these functions are typically performed by computerized collection and retention of call routing information passing through a communications system.

The statute's definition of a "pen register" as a "device" that is "attached" to a particular "telephone line" is particularly obsolete when applied to the wireless portion of a cellular phone call, which has no line to which anything can be attached. While courts have authorized pen register orders for wireless phones based on the notion of obtaining access to a "virtual line," updating the law to keep pace with current technology is a better course.

Moreover, the statute is ill-equipped to facilitate the tracing of communications that take place over the Internet. For example, the pen register definition refers to telephone "numbers" rather than the broader concept of a user's communications account. Although pen register and trap orders have been obtained for activity on computer networks, Internet service providers have challenged the application of the statute to electronic communications, frustrating legitimate investigations. I have long supported updating the statute by removing words such as "numbers . . . dialed" that do not apply to the way that pen/trap devices are used and to clarify the statute's proper application to tracing communications in an electronic environment, but in a manner that is technology neutral and does not capture the content of communications. That being said, I have been concerned about the FBI and Justice Department's insistence over the past few years that the pen/trap devices statutes be updated with broad, undefined terms that continue to flame concerns that these laws will be used to intercept private communications content.

The Administration's initial pen/trap device proposal added the terms "routing" and "addressing" to the definitions describing the information that was authorized for interception on the low relevance standard under these laws. The Administration and the Department of Justice flatly rejected my suggestion that these terms be defined to respond to concerns that the new terms might encompass matter considered content, which may be captured only upon a showing of probable cause, not the mere relevancy of the pen/trap statute. Instead, the Administration agreed that the definition should expressly exclude the use of pen/trap devices to intercept "content," which is broadly defined in 18 U.S.C. 2510(8).

While this is an improvement, the FBI and Justice Department are short-sighted in their refusal to define these terms. We should be clear about the consequence of not providing definitions for these new terms in the pen/trap device statutes. These terms will be defined, if not by the Congress, then by the courts in the context of criminal cases where pen/trap devices have been used and challenged by defendants. If a court determines that a pen register has captured "content," which the FBI admits such devices do, in violation of the Fourth Amendment, suppression may be ordered, not only of the pen register evidence by any other evidence derived from it. We are leaving the courts with little or no guidance of what is covered by "addressing" or "routing."

The USA Act also requires the government to use reasonably available technology that limits the interceptions under the pen/trap device laws "so as not to include the contents of any wire or electronic communications." This limitation on the technology used by the government to execute pen/trap orders is important since, as the FBI advised me in June 2000, pen register devices "do capture all electronic impulses transmitted by the facility on which they are attached, including such impulses transmitted after a phone call is connected to the called party." The impulses made after the call is connected could reflect the electronic banking transactions a caller makes, or the electronic ordering from a catalogue that a customer makes over the telephone, or the electronic ordering of a prescription drug.

This transactional data intercepted after the call is connected is "content." As the Justice Department explained in a May 1998 letter to then-House Judiciary Committee Chairman HENRY HYDE, "the retrieval of the electronic impulses that a caller necessarily generated in attempting to direct the phone call" does not constitute a "search" requiring probable cause since "no part of the substantive information transmitted after the caller had reached the called party" is obtained. But the Justice Department made clear that "all of the information transmitted after a phone call is connected to the called party . . . is substantive in nature. These electronic impulses are the 'contents' of the call: They are not used to direct or process the call, but instead convey certain messages to the recipient."

When I added the direction on use of reasonably available technology (codified as 18 U.S.C. 3121(c)) to the pen register statute as part of the Communications Assistance for Law Enforcement Act (CALEA) in 1994, I recognized that these devices collected content and that such collection was unconstitutional on the mere relevance standard. Nevertheless, the FBI advised me in June 2000, that pen register devices for telephone services "continue to operate as they have for decades" and that "there has been no change . . . that would better restrict the recording or decoding of electronic or other impulses to the dialing and signaling information utilized in call processing." Perhaps, if there were meaningful judicial review and accountability, the FBI would take the statutory direction more seriously and actually implement it.

Due in significant part to the fact that pen/trap devices in use today collect "content," I have sought in legislation introduced over the past few years to update and modify the judicial review procedure for pen register and trap and trace devices. Existing law requires an attorney for the government to certify that the information likely to be obtained by the installation of a pen register or trap and trace device will be relevant to an ongoing criminal investigation. The court is required to issue an order upon seeing the prosecutor's certification. The court is not authorized to look behind the certification to evaluate the judgement of the prosecutor.

I have urged that government attorneys be required to include facts about their investigations in their applications for pen/trap orders and allow courts to grant such orders only where the facts support the relevancy of the information likely to be obtained by the orders. This is not a change in the applicable standard, which would remain the very low relevancy standard. Instead, this change would simply allow the court to evaluate the facts presented by a prosecutor, and, if it finds that the facts support the government's assertion that the information to be collected will be relevant, issue the order. Although this change will place an additional burden on law enforcement, it will allow the courts a greater ability to assure that government attorneys are using such orders properly.

Some have called this change a "rollback" in the statute, as if the concept of allowing meaningful judicial review was an extreme position. To the contrary, this is a change that the Clinton Administration supported in legislation transmitted to the Congress last year. This is a change that the House Judiciary Committee also supported last year. In the Electronic Communications Privacy Act, H.R. 5018, that Committee proposed that before a pen/trap device "could be ordered installed, the government must first demonstrate to an independent judge that 'specific and articulable facts reasonably indicate that a crime has been, is being, or will be committed, and information likely to be obtained by such installation and use . . . is relevant to an investigation of that crime." (Report 106–932, 106th Cong. 2d Sess., Oct. 4, 2000, p. 13). Unfortunately, the Bush Administration has taken a contrary position and has rejected this change in the judicial review process.

Currently, an owner or operator of a computer that is accessed by a hacker as a means for the hacker to reach a third computer, cannot simply consent to law enforcement monitoring of the computer. Instead, because the owner or operator is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. I have long been interested in closing this loophole. Indeed, when I asked about this problem, the FBI explained to me in June 2000 that:

> This anomaly in the law creates an untenable situation whereby providers are sometimes forced to sit idly by as they witness hackers enter and, in some situations, destroy or damage their systems and networks while law enforcement begins the detailed process of seeking court authorization to assist them. In the real world, the situation is akin to a homeowner being forced to helplessly watch a burglar or vandal while police seek a search warrant to enter the dwelling.

I therefore introduced as part of the Internet Security Act, S. 2430, in 2000, an exception to the wiretap statute that would explicitly permit such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send "harmful interference to a lawfully operating computer system."

The Administration initially proposed a different formulation of the exception that would have allowed an owner/operator of any computer connected to the Internet to consent to FBI wiretapping of any user who violated a workplace computer use policy or online service term of service and was thereby an "unauthorized" user. The Administration's proposal was not limited to computer hacking offenses under 18 U.S.C. 1030 or to conduct that caused harm to a computer or computer system. The Administration rejected these refinements to their proposed wiretap exception, but did agree, in section 217 of the USA Act, to limit the authority for wiretapping with the consent of the owner/operator to communications of unauthorized users without an existing subscriber or other contractual relationship with the owner/operator.

This bill will make significant changes in the sharing of confidential criminal justice information with various Federal agencies. For those of us who have been concerned about the leaks from the FBI that can irreparably damage reputations of innocent people and frustrate investigations by alerting suspects to flee or destroy material evidence, the Administration's insistence on the broadest authority to disseminate such information, without any judicial check, is disturbing. Nonetheless, I believe we have improved the Administration's initial proposal in responsible ways. Only time will tell whether the improvements we were able to reach agreement on are sufficient.

At the outset, we should be clear that current law allows the sharing of confidential criminal justice information, but with close court supervision. Federal Rule of Criminal Procedure 6(e) provides that matters occurring before a grand jury may be disclosed only to an attorney for the government, such other government personnel as are necessary to assist the attorney and another grand jury. Further disclosure is also allowed as specifically authorized by a court.

Similarly, section 2517 of title 18, United States Code provides that wiretap evidence may be disclosed in testimony during official proceedings and to investigative or law enforcement officers to the extent appropriate to the proper performance of their official duties. In addition, the wiretap law allows disclosure of wiretap evidence "relating to offenses other than specified in the order" when authorized or approved by a judge. Indeed, just last year, the Justice Department assured us that "law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security." (Letter from Robert Raben, Assistant Attorney General, September 28, 2000).

For this reason, and others, the Justice Department at the time opposed an amendment proposed by Senators KYL and FEINSTEIN to S. 2507, the Intelligence Authorization Act for FY 2001, that would have allowed the sharing of foreign intelligence and counterintelligence information collected from wiretaps with the intelligence community. I deferred to the Justice Department on this issue and sought changes in the proposed amendment to address the Department's concern that this provision was not only unnecessary but also "could have significant implications for prosecutions and the discovery process in litigation," "raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons," and jeopardized "the need to protect equities relating to ongoing criminal investigations." In the end, the amendment was revised to address the Justice Department's concerns and passed the Senate as a free-standing bill, S. 3205, the Counterterrorism Act of 2000. The House took no action on this legislation.

The Administration initially proposed adding a sweeping provision to the wiretap statute that broadened the definition of an "investigative or law enforcement officer" who may receive disclosures of information obtained through wiretaps to include Federal law enforcement, intelligence, national security, national defense, protective and immigration personnel and the President and Vice President. This proposal troubled me because information intercepted by a wiretap has enormous potential to infringe upon the privacy rights of innocent people, including people who are not even suspected of a crime and merely happen to speak on the telephone with the targets of an investigation. For this reason, the authority to disclose information obtained through a wiretap has always been carefully circumscribed in law.

While I recognize that appropriate officials in the executive branch of government should have access to wiretap information that is important to combating terrorism or protecting the national security, I proposed allowing such disclosures where specifically authorized by a court order. Further, with respect to information relating to terrorism, I proposed allowing the disclosure without a court order as long as the judge who authorized the wiretap was notified as soon as practicable after the fact. This would have provided a check against abuses of the disclosure authority by providing for review by a neutral judicial official. At the same time, there was a little likelihood that a judge would deny any requests for disclosure in cases where it was warranted.

On Sunday, September 30, the Administration agreed to my proposal, but within two days, it backed away from its agreement. I remain concerned that the resulting provision will allow the unprecedented, widespread disclosure of this highly sensitive information without any notification to or review by the court that authorizes and supervises the wiretap. This is clearly an area where our Committee will have to exercise close oversight to make sure that the newly-minted disclosure authority is not being abused.

The Administration offered three reasons for reneging on the original deal. First, they claimed that the involvement of the court would inhibit Federal investigators and attorneys from disclosing information needed by intelligence and national security officials. Second, they said the courts might not have adequate security and therefore should not be told that information was disclosed for intelligence or national security purposes. And third, they said the President's constitutional powers under Article II give him authority to get whatever foreign intelligence he needs to exercise his national security responsibilities.

I believe these concerns are unfounded. Federal investigators and attorneys will recognize the need to disclose information relevant to terrorism investigations. Courts can be trusted to keep secrets and recognize the needs of the President.

Current law requires that such information be used only for law enforcement purposes. This provides an assurance that highly intrusive invasions of privacy are confined to the purpose for which they have been approved by a court, based on probable cause, as required by the Fourth Amendment. Current law calls for minimization procedures to ensure that the surveillance does not gather information about private and personal conduct and conversations that are not relevant to the criminal investigation.

When the Administration reneged on the agreement regarding court supervision, we turned to other safeguards and were more successful in changing other questionable features of the Administration's bill. The Administration accepted my proposal to strike the term "national security" from the description of wiretap information that may be shared throughout the executive branch and replace it with "foreign intelligence" information. This change is important in clarifying what information may be disclosed because the term "foreign intelligence" is specifically defined by statute whereas "national security" is not.

Moreover, the rubric of "national security" has been used to justify some particularly unsavory activities by the government in the past. We must have at least some assurance that we are not embarked on a course that will lead to a repetition of these abuses because the statute will now more clearly define what type of information is subject to disclosure. In addition, Federal officials who receive the information may use it only as necessary to the conduct of their official duties. Therefore, any disclosure or use outside the conduct of their official duties remains subject to all limitations applicable to their retention and dissemination of information of the type of information received. This includes the Privacy Act, the criminal penalties for unauthorized disclosure of electronic surveillance information under chapter 119 of title 18, and the contempt penalties for unauthorized disclosure of grand jury information. In addition, the Attorney General must establish procedures for the handling of information that identifies a United States person, such as the restrictions on retention and dissemination of foreign intelligence and counterintelligence information pertaining to United States persons currently in effect under Executive Order 12333.

While these safeguards do not fully substitute for court supervision, they can provide some assurance against misuse of the private, personal, and business information about Americans that is acquired in the course of criminal investigations and that may flow more widely in the intelligence, defense, and national security worlds.

The wiretap statute was not the only provision in which the Administration sought broader authority to disclose highly sensitive investigative information. It also proposed broadening Rule 6(e) of the Federal Rules of Criminal Procedure to allow the disclosure of information relating to terrorism and national security obtained from grand jury proceedings to a broad range of officials in the executive branch of government. As with wiretaps, few would disagree that information learned in a criminal investigation that is necessary to combating terrorism or protecting the national security ought to be shared with the appropriate intelligence and national security officials. The question is how best to regulate and limit such disclosures so as not to compromise the important policies of secrecy and confidentiality that have long applied to grand jury proceedings.

I proposed that we require judicial review of requests to disclose terrorism and foreign intelligence information to officials in the executive branch beyond those already authorized to receive such disclosures. Once again, the Administration agreed to my proposal on Sunday, September 30, but reneged within two days. As a result, the bill does not provide for any judicial supervision of the new authorization for dissemination of grand jury information throughout the executive branch. The bill does contain the safeguards that I have discussed with respect to law enforcement wiretap information. However, as with the new wiretap disclosure authority, I am troubled by this issue and plan to exercise the close oversight of the Judiciary Committee to make sure it is not being abused.

The Administration also sought a provision that would allow the sharing of foreign intelligence information throughout the executive branch of the government notwithstanding any current legal prohibition that may prevent or limit its disclosure. I have resisted this proposal more strongly than anything else that still remains in the bill. What concerns me is that it is not clear what existing prohibitions this provision would affect beyond the grand jury secrecy rule and the wiretap statute, which are already covered by other provisions in the bill. Even the Administration, which wrote this provision, has not been able to provide a fully satisfactory explanation of its scope.

If there are specific laws that the Administration believes impede the necessary sharing of information on terrorism and foreign intelligence within the executive branch, we should address those problems through legislation that is narrowly targeted to those statutes. Tacking on a blunderbuss provision whose scope we do not fully understand can only lead to consequences that we cannot foresee. Further, I am concerned that such legislation, broadly authorizing the secret sharing of intelligence information throughout the executive branch, will fuel the unwarranted fears and dark conspiracy theories of Americans who do not trust their government. This was another provision on which the Administration reneged on its agreement with me; it agreed to drop it on September 30, but resurrected it within two days, insisting that it remain in the bill. I have made efforts to mitigate its potential for abuse somewhat by adding the same safeguards that apply to disclosure of law enforcement wiretap and grand jury information.

Another issue that has caused serious concern relates to the Administration's proposal for so-called "sneak and peek" search warrants. The House Judiciary Committee dropped this proposal entirely from its version of the legislation. Normally, when law enforcement officers execute a search warrant, they must leave a copy of the warrant and a receipt for all property seized at the premises searched. Thus, even if the search occurs when the owner of the premises is not present, the owner will receive notice that the premises have been lawfully searched pursuant to a warrant rather than, for example, burglarized.

Two circuit courts of appeal, the Second and the Ninth Circuits, have recognized a limited exception to this requirement. When specifically authorized by the issuing judge or magistrate, the officers may delay providing notice of the search to avoid compromising an ongoing investigation or for some other good reason. However, this authority has been carefully circumscribed.

First, the Second and Ninth Circuit cases have dealt only with situations where the officers search a premises without seizing any tangible property. As the Second Circuit explained, such searches are "less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property." *United States* v. *Villegas*, 899 F.2d 1324, 1337 (2d Cir. 1990).

Second, the cases have required that the officers seeking the warrant must show good reason for the delay. Finally, while the courts have allowed notice of the search may be delayed, it must be provided within a reasonable period thereafter, which should generally be no more than seven days. The reasons for these careful limitations were spelled out succinctly by Judge Sneed of the Ninth Circuit: "The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed." *United States* v. *Freitas*, 800 F.2d 1451, 1456 (9th Cir. 1986).

The Administration's original proposal would have ignored some of the key limitations created by the case law for sneak and peek search warrants. First, it would have broadly authorized officers not only to conduct surreptitious searches, but also to secretly seize any type of property without any additional showing of necessity. This type of warrant, which has never been addressed by a published decision of a Federal appellate court, has been referred to in a law review article written by an FBI agent as a "sneak and steal" warrant. See K. Corr, "Sneaky But Lawful: The Use of Sneak and Peek Search Warrants," 43 U. Kan. L. Rev. 1103, 1113 (1995). Second, the proposal would simply have adopted the procedural requirements of 18 U.S.C. § 2705 for providing delayed notice of a wiretap. Among other things, this would have extended the permissible period of delay to a maximum of 90 days, instead of the presumptive seven-day period provided by the caselaw on sneak and peek warrants.

I was able to make significant improvements in the Administration's original proposal that will help to ensure that the government's authority to obtain sneak and peek warrants is not abused. First, the provision that is now in section 213 of the bill prohibits the government from seizing any tangible property or any wire or electronic communication or stored electronic information unless it makes a showing of reasonable necessity for the seizure. Thus, in contrast to the Administration's original proposal, the presumption is that the warrant will authorize only a search unless the government can make a specific showing of additional need for a seizure. Second, the provision now requires that notice be given within a reasonable time of the execution of the warrant rather than giving a blanket authorization for up to a 90-day delay. What constitutes a reasonable time, of course, will depend upon the circumstances of the particular case. But I would expect courts to be guided by the teachings of the Second and the Ninth Circuits that, in the ordinary case, a reasonable time is no more than seven days.

Several changes in the Foreign Intelligence Surveillance Act, FISA, are designed to clarify technical aspects of the statutory framework and take account of experience in practical implementation. These changes are subject to the four-year sunset.

The USA Act, in section 207, changes the duration of electronic surveillance under FISA in cases of an agent of a foreign power, other than a United States persons, who acts in the United States as an officer or employee of a foreign power or as a member of an international terrorist group. Current law limits court orders in these cases to 90 days, the same duration as for United States persons. Experience indicates, however, that after the initial period has confirmed probable cause that the foreign national meets the statutory standard, court orders are renewed repeatedly and the 90-day renewal becomes an unnecessary procedural for investigators taxed with far more pressing duties.

The Administration proposed that the period of electronic surveillance be changed from 90 days to one year in these cases. This proposal did not ensure adequate review after the initial stage to ensure that the probable cause determination remained justified over time. Therefore, the bill changes the initial period of the surveillance from 90 to 120 days and changes the period for extensions from 90 days to one year. The initial 120-day period provides for a review of the results of the surveillance or search directed at an individual before one-year extensions are requested. These changes do not affect surveillance of a United States person.

The bill also changes the period for execution of an order for physical search under FISA from 45 to 90 days. This change applies to United States persons as well as foreign nationals. Experience since physical search authority was added to FISA in 1994 indicates that 45 days is frequently not long enough to plan and carry out a covert physical search. There is no change in the restrictions which provide that United States persons may not be the targets of search or surveillance under FISA unless a judge finds probable cause to believe that they are agents of foreign powers who engage in specified international terrorist, sabotage, or clandestine intelligence activities that may involve a violation of the criminal statutes of the United States.

The bill, in section 208, seeks to ensure that the special court established under FISA has sufficient judges to handle the workload. While changing the duration of orders and extensions will reduce the number of cases in some categories, the bill retains the court's role in pen register and trap and trace cases and expands the court's responsibility for issuing orders for records and other tangible items needed for counterintelligence and counter terrorism investigations. Upon reviewing the court's requirements, the Administration requested an increase in the number of Federal district judges designated for the court from seven to 11 of whom no less than three shall reside within 20 miles of the District of Columbia. The latter provision ensures that more than one judge is available to handle cases on short notice and reduces the need to invoke the alternative of Attorney General approval under the emergency authorities in FISA.

Other changes in FISA and related national security laws are more controversial. In several areas, the bill reflects a serious effort to accommodate the requests for expanded surveillance authority with the need for safeguards against misuse, especially the gathering of intelligence about the lawful political or commercial activities of Americans. One of the most difficult issues was whether to eliminate the existing statutory "agent of a foreign power" standards for surveillance and investigative techniques that raise important privacy concerns, but not at the level that the Supreme Court has held to require a court order and a probable cause finding under the Fourth Amendment. These include pen register and trap and trace devices, access to business records and other tangible items held by third parties, and access to records that have statutory privacy protection. The latter include telephone, bank, and credit records.

The "agent of a foreign power" standard in existing law was designed to ensure that the FBI and other intelligence agencies do not use these surveillance and investigative methods to investigate the lawful activities of Americans in the name of an undefined authority to collect foreign intelligence or counterintelligence information. The law has required a showing of reasonable suspicion, less than probable cause, to believe that a United States person is an "agent of a foreign power" engaged in international terrorism or clandestine intelligence activities.

However, the "agent of a foreign power" standard is more stringent than the standard under comparable criminal law enforcement procedures which require only a showing of relevance to a criminal investigation. The FBI's experience under existing laws since they were enacted at various time over the past 15 years has been that, in practice, the requirement to show reasonable suspicion that a person is an "agent of a foreign power" has been almost as burdensome as the requirement to show probable cause required by the Fourth Amendment for more intrusive techniques. The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations, as well as for criminal investigations.

The challenge, then, was to define those investigations. The alternative proposed by the Administration was to cover any investigation to obtain foreign intelligence information. This was extremely broad, because the definition includes any information with respect to a foreign power that relates to, and if concerning a United States person is necessary to, the national defense or the security of the United States or the conduct of the foreign affairs of the United States. This goes far beyond FBI counterintelligence and counterterrorism requirements. Instead, the bill requires that use of the surveillance technique or access to the records concerning a United States person be relevant to an investigation to protect against international terrorism or clandestine intelligence activities.

In addition, an investigation of a United States person may not be based solely on activities protected by the First Amendment. This framework applies to pen registers and trap and trace under section 215, access to records and other items under section 215, and the national security authorities for access to telephone, bank, and credit records. Lawful political dissent and protest by American citizens against the government may not be the basis for FBI counterintelligence and counterterrorism investigations under these provisions.

A separate issue for pen registers and trap and trace under FISA is whether the court should have the discretion to make the decision on relevance. The Administration has insisted on a certification process. I discussed this issue as it comes up in the criminal procedures for pen registers and trap and trace under title 18, and my concerns apply to the FISA procedures as well.

Among the more controversial changes in FISA requested by the Administration was the proposal to allow surveillance and search when "a purpose" is to obtain foreign intelligence information. Current law requires that the secret procedures and different probable cause standards under FISA be used only if a high-level executive official certifies that "the purpose" is to obtain foreign intelligence formation. The Administration's aim was to allow FISA surveillance and search for law enforcement purposes, so long as there was at least some element of a foreign intelligence purpose. This proposal raised constitutional concerns, which were addressed in a legal opinion provided by the Justice Department.

The Justice Department opinion did not defend the constitutionality of the original proposal. Instead, it addressed a suggestion made by Senator FEINSTEIN to the Attorney General at the Judiciary Committee hearing to change "the purpose" to "a significant purpose." No matter what statutory change is made even the Department concedes that the court may impose a constitutional requirement of "primary purpose" based on the appellate court decisions upholding FISA against constitutional challenges over the past 20 years.

Section 218 of the bill adopts "significant purpose," and it will be up to the courts to determine how far law enforcement agencies may use FISA for criminal investigation and prosecution beyond the scope of the statutory definition of "foreign intelligence information."

In addition, I proposed and the Administration agreed to an additional provision in Section 505 that clarifies the boundaries for consultation and coordination between officials who conduct FISA search and surveillance and Federal law enforcement officials including prosecutors. Such consultation and coordination is authorized for the enforcement of laws that protect against international terrorism, clandestine intelligence activities of foreign agents, and other grave foreign threats to the nation. Protection against these foreign-based threats by any lawful means is within the scope of the definition of "foreign intelligence information," and the use of FISA to gather evidence for the enforcement of these laws was contemplated in the enactment of FISA. The Justice Department's opinion cites relevant legislative history from the Senate Intelligence Committee's report in 1978, and there is comparable language in the House report.

The Administration initially proposed that the Attorney General be authorized to detain any alien indefinitely upon his certification that the alien met the criteria of the terrorism grounds of the Immigration and Nationality Act, or was engaged in any other activity endangering the national security of the United States. Under close questioning by both Senator KENNEDY and Senator SPECTER at the Committee hearing on September 25, the Attorney General said that his proposal was intended only to allow the government to hold an alien suspected of terrorist activity while deportation proceedings were ongoing. In response to a question by Senator SPECTER, the Attorney General said: "Our intention is to be able to detain individuals who are the subject of deportation proceedings on other grounds, to detain them as if they were the subject of deportation proceedings on terrorism." The Justice Department, however, continued to insist on broader authority, including the power to detain even if the alien was found not to be deportable.

I remain concerned about the provision, in section 412, but I believe that we have twice improved it from the original proposal offered by the Administration, first in S. 1510 and second in the bill we pass today. S. 1510 provided that the Justice Department had to charge an alien with an immigration or criminal violation within seven days of taking custody, and that the merits of the Attorney General's certification were subject to judicial review. The bill we vote on today is further improved. First, if an alien is found not to be removable, he must be released from custody. Second, the Attorney General can only delegate the power to certify an alien to the Deputy Attorney General, ensuring greater accountability and preventing the certification decision from being made by low-level officials. Third, the Attorney General must review his certification of an alien every six months. Fourth, an alien who is found to be removable but has not been removed, and whose removal is unlikely in the reasonably foreseeable future, may be detained only if the Attorney General demonstrates that release of the alien will adversely affect national security or the safety of the community or any person. This improvement is essential to preserve the constitutionality of the bill. Fifth, habeas corpus review of detention is made available in the District where the detention is occurring, instead of only in the District Court in the District of Columbia. Despite these improvements, this remains a major and controversial new power for the Attorney General, and I would urge him and his successors to employ great discretion in using it.

In addition, the Administration initially proposed a sweeping definition of terrorist activity and new powers for the Secretary of State to designate an organization as a terrorist organization for purposes of immigration law. We were able to work with the Administration to refine this definition to limit its application to individuals who had innocent contacts with non-designated organizations. We also limited the retroactive effect of these new definitions. If an alien solicited funds or membership, or provided material support for an organization that was not designated at that time by the Secretary of State, the alien will have the opportunity to show that he did not know and should have known that his acts would further the organization's terrorist activity. This is substantially better than the administration's proposal, which by its terms, would have empowered the INS to deport someone who raised money for the African National Congress in the 1980s.

Throughout our negotiations on these issues, Senator KENNEDY provided steadfast leadership. Although neither of us are entirely pleased with the final product, it is far better than it would have been without his active involvement.

I was disappointed that the Administration's initial proposal authorizing the President to impose unilateral food and medical sanctions would have undermined a law we passed last year with overwhelming bipartisan support.

Under that law, the President already has full authority to impose unilateral food and medicine sanctions during this crisis because of two exceptions built into the law that apply to our current situation. Nevertheless, the Administration sought to undo this law and obtain virtually unlimited authority in the future to impose food and medicine embargoes, without making any effort for a multi-lateral approach in cooperation with other nations. Absent such a multi-lateral approach, other nations would be free to step in immediately and take over business from American firms and farmers that they are unilaterally barred from pursuing.

Over 30 farm and export groups, including the American Farm Bureau Federation, the Grocery Manufacturers of America, the National Farmers Union, and the U.S. Dairy Export Council, wrote to me and explained that the Administration proposal would "not achieve its intended policy goal."

I worked with Senator ENZI, and other Senators, on substitute language to give the Administration the tools it needs in this crisis. This substitute has been carefully crafted to avoid needlessly hurting American farmers in the future, yet it will assure that the U.S. can engage in effective multilateral sanctions.

This bipartisan agreement limits the authority in the bill to existing laws and executive orders, which give the President full authority regarding this conflict, and grants authority for the President to restrict exports of agricultural products, medicine or medical devices. I continue to agree with then-Senator Ashcroft, who argued in 1999 that unilateral U.S. food and medicine sanctions simply do not work when he introduced the "Food and Medicine for the World Act." As recently as October 2000, then-Senator Ashcroft pointed out how broad, unilateral embargoes of food or medicine are often counter-productive. Many Republican and Democratic Senators made it clear just last year that the U.S. should work with other countries on food and medical sanctions so that the sanctions will be effective in hurting our enemies, instead of just hurting the U.S. I am glad that with Senator ENZI's help, we were able to make changes in the trade sanctions provision to both protect our farmers and help the President during this crisis.

Title III of this bill contains money laundering provisions agreed upon by the relevant House and Senate committees. I commend the Chairman of the Senate Banking Committee, Senator SARBANES, for working with the House to produce a balanced and effective package of measures to combat international money laundering and the financing of terrorism.

The Senate included money laundering provisions in the original USA Act, but those provisions were removed from the bill the House passed the following day. Instead, the House passed a separate money laundering bill, H.R. 3004, on October 17. House and Senate negotiators then met to resolve the differences between the bills and produce the language contained in the bill the Senate considers today.

I am very pleased that the House has agreed to include money laundering provisions in anti-terrorism legislation. Preventing money laundering is a crucial part of our efforts to defeat terrorism, and it was important for Congress to develop a bipartisan approach to strengthening our laws. This bill contains such an approach.

I am also pleased that a number of provisions that would have undermined the Civil Asset Forfeiture Act of 2000, which I sponsored in the Senate, have been removed. In addition, this bill does not include language that would have unduly expanded administrative subpoena powers in all money laundering cases. A more targeted approach was necessary, and has been produced.

This measure could not be considered today and would not be in the improved condition it is without the steadfast commitment of our Majority Leader. Senator DASCHLE deserves all the credit for all that is good in this bill. Without his commitment and focus, we simply would not be in the position to pass this bill today.

On my behalf and more importantly on behalf of the American people, I want to publicly acknowledge his vital role in this legislation.

I have done my best under the circumstances and want to thank especially Senator KENNEDY for his leadership on the Immigration parts of the bill. My efforts have not been completely successful and there are a number of provisions on which the Administration has insisted with which I disagree. Frankly, the agreement of September 30, 2001 on the sharing of criminal justice information would have led to a better balanced bill. I could not stop the Administration from reneging on the agreement any more than I could have sped the process to reconstitute this bill in the aftermath of those breaches. In these times we need to work together to face the challenges of international terrorism. I have sought to do so in good faith.

We have worked around the clock for the past month to put forward the best legislative package we could. While I share the administration's goal of promptly providing the tools necessary to deal with the current terrorist threat, I feel strongly that our responsibilities include equipping such tools with safety features to ensure that these tools do not cause harm and are not misused.

I want to conclude my remarks with thanks for the efforts of many staff members who have worked tirelessly under unusual and enormously inconvenient circumstances to help us craft the legislation before us today. In particular, I want to thank Mark Childress and Andrea LaRue on the staff of Majority Leader DASCHLE, and David Hoppe on the staff of Republican Leader LOTT. I would also like to thank Makan Delrahim, Jeff Taylor, Stuart Nash, and Leah Belaire with Senator HATCH, the Ranking Member of the Judiciary Committee, Melody Barnes and Esther Olavarria with Senator KENNEDY, Neil McBride and Eric Rosen with Senator BIDEN, Bob Schiff with Senator FEINGOLD, and Stacy Baird and Beth Stein with Senator CANTWELL. Finally, I would like to thank my own Judiciary Committee staff, especially Bruce Cohen, Beryl Howell, Julie Katzman, Ed Pagano, John Elliff, David James, Ed Barron, Tim Lynch, Susan Davies, Manu Bhardwaj, Liz McMahon, and Tara Magner.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Uniting and Strengthening America by Providing Appropriate Tools Required To Intercept and Obstruct Terrorism (USA Patriot) Act of 2001, H.R. 3162—Section-by-Section Analysis

Sec. 1. Short title and table of contents. Both S. 1510 passed by the Senate on October 11, 2001 (the "Senate bill"), and H.R. 2975 passed by the House of Representatives on October 12, 2001, included this section containing the short title "Uniting and Strengthening America (USA) Act of 2001" and the table of contents for the Act. H.R. 3162, the bill subsequently passed by the House on October 24, 2001 (the "House bill"), changed the title to the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001."

Sec. 2. Construction; severability. Both the House and Senate bills included this rule of construction to provide that any portion of this Act found to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed to give it the maximum effect permitted by law and that any portion found invalid or unenforceable in its entirety shall be severable from the rest of the Act.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund. Both the House and Senate bills included this provision to establish a counterterrorism fund in the Treasury of the United States, without affecting prior appropriations, to reimburse Department of Justice components for costs incurred in connection with terrorism and terrorism prevention, rebuild any Justice Department component damaged or destroyed as a result of a terrorism incident, pay terrorism-related rewards, conduct terrorism threat assessments, and reimburse

Federal agencies for costs incurred in connection with detaining suspected terrorists in foreign countries. Not in original Administration proposal.

Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans. Both the House and Senate bills included this provision to condemn acts of violence and discrimination against Arab Americans, American Muslims, and Americans from South Asia, and to declare that every effort must be taken to protect their safety. Not in original Administration proposal.

Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation. Both the House and Senate bills included this provision to authorize $200,000,000 per year for fiscal years 2002, 2003 and 2004 for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 to help meet the demands of activities to combat terrorism and enhance the technical support and tactical operations of the FBI. Not in original Administration proposal.

Sec. 104. Requests for Military Assistance to Enforce Prohibition in Certain Emergencies. Both the House and Senate bills included this provision to authorize the Attorney General to request military assistance in support of Department of Justice activities relating to the enforcement of 18 U.S.C. §2332a during an emergency situation involving a weapon of mass destruction. Current law references a statute that was repealed in 1998, relating to chemical weapons. Not in original Administration proposal.

Sec. 105. Expansion of National Electronic Crime Task Force Initiative. Both the House and Senate bills included this provision to allow the Secret Service to develop a national network of electronic crime task forces, based on the highly successful New York Electronic Crimes Task Force model, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems. Not in original Administration proposal.

Sec. 106. Presidential authority. Both the House and Senate bills included this provision to give to the President, in limited circumstances involving armed hostilities or attacks against the United States, the power to confiscate and vest in the United States the property of enemies of the United States during times of national emergency, which was permitted by the Trading with the Enemy Act, 50 app. U.S.C. §5(b), until 1977, when the International Economic Emergency Act was passed. The new provision permits the President, when the United States is engaged in military hostilities or has been subject to attack, to confiscate property of any foreign country, person or organization involved in hostilities or attacks on the United States. This section also permits courts, when reviewing determinations made by the executive branch, to consider classified evidence ex parte and in camera. Same as original Administration proposal.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

[Note: Elimination of original Administration proposal to allow government use of wiretap information on U.S. citizens obtained illegally overseas in violation of the Fourth Amendment and of foreign government laws.]

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism. Both the House and Senate bills included this provision to add criminal violations relating to terrorism to the list of predicate statutes in the criminal procedures for interception of communications under chapter 119 of title 18, United States Code. Not in original Administration proposal.

Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses. Both the House and Senate bills included this provision to add criminal violations relating to computer fraud and abuse to the list of predicate statutes in the criminal procedures for interception of communications under chapter 119 of title 18, United States Code. Not in original Administration proposal.

Sec. 203. Authority to share criminal investigative information. Both the House and Senate bills included provisions amending the criminal procedures for interception of communications under chapter 119 of title 18, United States Code, and the grand jury procedures under Rule 6(e) of the Federal Rules of Criminal Procedures to authorize disclosure of foreign intelligence information obtained by such interception or by a grand jury to any Federal law enforcement, intelligence, national security, national defense, protective or immigration personnel to assist the official receiving that information in the performance of his official duties. Section 203(a) requires that within a reasonable time after disclosure of any grand jury information, an attorney for the government notify the court of such disclosure and the departments, agencies or entities to which disclosure was made. Section 203(b) pertains to foreign intelligence information obtained by intercepting communications pursuant to a court-ordered wiretap. Section 203(c) also authorizes such disclosure of information obtained as part of a criminal investigation notwithstanding any other law.

The information must meet statutory definitions of foreign intelligence or counterintelligence or foreign intelligence information. Recipients may use that information only as necessary for their official duties, and use of the information outside those limits remains subject to applicable penalties, such as penalties for unauthorized disclosure under chapter 119, contempt penalties under Rule 6(e) and the Privacy Act. The Attorney General must establish procedures for disclosure of information that identifies a United States person, such as the current procedures established under Executive Order 12333 for the intelligence community. Modified Administration proposal to limit scope of personnel eligible to receive information. In case of grand jury information, limited proposal to require notification to court after disclosure.

Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications. Both the House and Senate bills included this provision to amend the criminal procedures for interception of wire, oral, and electronic communications in title 18, United States Code, to make clear that these procedures do not apply to the collection of foreign intelligence information under the statutory foreign intelligence authorities. Not in original Administration proposal.

Sec. 205. Employment of translators by the Federal Bureau of Investigation. Both the House and Senate bills included this provision to authorize the FBI Director to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations. Not in original Administration proposal.

Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978. Both the House and Senate bills included this provision to modify the Foreign Intelligence Surveillance Act ("FISA") to allow surveillance to follow a person who uses multiple communications devices or locations, a modification which conforms FISA to the parallel criminal procedure for electronic surveillance in 18 U.S.C. §2518(11)(b). The court order need not specify the person whose assistance to the surveillance is required (such as a particular communications common carrier), where the court finds that the actions of the target may have the effect of thwarting the identification of a specified person. Same as original Administration proposal.

Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of foreign power. Both the House and Senate bills included this provision to change the initial period of a FISA order for a surveillance or physical search targeted against an agent of a foreign power from 90 to 120 days, and changes the period for extensions from 90 days to one year. One-year extensions for physical searches are subject to the requirement in current law that the judge find "probable cause to believe that no property of any United States person will be acquired during the period." Section 207 also changes the ordinary period for physical searches under FISA from 45 to 90 days. Narrower than Administration proposal which sought to eliminate the initial 90-day limitation and authorize surveillance for up to one year from the outset.

Sec. 208. Designation of judges. Both the House and Senate bills included this provision to increase the number of Federal district judges designated to serve on the FISA court from seven to 11, and requires that no less that 3 of the judges reside within 20 miles of the District of Columbia. Not in original Administration proposal.

Sec. 209. Seizure of voice-mail messages pursuant to warrants. Both the House and Senate bills included this provision to authorize government access to voice mails with a court order supported by probable cause in the same way e-mails currently may be accessed, and authorizes nationwide service with a single search warrant for voice mails. Current law, 18 U.S.C. §2510(1), defines "wire communication" to include "any electronic storage of such communication," with the result that the government must apply for a Title III wiretap order before it may obtain unopened voice mail messages held by a service provider. This section amends the definition of "wire communication" so that it no longer includes stored communications. It also amends 18 U.S.C. §2703 to specify that the government may use a search warrant (instead of a wiretap order) to compel the production of unopened voicemail, thus harmonizing the rules applicable to stored voice and non-voice (e.g., e-mail) communications. Same as Administration proposal.

Sec. 210. Scope of subpoenas for records of electronic communications. Both the House and Senate bills included this provision to broaden the types of records that law enforcement may obtain, pursuant to a subpoena, from electronic communications service providers by requiring providers to disclose the means and source of payment, including any bank account or credit card numbers. Current law allows the government to use a subpoena to compel communications providers to disclose a small class of records that pertain to electronic communications, limited to such records as the customer's name, address, and length of service. 18 U.S.C. §2703(c)(1)(C). Investigators may not use a subpoena to obtain such records as credit card number or other form of payment and must use a court order. In many cases, users register with Internet service providers using false names, making the form of payment critical to determining the user's true identity. Same as original Administration proposal.

Sec. 211. Clarification of scope. Both the House and Senate bills included provisions to amend the Cable Communications Policy Act to clarify that when a cable company acts as a telephone company or an Internet service provider, it must comply with the same laws governing the interception and disclosure of wire and electronic communications that apply to any other telephone company or Internet service provider. This section also expressly provides, however, that authorized disclosures under this provision do not include records that reveal customer cable viewing activity. Modified original Administration proposal to specify that targets do not receive advance notice of wiretap order and amends title 47 to accomplish same purpose as administration proposal.

Sec. 212. Emergency disclosure of electronic communications to protect life and limb. Both the House and Senate bills included this provision to amend 18 U.S.C. §2702 to authorize providers of electronic communications services to disclose the communications (or records of such communications) of their subscribers if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires the disclosure of the information without delay. This section also corrects an anomaly in the current law by clearly permitting a provider to disclose non-content records (such as a subscriber's log-in records) as well as the contents of the customer's communications to protect their computer systems. Same as original Administration proposal.

Sec. 213. Authority for delaying notice of the execution of a warrant. Both the House and Senate bills included this provision to amend 18 U.S.C. §3103a to authorize a court to issue a search warrant in which the government is permitted to delay providing notice of the warrant's execution. Consistent with the requirements of case law from the Second and Ninth Circuits, this section also provides several limitations on this authority. See *United States* v. *Villegas*, 899 F.2d 1324 (2d Cir. 1990); *United States* v. *Freitas*, 800 F.2d 1451 (9th Cir. 1986). First, delayed notice is authorized only in cases where the government has demonstrated reasonable cause to believe that providing immediate notice would have an adverse result as defined in 18 U.S.C. §2705. Second, the provision prohibits the government from seizing any tangible property or any wire or electronic communication or stored wire or electronic communication unless it makes a showing of reasonable necessity for the seizure. Third, the warrant must require the giving of notice within a reasonable time of the execution of the search. Narrower than original Administration proposal, which would have permitted delay as law enforcement saw fit.

Sec. 214. Pen register and trap and trace authority under FISA. Both the House and Senate bills included this provision to modify FISA provisions for pen register and trap and trace to eliminate the requirement to show to the court that the target is in contact with an "agent of a foreign power." It replaces this requirement with a determination that the pen register or trap and trace is relevant to an investigation to protect against international terrorism or clandestine intelligence activities or to obtain foreign intelligence information not concerning U.S. persons. Any investigation of a United States person may not be based solely on activities protected by the First Amendment. Narrower than original Administration proposal, which would simply have removed the "agent of a foreign power" requirement.

Sec. 215. Access to records and other items under the FISA. Both the House and Senate bills included this provision to remove the "agent of a foreign power" standard for court-ordered access to certain business records under FISA and expands the scope of court orders to include access to other records and tangible items. The authority may be used for an investigation to protect against international terrorism or clandestine intelligence activities or to obtain foreign intelligence information not concerning U.S. persons. An investigation of a United States person may not be based solely on activities protected by the First Amendment. Narrower than original Administration proposal, which would have removed requirements of court order and the "agent of a foreign power" showing.

Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices. Both the House and Senate bills included this provision to authorize courts to grant pen register and trap and trace orders that are valid anywhere in the nation. It also ensures that the pen register and trap and trace provisions apply to facilities other than telephone lines (e.g., the Internet). It specifically provides, however, that the grant of authority to capture "routing" and "addressing" information for Internet users does not authorize the interception of the content of any such communications. It further requires the government to use the latest available technology to insure that a pen register or trap and trace device does not intercept the content of any communications. Finally, it provides for a report to the court on each use of "Carnivore"-like devices on packet-switched data networks. Makes a number of improvements over Administration proposal, including exclusion of content, exclusion of ISP liability, and Carnivore report.

Sec. 217. Interception of computer trespasser communications. Both the House and Senate bills included this provision to allow computer service providers who are victims of attacks by computer trespassers to authorize persons acting under color of law to monitor trespassers on their computer systems in a narrow class of cases. A computer trespasser is defined as a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communications transmitted to, through, or from the protected computer. However, it does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator for access to all or part of the protected computer. Narrower than original Administration proposal, which did not exclude service provider subscribers from definition of trespasser and did not limit interception authority to only those communications through the computer in question.

Sec. 218. Foreign intelligence information. Both the House and Senate bills included this provision to amend FISA to require a certification that "a significant purpose" rather than "the purpose" of a surveillance or search under FISA is to obtain foreign intelligence information. Narrower than Administration proposal, which would have allowed FISA surveillance if intelligence gathering was merely "a" purpose.

Sec. 219. Single-jurisdiction search warrants for terrorism. Both the House and Senate bills included this provision to amend Federal Rule of Criminal Procedure 41(a) to provide that warrants relating to the investigation of terrorist activities may be obtained in any district in which the activities related to the terrorism may have occurred, regardless of where the warrants will be executed. Same as Administration proposal.

Sec. 220. Nationwide service of search warrants for electronic surveillance. Both the House and Senate bills included this provision to amend 18 U.S.C. §2703(a) to authorize courts with jurisdiction over the offense to issue search warrants for electronic communications in electronic storage anywhere in the United States, without requiring the intervention of their counterparts in the districts where Internet service providers are located. Narrower than Administration proposal in that it limits forum shopping problem by limiting to courts with jurisdiction over the offense.

Sec. 221. Trade sanctions. Both the House and Senate bills included this provision to authorize the President unilaterally to restrict exports of agricultural products, medicine or medical devices to the Taliban or the territory of Afghanistan controlled by the Taliban. Narrower than original Administration proposal which would have undermined the congressional approval requirement, conferring upon the President control of agricultural and medical exports "to all designated terrorists and narcotics entities wherever they are located."

Sec. 222. Assistance to law enforcement agencies. Both the House and Senate bills included this provision that this Act does not impose any additional technical requirements on a provider of a wire or electronic communication service and that a provider of a wire or electronic communication service, landlord, custodian or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for expenditures incurred in providing such facilities or assistance. Not in original Administration proposal.

Sec. 223. Civil liability for certain unauthorized disclosures. H.R. 2975 included this provision to create civil liability for violations, including unauthorized disclosures, by law enforcement authorities of the electronic surveillance procedures set forth in title 18, United States Code (e.g., unauthorized disclosure of pen trap, wiretap, stored communications), or FISA information. Also requires administrative discipline of officials who engage in such unauthorized disclosures. Not in original Administration proposal.

Sec. 224. Sunset. H.R. 2975 included a provision to sunset certain amendments made by this title in 3 to 5 years. H.R. 3162 provides a 4-year sunset for sections 206, 201, 202, 203(b), 204, 206, 207, 209, 210, 212, 214, 215, 217, 218, 220, 223—at the end December 31, 2005, with the authorities "grandfathered" as to particular investigations based on offenses occurring prior to sunset. No sunset provided in original Administration proposal or S. 1510, and four-year sunset shorter than the five-year sunset in H.R. 2975.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

[Note: Elimination of original Administration proposals to allow broad disclosure of individual tax return information; pre-trial restraint of legitimately obtained property in all criminal forfeiture cases; carve-out of tobacco companies from RICO liability for foreign excise taxes; and creation of new criminal offense to misrepresent identification when opening bank account. The Administration bill contained none of the money laundering provisions contained in either the Senate bill or H.R. 3004.]

Sec. 301. Short title. This section contains the short title of Title III, "International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001," which merges the short title of Title III of the Senate bill with the short title of H.R. 3004, which passed the House of Representatives on October 17, 2001 ("H.R. 3004"). This section also contains the table of contents for Title III.

Sec. 302. Findings and purposes. The Senate bill included this provision, which states the legislative findings and purposes in support of Title III.

Sec. 303. 4-Year congressional review; expedited consideration. Section 303, included in the Senate bill, provides that the provisions added and amendments made by Title III will terminate after September 30, 2004, if the Congress enacts a joint resolution to that effect, and that any such joint resolution will be given expedited consideration by the Congress.

Subtitle A—International Counter-Money Laundering and Related Measures

Sec. 311. Special measures for jurisdictions, financial institutions, or international transactions or accounts of primary money laundering concern. Section 311, included in both the Senate bill and H.R. 3004, adds a new section 5318A to the Bank Secrecy Act, to give the Secretary of the Treasury, in consultation with other senior government officials, authority (in the Secretary's discretion), to impose one or more of five new "special measures" against foreign jurisdictions, foreign financial institutions, transactions involving such jurisdictions or institutions, or one more types of accounts, that the Secretary, after consultation with Secretary of State and the Attorney General, determines to pose a "primary money laundering concern" to the United States. The special measures include: (1) requiring additional recordkeeping or reporting for particular transactions; (2) requiring the identification of the foreign beneficial owners of certain accounts at a U.S. financial institution; (3) requiring the identification of customers of a foreign bank who use an interbank payable-through account opened by that foreign bank at a U.S. bank; (4) requiring the identification of customers of a foreign bank who use an interbank correspondent account opened by that foreign bank at a U.S. bank; and (5) after consultation with the Secretary of State, the Attorney General, and the Chairman of the Federal Reserve Board, restricting or prohibiting the opening or maintaining of certain interbank correspondent or payable-through accounts. Measures (1) through (4) may not be imposed for more than 120 days except by regulation, and measure (5) may only be imposed by regulation.

Sec. 312. Special due diligence for correspondent accounts and private banking accounts. Section 312, included in both the Senate bill and H:R. 3004, adds a new subsection (i) to 31 U.S.C. §5318, to require a U.S. financial institution that maintains a correspondent account or private banking account for a non-United States person to establish appropriate and, if necessary, enhanced due diligence procedures to detect and report instances of money laundering. The new provision also creates minimum anti-money laundering due diligence standards for U.S. financial institutions that enter into correspondent banking relationships with banks that operate under offshore banking licenses or under banking licenses issued by countries that (1) have been designated as noncooperative with international counter money laundering principles by an international body with the concurrence of the U.S. representative to that body, or (2) have been the subject of special measures authorized by section 311. Finally, the new provision creates minimum anti-money laundering due diligence standards for maintenance of private banking accounts by U.S. financial institutions. New section 31 U.S.C §5318(i) will take effect 270 days after the date of enactment; the Secretary of the Treasury is required to issue regulations (in consultation with the appropriate Federal functional regulators) within 180 days of enactment further delineating the requirements of the new subsection, but the statute is to take effect whether or not such regulations are issued, and failure to issue final regulations shall in no way affect the enforceability of §5318(i) as added by section 312.

Sec. 313. Prohibition on United States correspondent accounts with foreign shell banks. Section 313, included in both the Senate bill and H.R. 3004, adds a new subsection (j) to 31 U.S.C. §5318, to bar depository institutions and brokers and dealers in securities operating in the United States from establishing, maintaining, administering, or managing correspondent accounts for foreign shell banks, other than shell bank vehicles affiliated with recognized and regulated depository institutions. The new 31 U.S.C. §5318(j) takes effect 60 days after enactment. The House receded to the Senate with respect to differences in the language of the versions of the provision in the Senate bill and H.R. 3004.

Sec. 314. Cooperative efforts to deter money laundering. Section 314, contained in the Senate bill, requires the Secretary of the Treasury to issue regulations, within 120 days of the date of enactment, to encourage cooperation among financial institutions, financial regulators and law enforcement officials, and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. This section also allows (with notice to the Secretary of the Treasury) the sharing of information among banks involving possible terrorist or money laundering activity, and requires the Secretary of the Treasury to publish, at least semiannually, a report containing a detailed analysis of patterns of suspicious activity and other appropriate investigative insights derived from suspicious activity reports and law enforcement investigations. The final text of this section includes section 203 (Reports to the Financial Services Industry on Suspicious Financial Activities) and portions of section 205 (Public-Private Task Force on Terrorist Financing Issues) of H.R. 3004.

Sec. 315. Inclusion of foreign corruption offenses as money laundering crimes. Section 315, included in both the Senate bill and H.R. 3004 in somewhat different language, amends 18 U.S.C. §1956 to include foreign corruption offenses, certain U.S. export control violations, certain customs and firearm offenses, certain computer fraud offenses, and felony violations of the Foreign Agents Registration Act of 1938, to the list of crimes that constitute "specified unlawful activities" for purposes of the criminal money laundering provisions.

Sec. 316. Anti-terrorist forfeiture protection. Section 316, included in the Senate bill, establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Sec. 317. Long-arm jurisdiction over foreign money launderers. Section 317, which was included in both the Senate bill and H.R. 3004, amends 18 U.S.C. § 1956 to give United States courts "long-arm" jurisdiction over foreign persons committing money laundering offenses in the United States, over foreign banks opening U.S. bank accounts, and over foreign persons who convert assets ordered forfeited by a U.S. court. It also permits a Federal court dealing with such foreign persons to issue a pre-trial restraining order or take other action necessary to preserve property in the United States to satisfy an ultimate judgment. The Senate, but not the House, bill included language permitting the appointment by a Federal court of a receiver to collect and take custody of assets of a defendant to satisfy criminal or civil money laundering or forfeiture judgments; with respect to the latter provision, the House receded to the Senate.

Sec. 318. Laundering money through a foreign bank. Section 318, included in both the Senate bill and H.R. 3004, expands the definition of financial institution for purposes of 18 U.S.C. §§ 1956 and 1957 to include banks operating outside of the United States.

Sec. 319. Forfeiture of funds in United States interbank accounts. Section 319 combines sections 111, 112, and 113 of H.R. 3004 with section 319 of the Senate bill. This section amends 18 U.S.C. § 981 to treat amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of justice and consistent with the United States' national interest, to suspend a forfeiture proceeding, based on that presumption. This section also adds a new subsection (k) to 31 U.S.C. § 5318 to require U.S. financial institutions to reply to a request for information from a U.S. regulator relating to anti-money laundering compliance within 120 hours of receipt of such a request, and to require foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States. The new 31 U.S.C. 5318(k) authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account, and it requires U.S. banks to sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena. Finally, section 319 amends section 413 of the Controlled Substances Act to authorize United States courts to order a convicted criminal to return property located abroad and to order a civil forfeiture defendant to return property located abroad pending trial on the merits. With respect to the provisions requiring a response to certain requests for information by U.S. regulators within 120 hours of receipt and the requirement that correspondent relationships with foreign banks that do not either respond or challenge subpoenas issued under new 31 U.S.C. § 5318(k) must be terminated, the

House receded to the Senate. With respect to the power to order convicted criminals to return property located abroad, the Senate receded to the House.

Sec. 320. Proceeds of foreign crimes. Section 320, included in both the Senate bill and H.R. 3004, amends 18 U.S.C. §981 to permit the United States to institute forfeiture proceedings against the proceeds of foreign criminal offenses found in the United States.

Sec. 321. Financial institutions specified in subchapter II of chapter 53 of Title 31, United States Code. Section 321, included in H.R. 3004, amends 31 U.S.C. §5312(2) to add credit unions, futures commission merchants, commodity trading advisors, or commodity pool operators to the definition of financial institution for purposes of the Bank Secrecy Act, and to provide that the term "Federal functional regulator" includes the Commodity Futures Trading Commission for purposes of the Bank Secrecy Act.

Sec. 322. Corporation represented by a fugitive. Section 322, included in both the Senate bill and H.R. 3004, extends the prohibition against the maintenance of a forfeiture proceeding on behalf of a fugitive to include a proceeding by a corporation whose majority shareholder is a fugitive and a proceeding in which the corporation's claim is instituted by a fugitive.

Sec. 323. Enforcement of foreign judgments. Section 323, included in both the Senate bill and H.R. 3004, permits the government to seek a restraining order to preserve the availability of property subject to a foreign forfeiture or confiscation judgment.

Sec. 324. Report and recommendation. Section 324, included in the Senate bill, directs the Secretary of the Treasury, in consultation with the Attorney General, the Federal banking agencies, the SEC, and other appropriate agencies to evaluate operation of the provisions of subtitle A of Title III of the Act and recommend to Congress any relevant legislative action, within 30 months of the date of enactment.

Sec. 325. Concentration accounts at financial institutions. Section 325, included in both the Senate bill and H.R. 3004, authorizes the Secretary of the Treasury to issue regulations concerning the maintenance of concentration accounts by U.S. depository institutions, to prevent an institution's customers from anonymously directing funds into or through such accounts.

Sec. 326. Verification of identification. Section 326(a), included in H.R. 3004, adds a new subsection (l) to 31 U.S.C. §5318 to require the Secretary of the Treasury to prescribe by regulation, jointly with each Federal functional regulator, minimum standards for financial institutions and their customers regarding the identity of the customer that shall apply in connection with the opening of an account at a financial institution: the minimum standards shall require financial institutions to implement, and customers (after being given adequate notice) to comply with, reasonable procedures concerning verification of customer identity, maintenance of records of identity verification, and consultation at account opening of lists of known or suspected terrorists provided to the financial institution by a government agency. The required regulations are to be issued within one year of the date of enactment.

Section 326(b), included in both the Senate bill and H.R. 3004, requires the Secretary of the Treasury, again in consultation with the Federal functional regulators (as well as other appropriate agencies), to submit a report to Congress within six months of the date of enactment containing recommendations about the most effective way to require foreign nationals to provide financial institutions in the United States with accurate identity information, comparable to that required to be provided by U.S. nationals, and to obtain an identification number that would function similarly to a U.S. national's tax identification number.

Sec. 327. Consideration of anti-money laundering record. Section 327, included in H.R. 3004, amends section 3(c) of the Bank Holding Company Act of 1956, and section 18(c) of the Federal Deposit Insurance Act to require the Federal Reserve Board and the Federal Deposit Insurance Corporation, respectively, to consider the effectiveness of a bank holding company or bank (within the jurisdiction of the appropriate agency) in combating money laundering activities, including in overseas branches, in ruling on any merger or similar application by the bank or bank holding company. The Senate receded to the House, with the agreement that the amendments will apply only to applications submitted after December 31, 2001.

Sec. 328. International cooperation on identification of originators of wire transfers. Section 328, included in H.R. 3004, requires the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to take all reasonable steps to encourage foreign governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States, and to report annually to the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs concerning progress toward that goal.

Sec. 329. Criminal penalties. Section 329, included in the Senate bill, provides criminal penalties for officials who violate their trust in connection with the administration of Title III.

Sec. 330. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups. Section 330, included in H.R. 3004, states the sense of the Congress that the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate and in consultation with the Federal Reserve Board, to seek negotiations with foreign financial supervisory agencies and other foreign officials, to ensure that foreign financial institutions maintain adequate records relating to any foreign terrorist organization or its membership, or any person engaged in money laundering or other financial crimes, and make such records available to U.S. law enforcement and financial supervisory personnel when appropriate.

Subtitle B—Bank Secrecy Act Amendments and Related Improvements

Sec. 351. Amendments relating to reporting of suspicious activities. Section 351, included in both the Senate bill and H.R. 3004, restates 31 U.S.C. §5318(g)(3) to clarify the terms of the safe harbor from civil liability for financial institutions filing suspicious activity reports pursuant to 31 U.S.C. §5318(g). The amendments to subsection (g)(3) also create a safe harbor from civil liability for banks that provide information in employment references sought by other banks pursuant to the amendment to the Federal Deposit Insurance Act made by section 355. The House receded to the Senate with respect to minor differences in wording between the House and Senate versions of the provision.

Sec. 352. Anti-money laundering programs. Section 352, included in both the Senate bill and H.R. 3004, amends 31 U.S.C. §5318(h) to require financial institutions to establish anti-money laundering programs and grants the Secretary of the Treasury authority to set minimum standards for such programs. The Senate recedes to the House with respect to a provision in H.R. 3004 that the anti-money laundering program requirement take effect at the end of the 180-day period beginning on the date of enactment of the Act and a related provision that the Secretary of the Treasury shall prescribe regulations before the end of that 180-day period that consider the extent to which the requirements imposed under amended §5318(h) are commensurate with the size, location, and activities of the financial institutions to which the regulations apply.

Sec. 353. Penalties for violations of geographic targeting orders and certain recordkeeping requirements, and lengthening effective period of geographic targeting orders. Section 353, included generally in both the Senate bill and H.R. 3004, amends 31 U.S.C. §§5321, 5322, and 5324 to clarify that penalties for violation of the Bank Secrecy Act and its implementing regulations also apply to violations of Geographic Targeting Orders issued under 31 U.S.C. §3526, and to certain recordkeeping requirements relating to funds transfers. The House receded to a provision in the Senate bill that also amends 31 U.S.C. §5326 to make the period of a geographic target order 180 days.

Sec. 354. Anti-money laundering strategy. Section 354, included in the Senate bill, amends 31 U.S.C. §5341(b) to add "money laundering related to terrorist funding" to the list of subjects to be dealt with in the annual National Money Laundering Strategy prepared by the Secretary of the Treasury pursuant to the Money Laundering and Financial Crimes Strategy Act of 1998.

Sec. 355. Authorization to include suspicions of illegal activity in written employment references. Section 355, included in both the Senate bill and H.R. 3004, amends §18 of the Federal Deposit Insurance Act to permit (but not require) a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity. The House receded to the Senate with respect to a provision that the safe harbor from civil liability for a bank that provides information to a second bank applies unless the first bank acts with malicious intent.

Sec. 356. Reporting of suspicious activities by securities brokers and dealers; investment company study. Section 356(a), included generally in both the Senate bill and H.R. 3004, directs the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Federal Reserve Board, to publish proposed regulations, on or before December 31, 2001, and final regulations on or before July 1, 2002, requiring broker-dealers to file suspicious activity reports. The Senate receded to the House with respect to the specific time requirements in section 356(a).

Sec. 356(b), included in H.R. 3004, authorizes the Secretary of the Treasury, in consultation with the Commodity Futures Trading Commission, to prescribe regulations requiring futures commission merchants, commodity trading advisors, and certain commodity pool operators to submit suspicious activity reports under 31 U.S.C. §5318(g).

Sec. 356(c), included in the Senate bill, requires the Secretary of the Treasury, the SEC and Federal Reserve Board to submit jointly to Congress, within one year of the date of enactment, recommendations for effective regulations to apply the provisions of 31 U.S.C. §§5311–30 to both registered and unregistered investment companies, as well as recommendations as to whether the Secretary should promulgate regulations treating personal holding companies as financial institutions that must disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

Sec. 357. Special report on administration of bank secrecy provisions. Section 357, included in the Senate bill, directs the Secretary of the Treasury to submit a report to Congress, six months after the date of enactment, on the role of the IRS in the administration of the Bank Secrecy Act, with emphasis on whether IRS Bank Secrecy Act information processing responsibility (for reports filed by all financial institutions) or Bank Secrecy Act audit and examination responsibility (for certain non-bank financial institutions) should be retained or transferred.

Sec. 358. Bank Secrecy provisions and activities of the United States intelligence agencies. Section 358, included in the same general terms in both the Senate bill and H.R. 3004, contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism. This section combines the Senate and House provisions, with each body receding to the other in the case of particular language included in one version of the provision but not the other.

Sec. 359. Reporting of suspicious activities by underground banking systems. Section 359, included in both the Senate bill and H.R. 3004, clarifies that the Bank Secrecy Act treats certain underground banking systems as financial institutions, and that the funds transfer recordkeeping rules applicable to licensed money transmitters also apply to such underground systems. This section also directs the Secretary of the Treasury to report to Congress, within one year of the date of enactment, on the need for additional legislation or regulatory controls relating to underground banking systems. The House receded to the Senate with respect to certain technical changes in the definition of the underground banking systems at issue.

Sec. 360. Use of authority of the United States Executive Directors. Section 360, included in Senate bill, authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions (for example, the IMF and the World Bank) to use such Director's "voice and vote" to support loans and other use of resources to benefit nations that the President determines to be contributing to United States efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

Sec. 361. Financial crimes enforcement network. Section 361, included in H.R. 3004, adds a new §310 to subchapter I of chapter 3 of title 31, United States Code, to make the Financial Crimes Enforcement Network ("FinCEN") a bureau within the Department of the Treasury, to specify the duties of FinCEN's Director, and to require the Secretary of the Treasury to establish operating procedures for the government-wide data access service and communications center that FinCEN maintains. Section 361 also authorizes appropriations for FinCEN for fiscal years 2002 through 2005. Finally, this section requires the Secretary to study methods for improving compliance with the reporting requirements for ownership of foreign bank and brokerage accounts by U.S. nationals imposed by regulations issued under 31 U.S.C. §5314. The required report is to be submitted within six months of the date of enactment and annually thereafter.

Sec. 362. Establishment of highly secure network. Section 362, included in H.R. 3004, directs the Secretary of the Treasury to establish, within nine months of enactment, a secure network with FinCEN that will allow financial institutions to file suspicious activity reports and provide such institutions with information regarding suspicious activities warranting special scrutiny.

Sec. 363. Increase in civil and criminal penalties for money laundering. Section 363, included in the Senate bill, increases from $100,000 to $1,000,000 the maximum civil and criminal penalties for a violation of provisions added to the Bank Secrecy Act by sections 311 and 312 of this Act.

Sec. 364. Uniform protection authority for Federal Reserve facilities. Section 364, included in H.R. 3004, authorizes certain Federal Reserve personnel to act as law enforcement officers and carry firearms to protect and safeguard Federal Reserve employees and premises.

Sec. 365. Reports relating to coins and currency received in nonfinancial trade or business. Section 365, included in H.R. 3004, adds 31 U.S.C. §5331 (and makes related and conforming changes) to the Bank Secrecy Act to require any person who receives more than $10,000 in coins or currency, in one transaction or two or more related transactions in the course of that person's trade or business, to file a report with respect to such transaction with FinCEN. Regulations implementing the new reporting requirement are to be promulgated within six months of enactment.

Sec. 366. Efficient use of currency transaction report system. Section 366, included in H.R. 3004, requires the Secretary of the Treasury to report to the Congress before the end of the one year period beginning on the date of enactment containing the results of a study of the possible expansion of the statutory system for exempting transactions from the currency transaction reporting requirements and ways to improve the use by financial institutions of the statutory exemption system as a way of reducing the volume of unneeded currency transaction reports.

Subtitle C—Currency Crimes

Sec. 371. Bulk cash smuggling into or out of the United States. Section 371, included in both the Senate bill and H.R. 3004, but with different language relating to forfeiture, creates a new Bank Secrecy Act offense, 31 U.S.C. §5332, involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions. The Senate receded to the House language.

Sec. 372. Forfeiture in currency reporting cases. Section 372, included in the Senate bill and H.R. 3004 with different language concerning mitigation, amends 31 U.S.C. §5317 to permit confiscation of funds in connection with currency reporting violations consistent with existing civil and criminal forfeiture procedures. The Senate receded to the House language.

Sec. 373. Illegal money transmitting businesses. Section 373, included in H.R. 3004, amends 18 U.S.C. §1960 to clarify the terms of the offense stated in that provision, relating to knowing operation of an unlicensed (under state law) or unregistered (under Federal law) money transmission business. This section also amends 18 U.S.C. §981(a) to authorize the seizure of funds involved in a violation of 18 U.S.C. §1960.

Sec. 374. Counterfeiting domestic currency and obligations. Section 374, included in H.R. 3004, makes a number of changes to the provisions of 18 U.S.C. §§470–473 relating to the maximum sentences for various counterfeiting offenses, and adds to the definition of counterfeiting in 18 U.S.C. §474 the making, acquiring, etc. of an analog, digital, or electronic image of any obligation or other security of the United States.

Sec. 375. Counterfeiting Foreign Currency and Obligations. Section 375, included in H.R. 3004, makes a number of changes to the provisions of 18 U.S.C. §§478–480 relating to the maximum sentences for various counterfeiting offenses involving foreign obligations or securities and adds to the definition of counterfeiting in 18 U.S.C. §481 the making, acquiring, etc. of an analog, digital, or electronic image of any obligation or other security of a foreign government.

Sec. 376. Laundering the proceeds of terrorism. This provision expands the scope of predicate offenses for laundering the proceeds of terrorism to include "providing material support or resources to terrorist organizations," as that crime is defined in 18 U.S.C. §2339B of the criminal code. Same as original Administration proposal.

Sec. 377. Extraterritorial jurisdiction. This provision applies the financial crimes prohibitions to conduct committed abroad in situations where the tools or proceeds of the offense pass through or are in the United States. Same as original Administration proposal.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the Northern border. Both the House and Senate bills included this provision to authorize the Attorney General to waive any cap on the number of full time employees assigned to the INS on the northern border. Not in original Administration proposal.

Sec. 402. Northern border personnel. Both the House and Senate bills included this provision to authorize additional appropriations to allow for a tripling in personnel for the Border Patrol, INS Inspectors, and the US Customs Service in each State along the northern border, and an additional $50 million each to the INS and the US Customs Service to improve technology and acquire additional equipment for use at the northern border. Not in original Administration proposal.

Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States. Both the House and Senate bills included this provision to give the State Department and INS access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index, Wanted Persons File, and any other information mutually agreed upon between the Attorney General and the agency receiving access. Same as original Administration proposal.

Sec. 404. Limited authority to pay overtime. Both the House and Senate bills included this provision to allow the Attorney

General to authorize overtime pay for INS employees in an amount in excess of $30,000 during calendar year 2001, to ensure that experienced personnel are available to handle the increased workload generated by the events of September 11, 2001. Same as original Administration proposal but based on a Leahy-Conyers proposal.

Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts. Both the House and Senate bills included this provision to require the Attorney General to report to Congress on the feasibility of enhancing the FBI's Integrated Automated Fingerprint Identification System or other identification systems to identify foreign passport and visa holders who may be wanted in connection with a criminal investigation in the United States or abroad before issuing a visa to that person or their entry or exit from the United States. Not in original Administration proposal.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism. Both the House and Senate bills included this provision to amend the definition of "engage in terrorist activity" to clarify that an alien who solicits funds or membership or provides material support to a certified terrorist organization is inadmissible and removable. Aliens who solicit funds or membership or provide material support to organizations not designated as terrorist organizations have the opportunity to show that they did not know and should not have known that their actions would further terrorist activity. This section also creates a definition of "terrorist organization," which is not defined under current law, for purposes of making an alien inadmissible or removable. It defines a terrorist organization as one that is (1) designated by the Secretary of State as a terrorist organization under the process supplied by current law; (2) designated by the Secretary of State as a terrorist organization for immigration purposes; or (3) a group of two or more individuals that commits terrorist activities or plans or prepares to commit (including locating targets for) terrorist activities. The changes made by this section will apply to actions taken by an alien before enactment with respect to any group that was at that time certified by the Secretary of State. Narrower than original Administration proposal by allowing an alien to show support for non-designated organization was offered without knowledge of organization's terrorist activity.

Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review. Both the House- and Senate-passed bills included provisions to grant the Attorney General the authority to certify that an alien meets the criteria of the terrorism grounds of the Immigration and Nationality Act, or is engaged in any other activity that endangers the national security of the United States, upon a "reasonable grounds to believe" standard, and take such aliens into custody. This authority is delegable only to the Deputy Attorney General. The Attorney General must either begin removal proceedings against such aliens or bring criminal charges within seven days, or release them from custody. An alien who is charged but ultimately found not to be removable is to be released from custody. An alien who is found to be removable but has not been removed, and whose removal is unlikely in the reasonably foreseeable future, may be detained if the Attorney General demonstrates that release of the alien will adversely affect national security or the safety of the community or any person. Judicial review of any action taken under this section, including review of the merits of the certification, is available through habeas corpus proceedings, with appeal to the U.S. Court of Appeals for the D.C. Circuit. The Attorney General shall review his certification of an alien every six months. Narrower than original Administration proposal in numerous ways, including placing a 7-day limit on detention without charge, ordering release of aliens found not to be removable, and more meaningful judicial review of Attorney General's determination of national security risk posed by alien.

Sec. 413. Multilateral cooperation against terrorists. Both the House and Senate bills included this provision to provide new exceptions to the laws regarding disclosure of information from State Department records pertaining to the issuance of or refusal to issue visas to enter the U.S., and allows the sharing of this information with a foreign government on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. Based on original Administration proposal.

Sec. 414. Visa integrity and security. This section expresses the sense of the Congress that the Attorney General, in consultation with the Secretary of State, should fully implement the entry/exit system as expeditiously as practicable. Particular focus should be given to the utilization of biometric technology and the development of tamper-resistant documents. Not in original Administration proposal.

Sec. 415. Participation of Office of Homeland Security on Entry-Exit Task Force. This section includes the new Office of Homeland Security as a participant in the Entry and Exit Task Force established by the Immigration and Naturalization Service Data Management Improvement Act of 2000. Not in original Administration proposal.

Sec. 416. Foreign student monitoring program. This section seeks to implement the foreign student monitoring program created in 1996 by temporarily supplanting the collection of user fees mandated by the statute with an appropriation of $36,800,000 for the express purpose of fully and effectively implementing the program through January 2003. Thereafter, the program would be funded by user fees. Currently, all institutions of higher education that enroll foreign students or exchange visitors are required to participate in the monitoring program. This section expands the list of institutions to include air flight schools, language training schools, and vocational schools. Not in original Administration proposal.

Sec. 417. Machine readable passports. This section requires the Secretary of State to conduct an annual audit to assess precautionary measures taken to prevent the counterfeiting and theft of passports among countries that participate in the visa waiver program, and ascertain that designated countries have established a program to develop tamper-resistant passports. Results of the audit will be reported to Congress. This provision would advance the deadline for participating nations to develop machine readable passports to October 1, 2003, but permit the Secretary of State to waive the requirements imposed by the deadline if he finds that the program country is making sufficient progress to provide their nationals with machine-readable passports. Not in original Administration proposal.

Sec. 418. Prevention of consulate shopping. This section directs the State Department to examine what concerns, if any, are created by the practice of certain aliens to "shop" for a visa between issuing posts. Not in original Administration proposal.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

[Note: This subtitle was not in original Administration proposal. It is certain that some aliens fell victim to the terrorist attacks on the U.S. on September 11. For many families, these tragedies will be compounded by the trauma of husbands, wives, and children losing their immigration status due to the death or serious injury of a family member. These family members are facing deportation because they are out of status: they no longer qualify for their current immigration status or are no longer eligible to complete the application process because their loved one was killed or injured in the September 11 terrorist attack. Others are threatened with the loss of their immigration status, through no fault of their own, due to the disruption of communication and transportation that has resulted directly from the terrorist attacks. Because of these disruptions, people have been and will be unable to meet important deadlines, which will mean the loss of eligibility for certain benefits and the inability to maintain lawful status, unless the law is changed.

At the request of Congressman Conyers and Senator Leahy, this new subtitle (sections 421–428) was included in the final bill to modify the immigration laws to provide the humanitarian relief to these victims and their family members in preserving their immigration status.]

Sec. 421. Special immigrant status. This section provides permanent resident status to an alien who was the beneficiary of a petition filed (on or before September 11) to grant the alien permanent residence as a family-sponsored immigrant or employer-sponsored immigrant, or of an application for labor certification (filed on or before September 11), if the petition or application was rendered null because of the disability of the beneficiary or loss of employment of the beneficiary due to physical damage to, or destruction of, the business of the petitioner or applicant as a direct result of the terrorist attacks on September 11, or because of the death of the petitioner or applicant as a direct result of the terrorist attacks. Permanent residence would be granted to an alien who was the spouse or child of an alien who was the beneficiary of a petition filed on or before September 11 to grant the beneficiary permanent residence as a family-sponsored immigrant (as long as the spouse or child follows to join not later than September 11, 2003). Permanent residence would be granted to the beneficiary of a petition for a nonimmigrant visa as the spouse or the fiancé (and their children) of a U.S. citizen where the petitioning citizen died as a direct result of the terrorist attack. This section also provides permanent resident status to the grandparents of a child both of whose parents died as a result of the terrorist attacks, if either of such deceased parents was a U.S. citizen or a permanent resident. Not in original Administration proposal.

Sec. 422. Extension of filing or reentry deadlines. This section provides that an alien who was legally in a nonimmigrant status and was disabled as a direct result of the terrorist attacks on September 11 (and his or her spouse and children) may remain lawfully in the United States (and receive work authorization) until the later of the date that his or her status normally terminates or September 11, 2002. Such status is also provided to the nonimmigrant spouse and children of an alien who died as a direct result of the terrorist attacks. The Act provides that an alien who was lawfully present as a nonimmigrant at the time of the terrorist attacks will be granted 60 additional days to file an application for extension or change of status if the alien was prevented from so filing as a direct result of the terrorist attacks. Also, an alien who was lawfully present as a nonimmigrant at the time of the attacks but was then unable to timely depart the United States as a direct result of the attacks will be considered to have departed legally and will not be considered to have been unlawfully present for the purposes of section 212(a)(9) of the INA if departure occurs before November 11. Not in original Administration proposal.

Sec. 423. Humanitarian relief for certain surviving spouses and children. Current law provides that an alien who was the spouse of a U.S. citizen for at least 2 years before the citizen died shall remain eligible for immigrant status as an immediate relative. This also applies to the children of the alien. This section provides that if the citizen died as a direct result of the terrorist attacks, the 2-year requirement is waived. This section provides that if an alien spouse, child, or unmarried adult son or daughter had been the beneficiary of an immigrant visa petition filed by a permanent resident who died as a direct result of the terrorist attacks, the alien will still be eligible for permanent residence. In addition, if an alien spouse, child, or unmarried adult son or daughter of a permanent resident who died as a direct result of the terrorist attacks was present in the United States on September 11 but had not yet been petitioned for permanent residence, the alien can self-petition for permanent residence. The section also provides that an alien spouse or child of an alien who (1) died as a direct result of the terrorist attacks and (2) was a permanent resident (petitioned-for by an employer) or an applicant for adjustment of status for an employment-based immigrant visa, may have his or her application for adjustment adjudicated despite the death (if the application was filed prior to the death). Not in original Administration proposal.

Sec. 424. "Age-out" protection for children. Under current law, certain visas are only available to an alien until the alien's 21st birthday. This section provides that an alien whose 21st birthday occurs this September and who is a beneficiary for a petition or application filed on or before September 11 shall be considered to remain a child for 90 days after the alien's 21st birthday. For an alien whose 21st birthday occurs after this September, (and who had a petition for application filed on his or her behalf on or before September 11) the alien shall be considered to remain a child for 45 days after the alien's 21st birthday. Not in original Administration proposal.

Sec. 425. Temporary administrative relief. This section provides that temporary administrative relief may be provided to an alien who was lawfully present on September 10, was on that date the spouse, parent or child of someone who died or was disabled as a direct result of the terrorist attacks, and is not otherwise entitled to relief under any other provision of this legislation. Not in original Administration proposal.

Sec. 426. Evidence of death, disability, or loss of employment. This section instructs the Attorney General to establish appropriate standards for evidence demonstrating that a death, disability, or loss of employment due to physical damage to, or destruction of, a business, occurred as a direct result of the terrorist attacks on September 11. The Attorney General is not required to promulgate regulations prior to implementing this subtitle. Not in original Administration proposal.

Sec. 427. No Benefits to Terrorists or Family Members of Terrorists. This section states that no benefit under this subtitle shall be provided to anyone culpable for the terrorist attacks on September 11 or to any family member of such an individual. Not in original Administration proposal.

Sec. 428. Definitions. This section defines the term 'specified terrorist activity' as any terrorist activity conducted against the Government or the people of the United States on September 11, 2001. Not in original Administration proposal.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Attorney General's authority to pay rewards to combat terrorism. Both the House and Senate bills included this provision to authorize the Attorney General to offer rewards—payments to individuals who offer information pursuant to a public advertisement—to gather information to combat terrorism and defend the nation against terrorist acts without any dollar limitation (Current law limits rewards to $2 million). Rewards of $250,000 or more require the personal approval of the Attorney General or President and notice to Congress. Narrower than original Administration proposal.

Sec. 502. Secretary of State's authority to pay rewards. Both the House and Senate bills included this provision to authorize the Secretary of State to offer rewards—payments to individuals who offer information pursuant to a public advertisement—to gather information to combat terrorism and defend the nation against terrorist acts without any dollar limitation (Current law limits rewards to $5 million). Rewards of $100,000 or more require the personal approval of the Secretary of State and notice to Congress. Narrower than original Administration proposal.

Sec. 503. DNA identification of terrorists and other violent offenders. Both the House and Senate bills included this provision to authorize the collection of DNA samples from any person convicted of certain terrorism-related offenses and other crimes of violence, for inclusion in the national DNA database. Modified from original Administration proposal.

Sec. 504. Coordination with law enforcement. Both the House and Senate bills included this provision to amend FISA to authorize consultation between FISA officers and law enforcement officers to coordinate efforts to investigate or protect against international terrorism, clandestine intelligence activities, or other grave hostile acts of a foreign power or an agent of a foreign power. Not in original Administration proposal.

Sec. 505. Miscellaneous national security authorities. Both the House and Senate bills included this provision to modify current statutory provisions on access to telephone, bank, and credit records in counterintelligence investigations to remove the "agent of a foreign power" standard. The authority may be used only for investigations to protect against international terrorism or clandestine intelligence activities, and an investigation of a United States person may not be based solely on activities protected by the First Amendment. Narrower than original Administration proposal which simply removed "agent of foreign power" requirement.

Sec. 506. Extension of Secret Service jurisdiction. Both the House and Senate bills included this provision to give the Secret Service concurrent jurisdiction to investigate offenses relating to fraud and related activity in connection with computers, and permanently extends its current authority to investigate financial institution fraud. Not in original Administration proposal.

Sec. 507. Disclosure of educational records. Both the House and Senate bills included this provision to require application to a court to obtain educational records in the possession of an educational agency or institution if it is determined by the Attorney General or Secretary of Education (or their designee) that doing so could reasonably be expected to assist in investigating or preventing a federal terrorism offense or domestic or international terrorism. Limited immunity is given to persons producing such information acting in good faith, and the Attorney General is directed to issue guidelines to protect confidentiality. Narrower than original Administration proposal.

Sec. 508. Disclosure of information from NCES surveys. Both the House and Senate bills included this provision to require application to a court to obtain reports, records and information in the possession of the National Center for Educational Statistics that are relevant to an authorized investigation or prosecution of terrorism. Limited immunity is given to persons producing such information acting in good faith, and the Attorney General is directed to issue guidelines to protect confidentiality. Narrower than original Administration proposal.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid for Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack. Both the House and Senate bills included this provision to streamline the Public Safety Officers Benefits Program application process for family members of law enforcement officers, firefighters, and emergency personnel who perished or suffered serious injury in connection with prevention, investigation, rescue or recovery efforts related to a terrorist attack. The Public Safety Officers Benefits Program provides benefits for each of the families of law enforcement officers, fire fighters, emergency response squad members, ambulance crew members who are killed or permanently and totally disabled in the line of duty ($151,635 in FY 2001). Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. Not in original Administration proposal.

Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers. Both the House and Senate bills included this provision to make technical corrections to Public Law 107–37 to provide sufficient information to make expedited Public Safety Officers Benefits Program payments to the fallen firefighters, emergency personnel and law enforcement officers who perished or were disabled during the rescue and recovery efforts related to the terrorist attacks of September 11, 2001. Modified from original Administration proposal.

Sec. 613. Public safety officers benefits program payment increase. Both the House and Senate-passed bills included this provision to raise the total amount of Public Safety Officers Benefits Program payment to $250,000 and is effective for any death or disability occurring on or after January 1, 2001. Not in original Administration proposal.

Sec. 614. Office of Justice programs. Both the House and Senate bills included this provision to amend the Office of Justice Program's authorities to enhance the authority of the Assistant Attorney General to coordinate and manage emergency response activities of its various components including the Public Safety Officers Benefits Program. Modified from original Administration proposal.

Subtitle B—Amendments to the Victims of Crime Act of 1984

[Note: The original Administration proposal did not include most of the provisions of this subtitle to streamline the administration of the Crime Victims Fund.]

Sec. 621. Crime victims fund. Both the House and Senate bills included this provision to authorize the Office for Victims of Crime (OVC) to replenish the antiterrorism emergency reserve with up to $50 million and establishes a mechanism to allow for replenishment in future years. Funds added to the Crime Victims Fund to respond to the September 11 attacks shall not be subject to the cap or the new formula provisions. A technical clarification includes the September 11th Victim Compensation Fund established in Public Law 107-42 as one of the Federal benefits that should be a primary payer to the States. This section also replaces the annual cap on the Fund with a self-regulating system that ensures stability in the amounts distributed while preserving the amounts remaining for use in future years; it authorizes private gift-giving to the Fund; and it increases the portion of the Fund available for discretionary grants and assistance to victims of Federal crime. Significant expansion of original Administration proposal.

Sec. 622. Crime victim compensation. Both the House and Senate bills included this provision to increase the minimum threshold for the annual grant to State compensation programs. It clarifies that a payment of compensation to a victim shall not used in means tests for Federal benefit programs. A technical clarification removes the dual requirement that State crime victim compensation programs cover victims of terrorism occurring outside the United States. Not in original Administration proposal.

Sec. 623. Crime victim assistance. Both the House and Senate bills included this provision to authorize States to give VOCA funds to U.S. Attorney's Offices in jurisdictions where the U.S. Attorney is the local prosecutor. It prohibits victim assistance programs from discriminating against certain victims; authorizes grants to eligible victim assistance programs for program evaluation and compliance efforts; and allows use of funds for fellowships, clinical internships and training programs. Not in original Administration proposal.

Sec. 624. Victims of terrorism. Both the House and Senate bills included this provision to conform VOCA's domestic terrorism section to the international terrorism section, giving OVC the flexibility to deliver timely and critically-needed assistance to victims of terrorism and mass violence occurring within the United States. It also makes a technical correction to recent legislation that inadvertently reversed the existing exclusion under VOCA of individuals eligible for other Federal compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986. Expansion of original Administration proposal.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

[Note: The original Administration proposal did not include this subtitle to expand regional information sharing to facilitate Federal-state-local law enforcement responses to terrorism.]

Sec. 701. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks. Both the House and Senate bills included this provision to expand the Department of Justice Regional Information Sharing Systems (RISS) Program to facilitate information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and doubles its authorized funding for FY2002 and FY2003. Currently, 5,700 Federal, State and local law enforcement agencies participate in the RISS Program. Not in original Administration proposal.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems. Both the House and Senate bills included this provision to create a new statute (to be codified at 18 U.S.C. §1993) to make punishable acts of terrorism and other violence against mass transportation vehicles, systems, facilities, employees and passengers; the reporting of false information about such activities; and attempts and conspiracies to commit such offenses. Violations are punishable by a fine and term imprisonment of 20 years; however, the mass transportation vehicle was carrying a passenger at the time of the attack, or if death resulted from the offense, the maximum term of imprisonment is increased to life. Not in original Administration proposal.

Sec. 802. Definition of domestic terrorism. Both the House and Senate bills included this provision to define the term "domestic terrorism" as a counterpart to the current definition of "international terrorism" in 18 U.S.C. §2331. The new definition for "domestic terrorism" is for the limited purpose of providing investigative authorities (i.e., court orders, warrants, etc.) for acts of terrorism within the territorial jurisdiction of the United States. Such offenses are those that are "(1) dangerous to human life and violate the criminal laws of the United States or any state; and (2) appear to be intended (or have the effect)—to intimidate a civilian population; influence government policy intimidation or coercion; or affect government conduct by mass destruction, assassination, or kidnapping (or a threat of)." Same as Administration proposal.

Sec. 803. Prohibition against harboring terrorists. Both the House and Senate bills included this provision to establish a new criminal prohibition against harboring terrorists, similar to the current prohibition in 18 U.S.C. §792 against harboring spies, and makes it an offense when someone harbors or conceals another they know or should have known had engaged in or was about to engage in federal terrorism offenses. Narrower than Administration's proposal except that the final bill removes the Administration's original proposal to make it an offense to harbor someone merely suspected of engaging in terrorism.

Sec. 804. Jurisdiction over crimes committed at U.S. facilities abroad. Both the House and Senate bills included this provision to extend the special maritime and territorial jurisdiction of the United States to cover, with respect to offenses committed by or against a U.S. national, U.S. diplomatic, consular and military missions, and residences used by U.S. personnel assigned to such missions. Based on original Administration proposal.

Sec. 805. Material support for terrorism. Both the House and Senate bills included this provision to amend 18 U.S.C. §2339A, which prohibits providing material support to terrorists, in four respects. First, it adds three terrorism-related offenses to the list of §2339A predicates. Second, it provides that §2339A violations may be prosecuted in any Federal judicial district in which the predicate offense was committed. Third, it clarifies that monetary instruments, like currency and other financial securities, may constitute "material support or resources" for purpose of §2339A. Fourth, it explicitly prohibits providing terrorists with "expert advice or assistance," such as flight training, knowing or intending that it will be used to prepare for or carry out an act of terrorism. Same as original Administration proposal.

Sec. 806. Assets of terrorists organizations. Both the House and Senate bills included this provision to provide that the assets of individuals and organizations engaged in planning or perpetrating acts of terrorism against the United States, as well as the proceeds and instrumentalities of such acts, are subject to civil forfeiture. Same as original Administration proposal.

Sec. 807. Technical clarification relating to provision of material support to terrorism. Both the House and Senate bills included this provision to clarify that the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) do not limit or otherwise affect the criminal prohibitions against providing material support to terrorists or designated terrorist organizations, 18 U.S.C. §§2339A & 2339B. Same as original Administration proposal.

Sec. 808. Definition of Federal crime of terrorism. Both the House and Senate bills included this provision to update the list of predicate offenses under the current definition of "Federal crime of terrorism," 18 U.S.C. §2332b(g)(5). Narrower than original Administration proposal.

Sec. 809. No statute of limitation for certain terrorism offenses. Both the House and Senate bills included this provision to eliminate the statute of limitations for certain terrorism-related offenses, if the commission of such offense resulted in, or created a foreseeable risk of, death or serious bodily injury to another person. Narrower than original Administration proposal.

Sec. 810. Alternative maximum penalties for terrorism offenses. Both the House and Senate bills included this provision to raise the maximum prison terms to 15 or 20 years or, if death results, life, in the following criminal statutes: 18 U.S.C. §81 (arson within the special maritime and territorial jurisdiction of the United States); 18 U.S.C. §1366 (destruction of an energy facility); 18 U.S.C. §2155(a) (destruction of national-defense materials); 18 U.S.C. §§2339A & 2339B (provision of material support to terrorists and terrorist organizations); 42 U.S.C. §2284 (sabotage of nuclear facilities or fuel); 19 U.S.C. §46505(c) (killings on aircraft); 49 U.S.C. §60123(b) (destruction of interstate gas or hazardous liquid pipeline facility). Narrower than original Administration proposal.

Sec. 811. Penalties for terrorist conspiracies. Both the House and Senate-passed bills included this provision to ensure adequate penalties for certain terrorism-related conspiracies by adding conspiracy provisions to the following criminal statutes: 18 U.S.C. §81 (arson within the special maritime and territorial jurisdiction of the United States); 18 U.S.C. §930(c) (killings in Federal facilities); 18 U.S.C. §1362 (destruction of communications lines, stations, or systems); 18 U.S.C. §1363 (destruction of property within the special maritime and territorial jurisdiction of the United States); 18 U.S.C. §1992 (wrecking trains); 18 U.S.C. §2339A (material support to terrorists); 18 U.S.C. §2340A (torture); 42 U.S.C. §2284 (sabotage of nuclear facilities or fuel); 49 U.S.C. §46504 (interference with flight crews); 49 U.S.C. §46505 (carrying weapons or explosives on aircraft); 49 U.S.C. §60123 (destruction of interstate gas or hazardous liquid pipeline facility). Narrower than original Administration proposal.

Sec. 812. Post-release supervision of terrorists. Both the House and Senate bills included this provision to authorize extended period of supervised release for certain terrorism-related offenses that resulted in, or created a foreseeable risk of, death or serious bodily injury to another person. Narrower than original Administration proposal.

Sec. 813. Inclusion of acts of terrorism as racketeering activity. Both the House and Senate bills included this provision to amend the RICO statute to include certain terrorism-related offenses within the definition of "racketeering activity," thus allowing multiple acts of terrorism to be charged as a pattern of racketeering for RICO purposes. This section expands the ability of prosecutors to prosecute members of established, ongoing terrorist organizations that present the threat of continuity that the RICO statute was designed to permit prosecutors to combat. Narrower than original Administration proposal.

Sec. 814. Deterrence and prevention of cyberterrorism. Both the House and Senate bills included this provision to clarify the criminal statute prohibiting computer hacking, 18 U.S.C. §1030, to cover computers located outside the United States when used in a manner that affects the interstate commerce or communications of this country, update the definition of "loss" to ensure full costs to victims of hacking offenses are counted, clarify the scope of civil liability and eliminate the current mandatory minimum sentence applicable in some cases. Not in original Administration proposal.

Sec. 815. Additional defense to civil actions relating to preserving records in response to Government requests. Both the House and Senate bills included this provision to provide an additional defense under 18 U.S.C. §2707(e)(1) to civil actions relating to preserving records in response to Government requests. Not in original Administration proposal.

Sec. 816. Development and support of cybersecurity forensic capabilities. Both the House and Senate bills included this provision to require the Attorney General to establish regional computer forensic laboratories and to support existing computer forensic laboratories to help combat computer crime. Not in original Administration proposal.

Sec. 817. Expansion of the biological weapons statute. The Senate-passed bill included this provision to amend the definition of "for use as a weapon" in the current biological weapons statute, 18 U.S.C. §175, to include all situations in which it can be proven that the defendant had any purpose other than a prophylactic, protective, or peaceful purpose. This section also creates a new criminal statute, 18 U.S.C. §175b, which generally makes it an offense for certain restricted persons, including non-resident foreign nationals of countries that support international terrorism, to possess a listed biological agent or toxin. Finally, this section provides that the Department of Health and Human Services enhance its role in bioterrorism prevention by establishing and enforcing standards and procedures governing the possession, use, and transfer of certain biological agents that have a high national security risk, including safeguards to prevent access to such agents for use in domestic or international terrorism. Modified from original Administration proposal, which did not require the government to establish the mens rea of the defendant to prove the crime of possession of the biological weapon.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under the Foreign Intelligence Surveillance Act of 1978. Both the House and Senate bills included this provision to clarify the role of the Director of Central Intelligence ("DCI") with respect to the overall management of collection goals, analysis and dissemination of foreign intelligence gathered pursuant to the Foreign Intelligence Surveillance Act, in order to ensure that FISA is properly and efficiently used for foreign intelligence purposes. It requires the DCI to assist the Attorney General in ensuring that FISA efforts are consistent with constitutional and statutory civil liberties. The DCI will have no operational authority with respect to implementation of FISA, which will continue to reside with the FBI. Not in original Administration proposal.

Sec. 902. Inclusion of international terrorism activities within scope of foreign intelligence under National Security Act of 1947. Both the House and Senate bills included this provision to revise the National Security Act definitions section to include "international terrorism" as a subset of "foreign intelligence." This change will clarify the DCI's responsibility for collecting foreign intelligence related to international terrorism. Not in original Administration proposal.

Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations. Both the House and Senate bills included this provision to express the Sense of Congress that the CIA should make efforts to recruit informants to fight terrorism. Not in original Administration proposal.

Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters. Both the House and Senate bills included this provision to allow the Secretary of Defense, the Attorney General and the DCI to defer the submittal of certain reports to Congress until February 1, 2002. Not in original Administration proposal.

Sec. 905. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations. Both the House and Senate bills included this provision to create a responsibility for law enforcement agencies to notify the Intelligence Community when a criminal investigation reveals information of intelligence value. Regularizes existing ad hoc notification, and makes clear that constitutional and statutory prohibitions of certain types of information sharing apply. Not in original Administration proposal.

Sec. 906. Foreign Terrorist Asset Tracking Center. Both the House and Senate bills included this provision to regularize the existing Foreign Terrorist Asset Tracking Center by creating an element within the Department of Treasury designed to review all-source intelligence in support of both intelligence and law enforcement efforts to counter terrorist financial support networks. Not in original Administration proposal.

Sec. 907. National Virtual Translation Center. Both the House and Senate bills included this provision to direct the submission of a report on the feasibility of establishing a virtual translation capability, making use of cutting-edge communications technology to link securely translation capabilities on a nationwide basis. Not in original Administration proposal.

Sec. 908. Training of government officials regarding identification and use of foreign intelligence. Both the House and Senate bills included this provision to direct the Attorney General, in consultation with the DCI, to establish a training program for Federal, State and local officials on the recognition and appropriate handling of intelligence information discovered in the normal course of their duties. Not in original Administration proposal.

TITLE X—MISCELLANEOUS

Sec. 1001. Review of the Department of Justice. This provision authorizes the Inspector General of the Department of Justice to designate one official to review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice. Not in original Administration proposal.

Sec. 1002. Sense of Congress. This provision condemns discrimination and acts of violence against Sikh-Americans. Not in original Administration proposal.

Sec. 1003. Definition of "electronic surveillance." This provision authorizes the use of the new computer trespass authority under FISA. Not in original Administration proposal.

Sec. 1004. Venue in money laundering cases. This provision clarifies the judicial districts in which money laundering prosecutions under 18 U.S.C. §§1956 and 1957 may be brought. Not in original Administration proposal.

Sec. 1005. First responders assistance act. This provision authorizes grants to State and local authorities to respond to and prevent acts of terrorism. Not in original Administration proposal.

Sec. 1006. Inadmissibility of aliens engaged in money laundering. This provision makes inadmissible to the United States any alien who a consular officer or the Attorney General knows, or has reason to believe, is involved in a Federal money laundering offense. Not in original Administration proposal.

Sec. 1007. Authorization of funds for DEA police training in South and Central Asia. This provision authorizes money for anti-drug training in the Republic of Turkey, and for increased precursor chemical control efforts in the South and Central Asia region. Not in original Administration proposal.

Sec. 1008. Feasibility study on use of biometric identifier scanning system with access to the FBI Integrated automated fingerprint identification system at overseas consular posts and points of entry to the United States. This provision directs the Attorney General to report to Congress on the feasibility of using a biometric identifier (fingerprint) scanning system, with access to the FBI fingerprint database, at consular offices abroad and at points of entry into the United States. Not in original Administration proposal.

Sec. 1009. Study of access. This provision directs the FBI to report to Congress on the feasibility of providing airlines with computer access to the names of suspected terrorists. Not in original Administration proposal.

Sec. 1010. Temporary authority to contract with local and State governments for performance of security functions at United States military installations. This provision provides temporary authority for the Department of Defense to enter contracts for the performance of security functions at any military installation of facility in the United States with a proximately located local or State government. Not in original Administration proposal.

Sec. 1011. Crimes against charitable Americans. This provision amends the Telemarketing and Consumer Fraud and Abuse Prevention Act to require any person engaged in telemarketing for the solicitation of charitable contributions to disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, and to make such other disclosures as the FTC considers appropriate. Not in original Administration proposal.

Sec. 1012. Limitation on issuance of hazmat licenses. This provision allows the Department of Transportation to obtain background records checks for any individual applying for a license to transport hazardous materials in interstate commerce. Not in original Administration proposal.

Sec. 1013. Expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response. This provision expresses the sense of the Senate that the United States should make a substantial new investment this year toward improving State and local preparedness to respond to potential bioterrorism attacks. Not in original Administration proposal.

Sec. 1014. Grant program for State and local domestic preparedness support. This provision authorizes an appropriated Department of Justice program to provide grants to States to prepare for and respond to terrorist acts including but not limited to events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices. The authorization revises this grant program to provide: (1) additional flexibility to purchase needed equipment; (2) training and technical assistance to State and local first responders; and (3) a more equitable allocation of funds to all States. Not in original Administration proposal.

Sec. 1015. Expansion and reauthorization of the Crime Identification Technology Act for antiterrorism grants to States and localities. This provision adds an additional antiterrorism purpose for grants under the Crime Identification Technology Act, and authorizes grants under that Act through fiscal year 2007. Not in original Administration proposal.

Sec. 1016. Critical infrastructures protection. This provision establishes a National Infrastructure Simulation and Analysis Center (NISAC) to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation. Not in original Administration proposal.

Mr. LEAHY. After that terrible day of September 11, we began looking at our laws, and what we might do. Unfortunately, at first, rhetoric overcame reality. We had a proposal sent up, and we were asked to pass it within a day or so. Fortunately for the country, and actually ironically beneficial to both the President and the Attorney General who asked for such legislation, we took time to look at it, we took time to read it, and we took time to remove those parts that were unconstitutional and those parts that would have actually hurt liberties of all Americans.

I say that because I think of what Benjamin Franklin was quoted as saying at a time when he literally had his neck on the line, where he would have been hanged if our revolution had failed. He said: A people who would give up their liberty for security deserve neither.

What we have tried to do in this legislation is to balance the liberties we enjoy as Americans and those liberties that have made us the greatest democracy in history but at the same time to enhance our security so we can maintain that democracy and maintain the leadership we have given the rest of the world.

We completed our work 6 weeks after the September 11 attacks. I compare this to what happened after the bombing of the Federal Building in Oklahoma City in 1995. It took a year to complete the legislation after that. We have done this in 6 weeks. But there has been a lot of cooperation. There have been a lot of Senators and a lot of House Members in both parties and dedicated staff who have worked around the clock.

I think of my own staff—and this could be said of many others, including the Presiding Officer's staff and the ranking member's staff—who were forced out of their offices because of the recent scares on Capitol Hill, and they continue to work literally in phone booths and in hallways and from their homes and off laptops and cell phones.

I made a joke in my own hide-away office. To those who have ever watched "The X-Files," there is a group called "the lone gunmen," who are sort of these computer nerds who meet in a small house trailer. I am seeing some puzzled looks around the Senate as I say this. But they have all these wires hanging from the ceiling and laptops and all, and they do great things. That is the way our office looked. But they were working around the clock on this legislation to get something better. There was some unfortunate rhetoric along the way, but again, the reality overcame it. We have a good piece of legislation.

As we look back to when we began discussions with the administration about this bill, there were sound and legitimate concerns on both sides of the Capitol, both sides of the aisle, about the legislation's implication for America's rights and freedoms. There was also a sincere and committed belief that we needed to find a way to give law enforcement authority new tools in fighting terrorism.

This is a whole new world. It is not similar to the days of the cold war where we worried about armies marching against us or air forces flying against us or navies sailing against us. This is not that world. Nobody is going to do that because we are far too powerful. Since the end of the cold war, with the strength of our military, nobody is going to do a frontal attack. But as the Presiding Officer and everyone else knows, a small dedicated group of terrorists, with state-supported efforts, can wreak havoc in an open and democratic Nation such as ours.

Anybody who has visited the sites of these tragedies doesn't need to be told the results. We know our Nation by its very nature will always be vulnerable to these types of attacks. None of us serving in the Senate today will, throughout our service, no matter how long it is, see a day where we are totally free of such terrorist attacks. That is the sad truth. Our children and our grandchildren will face the possibilities of such terrorist attacks because that is the only way the United States can be attacked. But that doesn't mean we are defenseless. It doesn't mean we suddenly surrender.

We have the ability, with our intelligence agencies and our law enforcement, to seek out and stop people before this happens. We are in an open session today, so I won't go into the number of times we have done that. But in the last 10 years, we have had, time and time again, during the former Bush administration, during the Clinton administration, and in the present administration, potential terrorist attacks thwarted. People have either been apprehended or eliminated.

Everybody in America knows our life has changed. Whether the security checks and the changes in our airlines are effective or not, we know they are reality. We know travel is not as easy as it once was. We will be concerned about opening mail. We will worry when we hear the sirens in the night. But we are not going to retreat into fortress America. We are going to remain a beacon of democracy to the rest of the world. Americans don't run and hide. Americans face up, as we have, to adversities, whether they be economic or wars or anything else.

We began this process knowing how we had to protect Americans. It was not that we were intending to see how much we could take out of the administration's proposal, but it was with a determination to find sensible, workable ways to do the same things to protect America the administration wanted but with checks and balances against abuse. We have seen at different times in this Nation's history how good intentions can be abused. We saw it during the McCarthy era.

Following the death of J. Edgar Hoover, we found how much totalitarian control of the FBI hurt so many innocent people without enhancing our security. We saw it during the excesses of the special prosecutor law enacted with good intentions.

We wanted to find checks and balances. We wanted to make sure we could go after terrorism. We wanted to make sure we could go after those who would injure our society, those who would strike at the very democratic principles that ironically make us a target. But we wanted to do it with checks and balances against abuse. That is what we did. In provision after provision, we added those safeguards that were missing from the administration's plan.

By taking the time to read and improve the antiterrorism bill, Congress has done the administration a great favor in correcting the problems that were there. We have used the time wisely. We have produced a far better bill than the administration proposed. Actually, it is a better bill than either this body or the House initially proposed. The total is actually greater than the sum of the parts.

We have done our utmost to protect Americans against abuse of these new law enforcement tools, and there are new law enforcement tools involved. In granting these new powers, the American people but also we, their representatives in Congress, grant the administration our trust that they are not going to be misused. It is a two-way street. We are giving powers to the administration; we will have to extend some trust that they are not going to be misused.

The way we guarantee that is congressional oversight. Congressional oversight is going to be crucial in enforcing this compact. If I might paraphrase former President Reagan: We will entrust but with oversight.

We will do this. The Republican chairman and his ranking member in the House of Representatives intend to have very close oversight. I can assure you that I and our ranking member will have tight oversight in the Senate.

Interestingly enough, the 4-year sunset provision included in this final agreement will be an enforcement mechanism for adequate oversight.

We did not have a sunset provision in the Senate bill. The House included a 5-year provision. The administration wanted even 10 years. We compromised on 4. It makes sense. It makes sense because with everybody knowing there is that sunset provision, everybody knows they are going to have to use these powers carefully and in the best way. If they do that, then they can have extensions. If they don't, they won't. It also enhances our power for oversight.

This is not precisely the bill that Senator HATCH would have written. It is not precisely the bill I would have written, or not precisely the bill the Presiding Officer or others on the floor would have written. But it is a good bill. It is a balanced bill. It is a greatly improved piece of legislation. It is one that sets up the checks and balances necessary in a democratic society that allow us to protect and preserve our security but also protect and preserve our liberties.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, shortly after the September 11 attack on America, the President of the United States asked Congress to pass legislation that would provide our law enforcement and intelligence agencies the tools they needed to wage war on the terrorists in our midst. These tools represent the domestic complement to the weapons our military currently is bringing to bear on the terrorists' associates overseas. At the same time, the President asked that, in crafting these tools, we remain vigilant in protecting the constitutional freedoms of all Americans—certainly of all law-abiding Americans.

After several weeks of negotiations with Chairman LEAHY, the House of Representatives, and the administration, we have developed bipartisan consensus legislation that will accomplish both of these goals. It enhances our ability to find, track, monitor, and prosecute terrorists operating here in the U.S. without in any way undermining civil liberties.

We can never know whether these tools would have prevented the attack on America, but, as the Attorney General has said, it is certain that without these tools we did not stop the vicious acts of last month.

I personally believe that if these tools had been in law—and we have been trying to get them there for years—we would have caught those terrorists. If these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorists—then we should not hesitate to enact these measures into law. God willing, the legislation we pass today will enhance our abilities to protect and prevent the American people from ever again being violated as we were on September 11.

This legislation truly represents the product of intense, yet bipartisan, negotiations. Senator LEAHY and I carried out a painstaking review of the antiterrorism proposal submitted by the administration. There have been several hearings on this legislation in the Senate—not just this year, but in prior years—on some of the provisions and features that we have in here, including discussions during the enactment of the 1996 Antiterrorism Effective Death Penalty Act, called the Dole-Hatch bill.

We have heard from countless experts and advocates on all sides of this issue in this debate. Of late, we have also worked closely with Chairman SENSENBRENNER in the House, Mr. CONYERS, the ranking member on the House Judiciary Committee, and others in our effort to complete legislation that could receive near unanimous approval and support in the Congress. Although I do not expect every Senator to vote in favor of this legislation, Senator LEAHY and I have worked tirelessly to accommodate every concern. While Members ultimately may differ on some of these proposals, I know we all share the same overriding concern, and that is protecting our country from further harm.

The bill before us, which I hope we will pass today, differs in several respects from the legislation we passed in the Senate 2 weeks ago. These changes result from negotiations with our House counterparts, and some of the changes are certainly not objectionable. For example, we have included language requiring prosecutors to notify Federal courts when they have disclosed grand jury information to other Federal agencies for national security purposes. Also, the bill includes a provision requiring law enforcement to provide detailed reports concerning their use of the FBI's so-called Carnivore computer surveillance system. These changes will properly encourage the law enforcement community to use these tools responsibly.

Unfortunately, not all of the changes are welcome. For instance, our effort to mitigate the unforeseen problems created by a change in the law governing the discipline of Federal prosecutors was rebuffed by the House of Representatives. As a result, Federal prosecutors will continue to be hampered by the myriad and often contradictory State bar rules, and sometimes very politicized State bar rules. Even more alarming, Federal law enforcement authorities in the State of Oregon will continue to be prohibited from engaging in legitimate undercover activity—even undercover activity designed to infiltrate a terrorist cell. That is ridiculous. Nevertheless, we could not get our House counterparts to resolve that problem.

Another troublesome change concerns the 4-year sunset provision. As my colleagues know, the legislation that passed the Senate 2 weeks ago by a vote of 96–1 did not contain a sunset. This omission was intentional and wise. In my opinion, a sunset will undermine the effectiveness of the tools we are creating here and send the wrong message to the American public that somehow these tools are extraordinary.

One hardly understands the need to sunset legislation that both provides critically necessary tools and protects our civil liberties. Furthermore, as the Attorney General stated, how can we sunset these tools when we know full well that the terrorists will not sunset their evil intentions? I sincerely hope we undertake a thorough review and further extend the legislation once the 4-year period expires. At least, we will have 4 years of effective law enforcement against terrorism that we currently do not have.

Despite these provisions, the legislation before us today deserves unanimous support. The core provisions of the legislation we passed in the Senate 2 weeks ago remain firmly in place. For instance, in the future, our law enforcement and intelligence communities will be able to share information and cooperate fully in protecting our Nation against terrorist attacks.

Our laws relating to electronic surveillance also will be updated. Electronic surveillance conducted under the supervision of a Federal judge happens to be one of the most powerful tools at the disposal of our law enforcement community. We now know that e-mail, cellular telephones, and the Internet have been the principal tools used by terrorists to coordinate their attacks, and our law enforcement and intelligence agencies have been hamstrung by laws that were enacted long before the advent of these technologies. This bill will modernize our laws so our law enforcement agencies can deal with the world as it is, rather than with the world as it existed 20 years ago.

Also, the legislation retains the compromise immigration proposals that I negotiated with Senator LEAHY, Senator KENNEDY, Senator KYL, Senator BROWNBACK, and also Senator FEINSTEIN, who has played a significant role. She and Senator KYL have both played significant roles leading up to this particular bill, and over the last 5 years in particular. We have worked hard to craft language that allows the Attorney General to be proactive, rather than reactive, without sacrificing the civil liberties of noncitizens.

In total, the amendments made by this legislation to the Immigration and Nationality Act reflect, and account for, the complex and often mutating nature of terrorist groups by expanding the class of inadmissible and deportable aliens and providing a workable mechanism by which the Attorney General may take into custody suspected alien terrorists. Further, the legislation breaks down some of the barriers that have in the past prevented the State Department, the Immigration and Naturalization Service, the FBI, and others from effectively communicating with each other. If we are to fight terrorism, we cannot allow terrorists, or those who support terrorists, to enter or to remain in our country.

Finally, the bill provides the administration with powerful tools to attack the financial infrastructure of terrorism. For instance, the legislation expands the President's authority to freeze the assets of terrorists and terrorist organizations and provides for the eventual seizure of such assets. These financial tools will give our Government the ability to choke off the financing that these dangerous organizations need in order to survive.

The legislation provides numerous other tools—too many to mention here—to aid our war against terrorism. Many of these were added at the request of our Senate colleagues, and I commend all of them for their input.

Before I yield the floor, I must take a moment to acknowledge the hard work by my staff, the staff of Senator LEAHY, and the representatives of the administration, from the White House and the Justice Department and elsewhere, who were involved in the negotiation of this bill. These people have engaged in discussions literally around the clock over the 6 weeks to produce this legislation. So I thank everybody who has worked on this legislation.

This is a major anticrime, antiterrorism bill. It is probably the most important bill we will enact this year, certainly with regard to national security and terrorism. I thank everybody involved, and I will make further remarks about that later in the debate.

With that, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, it is my hope that today as we pass this antiterrorism legislation and as we will in future days take action on issues of resources to fight antiterrorism and changes in organizational structure, we will be making as significant a national statement about our will and determination to eliminate the scourge of global terrorism as previous generations did about other scourges that afflicted our country.

It was not that long ago that America was beset by the scourge of organized crime. Many of our communities had been seriously invaded by these insidious influences of organized crime. People, many of whom occupy the chairs that we now occupy in this very Chamber, decided a half century or more ago that was intolerable and we would take the necessary steps to recapture the essential values of our country.

I think it is fair to say we live in a much safer and more secure America because of those efforts. I hope that in years in the future those who occupy this Chamber will look back with a similar belief that the actions we are taking now have had a similar effect in terms of making this a more secure, not just America but world for our children and grandchildren.

With that hope, I wish to talk about a few of the provisions of this legislation that relate directly to America's intelligence community and the role it will play in securing that future.

First, a bit of history. For most of America's history, we have been extremely uncomfortable with the idea of clandestine intelligence. It ran contrary to our basic spirit of national openness. While the British have had a well-developed intelligence system since the Napoleonic wars, our first adventure in this field really is a product of the Second World War, and as soon as the war was over, the military intelligence services were essentially collapsed.

Two years later, President Truman recognized that with the advent of the Soviet Union and the development of what we came to know as the Iron Curtain that separated the Soviet Union from the free world, we were going to have to have some capability to understand what this large adversary was about and therefore prepare ourselves. So in 1947 the National Security Act was adopted which created the Central Intelligence Agency and from that the other intelligence agencies which now constitute America's intelligence community.

For 40 years that intelligence community was focused on one target: the Soviet Union and its Warsaw Pact allies. We knew that community. The United States had been dealing with Russia since even before John Quincy Adams was our Ambassador in St. Petersburg. It was a homogenous enemy. Most of the countries spoke Russian, and therefore if we had command of that language, we could understand what most of the Warsaw Pact nations were saying. It was also an old style symmetrical enemy: We were matching tanks for tanks, nukes for nukes.

With the fall of the Berlin Wall, the world changed in terms of intelligence requirements. Suddenly, instead of one enemy, we had dozens of enemies. Suddenly, instead of having command of one language which made us linguistically competent, there were scores of languages we had to learn to speak. In Afghanistan alone, there are more than a half dozen languages with which one must have some familiarity in order to understand what is being said there. And instead of symmetrical relationships, we now have small groups of a dozen or a hundred or a thousand or so against a nation the size of the United States of America. So our intelligence community has been challenged to respond to this new reality. This legislation is going to accelerate that response.

Let me focus, in my limited time, on three areas within this legislation that I think will be significantly beneficial.

The first goes to the reality that we have had, in large part, out of this history of unease with dealing with clandestine information, an orientation to treat terrorist activities as crimes and put up yellow tape, secure the crime scene, hold the information very close because we did not want to have it infected so that the evidence could not be used at a subsequent trial that would lead to the conviction of the perpetrator. In the course of that, we also shut off the ability to share information which might allow us to anticipate the future actions of those same perpetrators and interdict an act of terrorism before it had occurred.

We take some significant steps to overcome that orientation by the provisions contained in this legislation which will require the sharing of criminal justice information with intelligence agencies. I underscore the word "require" because even as recently as today's Washington Post, there is an article describing the legislation which uses the term "the authority to share," as if this were a permissive requirement.

In fact, the legislation very explicitly makes it mandatory. I refer to page 308 beginning at line 9 where it states that the Attorney General or the head of any other Department or Agency of the Federal Government with law enforcement responsibilities shall —shall—expeditiously disclose to the Director of Central Intelligence pursuant to guidelines developed foreign intelligence acquired by an element of the Department of Justice or any element of such Department or Agency, as the case may be, in the course of a criminal investigation.

We are closing that gap which has in the past been a major source of limitation and frustration to our ability to predict and interdict future actions.

Second, we are dealing with the issue of the empowerment of the Director of Central Intelligence. We tend to think of the CIA as being the lead agency for our intelligence community. In fact, that is not correct. If one looks at an organizational chart, across the top is the Director of Central Intelligence. Under the Director of Central Intelligence is a series of agencies, of which the CIA is one, which have operational responsibility.

If one looks at that chart, one assumes the Director of Central Intelligence is the head coach, the leader with the ability to command and control the intelligence community. In fact, because of other authorities, including budget authority and personnel authorities and some culture of individuality by agencies, the Director of Central Intelligence has not been fully empowered.

We take a step in this legislation towards giving the Director of Central Intelligence greater authority and in a very significant area. We have a limited capability to eavesdrop on the communication of potential adversaries, including terrorists. Under the current structure, it is primarily the responsibility of the Federal Bureau of Investigation, which actually operates and targets our electronic surveillance, as to which target will be listened to first if we cannot listen to everybody because we do not have, for instance, enough people who can understand the exotic language in which the communication is being spoken.

This legislation will establish the fact it is the Director of Central Intelligence who will decide what the strategic priorities for the use of our electronic surveillance will be. So if the Director of Central Intelligence is aware we face a terrorist attack from a specific terrorist organization which speaks a specific language, those communications will be given the priority for purposes of how we will use our available electronic surveillance capability.

The Director of Central Intelligence will then also, at the back end of that process, have the primary responsibility for determining how to disseminate that information. The nightmare that exists, and will exist until we complete a full review of what happened on September 11, is we are going to find someplace a tape of a conversation we secured which will disclose what would have been key information as to what was being prepared, what plot was being matured which resulted in the terror of September 11.

These provisions are intended to prioritize, on the front end, what we will gather information against and, on the back end, who will be first in line to get the information that has come from that surveillance.

A third provision goes to the criticism that the intelligence community has become risk adverse: that we have been reticent to take on the hardest targets because they are hard, because they may result in failure and nonaccomplishment of the mission. As President Kennedy said as we started our space program, we start this not because it is easy but because it is hard and it will challenge us to our fullest.

One of the areas in which we have become risk adverse has been the area of hiring foreign nationals to do work which it is very difficult for Americans to do, not because we are not smart, capable people, but if we are going to hire someone or secure the services of someone who can get close to an ominous figure such as Osama bin Laden, frankly, it is probably somebody who is pretty similar to bin Laden. It is someone who can gain his confidence. That may well mean he has been an associate of bin Laden in the past, has engaged in some of the activities we so abhor.

Today there is a sense within the intelligence community we should not hire people who have that kind of background because they are potentially unreliable but also because they bring a dirty background.

This legislation, through a sense-of-the-Congress statement, reverses that and says our priority goal in employing persons to assist in our antiterrorism activity should be to acquire services of persons who can be of greatest assistance to us in determining the plans and intentions of the terrorists, even if it means we might have to hire someone with whom we would not personally like to have a social or other relationship.

That is a statement of our commitment to this intelligence community; that we, the Congress, are prepared to back them up when they take some of these high-risk undertakings and that we will understand there is the risk of failure but it is better to risk failure than to be cowered by the unwillingness to engage in important but high-risk ventures.

So those are three illustrative provisions which are in the intelligence section of this legislation, which I think have the potential of the same impact on our capacity to rid the world of the scourge of terrorism as similar actions have so contributed to our ability to reduce the influence of organized crime within this Nation.

I urge the adoption of this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Madam President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I thank my colleague, Senator HATCH of Utah, for giving me time to speak in support of the bill. I want to particularly direct attention to the immigration provisions in the bill.

Last month, our Nation was attacked by extremists who hoped to undermine our way of life and the liberties we enjoy. These individuals and the groups they represent want our country to recoil in terror and capitulate to fear. This we will not do.

We have before us today legislation that stands firm before those who mean us harm. This antiterrorism package, the product of an earnest bipartisan effort, is an intelligent and thorough response to the immediate security needs of our Nation. I commend in particular the immigration provisions of this legislation, which will strengthen our immigration laws to better combat terrorism.

My heartfelt gratitude is to my colleagues on the Immigration Subcommittee and to the committee's leadership—Senator HATCH, Senator LEAHY, and others—for their dedication and diligence in crafting what I think is fine legislation.

This antiterrorist package will enhance the ability of our consuls overseas and our immigration officers at home to intercept and remove both alien terrorists and those who support them. This is a daunting task.

We had a hearing last week on trying to intercept people coming into this country who mean us harm, and it is difficult in the sense we have nearly 350 million people a year, non-U.S. citizens, who enter this country, and we are looking for those few who mean us harm. This is a difficult task. This legislation helps to make it easier. We are looking for a needle in a haystack, and this legislation helps us in finding that or gives us a bigger magnet to be able to find it.

This legislation will capture not only those individuals who commit acts of terror but also those who enhance, enable, and finance them. It does so through several forceful changes to our current immigration laws. Among those changes is an expanded definition of terrorism, one that encompasses not only the acts of terrorism but the network of terrorism.

This legislation will also permit the Attorney General to promptly take into custody and detain those aliens who pose a threat to the safety or security of this Nation. At the same time, it will provide the Secretary of State with better information and better tools to identify terrorists and to deny them access to our country.

Perhaps most important of all, this legislation will improve the flow of information between the Immigration and Naturalization Service, the Department of State, and the law enforcement and intelligence communities. This is important. What we have is several stovepipes of information, and we need to be able to get those collected to be able to stop the terrorists before they enter our land.

This increased flow of information will allow those agencies tasked with protecting our borders to better coordinate and thereby thwart any terrorist seeking to reach our shores. This is not to say this legislation is unmindful of innocent visitors or the lawful permanent residents of our country. To the contrary. These immigration provisions contain appropriate safeguards to protect the liberties of persons whom we want in this country.

I am pleased to report this legislation is carefully crafted to combat terrorism without compromising the values or the economy of the United States or the values that guide our immigration laws. This legislation represents a profound and essential improvement in our immigration laws. We need these changes if our immigration laws are to be an effective defense against the threat of terrorism we face today.

I urge my colleagues to support the legislation and note as well we are continuing to refine further other potential areas where we can make changes in our immigration laws to better be able to catch those who seek to enter our country to do us harm. Senator KENNEDY and I are working on bipartisan legislation to do just that. We hope to introduce this next week.

I appreciate the opportunity to address my colleagues on this important legislation. I reserve the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I yield myself such time as I may need.

I see the Senator from Wisconsin, so I am only going to take 2 or 3 minutes at this point.

A number of Senators have asked some of the areas where this changes. We had a separate, bipartisan, bicameral negotiation, and we shaped and changed the legislation as originally proposed by the Attorney General and the administration. I will speak at greater length as we go on.

We improved security on the northern border, the 4,000-mile wonderful border between our country and Canada, another democratic nation. The State of the Presiding Officer borders Canada, as does mine. It is just a short drive from the Canadian border. Many members of my wife's family came from Canada. We have always had historic and economic ties with Canada. Partly because we have taken so much for granted, we have also shortchanged this relationship. We should look at the border for our sake and for the sake of Canada. We have greatly improved security on the northern border by adding better technology, more Customs and INS agents. That helps.

We added something the administration did not include—money laundering. I learned as a prosecutor—and most Members know this—if you want to learn something, follow the money. If you want to stop terrorism, one way is to cut off the money supply.

Third, we have added programs to enhance information sharing in coordination with State and local law enforcement, grants for local governments to respond to bioterrorism, to increase payments to families of fallen firefighters, police officers, and other public safety officers. That is important.

Cooperation is necessary. The mayor of New York City, Mayor Giuliani, called me saying the police commissioner has justifiable concerns about the previous lack of cooperation from the Federal Government in their own antiterrorism efforts, although New York City has one of the best antiterrorist units in the country. The mayor of Baltimore has called, as have other mayors.

I ask unanimous consent to have printed in the RECORD the Washington Post op-ed piece by Robert D. Novak in today's paper entitled "Same Old FBI."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAME OLD FBI

Behind the facade of cooperation following the Sept. 11 attacks, less than amicable relations between New York Mayor Rudolph Giuliani and the FBI have further deteriorated. According to New York City sources, the mayor has engaged in more than one shouting match with FBI Assistant Director Barry Mawn.

It's the same old problem because it's the same old FBI. Newly appointed, much acclaimed Director Robert Mueller makes little difference. The bureau refuses to share information with local police agencies. It won't permit security clearances for high local officials. Law enforcement officers around the country say that attitude lent itself to catastrophe on Sept. 11 and could permit further disasters.

Last Friday in Washington, Mueller—amiable and agreeable—sat down with big city police chiefs and promised things will get better. The chiefs doubt whether Mueller or Tom Ridge, the new homeland security director, can change the bureau's culture, described to me by one police chief as "elitist and arrogant." Efforts to enlist members of Congress into pressing for reform find politicians awed by the FBI mystique.

The FBI's big national security section in New York City long has grappled with the New York Police Department. "the FBI's attitude has been that if you need to know, we'll tell you," one New York police source told me. That "need" never occurs, with the FBI adamant against any local anti-terrorism activity. The locals, in turn, complain about the feds failing to follow important leads.

Giuliani is not venting his outrage in this time of crisis, but sources report a high private decibel level by the mayor. The complaint to Mawn is that the NYPD is out of the loop, its senior officers not even granted security clearances.

Such complaints are common across the country, but only a few police chiefs speak publicly—notably Edward Norris of Baltimore (who complained in congressional testimony), Michael Chitwood of Portland, Maine, and Dan Oates of Ann Arbor, Mich.

Chitwood's experience is most bizarre. He was infuriated to learn that the FBI knew of a visit to Portland by two Sept. 11 hijackers but did not inform him. When his police pursued a witness of that visit, the FBI threatened to arrest the chief. "I ignored them," Chitwood told me. Has cooperation with the bureau improved? "Not a bit," he said. Only Tuesday he learned from reading his local newspaper about a plane under federal surveillance parked at the Portland airport for seven weeks.

Oates is familiar with the FBI, having tried to work with the feds during 21 years with the NYPD before retiring this year to go to Ann Arbor. As a deputy chief who was commanding officer of NYPD intelligence, he describes the FBI as "obsessed with turf."

Closing doors to police officers particularly infuriates Oates. "The security clearance issue is a tired old excuse that allows the FBI not to share," he told me. "They should hand out 10,000 security clearances to cops around the country." Oates and other police chiefs believe Sept. 11 might have been averted had the FBI alerted local police agencies about a Minnesota flight school's report of an Arab who wanted instructions for steering a big jet but not for landing or taking off.

Police chiefs would open the FBI to the same probing of decisions and actions that they routinely perform after the fact. They also would like the same rules for the bureau that govern most of the nation's police departments. In the FBI, nobody takes the fall for blundering.

A promise that things will change in the FBI was implicit in Director Mueller's remarks to city police chiefs last Friday.

> Philadelphia Police Commissioner John Timoney, another NYPD veteran who is more cautious in his criticism of the feds than his former colleague Oates, sounded skeptical after the meeting. "I'm hopeful," he told me, but he would make no predictions.
>
> What he hopes for is the safety of the American people. The police chiefs of America want a top-to-bottom cleaning of the FBI that will require leadership from the Oval Office. If George W. Bush doubts the urgency, he should talk to Rudy Giulianai.

Mr. LEAHY. We have to dramatically increase that cooperation or stop the noncooperation and start cooperating.

We have added humanitarian relief to immigrant victims of the September 11 terrorist attacks. A lot of immigrants became victims of that attack. They suddenly became orphans or were spouses of people killed.

We added help to the FBI to hire translators. I shudder to think how much information was available before September 11 that was never translated that might have prevented this.

We have added more comprehensive victims assistance; measures to fight cyber-crime; measures to fight terrorism against mass transportation systems; important measures to use technology to make our borders more secure.

Last, Madam President, and I cannot emphasize this enough, the Senate should never give a blank check to our law enforcement or to any President or Attorney General of either party. We have to protect the liberties of our people. Who watches the watchers? We watch.

I said earlier, as Benjamin Franklin once said, a nation that would trade its liberties for security deserves neither.

We can have our security and we can protect our liberties but only if we have adequate checks and balances. People who are professional law enforcement say give us the checks and balances. We give enormous power to Federal, State, and local law enforcement, but with that there have to be checks and balances. We have all seen times where if law enforcement is unchecked, innocent people can be hurt.

I was a prosecutor for 8 years, and I know we have to have checks and balances. We have done that. You cannot simply have a case and say: Do this, we will set aside this pesky Constitution for the moment.

We cannot do that. We built in checks and balances that were not in the original proposal. Ultimately, that will be the best thing for the country.

We will give law enforcement translators, tools, computers, and other things necessary to help them. We stand united as a nation. We know the only way to protect ourselves is to stop the terrorists before they strike. Going to the funerals after the strike is too late. We will do that, but we will do it protecting the foundations of our Constitution and freedom which made us such a great democracy in the first place.

None of us have any idea how long we will be in the Senate. I hope my colleagues are willing to stay here as long as they can. When I leave the Senate, as I will, I want to leave knowing I have done my best to protect our freedoms. I have said over and over again, the Senate is the conscience of the Nation. As much as any piece of legislation, this has to reflect our conscience.

I reserve the remainder of my time.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I have asked for this time to speak about the antiterrorism bill, H.R. 3162. As we address this bill, of course, we are especially mindful of the terrible events of September 11 and beyond, which led to this bill's proposal and its quick consideration in the Congress.

This has been a tragic time in our country. Before I discuss this bill, let me first pause to remember, through one small story, how September 11 has irrevocably changed so many lives. In a letter to the Washington Post recently, a man, as he went jogging near the Pentagon, came across the makeshift memorial built for those who lost their lives. He slowed to a walk as he took in the sight before him, the red, white, and blue flowers covering the structure. Off to the side, was a smaller memorial with a card that read: Happy birthday, Mommy. Although you died and are no longer with me, I feel as if I still have you in my life. I think about you every day.

After reading the card, the man felt as if he were "drowning in the names of dead mothers, fathers, sons, and daughters." The author of this letter shared a moment in his own life that so many of us have had, the moment where televised pictures of the destruction are made painfully real to us. You read a card, see the anguished face of a loved one, and then, suddenly, we feel the enormity of what has happened to so many American families and to all of us as a people.

We also had our initial reactions to the attack. My first and most powerful emotion was a solemn resolve to stop these terrorists. That remains my principal reaction to these events. But I also quickly realized, as many did, that two cautions were necessary. I raised them on the Senate floor the day after the attacks.

The first caution was that we must continue to respect our Constitution and protect our civil liberties in the wake of the attacks.

As the chairman of the Constitution subcommittee of the Judiciary Committee I recognize fully that this is a different world, with different technologies, different issues, and different threats.

Yet we must examine every item that is proposed in response to these events to be sure we are not rewarding these terrorists and weakening ourselves by giving up the cherished freedoms that they seek to destroy.

The second caution I issued was a warning against the mistreatment of Arab Americans, Muslim Americans, South Asians, or others in this country. Already, one day after the attacks, we were hearing news reports that misguided anger against people of these backgrounds had led to harassment, violence, and even death.

I suppose I was reacting instinctively to the unfolding events in the spirit of the Irish statesman John Philpot Curran, who said:

> The condition upon which God hath given liberty to man is eternal vigilance.

During those first few hours after the attacks, I kept remembering a sentence from a case I had studied in law school. Not surprisingly, I didn't remember which case it was, who wrote the opinion, or what it was about, but I did remember these words:

> While the Constitution protects against invasions of individual rights, it is not a suicide pact.

I took these words as a challenge to my concerns about civil liberties at such a momentous time in our history; that we must be careful to not take civil liberties so literally that we allow ourselves to be destroyed.

But upon reviewing the case itself, Kennedy v. Mendoza-Martinez, I found that Justice Arthur Goldberg had made this statement but then ruled in favor of the civil liberties position in the case, which was about draft evasion. He elaborated:

> It is fundamental that the great powers of Congress to conduct war and to regulate the Nation's foreign relations are subject to the constitutional requirements of due process. The imperative necessity for safeguarding these rights to procedural due process under the gravest of emergencies has existed throughout our constitutional history, for it is then, under the pressing exigencies of crisis, that there is the greatest temptation to dispense with fundamental constitutional guarantees which, it is feared, will inhibit governmental action.

The Justice continued:

> The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances . . . In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.

I have approached the events of the past month and my role in proposing and reviewing legislation relating to it in this spirit. I believe we must, we must, redouble our vigilance. We must redouble our vigilance to ensure our security and to prevent further acts of terror. But we must also redouble our vigilance to preserve our values and the basic rights that make us who we are.

The Founders who wrote our Constitution and Bill of Rights exercised that vigilance even though they had recently fought and won the Revolutionary War. They did not live in comfortable and easy times of hypothetical enemies. They wrote a Constitution of limited powers and an explicit Bill of Rights to protect liberty in times of war, as well as in times of peace.

Of course, there have been periods in our nation's history when civil liberties have taken a back seat to what appeared at the time to be the legitimate exigencies of war. Our national consciousness still bears the stain and the scars of those events: The Alien and Sedition Acts, the suspension of habeas corpus during the Civil War, the internment of Japanese-Americans, German-Americans, and Italian-Americans during World War II, the blacklisting of supposed communist sympathizers during the McCarthy era, and the surveillance and harassment of antiwar protesters, including Dr. Martin Luther King Jr., during the Vietnam War. We must not allow these pieces of our past to become prologue.

Even in our great land, wartime has sometimes brought us the greatest tests of our Bill of Rights. For example, during the Civil War, the Government arrested some 13,000 civilians, implementing a system akin to martial law. President Lincoln issued a proclamation ordering the arrest and military trial of any persons "discouraging volunteer enlistments, or resisting militia drafts." Wisconsin provided one of the first challenges of this order. Draft protests rose up in Milwaukee and Sheboygan. And an anti-draft riot broke out among Germans and Luxembourgers in Port Washington, WI. When the government arrested one of the leaders of the riot, his attorney sought a writ of habeas corpus. His military captors said that the President had abolished the writ. The Wisconsin Supreme Court was among the first to rule that the President had exceeded his authority.

In 1917, the Postmaster General revoked the mailing privileges of the newspaper the Milwaukee Leader because he felt that some of its articles impeded the war effort and the draft. Articles called the President an aristocrat and called the draft oppressive. Over dissents by Justices Brandeis and Holmes, the Supreme Court upheld the action.

We all know during World War II, President Roosevelt signed orders to incarcerate more than 110,000 people of Japanese origin, as well as some roughly 11,000 of German origin and 3,000 of Italian origin.

Earlier this year, I introduced legislation to set up a commission to review the wartime treatment of Germans, Italians, and other Europeans during that period. That bill came out of heartfelt meetings in which constituents told me their stories. They were German-Americans, who came to me with some trepidation. They had waited 50 years to raise the issue with a member of Congress. They did not want compensation. But they had seen the Government's commission on the wartime internment of people of Japanese origin, and they wanted their story to be told, and an official acknowledgment as well with regard to what had happened to them. I hope, that we will move to pass this important legislation early next year. We must deal with our nation's past, even as we move to ensure our nation's future.

Now some may say, indeed we may hope, that we have come a long way since those days of infringements on civil liberties. But there is ample reason for concern. And I have been troubled in the past 6 weeks by the potential loss of commitment in the Congress and the country to traditional civil liberties.

As it seeks to combat terrorism, the Justice Department is making extraordinary use of its power to arrest and detain individuals, jailing hundreds of people on immigration violations and arresting more than a dozen "material witnesses" not charged with any crime. Although the Government has used these authorities before, it has not done so on such a broad scale. Judging from Government announcements, the Government has not brought any criminal charges related to the attacks with regard to the overwhelming majority of these detainees.

For example, the FBI arrested as a material witness the San Antonio radiologist Albader Al-Hazmi, who has a name like two of the hijackers, and who tried to book a flight to San Diego for a medical conference. According to his lawyer, the Government held Al-Hazmi incommunicado after his arrest, and it took 6 days for lawyers to get access to him. After the FBI released him, his lawyer said:

> This is a good lesson about how frail our processes are. It's how we treat people in difficult times like these that is the true test of the democracy and civil liberties that we brag so much about throughout the world.

I agree with those statements.

Now, it so happens—and I know the Presiding Officer is aware of that because she has been very helpful on this issue—that since early 1999, I have been working on another bill that is poignantly relevant to recent events: legislation to prohibit racial profiling, especially the practice of targeting pedestrians or drivers for stops and searches based on the color of their skin. Before September 11, people spoke of the issue mostly in the context of African-Americans and Latino-Americans who had been profiled. But after September 11, the issue has taken on a new context and a new urgency.

Even as America addresses the demanding security challenges before us, we must strive mightily also to guard our values and basic rights. We must guard against racism and ethnic discrimination against people of Arab and South Asian origin and those who are Muslim.

We who do not have Arabic names or do not wear turbans or headscarves may not feel the weight of these times as much as Americans from the Middle East and South Asia do. But as the great jurist Learned Hand said in a speech in New York's Central Park during World War II:

> The spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias. . . .

Was it not at least partially bias, however, when passengers on a Northwest Airlines flight in Minneapolis a month ago insisted that Northwest remove from the plane three Arab men who had cleared security?

Of course, given the enormous anxiety and fears generated by the events of September 11, it would not have been difficult to anticipate some of these reactions, both by our government and some of our people. Some have said rather cavalierly that in these difficult times we must accept some reduction in our civil liberties in order to be secure.

Of course, there is no doubt that if we lived in a police state, it would be easier to catch terrorists. If we lived in a country that allowed the police to search your home at any time for any reason; if we lived in a country that allowed the government to open your mail, eavesdrop on your phone conversations, or intercept your email communications; if we lived in a country that allowed the government to hold people in jail indefinitely based on what they write or think, or based on mere suspicion that they are up to no good, then the government would no doubt discover and arrest more terrorists.

But that probably would not be a country in which we would want to live. And that would not be a country for which we could, in good conscience, ask our young people to fight and die. In short, that would not be America.

Preserving our freedom is one of the main reasons we are now engaged in this new war on terrorism. We will lose that war without firing a shot if we sacrifice the liberties of the American people.

That is why I found the antiterrorism bill originally proposed by Attorney General Ashcroft and President Bush to be troubling.

The administration's proposed bill contained vast new powers for law enforcement, some seemingly drafted in haste and others that came from the FBI's wish list that Congress has rejected in the past. You may remember that the Attorney General announced his intention to introduce a bill shortly after the September 11 attacks. He provided the text of the bill the following

Wednesday, and urged Congress to enact it by the end of the week. That was plainly impossible, but the pressure to move on this bill quickly, without deliberation and debate, has been relentless ever since.

It is one thing to shortcut the legislative process in order to get Federal financial aid to the cities hit by terrorism. We did that, and no one complained that we moved too quickly. It is quite another to press for the enactment of sweeping new powers for law enforcement that directly affect the civil liberties of the American people without due deliberation by the peoples' elected representatives.

Fortunately, cooler heads prevailed at least to some extent, and while this bill has been on a fast track, there has been time to make some changes and reach agreement on a bill that is less objectionable than the bill that the administration originally proposed.

As I will discuss in a moment, I have concluded that this bill still does not strike the right balance between empowering law enforcement and protecting civil liberties. But that does not mean that I oppose everything in the bill. By no means. Indeed many of its provisions are entirely reasonable, and I hope they will help law enforcement more effectively counter the threat of terrorism.

For example, it is entirely appropriate that with a warrant the FBI be able to seize voice mail messages as well as tap a phone. It is also reasonable, even necessary, to update the federal criminal offense relating to possession and use of biological weapons. It made sense to make sure that phone conversations carried over cables would not have more protection from surveillance than conversations carried over phone lines. And it made sense to stiffen penalties and lengthen or eliminate statutes of limitation for certain terrorist crimes.

There are other non-controversial provisions in the bill that I support—those to assist the victims of crime, to streamline the application process for public safety officers benefits and increase those benefits, to provide more funds to strengthen immigration controls at our Northern borders—something that the Presiding Officer and I understand—to expedite the hiring of translators at the FBI, and many other such provisions.

In the end, however, my focus on this bill, as Chair of the Constitution Subcommittee of the Judiciary Committee in the Senate, was on those provisions that implicate our constitutional freedoms. And it was in reviewing those provisions that I came to feel that the administration's demand for haste was inappropriate; indeed, it was dangerous. Our process in the Senate, as truncated as it was, did lead to the elimination or significant rewriting of a number of audacious proposals that I and many other members found objectionable.

For example, the original administration proposal contained a provision that would have allowed the use in U.S. criminal proceedings against U.S. citizens of information obtained by foreign law enforcement agencies in wiretaps that would be illegal in this country. In other words, evidence obtained in an unconstitutional search overseas was to be allowed in a U.S. court.

Another provision would have broadened the criminal forfeiture laws to permit—prior to conviction—the freezing of assets entirely unrelated to an alleged crime. The Justice Department has wanted this authority for years, and Congress has never been willing to give it. For one thing, it touches on the right to counsel, since assets that are frozen cannot be used to pay a lawyer. The courts have almost uniformly rejected efforts to restrain assets before conviction unless they are assets gained in the alleged criminal enterprise. This proposal, in my view, was simply an effort on the part of the Department to take advantage of the emergency situation and get something that they've wanted to get for a long time.

As I have indicated, the foreign wiretap and criminal forfeiture provisions were dropped from the bill that we considered in the Senate. Other provisions were rewritten based on objections that I and others raised about them. For example, the original bill contained sweeping permission for the Attorney General to get copies of educational records without a court order. The final bill requires a court order and a certification by the Attorney General that he has reason to believe that the records contain information that is relevant to an investigation of terrorism.

So the bill before us is certainly improved from the bill that the administration sent to us on September 19, and wanted us to pass on September 21. But again, in my judgement, it does not strike the right balance between empowering law enforcement and protecting constitutional freedoms. Let me take a moment to discuss some of the shortcomings of the bill.

First, the bill contains some very significant changes in criminal procedure that will apply to every federal criminal investigation in this country, not just those involving terrorism. One provision would greatly expand the circumstances in which law enforcement agencies can search homes and offices without notifying the owner prior to the search. The longstanding practice under the fourth amendment of serving a warrant prior to executing a search could be easily avoided in virtually every case, because the government would simply have to show that it had "reasonable cause to believe" that providing notice 'may' seriously jeopardize an investigation." This is a significant infringement on personal liberty.

Notice is a key element of fourth amendment protections. It allows a person to point out mistakes in a warrant and to make sure that a search is limited to the terms of a warrant. Just think about the possibility of the police showing up at your door with a warrant to search your house. You look at the warrant and say, "yes, that's my address, but the name on the warrant isn't me." And the police realize a mistake has been made and go away. If you're not home, and the police have received permission to do a "sneak and peek" search, they can come in your house, look around, and leave, and may never have to tell you that ever happened.

That bothers me. I bet it bothers most Americans.

Another very troubling provision has to do with the effort to combat computer crime. I want the effort to stop computer crime. The bill allows law enforcement to monitor a computer with the permission of its owner or operator, without the need to get a warrant or show probable cause.

I want to tell you, Madam President, I have been at pains to point out things I can support in this bill. I think that power is fine in a case of a so-called denial of service attack. What is that? That is plain old computer hacking. You bet. We need to be able to get at that kind of crime.

Computer owners should be able to give the police permission to monitor communications coming from what amounts to a trespasser on the computer, a real trespasser.

But we tried to point out as calmly and as constructively as possible on the floor that, as drafted in this bill, the provision might permit an employer to give permission to the police to monitor the e-mails of an employee who has used her computer at work to shop for Christmas gifts. She violated the rules of her employer regarding personal use of the computer. Or someone who uses a computer at a library or at a school and happens to go to a gambling or pornography site in violation of the Internet use policies of the library or the university might also be subjected to Government surveillance—without probable cause and without any time limit at all. With this one provision, fourth amendment protections are potentially eliminated for a broad spectrum of electronic communications.

I am also very troubled by the broad expansion of Government power under the Foreign Intelligence Surveillance Act, known as FISA. When Congress passed FISA in 1978, it granted to the executive branch the power to conduct surveillance in foreign intelligence investigations without having to meet the rigorous probable cause standard under the fourth amendment that is required for criminal investigations. There is a lower threshold for obtaining a wiretap order from the FISA court because the FBI is not investigating a crime, it is investigating foreign intelligence activities. But the law currently requires that intelligence gathering be the primary purpose of the investigation in order for this much lower standard to apply.

The bill changes that requirement. The Government now will only have to show that intelligence is a "significant purpose" of the investigation. So even if the primary purpose is a criminal investigation, the heightened protections of the fourth amendment will not apply.

It seems obvious that with this lower standard, the FBI will be able to try to use FISA as much as it can. And, of course, with terrorism investigations, that won't be difficult because the terrorists are apparently sponsored or at least supported by foreign governments. So this means the fourth amendment rights will be significantly curtailed in many investigations of terrorist acts.

The significance of the breakdown of the distinction between intelligence and criminal investigations becomes apparent when you see other expansions of Government power under FISA in this bill.

Another provision that troubles me a lot is one that permits the Government, under FISA, to compel the production of records from any business regarding any person if that information is sought in connection with an investigation of terrorism or espionage.

I want to be clear here, as well, we are not talking about travel records directly pertaining to a terrorist suspect, which we can all see obviously can be highly relevant to an investigation of a terrorist plot. FISA already gives the FBI the power to get airline, train, hotel, car rental, and other records of a suspect.

But this bill does much more. Under this bill, the Government can compel the disclosure of the personal records of anyone—perhaps someone who worked with, or lived next door to, or went to school with, or sat on an airplane with, or had been seen in the company of, or whose phone number was called by—the target of the investigation.

Under this new provision, all business records can be compelled, including those containing sensitive personal information, such as medical records from hospitals or doctors, or educational records, or records of what books somebody has taken out from the library. We are not talking about terrorist suspects, we are talking about people who just may have come into some kind of casual contact with the person in that situation. This is an enormous expansion of authority under a law that provides only minimal judicial supervision.

Under this provision, the Government can apparently go on a fishing expedition and collect information on virtually anyone. All it has to allege, in order to get an order for these records from the court, is that the information is sought for an investigation of international terrorism or clandestine intelligence gathering. That is it. They just have to say that. On that minimal showing, in an ex parte application to a secret court, with no showing even that the information is relevant to the investigation, the Government can lawfully compel a doctor or a hospital to release medical records or a library to release circulation records. This is truly a breathtaking expansion of police power.

Let me turn to a final area of real concern about this legislation, which I think brings us full circle to the cautions I expressed on the day after the attacks. These are two very troubling provisions dealing with our immigration laws in the bill.

First, the administration's original proposal would have granted the Attorney General extraordinary powers to detain immigrants indefinitely, including legal permanent residents. The Attorney General could do so based on mere suspicion that the person is engaged in terrorism. I believe the administration was really overreaching here. I am pleased that our distinguished chairman of the Judiciary Committee, Senator LEAHY, was able to negotiate some protections. The bill now requires the Attorney General to charge the immigrant within 7 days with a criminal offense or immigration violation. In the event the Attorney General does not charge the immigrant, the immigrant must be released.

This protection is an improvement, but the provision remains fundamentally flawed. Even with this 7-day charging requirement, the bill would nevertheless continue to permit the indefinite detention in two situations. First, immigrants who win their deportation cases may be continued to be held if the Attorney General continues to have suspicions. Second, this provision creates a deep unfairness to immigrants who are found not to be deportable for terrorism but have an immigration status violation, such as overstaying a visa. If the immigration judge finds that they are eligible for relief from deportation, and therefore can stay in the country—for example, if they have longstanding family ties here—nonetheless, the Attorney General can continue to hold them indefinitely.

I am pleased that the final version of the legislation includes a few improvements over the bill that passed the Senate. In particular, the bill would require the Attorney General to review the detention decision every 6 months. And it would only allow the Attorney General or the Deputy Attorney General—not lower level officials—to make that determination.

While I am pleased these provisions are included in the bill, I believe it still falls short of meeting even basic constitutional standards of due process and fairness.

The bill continues to allow the Attorney General to detain persons based on mere suspicion. Our system normally requires higher standards of proof for a deprivation of liberty. For example, deportation proceedings themselves are subject to a clear and convincing evidence standard. And, of course, criminal convictions require proof beyond a reasonable doubt. The bill also continues to deny detained persons a trial or a hearing where the Government would be required to prove that that person is, in fact, engaged in terrorist activity. I think this is unjust and inconsistent with the values of our system of justice that we hold dearly.

Another provision in the bill that deeply troubles me allows the detention and deportation of people engaging in innocent associational activity. It would allow for the detention and deportation of individuals who provide lawful assistance to groups that are not even designated by the Secretary of State as terrorist organizations but instead have engaged in something vaguely defined as "terrorist activity" sometime in the past. To avoid deportation, the immigrant is required to prove a negative: That he or she did not know, and should not have known, that the assistance would further terrorist activity.

I think this language creates a very real risk that truly innocent individuals could be deported for innocent associations with humanitarian or political groups that the Government later chooses to regard as terrorist organizations. Groups that could fit this definition could include Operation Rescue, Greenpeace, and even the Northern Alliance fighting the Taliban in northern Afghanistan. So this really amounts to a provision of "guilt by association," which I think violates the first amendment.

Speaking of the first amendment, under this bill, a lawful permanent resident who makes a controversial speech that the Government deems to be supportive of terrorism might be barred from returning to his or her family after taking a trip abroad.

Despite assurances from the administration at various points in this process that these provisions that implicate associational activity would be improved, there have been no changes in the bill on these points since it passed the Senate.

Here is where my caution in the aftermath of the terrorist attacks and my concern about the reach of the antiterrorism bill come together. To the extent that the expansion of new immigration powers that the bill grants the Attorney General are subject to abuse, who do we think is most likely to bear the brunt of that abuse? It probably won't be immigrants from Ireland. It probably won't be immigrants from El Salvador or Nicaragua or immigrants from Haiti or Africa. Most likely it will be immigrants from Arab, Muslim and South Asian countries.

In the wake of these terrible events, our Government has been given vast new powers, and they may fall most heavily on a minority of our population who already feel particularly, acutely the pain of this disaster.

Concerns of this kind have been raised with the administration. Supporters of this bill have just told us: Don't worry, the FBI would never do that. I call on the Attorney General and the Justice Department to ensure that my fears are not borne out.

The antiterrorism bill we consider in the Senate today, of course, highlights the march of technology and how that march cuts both for and against personal liberty. But Justice Brandeis foresaw some of the future in a 1928 dissent when he wrote:

> The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. . . . Can it be that the Constitution affords no protection against such invasions of individual security?

We must grant law enforcement the tools that it needs to stop this terrible threats, but we must give them only those extraordinary tools that they need and that relate specifically to the task at hand.

In the play, "A Man for All Seasons," Sir Thomas More questions the bounder Roper whether he would level the forest of English laws to punish the Devil. "What would you do?" More asks, "Cut a great road through the law to get after the Devil?" Roper affirms, "I'd cut down every law in England to do that." To which More replies:

> And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast . . . and if you cut them down . . . d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

We must maintain our vigilance to preserve our laws and our basic rights. We in this body have a duty to analyze, to test, to weigh new laws that the zealous and often sincere advocates of security would suggest to us. That is what I have tried to do with the antiterrorism bill, and that is why I will vote against this bill when the roll is called.

Protecting the safety of the American people is a solemn duty of the Congress. We must work tirelessly to prevent more tragedies like the devastating attacks of September 11. We must prevent more children from losing their mothers, more wives from losing their husbands, and more firefighters from losing their heroic colleagues. But the Congress will fulfill its duty only when it protects both the American people and the freedoms at the foundation of American society.

So let us preserve our heritage of basic rights. Let us practice as well as preach that liberty, and let us fight to maintain that freedom that we call America.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Madam President, on behalf of Senator LEAHY, I yield 10 minutes to the Senator from North Dakota.

Mr. HATCH. May I make a few comments before?

Mr. REID. When the Senator from Utah finishes his remarks, I ask that the Senator from North Dakota be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. I rise to address briefly a couple of the points made by the distinguished Senator from Wisconsin.

First, what he called a "sneak and peek" search warrant, these warrants are already used throughout the United States, throughout our whole country. The bill simply codifies and clarifies the practice making certain that only a Federal court, not an agent or prosecutor, can authorize such a warrant.

Let me be clear. Courts already allow warrants under our fourth amendment. It is totally constitutional. It has been held so almost from the beginning of this country; some will say from the beginning of this country. Together with Senator LEAHY, we carefully drafted a provision that standardizes this widely accepted practice.

Second, to respond to the suggestion that the legislation is not properly mindful of our constitutional liberties—my friend from Wisconsin talks theoretically about maybe the loss of some civil liberties—I would like to talk concretely about the loss of liberty of almost 6,000 people because of the terrorist acts on September 11. I am a little bit more concerned right now about their loss of life. I am even more concerned now that they have lost their lives that thousands of other Americans don't lose their lives because we fail to act and fail to give law enforcement the tools that are essential.

It is a nice thing to talk about theory. But we have to talk about reality. We have written this bill so the constitutional realities are that the Constitution is not infringed upon and civil liberties are not infringed upon except to the extent that the Constitution permits law enforcement to correct difficulties.

Yes, I think we must protect the Constitution, and that has been at the top of my list all through my 25 years in the Congress. This bill does just that. Nothing in this bill undermines constitutional liberty. Nothing in this bill comes remotely close to the Alien and Sedition Act, which, of course, was held to be unconstitutional, or the internment of Japanese prisoners of war, which was a disgrace—there is no question about it, but at that point it was held to be constitutional—or the other outrages that have occurred in the past that were mentioned by the distinguished Senator from Wisconsin.

The tools we are promoting in this legislation have been carefully crafted to protect civil liberties. In addition to protecting civil liberties, give law enforcement the tools they need so we, to the extent we possibly can, will be able to protect our citizens from events and actions such as happened on September 11 of this year.

Thousands of Americans died that day, thousands. That is real. We have been told there may be some other actions taken by terrorists. That may be real. To the extent that may be real, we sure want to make sure our law enforcement people, within the constraints of the Constitution, have the optimum law enforcement tools they need to do the job.

As the past few weeks have made clear, these terrorists still have a gun pointed at the heads of all the American people. Under such circumstances, it is our sworn duty to do everything in our power, within the bounds of the Constitution, to protect and defend our people. That is what this bill does.

The Senator from Wisconsin worries about the "possible" loss of civil liberties. That is laudable. But I am more concerned about the actual loss of the thousands of lives that have been lost and the potential of other lives that may be lost because we don't give law enforcement the tools they need.

This bill protects us, to the extent that we possibly can, against further attacks such as occurred on September 11 and many, many other potential attacks as well.

I think most people in this country would be outraged to know that various agencies of Government, the intelligence community, and law enforcement community, under current law—until this bill is passed—cannot exchange information that might help interdict and stop terrorism. People are outraged when they hear this. And they ought to be.

The fact is that that is the situation. I know the heads of the Criminal Division of the Justice Department have said that: Unless we can share this information, we cannot pick up the people who are terrorists, whom we need to stop, in time to stop them. I think they would be outraged to know that, under title III, you cannot electronically surveil a terrorist unless there is some underlying criminal predicate. In many cases, there is no underlying criminal predicate, so you can't do to terrorists what we can do for health care fraud, or for sexual exploitation of children, or for the Mafia, or for drug dealers.

People would be amazed to know we treat terrorism with kid gloves in the current criminal code. This bill stops that. I think most people would be amazed to know that pen register trap-and-trace devices are not permitted against terrorists under provisions of the law today. You can't get the numbers called out of the phone and you can't get the numbers called into the phone. That is what that means. This bill remedies that so we can get these numbers and do what has to be done.

I think most people are shocked to find out that you can't electronically surveil the terrorists. You have to go after the phone, and then you have to get a warrant in every jurisdiction where that phone shows up. Terrorists don't pay any attention to those antiquated laws. They just buy 10 cell phones, talk for a while, and throw it out the window. We have to be able to track terrorists. Under current law, we cannot do that with the efficiency that needs to be used here. I don't see any civil liberties violated there, but I see some of them protected. I think of the civil liberties of those approximately 6,000 people who lost their lives, and potentially many others if we don't give law enforcement the tools they need to do the job. That is what this bill does.

I will have more to say, perhaps, on this later. I wanted to make these particular points. I am happy to retain the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. WELLSTONE. I ask unanimous consent that I may follow the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I understand we are under a time agreement and I am allotted 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, the legislation that is on the floor is legislation I will vote for and support. I think it advances our country's interests in dealing with the issue of terrorism. But I don't want to talk about what is in the bill; I want to talk about something that is not now in the bill and should be. I want to ask the question, Why?

I came to the floor an hour ago and was surprised to find out that something about which I care very much, something agreed to in the Senate, is now no longer in this legislation. Here is the issue. I held and chaired a hearing in my subcommittee on Appropriations a couple weeks ago. The Customs Service was there and Immigration was there. They said we have a system in this country called the advance passenger information system. It is a system under which international air carriers electronically transmit to the Customs Service passenger and cargo manifests, so that before they enter and are cleared for departure, we know who is on that plane and what is on that plane, so we can determine whether there are people who should not be allowed to enter this country. That is the advance passenger information system. It works, but it is voluntary and only 85 percent of the carriers are complying.

I asked at my hearing of Customs and Immigration: Should this be mandatory? They said: Absolutely, we need you to make this mandatory.

When we had the antiterrorism bill on the floor of the Senate, I had cleared an amendment in the managers' package that would make this mandatory. Let me tell you of the airlines that do not comply, for which we don't get advance passenger information: Saudi Arabia, Kuwait, Royal Jordanian, Pakistani International, to name a few airlines that do not comply under the voluntary standard and give us no advance passenger information.

Mr. HATCH. If the Senator will yield, I commend the Senator. I think he is absolutely right. We had it in the Senate bill. It was a worthwhile provision that I think we need to include later, since we can't do it on this bill at this point. I will support him in every way possible to get this done in the future. I commend the Senator for bringing this to the attention of this body because I have to say the House absolutely would not permit us to put that in the bill.

Mr. DORGAN. I inquire of the Senator from Utah, what possibly could be their motive to not want this in the antiterrorism bill?

Mr. HATCH. I think it came down to a jurisdictional argument. That is my opinion. We understand that around here, but we are trying to solve terrorism now. The Senator's point is a very good point. My main reason for interrupting him at this point is to commend him and tell him I will do everything in my power to get that passed. I think it is critical that the other 15 percent be made mandatory, that they have to comply, because most of the airlines comply on a voluntary basis.

I am sorry to interrupt the Senator. I reserve my time.

Mr. DORGAN. Madam President, I appreciate the comments of the Senator from Utah. It is not his fault. I understand he strongly supports this. I kind of felt blind-sided an hour ago when I was told this wasn't in the bill we are discussing because we had cleared it. Apparently, some folks from the other side of this Capitol have this notion of muscle flexing with respect to jurisdictional standards. Frankly, I don't understand that on an issue that is this important. We need advance passenger information clearing—not on a voluntary basis but on a mandatory basis. Somehow it got left out.

I thank the Senator from Utah for his cooperation because we are going to get this done. This needs to be done. If we have a few small-minded people in this Capitol simply protecting their turf and who don't seem to worry about combating terrorism, we will move beyond them and we are not going to pay much attention to their concerns.

If I might ask, how much time remains on my 10 minutes?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. DORGAN. I want to mention two other issues, and they don't relate directly to this bill. They are very important to me.

We are talking about antiterrorism activities. We have an organization down at the Treasury Department's Office of Foreign Asset Control. I happen to fund that area, as I am chairman of the Appropriations subcommittee that funds that. I want to say something I said before the terrorist attacks of September 11. OFAC, in my judgment, ought to be using its resources to track terrorists and track the trail left by terrorists with the movement of money around the globe.

But in August I pointed out that what OFAC was doing—at least with some of its resources—and it appears that 10 percent of the resources of OFAC is devoted to chasing little old ladies in tennis shoes from Illinois who join a bicycle club from Canada and go bicycling in Cuba and 15 months later get a letter from the Treasury Department that they have a $9,500 fine. That is one example of a retired teacher from Illinois. OFAC is chasing retired folks who go on a bicycling trip to Cuba with a Canadian bicycling Club, and she was fined $9,500. I talked to her and others who have been fined.

There was a $55,000 fine for someone who was with some friends in the Cayman Islands and they decided to go to Cuba for the weekend. This guy is wondering what on Earth has happened. He was not supposed to travel to Cuba, but he didn't know it. OFAC is supposed to be tracking terrorists, but they are chasing retired schoolteachers from Illinois for taking a bicycling trip in Cuba.

Let's stop this foolishness and track the trail of terrorists. It doesn't make sense to be doing what OFAC has been doing. First of all, it is embarrassing. I understand the restrictions on travel.

which we should change and we will change, but should we be using 10 percent of the assets of OFAC to track these people down and levy civil fines at a time when terrorists are designing approaches to kill Americans? What on Earth is going on here?

I say to Treasury and OFAC, if they are listening: Get busy doing the right things. Get right about public policy initiatives that we are funding you to do.

Let me mention one additional item, if I may, and again it relates to antiterrorism, not necessarily just to this bill, and that is the issue of northern border security. We have a 4,000-mile border between the United States and Canada, with 128 ports of entry, and 100 of them are not staffed at night. At 10 o'clock at night, the security between the United States and Canada is an orange rubber cone, just a big old orange rubber cone. It cannot talk. It cannot walk. It cannot shoot. It cannot tell a terrorist from a tow truck. It is just a big fat dumb rubber cone sitting in the middle of the road.

Those who want to come in illegally at 11 or 12 o'clock at night and are polite about it will stop in front of the rubber cone, remove the rubber cone, drive through, and replace it. Those who do not care will shred it at 60 miles an hour. That is supposed to be security in this country.

We know a terrorist came across that northern border at Port Angeles. This particular Middle Eastern terrorist was going to create substantial bombing activities of public facilities at the turn of the millennium in Los Angeles. We know the terrorists know where it is easy to get through our border and where it is not.

Having said all that, that a rubber cone is no substitute for security, the Treasury Department has said to this Congress that none of the $20 billion we appropriated for security is going to go for increased resources at the northern border for Customs. The other side, Immigration and Border Patrol, are going to get increased resources, but the Treasury Department says: No, we do not need additional resources with the Customs Service.

Nothing could be further from the truth. I am just asking these people who are thinking through these issues to start thinking the right way. We do need additional resources. That is why we provided the $20 billion. We do need additional security on the northern border. Yes, orange rubber cones are inexpensive. They are also ineffective. They are no substitute for security in this country. I know I am going a bit afield from this bill, but I wanted to make the other two points about OFAC and what it is doing and northern border security because that, too, relates to the issue of antiterrorism and this country's ability to deal with the terrorist threats.

I conclude by saying I came here to talk about the advance passenger information system. I, again, feel terrible it was left out of this bill because we had agreement in the Senate. I understand some folks in the House refused to move on this issue.

One way or another I am going to get this done in the next couple of weeks. I will find a bill, a vehicle. This is going to get done. I appreciate the willingness of the Senator from Vermont and the Senator from Utah to help me do that. That is a glaring omission from this bill, and if the House does not want to do it on this bill, we will force them to do it on another bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, on behalf of senator LEAHY, I yield 10 minutes to the Senator from Massachusetts, and I ask unanimous consent that his remarks follow—there is an order already in effect for Senator WELLSTONE to be heard now—the remarks of Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Madam President, this is one of the most important pieces of legislation we will consider during this Congress. The horrific loss of life and destruction that occurred on September 11, the crime against humanity, changed us as a country. The Uniting and Strengthening America Act is an opportunity to help ensure that such terrorist attacks do not occur again. We need to improve all aspects of our domestic security, including by enhancing our intelligence capacities so that we can identify possible future attacks in their planning stages and prevent them from happening. We must be vigilant and willing to invest the resources and time required to gather the information that we need to protect ourselves and our way of life.

I appreciate the enormous amount of time and energy that my colleagues in both Chambers have put into this legislation. They have done their best to balance the risk of further terrorist attacks with possible risks to civil liberties. This comprehensive bill includes measures to enhance surveillance; improve the working relationship among Federal, State, and local agencies; strengthen border control; permit the detention of certain suspects who may be the subject of investigative efforts; help crime victims; respond to bioterrorism; and crack down on money laundering.

I am especially supportive of two new important provisions added in conference that will enhance domestic preparedness against future attacks, at the local level: the First Responders Assistance Act, and the Grant Program for State and Local Domestic Preparedness Support. These provisions authorize grants to State and local authorities to respond and prevent acts of terrorism, particularly for terrorism involving weapons of mass destruction and biological, nuclear, and chemical devices; and revises an existing grant program to provide 1, additional flexibility to purchase needed equipment; 2, training and technical assistance to State and local first responders; and 3, a more equitable allocation of funds to all States.

Last week I traveled to Moorhead, Mankato and Rochester, MN and talked with firefighters and first-responders about this very issue. They told me they desperately need training and equipment to address our new terrorism risks. These local grants are extremely important to address the needs our most important asset in the fight against terrorism: those law enforcement and emergency personnel on the front lines.

Although I still have some reservations about certain provisions of the bill as they might affect civil liberties, and wish that it were more tightly targeted to address only actions directly related to terrorism or suspected terrorism, I am pleased with the inclusion of several key civil liberty safeguards. The bill requires certain electronic reports to go to a judge when pen registers are used on the internet; includes provisions requiring notification to a court when grand jury information is disclosed; and contains a 4-year sunset with limited grandfathering for several of the electronic surveillance provisions.

The bill expands the Regional Information Sharing Systems Program to promote information sharing among Federal, State, and local law enforcement have a critical role to play in preventing and investigating terrorism, and this bill provides them benefits appropriate to such duty. The bill streamlines and expedites the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and other emergency personnel who are killed or suffer a disabling injury in connection with a future terrorist attack. And it raises the total amount of the Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000.

This bill will also make an immediate difference in the lives of victims of terrorism and their families. It refines the Victims of Crime Act and by doing so improves the way in which its crime fund is managed and preserved. It replenishes the emergency reserve of the Crime Victims Fund with up to $50 million and improves the mechanism to replenish the fund in future years. The USA Act also increases security on our northern border, including the border between Canada and my State of Minnesota. It triples the number of

Border Patrol, Customs Service, and INS inspectors at the northern border and authorizes $100 million to improve old equipment and provide new technology to INS and the Customs Service at that Border.

On the criminal justice side, the bill clarifies existing "cybercrime" law to cover computers outside the United States that affect communications in this country and changes sentencing guidelines in some of these cases. It provides prosecutor better tools to go after those involved in money laundering schemes that are linked to terrorism, and it adds certain terrorism-related crime as predicates for RICO and money-laundering. At the same time, the bill establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's antiterrorism authority. It strengths our Federal laws relating to the threat of biological weapons and enhances the Government's ability to prosecute suspected terrorists in possession of biological agents. It will prohibit certain persons, particularly those from countries that support terrorism, from possessing biological agents. And it will prohibit any person from possessing a biological agent of a type of quantity that is not reasonably justified by a peaceful purpose.

I support these much-needed measures. And I especially support the four-year sunset provision for several of the electronic surveillance provisions. I do wish, however, that some provisions were might tightly targeted to address only actions directly related to terrorism or suspected terrorism. It is for this reason, I believe we will need to monitor the use of new authorities provided to law enforcement agents to conduct surveillance. The bill broadens the Foreign Intelligence Surveillance Act, FISA, by extending FISA surveillance authority to criminal investigations, even when the primary purpose is not intelligence gathering. The bill limits this ability by authorizing surveillance only if a significant purpose of it is to gather intelligence information. I hope this new FISA authority will be used for the purpose of investigating and preventing terrorism or suspected terrorism, and not for other domestic purposes. The bill also allow surveillance to follow a person who uses multiple communications devices or locations, the so-called "roving-wiretap." Again, I am hopeful this new authority will not be abused.

We have done our best in this bill to maximize our security while minimizing the impact some of these changes may have on our civil liberties. Nearly all of us have probably said since September 11 that if that day's terror is allowed to undermine our democratic principles and practices, then the terrorists will have won a victory. We should pass this bill today. And we should also commit ourselves to monitoring its impact of civil liberties in the coming months and years.

Our challenge is to balance our security with our liberties. While it is not perfect, I believe we are doing that in this bill.

Madam President, it is a jarring analogy, but I use it to explain how I arrived at my decision on this legislation. In 1940 and 1941, the Germans engaged in an unprecedented attack on the civilian population of Great Britain. The goal was to weaken citizens in their fight against Nazism. At the end of that attack, 20,000 people were killed. On September 11 in our country, close to 6,000 innocent people were massacred.

It is absolutely the right thing to take the necessary steps to try to prevent this from happening and to provide protection to people in our country.

There are many provisions in this legislation with which I agree. They are important to people in Minnesota, Michigan, and around the country, by way of what we need to do to protect our citizens.

When it comes to electronic surveillance, as Senator FEINGOLD has stated with considerable eloquence, the legislation goes too far and goes beyond world terrorists, who I think are a real threat to people in our country and other nations as well.

How do I balance it out? My view is that I support this legislation because all of the positive issues, which I will go into in a moment, that are so important to the people I represent have to do with protecting the lives of people. If we do not take this action and we are not able to protect people, then more people can die, more people will be murdered. That is irreversible. We cannot bring those lives back.

This legislation has a 4-year sunset. I said when the Senate passed the bill that I would reserve final judgment as to whether I vote for the final product based on whether there will be a 4-year sunset when it comes to electronic surveillance. We can monitor—there will be some abuses, I think—we can monitor that, and if there are abuses, it is reversible; we can change it. That is why I err on the side of protecting people, and it is why I support this legislation.

The bill includes measures to enhance surveillance, to improve the working relationships of Federal, State, and local agencies—that has to happen—to strengthen control of the Canadian border. For our States up North, that is very important. When it comes to the detention of certain suspects who may be the subject of investigative efforts, there are safeguards against unlimited detention.

I thank Senator LEAHY and Senator HATCH and others for pulling back from some of the original proposals which made this a much better piece of legislation.

There is a crackdown on money laundering. I thank Senator SARBANES and Senator KERRY and others for their fine work.

There is another provision that is very important. The First Responders Assistance Act and grant program all go together. When I traveled to greater Minnesota last week, when I went to Moorhead, Mankato, Rochester, and Duluth, I spoke with fire chiefs and all said: We are the first responders. We know that from New York. Please get some resources back to the local level. It is a local public safety model where if you give us the resources, let us assess our needs—we have the training; we may need additional equipment—if you are going to talk about the ways we can best protect people, we are going to protect people where they live, where they work, or where their children go to school. Getting the resources to the local community, the fire chiefs, and police chiefs is critically important.

As I said, there are some key civil liberty safeguards. The bill requires certain electronic reports to go to a judge when pen registers are used on the Internet. It includes provisions requiring notification to a court when grand jury information is disclosed, and it contains the 4-year sunset when it comes to the electronics surveillance provisions. That is critically important.

The bill streamlines and expedites the public safety officers benefits application for the firefighters and the police officers and others who were killed and suffered disabling injuries.

It raises the total amount of the Public Safety Officers' Benefits Program.

The Victims Crime Act is in this bill. It improves the way the crime fund is managed. It replenishes the emergency fund for crime victims up to $50 million. This is really important.

These are the important provisions.

On the other hand, I do wish some of the provisions were more tightly targeted to address only actions directly related to terrorism or suspected terrorism. It is for this reason that I think it is critically important each and every Senator and Representative monitor the use of new authorities provided to the law enforcement agency to conduct surveillance.

We are going to have to monitor this aspect very closely. It has been said, and it should be said, we do not want to pass legislation that undermines our democratic principles or practices. If we do that, the terrorists have won a victory. If I thought this was such legislation, I would not support it.

I will say this one more time: From my point of view, this legislation is better than it was when it passed the Senate. The sunset provision is critically important. Ultimately, where I come down is if we do not take some of these steps with some of the provisions I have outlined, which are very important, very positive in protecting people, and more people are killed and there is more loss of life of innocent people, you cannot bring those lives back.

I am not a lawyer, and this is my layperson way of analyzing this. If there are some abuses with the surveillance, we monitor it, we can pass new legislation, and we can change it. It sunsets in 4 years. That is reversible. I err on the side of protection for people.

I wish we did not even have to consider this legislation. I wish we were not even living in these times. I believe terrorism is going to be a part of our lives. I think it is going to be a part of our children's lives. I think it is going to be a part of our grandchildren's lives. I think this is going to be the struggle for several generations to come. No one action and no one step is going to end it. I think that is now the world, unfortunately, in which we live. That is now the world in which all of God's children live.

There are some things we are going to have to do differently and, as I said, we must be vigilant. Where there are excesses, we need to change that. I do believe this legislation is an important step in the direction of trying to prevent this and providing protection to our citizens.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I support the conference report before the Senate today. It reflects an enormous amount of hard work by the members of the Senate Banking Committee and the Senate Judiciary Committee. I congratulate them and thank them for that work.

I particularly thank Senator DASCHLE, Senator LEAHY, Senator SARBANES, Senator HATCH, and Senator LEVIN for their work in developing this legislation. I am pleased the Conference Report includes what I consider to be a very important provision regarding money laundering that has been hard fought over and, frankly, long awaited for. We have been working on this for quite a few years, almost 10 years or more when I was a member of the Banking Committee and within the Foreign Relations Committee where I was Chairman of the Subcommittee on Narcotics, Terrorism and International Operations. This really is the culmination of much of that work.

I am pleased at the compromise we have reached on the antiterrorism legislation, as a whole, which includes the sunset provision on the wiretapping and electronic surveillance component. It has been a source of considerable concern for people, and I think the sunset provision provides Congress a chance to come back and measure the record appropriately, and that is appropriate.

The reason I think the money-laundering provision is so important is it permits the United States—it really authorizes and gives to the Secretary of the Treasury the power to be able to enforce the interests of the United States. It allows the Secretary to deny banks and jurisdictions access to our economy if in the last measure they are not cooperative in other ways to prevent money laundering from being a tool available to terrorists.

This is a bill I introduced several years ago that assists our ability to be able to crack down on the capacity for criminal elements, not just terrorists, who are criminals themselves. But also narcotics traffickers, arms proliferators, people who traffic in people themselves. There are all kinds of criminal enterprises which benefit from access to the American financial system. All of these will now be on notice that our law enforcement community has additional tools to use to be able to close the incredible benefits of access to the American financial marketplace.

The global volume of laundered money staggers the imagination. It is estimated to be 2 to 5 percent of the gross domestic product of the United States. That is $600 billion to $1.5 trillion that is laundered, that comes into the country or passes through banks without accountability. Those funds escape the tax system, for one thing. So for legitimate governments struggling to fairly distribute the tax base while the average citizen who gets their paycheck deducted or those good corporate citizens and others who live by the rules, they are literally being required to assume a greater burden because other people using the laundering and lack of accountability escape that responsibility.

The effects of money laundering go far beyond the parameters of law enforcement, creating international political issues and generating very genuine domestic political crises. International criminals have taken advantage of the technology and the weak financial supervision in many jurisdictions to simply smuggle their funds into our system. Globalization and advances in communications and technologies have allowed them to move their illicit gains with much more secrecy, much faster, commingled, and in other ways that avoid or complicate significantly the ability of prosecutors to be able to do their job.

Many nations, some of them remote, small islands that have no real assets of their own, have passed laws solely for the purpose of attracting capital illicitly, as well as legally. By having the legal capital that is attracted by virtue of the haven that is created, they provide the cover for all of the illicit money. There are places not so far away from us, islands in the Caribbean and elsewhere, which at last count I remember $400 billion of assets that supposedly belong to this island in about 1 square mile of the downtown area, most of which was the property of entities that had a brass plate on a door and a fax machine inside, perhaps a telephone number, and that was sort of the full extent of the corporate entity.

So there is $400 billion on an island that everybody knows is not on the island. Where does it go? It goes back into the financial marketplace where it earns interest, is invested, goes into legitimate efforts, much of it legitimate money to begin with but a whole portion of it not. I might add, with the knowledge of people involved in those businesses and many of the banks that receive it.

So if one is going to cope with an al-Qaida, with a terrorist entity such as Osama bin Laden, who moves his money into this legitimate marketplace, law enforcement has to have the ability to be able to hold people accountable where it is legitimate to do so.

Now obviously we do not want to do that where there is a legitimate enterprise, and we do not want to create a crossing of the line of the corporate veil that has been protected for a long period of time, and I am not urging that we do that. But we do have to have a system in place, where probable cause exists, for law enforcement entities.

I spent a number of years as a prosecutor. We make pretty good judgments in the law enforcement community about probable cause. They are not always without question, and they are not, obviously, without error at times. We understand that. We have a pretty good system in the United States to protect against that. What we are trying to do with this legislation is to put those protections in place, but even as we put in a series of steps that allow the Secretary of the Treasury to be able to target a particular area as a known money-laundering problem, and then be able to require of the government of that entity, a cooperative effort. It is only if the entity or government's cooperative effort at several different stages is not forthcoming that the Secretary would ultimately consider exercising the power to denying that entity as a whole, or individual banks or other financial institutions, access to our financial marketplace and to its benefits.

I believe this leverage will be critical in our ability to wage a war on terrorism, as well as to be able to wage a sufficient law enforcement effort against the criminal enterprises that exist on a global basis.

I think the Secretary will have a number of different options and it will provide a transparency and an accountability that is absent today.

Let me comment on one criticism that is often raised by some opponents of this legislation who do not like the idea that the United States should somehow put in place sanctions against an entity that has a lower tax rate than we happen to have. I emphasize there is nothing in this legislation that empowers us to take action because another government has a lower tax rate. That is their privilege. It is healthy, as all Members know, to have competition in the marketplace of taxes, too. The Chair is a former Governor and he knows well the competition between States. States will say: We will not have a sales tax; we will not have an excise tax; we will try to make ourselves more business friendly. We want to be as competitive and as low tax as we conceivably can be.

We are not seeking to try to address those jurisdictions that simply make themselves more competitive on a tax basis. What we are trying to address are those jurisdictions that not only have lower taxes but use the lower taxes, coupled with a complete absence of accountability, a complete absence of transparency, a complete absence of living by the law enforcement standards of other parts of the world, to knowingly attract the illicit gains that come from criminal activity or that attract and move terrorist money through the world.

We are simply putting into place the standards by which most of the developed world is living. Ultimately we hope all countries will adopt appropriate money laundering standards so we can all live in a safer world.

Passage of this legislation is going to make it a lot more difficult for new terrorist organizations to develop. I can remember a number of years ago when I was chairing the subcommittee on Narcotics, Terrorism and International Operations, I conducted an investigation into a bank called BCCI, the Bank of Credit Commerce International. We uncovered a complex money-laundering scheme involving billions of dollars. Fortunately, BCCI was forced to close. We were able to bring many of those involved in it to justice. But we have learned since the closing that BCCI was a bank that had a number of Osama bin Laden's accounts. We learned when BCCI closed, we dealt Osama bin Laden a very serious blow.

So as the Congress gives final approval to this legislation in response to these attacks, we need to keep in our focus the benefits that will come to us by pressing these money laundering standards on banks. With the passage of this legislation, terrorist organizations will not be able to move funds as easily and they will not be able to have their people move within our country with bank accounts that we cannot penetrate, with major sources of funding transferred to them from the Middle East or elsewhere to empower them to be able to do the kind of things they did on September 11.

I also point out this bill will require the U.S. financial institutions to use appropriate caution and diligence when opening and managing accounts for foreign financial institutions. It will actually prohibit foreign shell banks, those who have no physical location in any country, from opening an account in the United States. Think about that. We currently allow a bank that has no physical presence anywhere—a bank—to open an account in the United States. That is today. With this legislation, that will change. It is high time.

The conference report expands the list of money-laundering crimes and will assist our law enforcement efforts in making it easier to prosecute those crimes. It requires the Federal Reserve to take into consideration the effectiveness financial institutions in combating money-laundering activities before any merger is approved. We will have an ability to judge the road traveled before we open up new opportunities for financial institutions.

The following is a description of the legislative intent of the Counter Money Laundering and Foreign Anti-Corruption Act of 2001 which was included in section 311 of subtitle A—International Counter Money Laundering and Related Measures of the conference report. First, the Secretary of the Treasury determines whether "reasonable grounds exist for concluding" that a foreign jurisdiction, a financial institution operating in a foreign jurisdiction, or a type of international transaction, is of "primary money laundering concern." In making this determination, the Secretary must consult with the Secretary of State, the Attorney General, the Secretary of Commerce, and the United States Trade Representative. The Secretary is also directed to consider any relevant factor, including the quality of a jurisdiction's bank secrecy, bank supervision, and anti-money laundering laws and administration, the extent to which a particular institution or type of transaction is involved in money laundering as compared to legitimate banking operations, whether the U.S. has a mutual legal assistance treaty with the jurisdiction and whether the jurisdiction has high levels of official or internal corruption.

Second, if a jurisdiction, institution, or transaction is found to be a "primary money laundering concern," the Secretary then selects from a menu of five "special measures" to address the identified issue. these five special measures are: requiring additional record keeping and/or reporting on particular transactions; requiring reasonable and practicable steps to identify the beneficial foreign owner of an account opened or maintained in a domestic financial institution; requiring the identification of those using a foreign bank's payable-through account with a domestic financial institution; requiring the identification of those using a foreign bank's correspondent account with a domestic financial institution; and restricting or prohibiting the opening or maintaining of certain corresponding accounts for foreign financial institutions. The special measure relating to the restriction or prohibition of accounts can only be imposed by regulation. However, nothing in this legislation will in any way restrict the right of the Secretary of the Treasury to impose a rule immediately and to ask for comment at the same time. The other four special measures may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of the issuance of such order.

In choosing which "special measure" to impose and how to tailor it, the Secretary shall consider the extent to which they are used to facilitate or promote money laundering, the extent to which they are used for legitimate business purposes and the extent to which such action will sufficiently guard against money laundering. The Secretary is also to consult with the Chairman of the Board of Governors of the Federal Reserve. If the Secretary is considering prohibiting or restricting correspondent accounts, he is also to consult with the Secretary of State and the Attorney General. The Secretary is also obligated to consider three factors: whether other countries or multilateral groups are taking similar actions; whether the imposition of the measure would create a significant competitive disadvantage for U.S. firms, including any significant cost or compliance; the extent to which the action would have an adverse systemic impact on the payment system and legitimate business; and the effect of such action on United States national security and foreign policy.

Within 10 days of invoking any of the special measures against a primary money laundering concern, the Secretary must notify the House and Senate Banking Committees of any such action taken.

The conference report includes a provision within section 351 relating to reporting of suspicious transactions which clarifies that the "safe harbor" from civil liability for filing a Suspicious Activity Report (SAR) applies in any litigation, including suit for breach of contract or in an arbitration proceeding and clarifies the prohibition on disclosing that a SAR has been filed.

Section 353 of the conference report also includes a provision that increases penalties for violation of Geographic

Targeting Orders (GTO) by making it a civil and criminal offense on par with existing law to file reports required by a Geographic Targeting Order; requiring structuring transactions to fall below a GTO-lowered threshold a civil and criminal offense on par with structuring generally; and extends the presumptive GTO period from 60 to 180 days.

Finally, section 355 of the conference report includes a provision that grants financial institutions civil immunity for including suspicions of criminal wrongdoing in a written reference on a current or former employer.

It has been brought to my attention that this bill, as originally passed by the House, contained a rule of construction which could have limited our ability to provide assistance and cooperation to our foreign allies in their battle against money laundering. The House-passed rule of construction could have potentially limited the access of foreign jurisdictions to our courts and could have required them to negotiate a treaty in order to be able to take advantage of our money-laundering laws in their fight against crime and terrorism. The conference report did not include a rule of construction because the Congress has always recognized the fundamental right of friendly nations to have access to our courts to enforce their rights. Foreign jurisdictions have never needed a treaty to have access to our courts. Since some of the money-laundering conducted in the world today also defrauds foreign governments, it would be hostile to the intent of this bill for us to interject into the statute any rule of construction of legislative language which would in any way limit our foreign allies access to our courts to battle against money laundering. That is why we did not include a rule of construction in the conference report. That is why we today clarify that it is the intent of the legislature that our allies will have access to our courts and the use of our laws if they are the victims of smuggling, fraud, money laundering, or terrorism. I make these remarks today because there should be no confusion on this issue and comments made by others should not be construed as a reassertion of this rule of construction which we have soundly rejected. Our allies have had and must continue to have the benefit of U.S. laws in this fight against money laundering and terrorism.

Smuggling, money laundering, and fraud against our allies are an important part of the schemes by which terrorism is financed. It is essential that our money laundering statutes have appropriate scope so our law enforcement can fight money laundering wherever it is found and in any form it is found. By expanding the definition of "Specified Unlawful Activity" to include a wide range of offenses against friendly nations who are our allies in the war against terrorism, we are confirming that our money laundering statutes prohibit anyone from using the United States as a platform to commit money laundering offenses against foreign jurisdictions in whatever form that they occur. it should be clear that our intention that the money laundering statues of the United States are intended to insure that all criminals and terrorists cannot circumvent our laws. We shall continue to give our full cooperation to our allies in their efforts to combat smuggling and money laundering, including access to our courts and the unimpeded use of our criminal and civil laws.

Ms. CANTWELL. Mr. President, we must act on many fronts to wage a successful fight against terrorism. The USA Patriot Act of 2001 will provide our law enforcement agencies with significant new tools to fight this battle on the home front. There are many good things in this bill. I am especially pleased that the bill includes language to allow the tripling of manpower on our northern border. The bill also includes a provision to set a new technology standard for our visa program so we can better identify people coming into this country. I am very proud of the many tools in the bill for law enforcement. This legislation increases the number of FISA judges to speed law enforcement's ability to get taps in place and going and contains excellent new provisions to help law enforcement and banks better track and freeze financial assets of terrorists. Further, the bill provides for expedited hiring and training of FBI translators. Finally, the legislation takes steps to allow better sharing of information between the law enforcement and intelligence communities, although I believe this sharing and coordination would be better accomplished with a process for judicial review.

But I have my concerns, as well, with the scope and the pace of these sweeping changes. We may have gone further than we really need to go to address terrorism. Thanks to the extremely hard work of Senator LEAHY and his staff, Senator HATCH and others in both houses of Congress, this legislation is much more carefully tailored to addressing terrorism than the legislation proposed by the Administration only a short month ago. But I remain concerned about several provisions such as those involving wiretap authorities, pen register and trap and trace, computer trespass, access to business records and other new legal authorities which will not require a showing by the government of probable cause or allow for any meaningful judicial review. The scope of these provisions may make them susceptible to abuse—allowing inappropriate, possibly unconstitutional, intrusion into the privacy of American citizens. I am pleased that some of the most disconcerting provisions of this legislation will expire in four years. This "sunset" provision will give Congress the opportunity to evaluate the implementation of these new laws, and reassess the need for the changes.

I would like to believe that the government's new ability to place wiretaps on the lines of American citizens—in secret with limited reporting and opportunity for oversight by Congress —will not be abused. I would like to believe that technologies like Carnivore will not be used to derive content from email communications. But I am skeptical.

Several other aspects of this bill, when taken together, could also interfere with Americans' enjoyment of their right to privacy without providing value in the fight against terrorists. Those of us who feel strongly about how new powers might chip away at traditional privacy rights will pay close attention to how law enforcement uses these tools.

The bill's ostensible purpose in regard to searches of personal communication is to facilitate the sharing of information gathered in a law enforcement context with the intelligence community. There is a difference, however, between facilitating the sharing of information between the law enforcement and intelligence communities, and blurring the line between the missions of the two communities. Where information is sought for the purpose of law enforcement, we must ensure that fourth amendment protections apply. Our fear about the legislation comes from a legitimate concern that information gathered ostensibly for intelligence and defense purposes could be used for law enforcement purposes. The intelligence community does not prosecute and lock up its targets; it uses information to intervene against foreign nationals seeking to harm America or Americans. But the law enforcement community has a different mission, to catch and prosecute criminals in our courts of law. Because law enforcement acts upon U.S. citizens, it must do so within the bounds of the Constitution. The differences in these missions must be acknowledged, and we must be vigilant to maintain the distinctions.

Last week, Senator LEAHY and I discussed here on the floor the need to maintain strict oversight of the law enforcement community's use of new authorities enumerated in this legislation. Today I want to reiterate the need for that oversight, the need for regular Government Accounting Office reports to Congress of the use of the new authorities under FISA and pen register and trap and trace law and the need for the Committee on the Judiciary to scrutinize the use of these new authorities regularly. I am pleased that many members of the Senate believe we must pursue this duty diligently.

I am also pleased that the final version of this legislation incorporates a four-year limit on the applicability of these and many other search authorities. With this "sunset," law enforcement and intelligence agencies will be able to use new powers to identify and act on terrorist efforts and Congress will have the ability to review fully the implications of the new law.

We can all agree that the events on September 11 have focused America on the fight against terrorism, and we applaud the efforts of the administration in the weeks since that tragic day. Clearly, there were failures in our investigative network, and this legislation will help avoid such failures in the future, allowing greater sharing of information that could foil terrorists before they carry out their brutal schemes against innocent civilians.

The question then becomes how to make sure that the new authority isn't abused—in fact used for law enforcement purposes or fishing expeditions. Over many years and with great effort, we have crafted a careful balance in protecting personal privacy. The bottom line is this legislation could circumvent or supersede Federal and State privacy laws that have balanced law enforcement needs and privacy concerns, going well beyond the changes to the law needed for intelligence gathering. This is no ordinary time for our country. But in this process we must remember those Fourth Amendment rights that we have so diligently fought for in the past.

I am proud of this Congress for acting promptly and thoughtfully in response to the horrific events of September 11. That day was an awakening to Americans, signaling the urgency for this government to change how we deal with terrorism. This legislation does much to facilitate better information gathering and sharing between our law enforcement and intelligence communities and greater protection of our borders from the intrusion of terrorists. I am hopeful that those of us in government have the wisdom and prudence to use these new powers in such a way as to not undermine the freedoms we seek to protect.

Mr. President, currently, there is no single technology standard in place that allows the Federal Government to confirm with certainty the identity of aliens seeking entry into the United States through the visa program. Insufficient identification technology is available to our consular officers responsible for reviewing visa applications to facilitate a comprehensive background check of persons applying for a United States visa. Consular officers lack the technology to verify that a person seeking a visa has not previously sought or received a visa using another name or identity. Similarly, there is no widely implemented technology that allows United States border inspectors to confirm the identity of persons seeking admittance into the United States using a visa.

Pursuant to Section 403(c) of the USA PATRIOT Act of 2001, the Federal Government is required to develop and implement a technology standard that can facilitate extremely high confidence in confirming the identity of an alien seeking a visa or seeking entry into the United States pursuant to a visa.

The standard required by these provisions will facilitate the capture and sharing of all relevant identity information regarding the alien applicant, including biometrics, and information relevant to determining the eligibility of such a person for entry into the United States from and between all relevant departments and agencies through compatible, interoperable systems.

The purpose of this subsection is to ensure that United States Government will establish a technology standard to allow: 1, the State Department, at the time a person applies for a United States visa, to do a comprehensive background check against databases of known aliens ineligible for entry into the United States; 2, the State Department to verify the identity of a person applying for a United States visa as a person who has not on a previous occasion sought a visa using a different name or identity; and 3, United States border inspectors and preclearance agents to confirm that a person seeking entry to the United States on the basis of a visa is the same person who obtained the visa from the Department of State.

Although it is understood by Congress that technological advances may require revisions to any standard adopted pursuant to this provision, it is expected that the standard will initially incorporate appropriate biometric technologies to compare identity information provided by the visa applicant to criminal, immigration and intelligence databases that use a fingerprint biometric or a facial recognition biometric.

Further, to obtain the greatest protection of United States citizens by excluding persons ineligible for entry into the United States, the Department of State, the Department of Justice and other appropriate departments of the Federal Government should work with the governments of other countries to encourage such countries to adopt the standard established pursuant to this subparagraph and to establish international interoperability of identity databases. In particular, it will be beneficial to the United States to facilitate adoption of this technology standard for appropriate identity information exchange with Canada and Mexico. It would further benefit the security of United States citizens to encourage adoption of this standard by those countries for whose citizens the United States, Canada or Mexico do not require a visa to enter the respective country.

Paragraph (1) requires the Department of Justice and Department of State, through the National Institute of Standards and Technology (NIST), and in consultation with other Federal law enforcement and intelligence agencies deemed appropriate by the Attorney General or the Secretary of State, to develop a technology standard to facilitate confirmation of the identity of persons seeking a visa or persons using a visa to enter the United States. The Departments of Justice and State shall also consult with Congress in the development of this standard through the reporting process described in paragraph (4) of this subsection.

This technology standard will enable the Department of State to confirm that a person seeking a visa is not known to the Federal Government as a person ineligible for a visa, or is a person who has sought or obtained a visa using a different name or identity. The technology standard will also enable Federal inspectors at all ports of entry and preclearance locations to confirm that a person seeking entry to the United States using a visa is the same as the person to which the Department of State issued the visa, and is not a person sought by the Federal Government to be excluded from entry to the United States.

The technology standard must be developed and certified by NIST within two years of the date of enactment of this subsection.

Paragraph (2) provides that the technology standard described in paragraph (1) shall be the basis for a cross-agency, cross-platform electronic database system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of a person applying for a United States visa, or such a person seeking to enter the United States using a visa.

Paragraph (3) requires that the system described in paragraph (2) shall be implemented in a manner that is readily and easily accessible to all consular officers responsible for the issuance of United States visas; all Federal inspection agents at United States border inspection points (including any preclearance locations); and all law enforcement and intelligence officers responsible for investigation or identification of aliens admitted to the United States pursuant to a visa, provided that such officers are provided access to this system pursuant to regulation.

Paragraph (4) provides that the Attorney General and the Secretary of

State jointly and in consultation with the Secretary of the Treasury, shall report to Congress within 18 months of the date of enactment of this Act, and every two years thereafter, describing the development, implementation and efficacy of the technology standard described in this subsection. The report must also consider the privacy implications and applicability of Federal privacy laws.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield the Senator as much time as he requires.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Senator from Utah, the leader on our side on this committee.

I want to talk just in specifics about one area with which this bill deals. We know that as a result of the tragedy of September 11 and the continuing problems we are having with anthrax and other threats from abroad, we need to do a better job of seeing who comes into this country to make sure people who wish to do us harm are, if possible, screened out before they get here so people who are visitors from abroad who engage in things that are inappropriate, who violate the terms of their visas or their other status, can be removed.

So after the September 11 incident happened and people started talking about problems in immigration, I spent a full day traveling with representatives from the INS in my State. We are in the heartland, but Missouri is directly involved because many of these visitors come to Missouri as well. I know the people at our major ports have even greater problems, but we saw the problems firsthand.

I said: Why can't you get somebody out of the country if they overstay their visa?

And they asked a very logical question: How do you know where they are? We don't have a good system.

I said: Is it possible?

They said: You probably could not give us enough INS enforcement agents to make sure we could find every person. They come in, they say they are going to go to Branson, MO, or they are going to visit the Arch in Missouri, and they may go to one or two other lesser tourist attractions across the country, and we don't know where they are.

As a result of discussions with them and some great assistance I received from my cosponsors, Senator CONRAD and Senator SNOWE, we put together what we think are some significant improvements in the way we deal with visitors to this country to lessen the likelihood that they will be able to participate in causing harm to citizens of the United States. So we have put together the Visa Integrity and Security Act. I express our sincere appreciation to the managers of this bill and to our colleagues in the House for adopting these principles and putting them into the bill.

This is not going to be a total solution. Nobody can expect that we are going to do a 100-percent job. But when we look at what has happened in the past, we think this is going to be a significant improvement.

As Senator SNOWE pointed out, Sheik Rahman, who has been in prison for his part in the first bombing of the World Trade Center, had been on a watch list, the Foreign Intelligence Watch List, for years, and nobody told the State Department or the INS, and they gave him permanent status in the United States. That was after he had been identified.

We are saying the criminal agencies, the law enforcement agencies have to talk with the State Department, the people who are issuing these visas, and let them know we should not let this guy back into the United States. He came and went five times. That is just not acceptable.

I also trust the State Department will change the directions in their manual which has said in recent years that merely urging terrorist activities or belonging to a terrorist organization do not disqualify you from coming to the United States. I mean, if you are a member of al-Qaida, you say: Oh, well, he may not be one of the murderers?

Give me a break. If there is any ground for keeping somebody out of the United States, it ought to be that they are a member of al-Qaida. I hope in the future we can share that information and make sure they do not come in.

So one of the things we require is that the FBI share the National Criminal Information System with the State Department and the INS. We are going to ask the Director of Homeland Security to report to Congress on the need for any other Federal agencies, intelligence agencies, to share or feed their information into this database.

One of the things we know now is that people can come in under one name and then change names and we don't know exactly who they are. We don't have a foolproof method of identifying these people who come into the United States. Isn't it about time we know for certain, before they even come in, who they are? Doesn't it make sense that we know for certain who they are when they are in the United States?

I talked with the dean of the engineering school at the University of Missouri at Columbia. He said 10 years ago it wouldn't be possible but now, clearly, we have the technology to do this. So this bill instructs the Attorney General to implement an automated system to track the entry and exit of visa holders, to make sure who they are, where they are, and what their status is.

Back in my time, we used to talk about fingerprints. Now the term is a biometric system. There are a number of different systems to review. There can be digitized facial profiles, digitized photos of the iris of the eye, whatever is most feasible and effective there—to select that. We need to put some money in putting the machinery in our consular offices overseas so when somebody comes in and presents himself to get a visa to get into the country, we can find out and make a record, permanently, of who they are. No more using stolen passports.

One of our partners in Western Europe who operates under the visa waiver system has a problem with 60,000 stolen passports. Right now, if you buy a passport or take somebody else's visa, we have a tough time tracking them. But once they get that biometric card, we know positively. We have a modern-day thumbprint on them. We can check them out overseas; we can check them in our records. When they come to the port of entry, we check them at the port of entry to make sure they are who they say they are. And if they do not get out of the country in time, we turn that information over to law enforcement agencies, so if there is a contact with a law enforcement agency, this rings a bell: You are out of status. You stayed too long. Or if a student leaves the school, departs the school which he or she is supposed to attend or an H-1B visa holder leaves the job he or she is supposed to have, that is reported to the INS and they can turn over that information. Any law enforcement official in the United States who comes in contact with him will know that person is out of status.

Somebody says: Why is it important to know if they are out of status? Many people who are out of status and performing activities that are highly suspicious may not rise to the level of criminal indictment or for a criminal information to be filed against them, but if they are involved in suspicious activities and they are out of status, they are violating the terms of their visa and they can be deported and we potentially can avoid problems before they actually occur.

This is not going to be 100 percent effective. But when people are out of status, particularly if they are acting suspiciously, we will have a record on them, and we need to tighten up the system to know when they leave. Right now, it just depends upon the airlines, making sure they tell us who leaves the country. That is not good enough. We need to keep a record of who comes in and who leaves so we know who is overstaying their visa. They say 4 to 6 million people are here illegally because they overstayed their visa, and we don't have any idea how to find them. At least if we have a biometric card, when they come in contact with a law enforcement agency, then we can do that.

Student visas are another thing. A lot of people focused on the student visas. That is a small portion of the people who come to the United States. There were a couple of people involved in the September 11 tragedy who were here on student visas.

Hanni Hanjour came here supposedly to study English in California and never showed up at school. The school didn't know he was coming. They didn't tell anybody. The next time we heard from him he was apparently piloting the plane that went into the Pentagon.

It is not the student visas that are the problem. All visas are problems. But in this bill we authorize almost $37 million to implement the system that Congress dictated 4 or 5 years ago to track the people who come into the United States and to get a solid tracking system to know if they are overstaying their visa. If they do not show up for school, then the schools would have to notify the INS. It would apply the same requirements to language schools, to vocational schools, and, yes, especially to flight schools. So we would know who was coming in.

This data system which has been put on the slow road is to be speeded up and to be fully in effect by the beginning of January 2003. So we will have a better system.

Let me say a brief word about student visa holders. The foreign students who come to this land are a vitally important part of our educational system. We are very proud in Missouri to have a number of schools with a significant number of foreign students who bring their culture, their experience, and their knowledge to this country. In my view, one of the best foreign relation tools we have is to share education with the future leaders of other countries.

I have traveled extensively in Asia. I have found that many of the governmental leaders, scientific leaders, and leaders in journalism have studied in my State. They come up to me and ask how the Missouri Tigers are doing. They know what we are about. We have a good basis to talk with them.

I was in Malaysia in August to talk about the potential that we have to gain great medical insight and perhaps advances through biotechnology using the information in genes in the Malaysian rain forest. Two of the leaders graduated from the University of Missouri.

These are in the bill. The visa waiver program needs to be tightened up so countries that just send their citizens into our country without going through the visa process—we need to work with them and negotiate with them so they have a strong, positive identifier, and so we have the same kind of identification with them as we do with these other states.

I know many people want to speak on this. I, again, express my appreciation to the managers of the bill. I thank my cosponsors, Senator CONRAD and Senator SNOWE. I urge adoption of this measure which I think is going to move us significantly in the right direction of preventing terrorist activities in the future.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will take a moment. How much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 43 minutes remaining.

Mr. LEAHY. Mr. President, I know the distinguished senior Senator from New York has been waiting on the floor for some time. How much time is the Senator from New York going to want?

Mr. SCHUMER. I ask for 7 minutes.

Mr. LEAHY. I see the distinguished senior Senator from California. How much time does she want?

Mrs. FEINSTEIN. I will take 1 additional minute; 8 minutes.

That was meant to be a joke.

Mr. LEAHY. I am trying to think how to react to that, considering the size of the State of Vermont—other than to say that when Vermont was admitted to the Union it had twice the population of California when California was admitted to the Union. Every day now California gains the population of Vermont.

Mr. President, I ask that 8 minutes of my time be given to the Senator from New York and 8 minutes to the Senator from California, both of whom are valued members of the Senate Judiciary Committee.

Mr. CONRAD. Mr. President, will the manager of the bill and others who are waiting permit me 15 seconds to mention what has occurred?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the manager of the bill for including the provisions that Senator BOND, myself, and Senator SNOWE authored to tighten our borders, to provide coordination with schools and employers when visa holders come to this country, to coordinate the work of our intelligence agencies with the INS and the State Department so we are confident of who is coming in, and to impose these new provisions using biometrics so we really know who is coming to our country.

I thank the managers very much, and I thank Senator BOND for his leadership.

Mr. LEAHY. Mr. President, I thank Senator BOND. I thank Senator CONRAD and Senator BYRD.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, first, let me thank our senior Senator from Vermont and our senior Senator from Utah for their leadership on this bill; and also the many who have worked on it.

It is good that we have brought this bill in a timely fashion before the Senate. On the one hand, we didn't rush so much that we did the bill in a day or two. On the other hand, we didn't have a great need to wait in terms of security. I think it is coming to the floor at the right time with enough deliberation and care but at the same time not delaying too much because the security problems America faces are large and at times seem almost overwhelming.

If there is one key word that underscores this bill, it is "balance." In the new post-September 11 society that we face, balance is going to be a key word. Technology has forced us to recalibrate in many different ways. The technology that allowed these horrible people to do what they did to my city and to America and the technology that allows law enforcement to try to catch up with them changes rapidly. No law can sit still as that technology changes and still be effective.

The balance between the need to update our laws given the new challenges and the need to maintain our basic freedoms which distinguish us from our enemies is real.

There have been some on the right who have said just pass anything. We just have to go after the terrorists and forget about our freedoms and our civil liberties. There are some on the left who say only look at the civil liberties aspect. They are both wrong. Fortunately, neither prevailed in this fine piece of work that we have before us. Balance and reason have prevailed.

This is the Senate working at its best under a crisis situation but still with care and an appropriate degree of deliberation.

It is also an example of the two parties coming together, and of the administration and the Congress coming together. In a sense, in this bill there is something for everyone to like and something for everyone to dislike, which may well show that it will end up in the right place.

I would like to talk about a few parts of the bill. The trap-and-trace provision is basically a proposal that Senator KYL and I put together a couple years ago which is basically in the bill intact. It is vital. If you ask law enforcement what they need, they need a standard when they have somebody who is a terrorist or a potential terrorist, that would allow a wiretap to be made so they can find that person.

In the old days it was easy. It was not easy to get a new telephone. You had to go to the phone company to get one, and it would take a few weeks. Now people have cell phones; and anyone, for an illicit or bad purpose, can get a cell phone every day. In fact, we know some of the hijackers regularly bought new cell phones.

Without this new process, without nationalizing trap-and-trace authority so you can follow the numbers that are called—you still cannot look at content without going to a judge—law enforcement would be powerless. It still confounds me that a simple provision such as this, which does not change the balance but simply updates the technology we need, had been held up for so long. Fortunately, it is here now. Or unfortunately, it took an awful incident to make it happen.

Most of the terrorists—and other criminals as well: money launderers, drug dealers—are pretty technologically savvy. To put handcuffs on law enforcement so they cannot be as technologically savvy, would make no sense.

I was also proud to work on the money laundering provision. Law enforcement has often said: Show me the money, and I will show you the terrorists. Let's be honest about it. The money-laundering provision is not going to stop the flow of money completely to the terrorists. They can still have couriers and packets and things such as that. But what it does do, No. 1, is make it harder, and, No. 2, it gives us information, the ability to find information, and find the flow of who is connected to whom, how, where, why, and when.

Again, the late Senator Coverdell and I had a money-laundering bill that is not terribly different than the provisions in this bill. We had introduced it a couple years ago.

I see my friend from Michigan. He has come to the Chamber. He has done great work in relation to money laundering, as has the Senator from Massachusetts, and so many others.

As to information sharing, again, we need to share information more quickly and more rapidly among our various law enforcement agencies and between law enforcement and intelligence agencies.

When we are facing a war where it is more likely that more civilians will die than military personnel, the homefront is a warfront. The old high wall between foreign intelligence and domestic law enforcement has to be modified. The bill does a good job of that.

There is a provision that would improve communication between Federal law enforcement and local law enforcement, which Senator CLINTON and I believe needs tightening up. There were procedural, not substantive, objections raised to it. We hope to bring that measure back either as a freestanding measure or as part of some other legislation.

The other provisions in the bill are good as well. I believe in immigration. I think immigrants are great for America. But immigrants do not have the exact same rights as citizens. They never have, nor should they. To say that somebody who is not a U.S. citizen and might be suspicious should be detained for a short period of time while law enforcement checks them out—after all, they are trying to enter the country, which is a privilege, not a right—makes sense. To say they should be detained indefinitely without going to a judge cuts too far against the grain of the freedoms we have. Once again, this bill seeks a balance.

Finally, as to the sunset, I was very much opposed to the House 2-year sunset. How could we have law enforcement adapt to a new law knowing that by the time they get geared up, it is almost going to be sunsetted? In fact, I think you do it the other way. If a law is good, you put it on the books permanently, and then you reexamine it. You do not automatically have it off the books. That means you do not trust the product you put together.

Four years is about the minimum amount of time that would be acceptable to me. I thought 5 would be better, or, frankly, no sunset. Putting the burden of proof the other way would have made more sense, still. But a 4-year sunset, again, shows compromise.

Mr. President, I have said this in this Chamber before. In this new world in which we live, everyone has to give a little bit. We are asking our citizens to give a little bit. We are asking our Armed Forces to give a lot. And that applies to us as well.

I hope and pray—and I believe it has happened in this bill—there is a bit of a new attitude. Even if you cannot get everything your way, at least you give the benefit of the doubt to the compromise that has been put together because we have to move things forward, and this bill does that.

In conclusion, the scourge of terrorism is going to be with us for a while. Law enforcement has a lot of catching up to do. There is no question about it. In this bill, at least, we give them fair and adequate tools that do not infringe on our freedoms but, at the same time, allows them to catch up a lot more quickly.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. LEVIN. Mr. President, I wonder if the Senator from California would yield for a unanimous consent request.

Mrs. FEINSTEIN. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the remarks of the Senator from California, I be recognized for the time allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, Americans tend to be a very open people. Americans, to a great extent, have looked at Government, saying: Just leave me alone. Keep Government out of my life. At least that is the way it was before September 11. What I hear post-September 11 are people saying: What is my Government going to do to protect me?

As we look back at that massive, terrible incident on September 11, we try to ascertain whether our Government had the tools necessary to ferret out the intelligence that could have, perhaps, avoided those events. The only answer all of us could come up with, after having briefing after briefing, is we did not have those tools. This bill aims to change that. This bill is a bill whose time has come. This bill is a necessary bill. And I, as a Senator from California, am happy to support it.

This legislation brings our criminal and national security laws in line with developing technologies so that terrorists will no longer be able to stay one step ahead of law enforcement. And believe me, they can today.

Right now, for example, terrorists can evade Foreign Intelligence Surveillance Act wiretaps, which are device-specific, by simply switching cell phones every few hours. This legislation fixes that and allows for roving FISA wiretaps, the same as are currently allowed for suspected criminals under the domestic law enforcement portions of the law known as title III.

And because modern communications often travel through countless jurisdictions before reaching their final destination, investigators must now get court orders from every one of those jurisdictions. They can have to get 15, 20 court orders to carry out a wiretap. This bill would change that, allowing for just one court order from the originating jurisdiction.

And the bill recognizes that voice mails and e-mails should be treated alike when law enforcement seeks access to them. Technology, as it changes, changes the ability to conduct an intelligence surveillance. This bill attempts to keep a very careful balance between the personal right to privacy and the Government's right to know, in an emergency situation, to be able to protect its citizens.

It also increases information sharing between the intelligence community and law enforcement. As a matter of fact, it mandates it. Criminal investigations often result in foreign intelligence. This information, up to this point, is not shared with the intelligence community. After this bill becomes law, it must be shared.

And it makes it easier for law enforcement to defeat those who would use the computers of others to do mischief.

For example, with the Zombie computer, I invade your computer and, by invading your computer, go into 1,000 other computers and am able to get one of them to open the floodgates of a dam. This bill prevents that.

Overall, this bill gives law enforcement and the intelligence community the tools they need to go after what is an increasingly sophisticated terrorist element.

I am very pleased this legislation also includes a number of provisions I drafted with Senator GRAHAM well before the events on September 11—title 9 of this bill. These provisions give the Director of the CIA, as head of the intelligence community, a larger role with regard to the analysis and dissemination of foreign intelligence gathered under FISA. These mandate that law enforcement share information with the intelligence community.

And title 9 improves the existing Foreign Terrorist Asset Tracking Center which helps locate terrorist assets. It authorizes additional resources to help train local law enforcement to recognize and handle foreign intelligence.

We now have these anti-terrorist teams throughout the country. They need to be trained, and they need to learn the tools of the trade and get the security clearances so they can tap into these databases.

I agree with the 4-year sunset included for certain surveillance provisions in the bill. In committee I suggested a 5-year sunset. The House had 2 years. It is now 4 years. That is an appropriate time. It gives us the time to review whether there were any outrageous uses of these provisions or whether uses were appropriate under the basic intent of the bill.

Let me briefly touch on a related topic of great importance in the war against terrorism. As an outgrowth of the Technology, Terrorism, and Government Information Subcommittee, today Senator JON KYL of Arizona and I held a press conference indicating a bill we will shortly introduce to create a new, central database, a database that is a lookout database into which information from intelligence, from law enforcement, from all Federal agencies will go. That database will be for every visa holder, every person who crosses borders coming in and out of this country. The legislation will provide for "smart visa cards", reform the visa waiver program, reform the unregulated student program, and improve and beef up identity documents.

I passed around at the press conference a pilot's license, easily reproducible, no biometric data, no photograph, perforated around the edges showing that it had been removed from a bigger piece. This is the pilot's license that every 747 pilot carries, every private pilot carries. It is amazing to me that this can be a Federal document and be as sloppy as it is in this time.

We intend to see that identity documents are strengthened to provide not only photographs, but biometric data as well (such as fingerprints or facial recognition information). And the data system would be such that it is flexible and scalable so as biometric technology and requirements progress, the database can keep up.

Both Senator KYL and I also met with Larry Ellison, the CEO of Oracle. Oracle has stated that they are willing to devote some 1,500 engineers to develop a national identity database. What we are proposing is different from that. He said they would devote their software free of charge.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. If I may just have 1 minute to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. We are not proposing a national identity card, but we do believe this kind of database could be prepared by a company such as Oracle—they have offered to give it to the Government for free or by NEC, which did a state-of-the-art fingerprint system for San Francisco. We believe this should be under the auspices of the Homeland Security Director, that these decisions need to be made rapidly, and that we need to get cracking to close the loopholes that have made the United States of America one giant sieve.

This bill, which I am so happy to support, takes a giant step forward in that direction. I thank both the chairman of the committee and the ranking member for their diligence on this bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the antiterrorism bill which the Senate is about to pass reflects the sentiments the American people have expressed since the events of September 11—that we must act swiftly and strongly to defend our country without sacrificing our most cherished values. The Senate antiterrorism legislation meets that test. It responds to these dangerous times by giving law enforcement agencies important new tools to use in combating terrorism without denigrating the principles of due process and fairness embedded in our Constitution.

The bill is not perfect. In fact, during the Senate's consideration of its bill, I supported three amendments offered by Senator FEINGOLD. Each of the Feingold amendments would have strengthened privacy protections for American citizens without undermining law enforcement efforts to investigate terrorists. One amendment would have maintained limits in Federal and State law on law enforcement access to personal records, particularly with regards to sensitive medical and financial information. A second amendment would have required law enforcement to ascertain that a surveillance target under the antiterrorism bill's expanded wiretap authority was actually in the house that was bugged or using the phone that was tapped before surveillance could be initiated. The third amendment that I supported would have placed sensible limits on the government's ability to intercept computer communications. Among these limits were the type of investigation and the length of surveillance in which the government could utilize new surveillance authority provided in the antiterrorism bill.

While the amendments I supported were not adopted the bill before us is much stronger from a civil liberties standpoint than the legislation that was initially proposed by the administration. This is due in large part to the strong commitment to civil liberties and the tireless efforts of Senate Judiciary Committee Chairman PATRICK LEAHY.

The bill also bolsters Federal criminal laws against terrorism in several important areas, including extending the statute of limitations for terrorist offenses and modernizing surveillance laws to permit investigators to keep pace with new technologies like cell phones and the Internet.

Michigan's economy and security depend on the Federal Government providing adequate resources for inspection and law enforcement at the State's northern border. I am pleased that the final bill now before us also includes significant new funding to increase security and improve traffic flow at the northern border.

Finally, this legislation includes a landmark set of provisions that I have been proud to sponsor that will strengthen and modernize U.S. anti-money laundering laws. Osama bin Laden has boasted that his modern new recruits know the "cracks" in "Western financial systems" like they know the "lines in their hands." Enactment of this bill will help seal the cracks that allow terrorists and other criminals to use our financial systems against us.

The final money laundering provisions appear in Title 3 of the bill and represent a significant advance over existing law. Here are some of the anti-money laundering provisions that I authored and that are included in the final bill.

For the first time, all U.S. financial institutions—not only banks but securities firms, insurance companies, money transmitters, and other businesses that transfer funds or engage in large cash transactions—will have a legal obligation to exercise due diligence before allowing a foreign financial institution to open a correspondent account with them and thereby gain entry into the U.S. financial system.

For the first time, U.S. banks and securities firms will be barred from opening accounts for foreign shell banks that have no physical presence anywhere and no affiliation with another bank.

For the first time, U.S. prosecutors will be able to freeze and seize a depositor's funds in a foreign financial institution's correspondent account to the same extent under civil forfeiture laws as a depositor's funds in other U.S. financial accounts.

For the first time, foreign corruption offenses such as bribery and misappropriation of funds by a public official will qualify as predicate offenses that can trigger a U.S. money laundering prosecution.

Still other provisions in the bill give U.S. law enforcement a host of new tools to investigate and prosecute money laundering crimes, especially crimes involving a foreign financial institution.

Here are some of the other key provisions in the bill that make landmark changes in U.S. anti-money laundering laws.

For the first time, all U.S. financial institutions will have a legal obligation to verify the identity of their customers, and all customers will have a legal obligation to tell the truth about who they are.

For the first time, all U.S. financial institutions will be required to have anti-money laundering programs.

For the first time, the U.S. Treasury Secretary will have legal authority to designate specific foreign financial institutions, jurisdictions, transactions or accounts as a "primary money laundering concern" and use special measures to restrict or prohibit their access to the U.S. marketplace.

For the first time, bulk cash smuggling over U.S. borders will be a prosecutable crime, and suspect funds will be subject to forfeiture proceedings.

Just like we are tightening our border controls to restrict access to the United States across its physical borders, the bill's anti-money laundering provisions will tighten our financial controls to restrict access into the U.S. financial system. They will require our financial institutions to take new steps, to do more work, and to exercise greater caution before opening up the financial system of the United States.

When the anti-money laundering provisions first passed the Senate on October 11, I gave a floor statement explaining a number of the provisions that had been taken from the Levin-Grassley anti-money laundering bill, S. 1371. While I do not want to repeat all of that legislative history here, some important improvements were made during the House-Senate negotiations that I would like to comment on in order to explain their intent and impact.

First is the shell bank ban in Section 313 of the final bill. That provision appeared in both the House and Senate bills, with only a few differences. The primary difference is that the House provision applied only to "depository institutions," while the Senate bill was intended to ban both U.S. banks and U.S. securities firms from opening accounts for shell banks. The final bill takes the broader approach advocated by the Senate and applies the shell bank ban to both U.S. banks and U.S. securities firms. This broader ban is intended to make sure that neither U.S. banks nor U.S. securities firms open accounts for shell banks, which carry the highest money laundering risks in the banking world. This broader ban means, for example, that a bank that had shell banks as clients and was required to close those accounts under this provision would not be able to circumvent the ban simply by switching its shell bank clients to accounts at an affiliated broker-dealer. The goal instead is to close off the U.S. financial system to shell banks and institute a broad ban on shell bank accounts.

In my floor statement of October 11, I explained the related requirement in Section 313 that U.S. financial institutions take reasonable steps to ensure that other foreign'banks are not allowing their U.S. accounts to be used by shell banks. The purpose of this language is to prevent shell banks from getting indirect access to the U.S. financial system by operating through a correspondent account belonging to another foreign bank. That requirement was included in both the House and Senate bills, and in the final version of the legislation. It is a key provision because it will put pressure on all foreign financial institutions that want to do business in the United States to cut off the access that shell banks now enjoy in too many countries around the world.

I also explained on October 11 that the shell bank ban contains one exception that is intended to be narrowly construed to protect the U.S. financial system from shell banks to the greatest extent possible. This exception, which is identical in both the House and Senate bills and is unchanged in the final version of the legislation, allows U.S. financial institutions to open an account for a shell bank that meets two tests: the shell bank is affiliated with another bank that maintains a physical presence, and the shell bank is subject to supervision by the banking regulator of that affiliated bank. The intent of this exception is to allow U.S. financial institutions to do business with shell branches of large, established banks on the understanding that the bank regulator of the large, established bank will also supervise the established bank's branch offices worldwide, including any shell branch. As explained in my earlier floor statement, U.S. financial institutions are cautioned not to abuse this exception, to exercise both restraint and common sense in using it, and to refrain from doing business with any shell operation that is affiliated with a poorly regulated bank.

The House-Senate negotiations also added a new provision to Section 313 giving U.S. financial institutions a 60-day period to wind up and close any existing accounts for shell banks and to institute the reasonable procedures called for to ensure that other correspondent accounts with foreign financial institutions are not being used by shell banks. As I suggested on October 11, one possible approach with respect to other correspondent accounts would be for the U.S. financial institution to develop standard language asking the foreign financial institution to certify that it is not and will not allow any shell bank to use its U.S. accounts and then to rely on that certification absent any evidence to the contrary.

A second provision I want to discuss in detail is the due diligence requirement in Section 312 of the final bill. This provision also appeared in both the House and Senate bills, again with only a few differences in wording. This provision is intended to tighten U.S. anti-money laundering controls by requiring all U.S. financial institutions to exercise due diligence when opening or managing correspondent or private banking accounts for foreign financial institutions or wealthy foreign individuals. The purpose of this requirement is to function as a preventative measure to stop rogue foreign financial institutions, terrorists or other criminals from using U.S. financial accounts to gain access to the U.S. financial system.

The most important change made to the due diligence requirement during the House-Senate negotiations was to make the definitional provisions in section 311 also apply to section 312. Specifically, the House and Senate negotiators amended what is now Section 311(e) to make sure that its provisions would be applied to both the new 31 U.S.C. 5318A and the new subsections (i) and (j) of 31 U.S.C. 5318 created by Sections 311, 312 and 313 of the final bill.

As I mentioned in my floor statement on October 11, one of the key changes that the Senate Banking Committee made to the due diligence requirement when they took that provision from the Levin-Grassley bill, S. 1371, was to make the due diligence requirement apply to all U.S. financial institutions, not just banks. The Banking Committee expanded the scope of the due diligence requirement by deleting the Levin-Grassley references to "banks" and substituting the term "financial institutions" which, in Section 5312(a)(2) of the Bank Secrecy Act, includes not only banks, but also securities firms, insurance companies, money exchanges, and many other businesses that transfer funds or carry out large cash transactions. The House Financial Services Committee adopted the same approach as the Senate Committee, using the term "financial institution" in its due diligence provision rather than, for example, the term "depository institution" which the House Committee used in its version of the shell bank ban. The bottom line, then, is that both the House and Senate expanded the due diligence provision to apply to all U.S. financial institutions, not just banks.

During the House-Senate negotiations on the final version of the anti-money laundering legislation, Section 311(e) of the bill was amended to make it applicable to both the due diligence requirement created by Section 312 and to the shell bank ban created by Section 313. Section 311(e) establishes several new definitions for such terms as "account" and "correspondent account," and also directs or authorizes the Treasury Secretary to issue regulations to clarify other terms. By making those definitions and regulatory authority applicable to the due diligence requirement and shell bank ban, the House-Senate negotiators helped ensure that the same terms would be used consistently across Sections 311, 312 and 313. In addition, the change helps clarify the scope of the due diligence and shell bank provisions in several respects.

First, the change makes the definition of "account" applicable to the due diligence requirement. This definition makes it clear that the due diligence requirement is intended to apply to a wide variety of bank accounts provided to foreign financial institutions or private banking clients, including checking accounts, savings accounts, investment accounts, trading accounts, or accounts granting lines of credit or other credit arrangements. The clear message is that, before opening any type of account for a foreign financial institution or a wealthy foreign individual and giving that account holder access to the United States financial system, U.S. financial institutions must use due diligence to evaluate the money laundering risk, to detect and report possible instances of money laundering, and to deny access to terrorists or other criminals.

The definition also ensures that the shell bank ban applies widely to bar a shell bank from attempting to open virtually any type of financial account available at a U.S. financial institution.

Second, the change makes it clear that the definition of "correspondent account" applies to the due diligence requirement. This clarification is important, because the definition makes it clear that "correspondent accounts" are not confined to accounts opened for foreign banks, as specified in S. 1371, but encompass accounts opened for any "foreign financial institution." This broader reach is in keeping with the effort of the Senate Banking Committee and the House Financial Services Committee to expand the due diligence requirement to apply to all financial institutions, not just banks. It means, for example, that U.S. financial institutions must use due diligence when opening accounts not only for foreign banks, but also for foreign securities firms, foreign insurance companies, foreign exchange houses, and other foreign financial businesses.

Section 311(e)(4) authorizes the Treasury Secretary to further define terms used in subsection (e)(1), and Treasury may want to use that authority to issue regulatory guidance clarifying the scope of the term "foreign financial institution" to help U.S. financial institutions understand the extent of their due diligence obligation under the new 31 U.S.C. 5318(i). In fashioning this regulatory guidance, Treasury should keep in mind the intent of Congress in issuing this new due diligence requirement—to require all U.S. financial institutions to use greater care when allowing any foreign financial institution inside the U.S. financial system.

The significance of applying the "correspondent account" definition to the shell bank ban is, again, to ensure that the ban applies widely to bar a shell bank from opening virtually any type of financial account available at a U.S. financial institution.

Third, due to the change made by House-Senate negotiators, Section 311(e)(3) directs the Treasury Secretary to issue regulations defining "beneficial ownership of an account" for purposes of both the new 31 U.S.C. 5318A and the new subsections (i) and (j) of 31 U.S.C. 5318. How the regulations define "beneficial ownership" will have profound implications for these new provisions as well as for other aspects of U.S. anti-money laundering laws. Section 311(e)(3) directs Treasury to address three sets of issues in defining beneficial ownership: the significance of "an individual's authority to fund, direct, or manage the account"; the significance of "an individual's material interest in the income or corpus of the account"; and the exclusion of individuals whose beneficial interest in the income or corpus of the account is immaterial."

The issue of beneficial ownership is at the heart of the fight against terrorists and other criminals who want to use our financial institutions against us. Terrorists and other criminals want to hide their identity as well as the criminal origin of their funds so that they can use their U.S. accounts without alerting law enforcement. They want to use U.S. and international payment systems to move their funds to their operatives with no questions asked. They want to deposit their funds in interest-bearing accounts to increase the financial resources available to them. They want to set up credit card accounts and lines of credit that can be used to finance their illegal activities. Above all, they do not want U.S. financial institutions determining who exactly is the owner of their accounts, since that information can lead to closure of the accounts, seizure of assets, exposure of terrorist or criminal organizations, and other actions by law enforcement.

After the September 11 attack, it is more critical than ever that U.S. financial institutions determine exactly who is the beneficial owner of the accounts they open. Another provision of the final bill, Section 326 which was authored by House Financial Services Committee Chairman OXLEY, requires financial institutions to verify the identify of their customers. That provision gets at the same issue—that our financial institutions need to know who they are dealing with and who they are performing services for.

Some financial institutions have pointed out the difficulties associated with determining the beneficial owner of certain accounts. But these are not new issues, and they can be dealt with in common sense ways. U.S. tax administrators and financial regulators have years of experience in framing ownership issues. Switzerland has had a beneficial ownership requirement in place for years, and in fact requires accountholders to sign a specific document, called "Form A," declaring the identify of the account's beneficial owner. The difficulties associated with determining beneficial ownership can be addressed.

There will, of course, be questions of interpretation. No one wants financial institutions to record the names of the stockholders of publicly traded companies. No one wants financial institutions to identify the beneficiaries of widely held mutual funds. That is why this section directs the Treasury Secretary to issue regulatory guidance in this area.

At the same time, there are those who are hoping to convince Treasury to turn the definition of beneficial ownership inside out, and declare that attorneys or trustees or asset managers who direct payments into or out of an account on behalf of unnamed parties can somehow qualify as the "beneficial owner of the account." Others will want to convince Treasury that offshore shell corporations or trusts can qualify as the beneficial owner of the accounts they open. But those are exactly the types of accounts that terrorists and criminals use to hide their identities and infiltrate U.S. financial institutions. And those are exactly the accounts for which U.S. financial institutions need to verify and evaluate the real beneficial owners.

The beneficial ownership regulation will be a challenging undertaking. But there is plenty of expertise to draw upon, from FATF, the Basel Committee, U.S. financial and tax regulators, other countries with beneficial ownership requirements and, of course, from our own financial community.

Fourth, Section 311(e)(2) directs the Treasury Secretary to issue regulations clarifying how the term "account" applies to financial institutions other than banks. This authority should be read in conjunction with Section 311(e)(4) which allows, but does not require, the Secretary to issue regulations defining other terms in the new 31 U.S.C. 5318A and the new subsections (i) and (j) of 31 U.S.C. 5318. These two regulatory sections should, in turn, be read in conjunction with Section 312(b)(1) which directs the Secretary to issue regulations further clarifying the due diligence policies, procedures and controls required under that section. Together, these grants of regulatory authority provide the Treasury Secretary with ample authority to issue regulatory guidance to help different types of financial institutions understand what is expected of them in the area of due diligence. Such guidance may be needed by banks, securities firms, insurance companies, exchange houses, money service businesses and other financial institutions. The guiding principle, again, is to ensure that U.S. financial institutions exercise appropriate due diligence before opening accounts for foreign financial institutions or wealthy foreign individuals seeking access to the U.S. financial system.

These grants of regulatory authority can also be used by Treasury to ensure that the shell bank ban established by Section 313 is as broad and effective as possible to keep shell banks out of the U.S. financial system.

Next is due diligence and correspondent banking. Section 312 imposes an ongoing, industry-wide legal obligation on all types of financial institutions operating in the United States to exercise appropriate care when opening and operating correspondent accounts for foreign financial institutions to safeguard the U.S. financial system from money laundering. The general obligation to establish appropriate and specific due diligence policies, procedures and controls when opening correspondent accounts is codified in a new 31 U.S.C. 5318(i)(1).

Subsection 5318(i)(2) specifies additional, minimum standards for enhanced due diligence policies, procedures and controls that must be established by U.S. financial institutions for correspondent accounts opened for two specific categories of foreign banks: banks operating under offshore banking licenses and banks operating in foreign countries that have been designated as raising money laundering concerns. These two categories of foreign banks were identified due to their higher money laundering risks, as explained in the extensive staff report and hearing record of the Permanent Subcommittee on Investigations, copies of which I released earlier this year.

Subsection 5318(i)(2) provides two alternative ways in which a foreign country can be designated as raising money laundering concerns. The first way is if a country is formally designated by an intergovernmental group or organization of which the United States is a member. Currently, the most well known such group is the Financial Action Task Force on Money Laundering, also known as FATF, which is composed of about 30 countries and is the leading international group fighting money laundering. In 2000, after a lengthy fact-finding and consultative process, FATF began issuing a list of countries that FATF's member countries formally agreed to designate as noncooperative with international anti-money laundering principles and procedures. This list, which names between 12 and 15 countries, is updated periodically and has become a powerful force for effecting change in the listed jurisdictions. The second way a country may be designated for purposes of the enhanced due diligence requirement is if the country is so designated by the Treasury Secretary under the procedures provided in the new Section 5318A. This second alternative enables the United States to act unilaterally as well as multilaterally to require U.S. financial institutions to take greater care in opening correspondent accounts for foreign banks in jurisdictions of concern.

The House and Senate bills contained one minor difference in the wording of the provision regarding foreign country designations by an intergovernmental group or organization under the new 31 U.S.C. 5318(i)(2)(A)(ii)(I). The House bill included a phrase, not in the Senate bill, stating that the foreign country designation had to be one with which the Secretary of Treasury concurred, apparently out of concern that an intergovernmental group or organization might designate a country as noncooperative over the objection of the United States. The final version of the provision includes the House approach, but uses statutory language making it clear that U.S. concurrence in the foreign country designation may be provided by the U.S. representative to the relevant international group or organization, whether or not that representative is the Secretary of Treasury or some other U.S. official.

The new 31 U.S.C. 5318(i)(2) states that the enhanced due diligence policies, procedures and controls that U.S. financial institutions must establish for correspondent accounts with offshore banks and banks in jurisdictions designated as raising money laundering concerns must include at least three elements. They must require the U.S. financial institution to ascertain the foreign bank's ownership, to carefully monitor the account to detect and report any suspicious activity, and to determine whether the foreign bank is allowing any other banks to use its U.S. correspondent account and, if so, the identity of those banks and related due diligence information.

The three elements specified in Section 5318(i)(2) for enhanced due diligence policies, procedures and controls are not meant to be comprehensive. Additional reasonable steps would be appropriate before opening or operating accounts for these two categories of foreign banks, including steps to check the foreign bank's past record and local reputation, the jurisdiction's regulatory environment, the bank's major lines of business and client base, and the extent of the foreign bank's anti-money laundering program. Moreover, other categories of foreign financial institutions will also require use of enhanced due diligence policies, procedures and controls including, for example, offshore broker-dealers or investment companies, foreign money exchanges, foreign casinos, and other foreign money service businesses.

Now I would like to discuss due diligence and private banking. The new Section 5318(i) also addresses due diligence requirements for private banking accounts. The private banking staff report issued by the Permanent Subcommittee on Investigations explains why these types of private banking accounts are especially vulnerable to money laundering and why initial and ongoing due diligence reviews are needed to detect and report any suspicious activity.

The House and Senate versions of this provision were very similar. The primary difference between them is that the House bill included a definition of "private banking accounts" that originally appeared in the Levin-Grassley bill, S. 1371, while the Senate left the term undefined. The final version of Section 5318(i) includes the House definition. It has three elements. First, the account in question must require a $1 million minimum aggregate of deposits. Second, the account must be opened on behalf of living individuals with a direct or beneficial ownership interest in the account. Third, the account must be assigned to, administered, or managed in part by, a financial institution employee such as a private banker, relationship manager or account officer. The purpose of this definition is to require U.S. financial institutions to exercise due diligence when opening and operating private banking accounts with large balances controlled by wealthy foreign individuals with direct access to the financial professionals responsible for their accounts.

U.S. financial institutions with private banking accounts are required by the new Section 5318(i)(1) to establish appropriate and specific due diligence policies, procedures and controls with respect to those accounts. Section 5318(i)(3) states that, at a minimum, the due diligence policies, procedures and controls must include reasonable steps to ascertain the identity of the accountholders, including the beneficial owners; to ascertain the source of funds deposited into the account; and to monitor the account to detect and report any suspicious activity. If the account is opened for or on behalf of a senior foreign political figure or a close family member or associate of the political figure, the U.S. financial institution must use enhanced due diligence policies, procedures and controls with respect to that account, including closely monitoring the account to detect and report any transactions that may involve the proceeds of foreign corruption. The enhanced due diligence requirements for private banking accounts involving senior foreign political figures are intended to work in tandem with the guidance issued on this subject by Treasury and federal banking regulators in January 2001.

The accounts covered by the private banking definition are not confined to accounts at U.S. banks, but also cover accounts opened at other types of financial institutions, including securities firms which have developed lines of business offering similar types of accounts to wealthy foreign individuals. In addition, the section is intended to cover not only private banking accounts physically located inside the United States, but also private banking accounts that are physically located outside of the United States but managed by U.S. personnel from inside the United States. For example, the private banking investigation conducted by my Subcommittee found that it was a common practice for some U.S. private banks to open private banking accounts for foreign clients in an offshore or bank secrecy jurisdiction, but then to manage those accounts using private bankers located inside the United States. In such cases, the U.S. financial institution is required to exercise the same degree of due diligence in opening and managing those private banking accounts as it would if those accounts were physically located within the United States.

Another area of inquiry involves the $1 million threshold. Some financial institutions have asked whether the $1 million minimum would be met if an account initially held less than the required threshold, or the account's total deposits dipped below the threshold amount on one or more occasions, or the same individual held accounts both inside and outside the private bank and kept the private bank account's total deposits below the threshold amount. Such inquires are reminiscent of structuring efforts undertaken to avoid certain anti-money laundering reporting requirements. Such structuring efforts have not been found acceptable in avoiding other anti-money laundering requirements, and the language of the private banking provision is intended to preclude such maneuvering here.

The purpose of the private banking provision is to require U.S. financial institutions to exercise due diligence when opening or managing accounts with large deposits for wealthy foreign individuals who can use the services of a private banker or other employee to move funds, open offshore corporations or accounts, or engage in other financial transactions that carry money laundering risks. Because it is the intent of Congress to strengthen due diligence controls and protect the U.S. financial system to the greatest extent possible in the private banking area, the private banking definition should be interpreted in ways that will maximize the due diligence efforts of U.S. financial institutions.

Finally, the House-Senate negotiators adjusted the effective date of the due diligence provision. The new effective date gives the Treasury Secretary 180 days to issue regulations clarifying the due diligence policies, procedures and controls required under the new 31 U.S.C. 5318(i). These regulations are, again, intended to provide regulatory guidance to the range of U.S. financial institutions that will be compelled to exercise due diligence before opening a private banking or correspondent banking account. Section 312(b) states that, whether or not the Treasury Secretary meets the 180-day deadline for regulations, the due diligence requirement will go into effect no later than 270 days after the date of enactment of the legislation. That means, whether or not the Treasury Secretary issues any regulations, after 270 days, U.S. financial institutions will be legally required to establish appropriate and specific due diligence policies, procedures and controls for their private banking and correspondent accounts, including enhanced due diligence policies, procedures and controls where necessary.

In addition to due diligence and the Shell Bank provisions, my October 11 floor statement discusses several other bill provisions including those that add foreign corruption offenses to the list of crimes that can trigger a U.S. money laundering prosecution, and those that close a forfeiture loophole applicable to correspondent accounts for foreign financial institutions. I will not repeat that legislative history again, but I do want to mention one other provision that I authored to expand use of Federal receivers in money laundering and forfeiture proceedings.

The Federal receivers provision is contained in Section 317 of the final bill, and I want to make three points about it. First, this provision comes out of the work of the Permanent Subcommittee on Investigations which found that many money laundering crimes include such complex flows of money across international lines that the average prosecutor does not have the time or resources needed to chase down the money, even when that money represents savings stolen or defrauded from hundreds of crime victims in the United States. In too many money laundering cases, the crime victims will never see one dime of their lost savings. The Federal receiver provision in Section 317 is intended to provide Federal prosecutors and the Federal and State regulators working with them the option of using a court-appointed receiver to chase down the laundered funds.

Second, the provision is intended to allow any U.S. district court to appoint a Federal receiver in a money laundering or forfeiture proceeding, whether criminal or civil, if so requested by the Federal prosecutor or Federal or State regulator associated with the proceeding. The only restriction is that the court must have jurisdiction over the defendant whose assets the receiver will be pursuing. Jurisdiction may be determined in the context of the criminal or civil proceeding before the court, including under new language in other parts of Section 317 making it clear that a district court has jurisdiction over any foreign financial institution that has a correspondent account at a U.S. financial institution; over any foreign person who has committed a money laundering offense involving a financial transaction occurring in whole or in part in the United States; and over any foreign person that has converted to their own use property that is the subject of a U.S. forfeiture order, as happened in the Swiss American Bank case described in the Subcommittee's staff report.

The third point about the Federal receiver provision is that it is intended to make it clear that Federal receivers appointed under U.S. money laundering laws may make requests and may obtain financial information from the U.S. Financial Crimes Enforcement Network in Treasury and from foreign countries as if the receiver were standing in the shoes of a federal prosecutor. This language is essential to increase the effectiveness of receivers who often have to work quickly, in foreign jurisdictions, in cooperation with foreign law enforcement and financial regulatory personnel, and who need clear statutory authority to make use of international information sharing arrangements available to assist U.S. law enforcement. The provision is intended to make it clear that the Federal receiver has the same access to international law enforcement assistance as a Federal prosecutor would if the prosecutor were personally attempting to recover the laundered funds. The language is also intended to make it clear that Federal receivers are bound by the same policies and procedures that bind all Federal prosecutors in such matters, and that Federal receivers have no authority to exceed any restrictions set by the Attorney General.

Finally, I would like to take note of two other provisions that are included in the final bill. They are Section 352 authored by Senate Banking Committee Chairman SARBANES to require all U.S. financial institutions to establish anti-money laundering programs, and Section 326 authored by House Financial Services Committee Chairman OXLEY to require all U.S. financial institutions to verify the identity of their customers. Both are strong requirements that apply to all U.S. financial institutions and, in the case of the Oxley provision, to all financial accounts. Both represent important advances in U.S. anti-money laundering laws by codifying basic anti-money laundering requirements. I commend my colleagues for enacting these basic anti-money laundering controls into law and filling in some of the gaps that have made our anti-money laundering safeguards less comprehensive than they need to be.

The clear intention of both the House and the Senate bills, and the final bill being enacted by Congress today, is to impose anti-money laundering requirements across the board that reach virtually all U.S. financial institutions. Congress has determined that broad anti-money laundering controls applicable to virtually all U.S. financial institutions are needed to seal the cracks in our financial systems that terrorists and other criminals are all too ready to exploit.

There are many other noteworthy provisions of this legislation, from requirements involving legal service of subpoenas on foreign banks with U.S. accounts, to new ways to prosecute money laundering crimes, to new arrangements to increase cooperation among U.S. financial institutions, regulators and law enforcement to stop terrorists and other criminals from gaining access to the U.S. financial system. There just is not sufficient time to go into them all.

To reiterate, the antiterrorism bill we have before us today would be very incomplete—only half of a toolbox—without a strong anti-money-laundering title to prevent foreign terrorists and other criminals from using our financial institutions against us. With the anti-money-laundering provisions in this bill, the antiterrorism bill gives our enforcement authorities a valuable set of additional tools to fight those who are attempting to terrorize this country.

Osama bin Laden has boasted that his modern new recruits know, in his words, the "cracks" in "Western financial systems" like they know the "lines in their own hands." Enactment of this bill with these provisions will help seal those cracks that allow terrorists and other criminals to use our own financial systems against us.

The intention of this bill is to impose anti-money-laundering requirements across the board that reach virtually all U.S. financial institutions.

Our Permanent Subcommittee on Investigations, which I chair, spent 3 years examining the weaknesses and the problems in our banking system with respect to money laundering by foreign customers, including foreign banks. Through 6 days of hearings and 2 major reports, one of which contained case studies on 10 offshore banks, we developed S. 1371 to strengthen our anti-money-laundering laws. A strong bipartisan group of Senators joined me in pressing for its enactment, including Senators GRASSLEY, SARBANES, KYL, DEWINE, BILL NELSON, DURBIN, STABENOW, and KERRY.

The major elements of S. 1371 are part of the legislation we are now considering.

Finally, Mr. President, I want to give a few thank-yous. First, I thank Senator SARBANES, chairman of the Senate Banking Committee. He saw the significance of the money laundering issue in the fight against terrorism, and I thank him for his quick action, his bipartisan inclusive approach, and his personal dedication to producing tough, meaningful legislation. I also thank him for allowing my staff to participate fully in the negotiations to reconcile the anti-money-laundering legislation passed by the House and the Senate.

I extend my thanks and congratulations to the Senate Banking Committee and the House Financial Services Committee for a fine bipartisan product that will strengthen, modernize, and revitalize U.S. anti-money-laundering laws. Congressman OXLEY and Congressman LAFALCE jumped right into the issue, committed themselves to producing strong legislation, and did the hard work needed to produce it. The negotiations were a model of House-Senate collaboration, with bipartisan, productive discussions leading to a legislative product that is stronger than the legislation passed by either House and which is legislation in which this Congress can take pride.

I also extend my thanks to Senator DASCHLE, Senator LOTT, and Senator LEAHY for taking the actions that were essential to ensure that the anti-money-laundering title was included in the antiterrorism bill. Senator DASCHLE made it very clear that without these provisions no antiterrorism bill would be complete. Senator LEAHY took actions of all kinds to make sure that, in fact, the anti-money laundering provisions were included in the final bill.

I thank Senator GRASSLEY who joined me in this effort early on and who worked with me every step of the way win enactment of the anti-money laundering legislation into law.

Senator STABENOW I thank for her quick and decisive action during the Banking Committee's consideration of this bill. Without her critical assistance, we would not be where we are today. I also thank Senator KERRY for his consistent, strong and informed role in fashioning this landmark legislation.

Finally I want to give a few thank-yous to staff. Elise Bean of my staff first and foremost deserves all of our thanks for her heroic efforts on this legislation. She and Bob Roach of our Subcommittee staff led the Subcommittee investigations into money laundering and did very detailed work on private banking and correspondent banking that laid the groundwork for the legislation we are passing today. I want to thank them both.

I want to thank Bill Olson of Senator GRASSLEY's office for jumping in whenever needed and lending strong support to this legislative effort. Similar thanks go to John Phillips of Senator KERRY's office who was there at all hours to make sure this legislation happened.

Similar thanks go to Senator SARBANES' staff on the Senate Banking Committee—especially Steve Harris, Marty Gruenberg, Patience Singleton and Steve Kroll, who put in long hours, maintained a high degree of both competency and professionalism, and provided an open door for my staff to work with them.

I also want to thank the staff of the House Financial Services Committee—Ike Jones, Carter McDowell, Jim Clinger and Cindy Fogleman. They put in long hours, knew the subject, and were dedicated to achieving a finished product of which we could all be proud.

Our thanks also go to Laura Ayoud of the Senate Legislative Counsel's office who literally worked around the clock during the negotiations on this legislation and, through it all, kept a clear eye and a cheerful personality. Her work was essential to this product.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Before I make my statement and before Senator LEVIN leaves the floor, I wish to acknowledge the very substantial contribution that Senator LEVIN made to the money-laundering title that is in this bill, which I think is an extremely important title. In fact, you can't watch any program on television that has experts talking about what we ought to be doing with respect to this terrorism challenge when either the first or second thing they mention is to dry up the financial sources of the terrorists, and that, of course, comes right back to the money laundering.

Senator LEVIN, over a sustained period of time, in the government operations committee, held some very important hearings, issued very significant reports, and formulated a number of recommendations. This title is, in part, built on the recommendations that Senator LEVIN put forward at an earlier time. I simply acknowledge his extraordinary contribution to this issue. I acknowledge Senator KERRY as well. There were two proposals. They both had legislation in them and we used those as building blocks in formulating this title. We think it is a very strong title and that it can be a very effective tool in this war against terrorism, and against drugs, and against organized crime. It should have been done a long time ago, but it is being done now.

Before the able Senator from Michigan leaves the floor, I thank him and acknowledge his tremendous contribution.

Mr. LEVIN. Again, I thank Senator SARBANES for his great leadership, along with Senator LEAHY, which made this possible.

Mr. SARBANES. Mr. President, I rise in very strong support of this legislation—in particular, title III, the International Money Laundering Abatement and Financial Antiterrorism Act, which was included as part of the antiterrorism legislation. Of course, that bill was approved yesterday by the House of Representatives and will be approved very shortly by this body.

Title III represents the most significant anti-money-laundering legislation in many, many years—certainly since money laundering was first made a crime in 1986. The Senate Committee on Banking, Housing, and Urban Affairs, which I have the privilege of chairing, marked up and unanimously approved the key anti-money-laundering provisions on October 4. Those provisions were approved unanimously, 21–0. Those were approved as Title III of S. 1510, the Uniting and Strengthening America Act on October 11 by a vote of 96–1. H.R. 3004, the Financial Antiterrorism Act, which contained many of the same provisions and added important additional provisions, passed the House of Representatives by a vote of 412–1 on October 17.

Title III of this conference report represents a skillful melding of the two bills and is a result of the strong contribution made by House Financial Services Committee and chairman MICHAEL OXLEY and ranking member JOHN LAFALCE, working with Senator GRAMM, the ranking member of the Senate committee, and myself.

President Bush said on September 24, when he took executive branch action on the money-laundering issue:

> We have launched a strike on the financial foundation of the global terror network.

Title III of our comprehensive antiterrorism package supplies the armament for that strike on the financial foundation of the global terror network. Terrorist attacks require major investments of time, planning, training, practice, and financial resources to pay the bills. Osama bin Laden may have boasted, "Al-Qaida includes modern, educated youth who are as aware of the cracks inside the Western financial system as they are aware of the lines in their hands," but with title III, we are sealing up those cracks.

Money laundering is the transmission belt that gives terrorists the resources to carry out their campaigns of carnage, but we intend, with the money-laundering title of this bill, to end that transmission belt in its ability to bring resources to the networks that enable terrorists to carry out their campaigns of violence.

I need not bring to the attention of my colleagues the fact that public support across the country for anti-money-laundering legislation is extremely strong. Jim Hoagland put it plainly in the Washington Post:

> This crisis offers Washington an opportunity to force American and international banks to clean up concealment and laundering practices they now tolerate or encourage, and which terrorism can exploit.

This legislation takes up that challenge in a balanced and forceful way.

Title III contains, among other provisions, authority to take targeted action against countries, institutions, transactions, or types of accounts the Secretary of the Treasury finds to be of primary money-laundering concern.

It also contains critical requirements of due diligence standards directed at correspondent accounts opened at U.S. banks by foreign offshore banks and banks in jurisdictions that have been found to fall significantly below international anti-money-laundering standards.

It prohibits U.S. correspondent accounts for offshore shell banks, those banks that have no physical presence or employees anywhere and that are not part of a regulated and recognized banking company.

The title also contains an important provision from the House bill that requires the issuance of regulations requiring minimum standards for verifying the identity of customers opening and maintaining accounts at U.S. financial institutions, and it very straightforwardly requires all financial institutions to establish appropriate anti-money-laundering programs.

Title III also includes several provisions to enhance the ability of the Government to share more specific information with banks, and the ability of banks to share information with one another relating to potential terrorist or money-laundering activities.

In addition, it provides important technical improvements in anti-money-laundering statutes, existing statutes, and mandates to the Department of the Treasury to act or formulate recommendations to improve our anti-money-laundering programs.

This is carefully considered legislation. While the committee moved expeditiously, its movement was based upon and reflects the efforts which have been made over a number of years on this issue.

As I indicated earlier, Senator CARL LEVIN, Senator KERRY, and in addition, Senator CHARLES GRASSLEY have led farsighted efforts to keep money-laundering issues on the front burner. Others in the Congress have also been involved with this issue over time. The House Banking Committee, under the leadership of then-Chairman JIM LEACH and ranking member JOHN LAFALCE, approved a money-laundering bill in June of 2000 by a vote of 31–1. It was very similar to the legislation introduced by Senator KERRY.

As the successor to Congressman LEACH, House Financial Services Chairman OXLEY has continued the commitment to fighting money launderers to maintain the integrity of our financial system and, now, to help ensure the safety of our citizens.

We have been guided in our work by the testimony presented to the committee on September 26. We heard from a number of expert witnesses and from the Under Secretary of the Treasury Gurule, Assistant Attorney General Chertoff, and Ambassador Stuart Eizenstat, the former Deputy Secretary of the Treasury. All of the witnesses advocated stronger and more modern money-laundering laws.

Before describing the provisions of Title III in greater detail, I want to single out a number of our colleagues and their staffs for their extraordinary contributions.

I have already spoken about House Financial Services Committee Chairman OXLEY and ranking member LAFALCE, but I want to note their personal willingness and that of their staffs to work overtime to ensure that the House and Senate reached agreement on this important legislation. In fact, last week when the office buildings were closed down, we met here in a room in the Capitol on Wednesday evening, well beyond midnight, and resumed early the next morning and continued throughout the day on Thursday, finally resolving all of our issues by the end of that afternoon.

I am truly grateful to all the members of the Senate Banking Committee for their strong, positive, and constructive contributions to the Senate-approved version of Title III. I indicated it was approved by the committee on a 21–0 vote. Ranking member Senator GRAMM provided critical support.

Senators STABENOW, JOHNSON, and HAGEL were instrumental in producing a compromise to resolve a dispute over one of the package's most important provisions.

Senator ENZI brought his expertise as an accountant to bear in refining another critical provision.

Senator SCHUMER, who has been involved in past efforts to address money-laundering activities, played an important role, as did Senators DODD, BAYH, CARPER, CORZINE, ALLARD, and CRAPO who either offered amendments or made other important contributions for improvements in this title.

I also want to take a moment to recognize those members of our staff who devoted so many hours to crafting this important and comprehensive legislation, literally all night in a couple of instances along the way in the legislative process: Steve Kroll, Patience Singleton, Steve Harris, Lynsey Graham, Vince Meehan, Marty Gruenberg, and Jesse Jacobs on the Banking Committee's majority staff. And on the Banking Committee's minority staff, I want to underscore the work of Wayne Abernathy, Linda Lord, and Madelyn Simmons.

I also thank Elise Bean from Senator LEVIN's staff and John Phillips from JOHN KERRY's staff who worked closely with us and made significant contributions.

Finally, I take special note of Laura Ayoud of the Legislative Counsel's office. Mrs. Ayoud worked countless hours from the very beginning so that the committee print and a substitute for the Banking Committee markup were all produced on time and with the utmost accuracy and professionalism. I must say, I think the Senate is extremely fortunate to have professionals of the caliber of Mrs. Ayoud in the Legislative Counsel's office. I tip my hat not only to her, but to the extraordinary record of professionalism and dedicated service which the Legislative Counsel's office renders to the Senate.

Title III addresses all aspects of our defenses against money laundering. Those defenses generally fall into three parts. The first is the Bank Secrecy Act passed in 1970. It requires financial institutions to keep standardized transaction records and report large currency transactions and suspicious transactions, and it mandates reporting of the movement of more than $10,000 in currency into and out of our country.

The Bank Secrecy Act is so named because it bars bank secrecy in America by preventing financial institutions from maintaining opaque records or disregarding their records altogether. Secrecy is a hiding place for crime, and Congress has barred our institutions from allowing those hiding places.

The second part of our money-laundering defenses are the criminal statutes first enacted in 1986 that make it a crime to launder money and that allow criminal and civil forfeiture of the proceeds of crime.

The third part is a statutory framework that allows information to be communicated to and between law enforcement officials. Our goal must be to assure, to the greatest extent consistent with reasonable privacy protections—and we understood the necessity of balancing these considerations—to assure ourselves that necessary information can be used by the right persons in real time to cut off terrorism and crime.

Title III modernizes provisions in all three areas to meet today's threats in a global economy. Its provisions are divided into three subtitles dealing respectively with international counter-money-laundering measures, sections 311 through 330; Bank Secrecy Act amendments and related improvements, sections 351 through 366; and currency crimes and protections, sections 371 through 377.

There are 46 provisions in Title III. At this time, I want to summarize some of the bill's most important provisions.

Section 311 gives the Secretary of the Treasury, in consultation with other senior government officials, authority to impose one or more of five new "special measures" against foreign jurisdictions, entities, transactions or accounts that in the determination of the Secretary, after consultation with other senior federal officials, poses a "primary money laundering concern" to the United States. The special measures all involve special recordkeeping and reporting measures—to eliminate the curtains behind which launderers hide. In extreme cases the Secretary is permitted to bar certain kinds of interbank accounts from especially problematic jurisdictions. The statute specifies the considerations the Secretary must take into account in using the new authority and contains provisions to supplement the Administrative Procedure Act to assure that any remedies—except certain short-term measures—are subject to full comment from all affected persons.

This new provision gives the Secretary real authority to act to close overseas loopholes through which U.S. financial institutions are abused. At present the Secretary has no weapons except Treasury Advisories, which do not impose specific requirements, or full economic sanctions which suspend financial and trade relations with offending targets. President Bush's invocation of the International Economic Emergency Powers Act, IEEPA, several weeks ago was obviously appropriate. But there are many other situations in which we will not want to block all transactions, but where we will want to do more than simply advise financial institutions about under-regulated foreign financial institutions or holes in foreign countermoney laundering efforts. Former Deputy Secretary Eizenstat testified before the Committee in September that adding this tool to the Secretary's arsenal was essential.

Section 312 focuses on another aspect of the fight against money laundering, the financial institutions that make the initial decisions about what foreign banks to allow inside the United States. It requires U.S. financial institutions to exercise appropriate due diligence when dealing with private banking accounts and interbank correspondent relationships with foreign banks. With respect to foreign banks, the section requires U.S. financial institutions to apply appropriate due diligence to all correspondent accounts with foreign banks, and enhanced due diligence for accounts sought by offshore banks or banks in jurisdictions found to have substandard money laundering controls or which the Secretary determines to be of primary money laundering concern under the new authority given him by section 311.

The section also specifies certain minimum standards for the enhanced due diligence that U.S. financial institutions are required to apply to accounts opened for two categories of foreign banks with high money laundering risks—offshore banks and banks in jurisdictions with weak anti-money laundering and banking controls. These minimum standards were developed from, and are based upon, the factual record and analysis contained in the comprehensive report on correspondent banking and money laundering that was prepared by the staff of the Senate Permanent Subcommittee on Investigations, which Senator LEVIN chairs.

Section 312 is essential to title III. It addresses, with appropriate flexibility, mechanisms whose very importance for the conduct of commercial banking makes them special targets of money launderers, as illustrated in Senator LEVIN's extensive reports and hearings. The intent of the statute is to provide special due diligence rules which will apply to correspondent relationships maintained for foreign financial institutions not merely by domestic banks but by all types of financial institutions operating in the United States, subject to the authority of the Secretary of the Treasury to define the appropriate correspondent relationships by regulation where appropriate. Given the scope of the applicable definition of correspondent account, in new section 5318A (which also applies for purposes of new section 5318(i)), the general due diligence obligations of new section 5318(i)(1) apply to all correspondent accounts maintained by U.S. financial institutions for any foreign financial institution (i.e., not simply foreign depository institutions).

The statutory intent with respect to private banking accounts is similar: that is, the statute is intended to provide special due diligence rules for private banking accounts maintained for non-United States persons not merely by depository institutions operating in the United States, but by all types of financial institutions operating in the United States and defined in 31 U.S.C. 5312, subject to the authority of the Secretary of the Treasury to define the appropriate definitions of the relevant terms by regulation.

The question has been raised whether the due diligence provisions of section 312 are "discretionary." The answer is no. The provisions are to apply whether or not any rules are issued by the Treasury or whether the Treasury takes any other implementing action (in contradistinction to the provisions of new section 5318A, which must be affirmatively invoked by the Secretary. The Secretary is given authority to issue regulations "further delineating" the "due diligence policies, procedures, and controls" required by new subsection 5318(i), but those regulations must of course be consistent with the statutory language and intent to require all U.S. financial institutions to exercise the required standard of care in dealing with the risk of the misuse of the financial mechanisms with which the subsection deals.

A provision of section 319 of title III requires foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States and authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. U.S. banks must sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena, upon notification from the Attorney General or Secretary of the Treasury.

All of these provisions send a simple message to foreign banks doing business through U.S. correspondent accounts: be prepared, if you want to use our banking facilities, to operate in accordance with U.S. law.

Section 313 of title III also builds on the factual record before the Banking Committee to bar from the United States financial system pure "brass-plate" shell banks created outside the U.S. that have no physical presence anywhere and are not affiliated with any recognized banking institution. These shell banks carry the highest money laundering risks in the banking world because they are inherently unavailable for effective oversight—there is no office where a bank regulator or law enforcement official can go to observe bank operations, review documents or freeze funds. Thus the ban on provision of correspondent banking services for such brass-plate institutions is a particularly important part of title III. New 31 U.S.C. 5318(j) is intended to be vigorously enforced and strictly applied, especially in light of the relief provided in the statute for special banking vehicles that are affiliated with operating institutions and are subject to financial supervision along with those institutions.

Section 325 permits the Secretary to deal with abuse of another recognized commercial banking mechanism—concentration accounts that are used to commingle related funds temporarily in one place pending disbursement or the transfer of funds into individual client accounts. Concentration accounts have been used to launder funds, and the bill authorizes the Secretary to issue rules to bar the use of concentration accounts to move client funds anonymously, without documentation linking particular funds to their true owners. I believe that the Secretary must move promptly to exercise the regulatory authority granted by this section.

Section 326 will help ensure that individuals opening accounts with U.S. financial institutions provide information adequate to enable law enforcement and supervisory agencies to identify accounts maintained by individuals suspected of terrorist activities. The section requires the Secretary of the Treasury to prescribe regulations in consultation with each federal functional regulators to set minimum standards and procedures concerning the verification of customers' identity, maintenance of records of identity verification, and consultation at account opening of lists of known or suspected terrorists provided to the financial institution by a government agency. This section also requires the Secretary of the Treasury to submit recommendations to Congress, within 6 months of enactment, on the most effective way to require foreign nationals to provide financial institutions in the United States with accurate identity information.

It is the intent of section 326 that regulations pursuant to that section do not place obligations solely on the shoulders of the Nation's financial institutions, without placing any obligations on their customers. The contemplated regulations should therefore include provisions relating to the obligations of individuals to provide accurate information in connection with account-opening procedures, so that in appropriate cases penalties may apply under the Bank Secrecy Act to customers who willfully mislead bank officials about matters of customer identity.

Section 352 requires financial institutions to establish minimum antimoney laundering programs that include appropriate internal policies, management, employee training, and audit features. This is not a "one-size-fit-all" requirement; in fact its very generality recognizes that different types of programs will be appropriate for different types and sizes of institutions. It is our intention, by using general language in the amended provision, that the content of the relevant antimoney laundering programs will necessarily vary with the details of the particular financial institutions involved and the money laundering risks to which the nature of such institution and its financial products exposes the institution. Treasury regulations pursuant to this section should allow adjustment of the extent of antimoney laundering programs for smaller businesses but not exempt businesses from the requirement altogether simply because of their size.

A number of improvements are made to the suspicious activity reporting rules. First, technical changes strengthen the safe harbor from civil liability for institutions that report suspicious activity to the Treasury, Sec. 351. The provisions not only add to the protection for reporting institutions; they also address individual privacy concerns by making it clear that government officers may not disclose suspicious transaction reports information except in the conduct of their official duties. Section 356 also requires the issuance of final suspicious transaction reporting rules applicable to brokers and dealers in securities by July 1, 2002; senior officials of the relevant agencies must meet expeditiously to resolve the policy issues raised at staff levels about the content of the necessary regulations and the extent to which suspicious transaction reporting rules should be the same for banking and securities.

Sections 359 and 373 of the title deal with underground banking systems such as the Hawala, which is suspected of being a channel used to finance the al Qaeda network. Section 359 makes it clear that underground money transmitters are subject to the same recordkeeping rules—and the same penalties for violating those rules—as aboveground, recognized, money transmitters. It also directs the Secretary of the Treasury to report to Congress, within 1 year, on the need for additional legislation or regulatory controls relating to underground banking systems. Section 373 clarifies that operators of a money transmitter business can be prosecuted under Federal law for operating an illegal money transmitting business if they do not have a required State license.

Section 360 authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions to use such Director's "voice and vote" to support loans and other use of resources to benefit nations that the President determines to be contributing to efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

Section 371 creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions. This provision has been sought for several years by both the Departments of Justice and Treasury.

Other provisions of the bill address relevant provisions of the Criminal Code. These provisions were worked out with the House and Senate Judiciary Committees and are included in title III because of their close relationship to the provisions of title 31 added or modified by title III.

The most important is section 315, which expands the list of specified unlawful activities under 18 U.S.C. 1956 and 1957 to include foreign corruption offenses, certain U.S. export control violations, offenses subject to U.S. extradition obligations under multilateral treaties, and various other offenses. The Department of Justice should make use of the expanded authority, created by section 315, to make the risk of detection to foreign kleptocrats immediate and palpable.

Section 316 establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's antiterrorism authority. This provision is designed to assure that there is no situation in which the defendant in a forfeiture action will lack the opportunity to challenge the forfeiture simply because of the authority under which the forfeiture is sought.

Section 319 treats amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of fairness and consistent with the United States' national interest, to suspend a forfeiture proceeding based on that presumption. This closes an important forfeiture loophole.

A third important set of provisions modernize information-sharing rules to reflect the reality of the flight against money laundering and terrorism.

Section 314 requires the Secretary of the Treasury to issue regulations to encourage cooperation among financial institutions, financial regulators and law enforcement officials and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. The section also allows banks to share information involving possible money laundering or terrorist activity among themselves—with notice to the Secretary of the Treasury.

Section 330 states the sense of Congress that the President should direct certain cabinet officers to seek negotiations with foreign supervisory agencies to ensure that foreign institutions maintain adequate records relating to any foreign terrorist organization or person engaged in any financial crime and to make such records available to U.S. law enforcement and financial supervisory personnel.

Section 355 permits but does not require, a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity, and creates a safe harbor from civil liability for the bank that includes such information in response to an employment reference request, except in the case of malicious intent.

Section 358 contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act to permit information subject to those statutes to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism.

Section 361 seeks to enhance the ability of FinCEN to address money laundering and terrorism. The section makes FinCEN a bureau of the Treasury and requires the Secretary to establish operating procedures for the government-wide data access service and communications center that FinCEN operates. In recognizing FinCEN's evolution and maturity, it is not our intention to require existing delegations of authority to be reissued simply because FinCEN's organizational status has changed from Treasury office to Treasury bureau.

The modernization of our money-laundering laws represented by Title III is long overdue. It is not the work of one or two weeks but represents years of careful study and a bipartisan effort to produce prudent and effective legislation. The care taken in producing the legislation extends to several provisions calling for reporting on the effect of the legislation and a provision for a three-year review of the effectiveness of the legislation. Title III responds, as I have indicated, to the statement of Assistant Attorney General Chertoff, the head of the Department of Justice's Criminal Division. I want to express my appreciation to him, Under Secretary Gurule at the Treasury, and his associates for their help in this effort.

At the hearing on September 26, Assistant Attorney General Chertoff said, and I quote him, "We are fighting with outdated weapons in the money-laundering arena today." Without this legislation, the cracks in the financial system of which bin Laden spoke would remain open. We should not, indeed we cannot, allow that to continue. And that is why enactment of this legislation is so important.

Title III is a balanced effort to address a complex area of national concern. It is the result of a truly bipartisan effort on both sides of Congress working closely with the executive branch, with the White House, with the Department of the Treasury, and the Department of Justice. I very strongly urge support for this essential component of the antiterrorism package.

I ask unanimous consent that a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTI-TERRORISM ACT OF 2001—SECTION-BY-SECTION SUMMARY

Section 301. Short title and table of contents

Section 302. Findings and purposes

Section 303. 4-Year congressional review-expedited consideration

Section 313 provides that the provisions added and amendments made by Title III will terminate after September 30, 2004, if the Congress enacts a joint resolution to that effect, and that any such joint resolution will be considered by the Congress expeditiously.

SUBTITLE A. INTERNATIONAL COUNTER-MONEY LAUNDERING AND RELATED MATTERS

Section 311. Special measures for jurisdictions, financial institutions, or international transactions or accounts of primary money laundering concern

Section 311 adds a new section 31 U.S.C. 5318A, entitled "Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern," to the Bank Secrey Act. The new section gives the Secretary of the Treasury, in consultation with other senior government officials, authority (in the Secretary's discretion), to impose one or more of five new "special measures" against foreign jurisdictions, foreign financial institutions, transactions involving such jurisdictions or institutions or one more types of accounts, that the Secretary, after consultation with Secretary of State and the Attorney General, determines to pose a "primary money laundering concern" to the United States. The special measures include: (1) requiring additional recordkeeping or reporting for particular transactions, (2) requiring the identification of the foreign beneficial owners of certain accounts at a U.S. financial institution, (3) requiring the identification of customers of a foreign bank who use an interbank payable-through account opened by that foreign bank at a U.S. bank, (4) requiring the identification of customers of a foreign bank who use an interbank correspondent account opened by that foreign bank at a U.S. bank, and (5) after consultation with the Secretary of State, the Attorney General, and the Chairman of the Federal Reserve Board, restricting or prohibiting the opening or maintaining of certain interbank correspondent or payable through accounts. Measures 1-4 may not be imposed for more than 120 days except by regulation, and measure 5 may only be imposed by regulation.

Section 312. Special due diligence for correspondent accounts and private banking accounts

Section 312(a) of the Act adds a new subsection (1), entitled "Due Diligence for United States Private Banking and Correspondent Banking Accounts involving Foreign Persons," to 31 U.S.C. 5318. The new subsection requires a U.S. financial institution that maintains a correspondent account or private banking account for a non-United States person (or that person's representative) to establish appropriate, specific, and, where necessary, enhanced due diligence procedures that are reasonably designed to detect and report instances of money laundering through such accounts. For this purpose, a correspondent account is defined in the new section 5318A, added to the Bank Secrecy Act by section 311 of Title III.

The general requirement is supplemental by two additional, more specific, due diligence standards that are required for certain types of correspondent and private banking accounts.

Correspondent Accounts.—In the case of certain correspondent accounts, the additional standards required by subsection 5318(i)(2) require a U.S. financial institution to, at a minimum, do three things. First, it must ascertain the identity, and the nature and extent of the ownership interests, of the owners of any foreign bank correspondent whose shares are not publicly traded. Second, it must conduct enhanced scrutiny of the correspondent account to guard against money laundering and satisfy its obligation to report suspicious transactions under the terms of 31 U.S.C. 5318(g). Third, it must ascertain whether any foreign bank correspondent in turn provides correspondent accounts to third party foreign banks; if so the U.S. financial institution must ascertain the identity of those third party foreign banks and related due diligence information required under the general rules of paragraph 5318(i)(1).

These additional standards apply to correspondent accounts requested or maintained by or on behalf of any foreign bank operating under (i) an offshore banking license (defined by the statute as a banking license that bars the licensee from conducting banking activities with citizens of, or in the local currency of, the jurisdiction that issued the license), or (ii) under a banking license issued (A) by any country designated as noncooperative with international anti-money laundering principles by an intergovernmental body of which the United States is a member, with the concurrence of the U.S. representative to such body, or (B) by a country that has been designated by the Secretary of the Treasury as warranting special measures (i.e., the special measures authorized by new section 31 U.S.C. 5318A, added by section 311 of Title III), due to money laundering concerns.

Private Banking Accounts.—In the case of private banking accounts, the additional standards required by subsection 5318(i)(3) require a U.S. financial institution to, at a minimum, do two things. First, the U.S. financial institution must take reasonable steps to ascertain the identity of the nominal and beneficial owners of the account and the source of funds deposited into the account, as needed to guard against money laundering and report any suspicious transactions under the terms of 31 U.S.C. 5318(g). Second, the U.S. financial institution must take reasonable steps to conduct enhanced scrutiny, that is reasonably designed to detect and report transactions that may involve the proceeds of foreign corruption, for any private banking account that is requested or maintained by, or on behalf of, a senior foreign political figure (or any immediate family member or close associate of such a political figure).

A private banking account for this purpose is any account or combination of accounts that requires a minimum aggregate deposit of at least $1 million, is established on behalf of one or more individuals who have either a direct or beneficial ownership interest in the account, and that is assigned to, or administered or managed by, in whole or in part, an officer, employee or agent of a financial institution who serves as liaison between the institution and the account's direct or beneficial owner or owners.

Effective Date; Regulations.—31 U.S.C. 5318(j) will take effect 270 days after the date of enactment of Title III as part of the Uniting to Save America Act and will apply to otherwise covered correspondent and private banking accounts, whether opened before, on, or after the date of enactment. Section 312(b) of Title III requires the Secretary of the Treasury, in consultation with the appropriate federal functional regulators of the affected financial institutions, to further delineate, by regulation, the due diligence policies, procedures, and controls required under new subsection 5318(j), not later than 180 days of the date of enactment. However, the new subsection will take effect whether or not final regulations are issued before the 270th day following enactment, and any failure to issue regulations whether before or after the effective date is in no way to affect the enforceability of subsection 5318(j).

Section 313. Prohibition on United States correspondent accounts with foreign shell banks

Section 313(a) of the Act adds a new subsection (j), entitled "Prohibition on United States Correspondent Accounts with Foreign Shell Banks" to 31 U.S.C. 5318. The new subsection bars any depository institution or registered broker-dealer in securities, operating in the United States, from establishing, maintaining, administering, or managing a correspondent account in the United States for a foreign bank, if the foreign bank does not have "a physical presence in any country." The subsection also includes a requirement that any financial institution covered by the subsection must take reasonable steps (as delineated by Treasury regulations) to ensure that it is not providing the prohibited services indirectly to a "no-physical presence bank," through a third party foreign bank correspondent of the U.S. institution. The prohibition does not apply, however, to a correspondent account provided by a U.S. institution to a foreign "no physical presence" bank if that foreign bank is an affiliate of a depository institution (including a credit union or foreign bank) that does have a physical presence in some country and if the foreign shell bank is subject to supervision by a banking authority that regulates its "physical presence" affiliate in that country. Both the terms "affiliate" and "physical presence" are defined in the new subsection.

Section 313(b) provides that the ban on provision of correspondent accounts for brass-plate banks will take effect at the end of the 60 day period ending on the date of enactment.

Section 314. Cooperative efforts to deter money laundering

Section 314 requires the Secretary of the Treasury to issue regulations, within 120 days of the date of enactment, to encourage cooperation among financial institutions, financial regulators and law enforcement officials, and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. Section 314 also allows (with notice to the Secretary of the Treasury) the sharing of information among banks involving possible terrorist or money laundering activity, and requires the Secretary of the Treasury to publish, at least semiannually, a report containing a detailed analysis of patterns of suspicious activity and other appropriate investigative insights derived from suspicious activity reports and law enforcement investigations.

Section 315. Inclusion of foreign corruption offenses as money laundering crimes

Section 315 amends 18 U.S.C. 1956 to include foreign corruption offenses, certain U.S. export control violations, certain customs and firearm offenses, certain computer fraud offenses, and felony violations of the Foreign Agents Registration Act of 1938, to the list of crimes that constitute "specified unlawful activities" for purposes of the criminal money laundering provisions. These changes in law mean that the U.S. will no longer allow a rapacious foreign dictator to bring his funds to the U.S. and hide them without fear of detection or prosecution.

Section 316. Anti-terrorist forfeiture protection

Section 316 establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Section 317. Long-arm jurisdiction over foreign money launderers

Section 317 amends 18 U.S.C. 1956 to give United States courts "long-arm" jurisdiction over foreign persons committing money laundering offenses in the United States, over foreign banks opening U.S. bank accounts, and over foreign persons who convert assets ordered forfeited by a U.S. court. The amendments made by section 317 also permit a federal court dealing with such foreign persons to issue a pre-trial restraining order or take other action necessary to preserve property in the United States to satisfy an ultimate judgment. Finally, the amendment also permits the appointment by a federal court of a receiver to collect and take custody of a defendant's assets to satisfy criminal or civil money laundering or forfeiture judgments.

Section 318. Laundering money through a foreign bank

Section 318 expands the definition of financial institution for purposes of 18 U.S.C. 1956 and 1957 to include banks operating outside of the United States.

Section 319. Forfeiture of funds in United States interbank accounts

Section 319 contains a number of provisions that are designed to deal with practical issues raised by money laundering control and financial transparency, relating primarily to correspondent accounts at U.S. financial institutions.

First, section 319 amends 18 U.S.C. 981 to treat amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of justice and consistent with the United States' national interest, to suspend a forfeiture proceeding that is otherwise based on the "U.S. deposit" presumption.

Second, section 319 adds a new subsection (k) to 31 U.S.C. 5318 to require U.S. financial institutions to reply to a request for information from a U.S. regulator relating to anti-money laundering compliance within 120 hours of receipt of such a request, and to require foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States; the new 31 U.S.C. 5318(k) authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. Finally, the provision requires the U.S. depository institution or broker-dealer that maintains the account to sever correspondent arrangements with any foreign bank within 10 days of notification by the Attorney General or the Secretary of the Treasury (each after consultation with the other) that the foreign bank has neither complied with nor contested any such summons or subpoena.

Finally, Section 319 amends section 413 of the Controlled Substances Act to authorize United States courts to order a convicted criminal to return property located abroad and to order a civil forfeiture defendant to return property located abroad pending trial on the merits.

Section 320. Proceeds of foreign crimes

Section 320 amends 18 U.S.C. 981 to permit the United States to institute forfeiture proceedings against the proceeds of foreign criminal offenses found in the United States.

Section 321. Financial institutions specified in subchapter II of chapter 53 of Title 31, United States Code

Section 321 amends 31 U.S.C. 5312(2) to add credit unions, futures commission merchants, commodity trading advisors, and registered commodity pool operators to the definition of "financial institution" for purposes of the Bank Secrecy Act, and to include the Commodity Futures Trading Commission within the term "federal functional regulator" for purposes of the Bank Secrecy Act.

Section 322. Corporation represented by a fugitive

Section 322 extends the existing prohibition, in 18 U.S.C. 2466, against the maintenance of a forfeiture proceeding on behalf of a fugitive to include a proceeding by a corporation whose majority shareholder is a fugitive and a proceeding in which the corporation's claim is instituted by a fugitive.

Section 323. Enforcement of foreign judgments

Section 323 permits the government to seek a restraining order to preserve the availability of property subject to a foreign forfeiture or confiscation judgment.

Section 324. Report and recommendation

Section 324 directs the Secretary of the Treasury, in consultation with the Attorney General, the Federal banking agencies, the SEC, and other appropriate agencies to evaluate operation of the provisions of Subtitle A of Title III of the Act and recommend to Congress any relevant legislative action, within 30 months of the date of enactment.

Section 325. Concentration accounts at financial institutions

Section 325 amends 31 U.S.C. 5318(h) to authorize the Secretary of the Treasury to issue regulations concerning the maintenance of concentration accounts by U.S. depository institutions, to prevent an institution's customers from anonymously directing funds into or through such accounts.

Section 326. Verification of identification

Sec. 326(a) adds a new subsection (l) to 31 U.S.C. 5318 to require the Secretary of the Treasury to prescribe by regulation, jointly with each federal functional regulator, minimum standards for financial institutions and their customers regarding the identity of the customer that shall apply in connection with the opening of an account at a financial institution; the minimum standards shall require financial institutions to implement, and customers (after being given adequate notice) to comply with, reasonable procedures concerning verification of customer identity, maintenance of records of identity verification, and consultation at account opening of lists of known or suspected terrorists provided to the financial institution by a government agency. The required regulations are to be issued within one year of the date of enactment.

Section 326(b) requires the Secretary of the Treasury, again in consultation with the federal functional regulators (as well as other appropriate agencies), to submit a report to Congress within six months of the date of enactment containing recommendations about the most effective way to require foreign nationals to provide financial institutions in the United States with accurate identity information, comparable to that required to be provided by U.S. nationals, and to obtain an identification number that would function similarly to a U.S. national's tax identification number.

Section 327. Consideration of anti-money laundering record

Section 327 amends section 3(c) of the Bank Holding Company Act of 1956, and section 18(c) of the Federal Deposit Insurance Act to require the Federal Reserve Board and the Federal Deposit Insurance Corporation, respectively, to consider the effectiveness of a bank holding company or bank (within the jurisdiction of the appropriate agency) in combating money laundering activities, including in overseas branches, in ruling on any merger or similar application by the bank or bank holding company.

Section 328. International cooperation on identification of originators of wire transfers

Section 328 requires the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to take all reasonable steps to encourage governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States, and to report annually to the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs concerning progress toward that goal.

Section 329. Criminal penalties

Section 329 provides criminal penalties for officials who violate their trust in connection with the administration of Title III.

Section 330. International cooperation in investigations of money laundering, financial crimes, and the finances of terrorist groups

Section 330 states the sense of the Congress that the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate and in consultation with the Federal Reserve Board, to seek negotiations with foreign financial supervisory agencies and other foreign officials, to ensure that foreign financial institutions maintain adequate records relating to any foreign terrorist organization or its membership, or any person engaged in money laundering or other financial crimes, and make such records available to U.S. law enforcement and financial supervisory personnel when appropriate.

SUBTITLE B. BANK SECRECY ACT AMENDMENTS AND RELATED IMPROVEMENTS

Section 351. Amendments relating to reporting of suspicious activities

Section 351 restates 31 U.S.C. 5318(g)(3) to clarify the terms of the safe harbor from civil liability for financial institutions filing suspicious activity reports pursuant to 31 U.S.C. 5318(g). The amendments to paragraph (g)(3) also create a safe harbor from civil liability for banks that provide information in employment references sought by other banks pursuant to the amendment to the Federal Deposit Insurance Act made by Section 355 of Title III.

Section 352. Anti-money laundering programs

Section 352 amends 31 U.S.C. 5318(h) to require financial institutions to establish anti-money laundering programs and grants the Secretary of the Treasury authority to set minimum standards for such programs. The anti-money laundering program requirement takes effect at the end of the 180 day period beginning on the date of enactment of the Act and the Secretary of the Treasury is to prescribe regulations before the end of that 180 day period that consider the extent to which the requirements imposed under amended section 5318(h) are commensurate with the size, location, and activities of the financial institutions to which the regulations apply.

Section 353. Penalties for violations of geographic targeting orders and certain recordkeeping requirements, and lengthening effective period of geographic targeting orders

Section 353 amends 31 U.S.C. 5321, 5322, and 5324 to clarify that penalties for violation of the Bank Secrecy Act and its implementing regulations also apply to violations of Geographic Targeting orders issued under 31 U.S.C. 5326, and to certain recordkeeping requirements relating to funds transfers. Section 353 also amends 31 U.S.C. 5326 to make the period of a geographic target order 180 days.

Section 354. Anti-money laundering strategy

Section 354 amends 31 U.S.C. 5341(b) to add "money laundering related to terrorist funding" to the list of subjects to be dealt with in the annual National Money Laundering Strategy prepared by the Secretary of the Treasury pursuant to the Money Laundering and Financial Crimes Strategy Act of 1998.

Section 355. Authorization to include suspicions of illegal activity in written employment references

Section 355 amends section 18 of the Federal Deposit Insurance Act to permit (but not require) a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity. A bank that provides information to a second bank under the terms of this amendment is protected from civil liability arising from the provision of the information unless the first bank acts with malicious intent.

Section 356. Reporting of suspicious activities by securities brokers and dealers; investment company study

Section 356(a) directs the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Federal Reserve Board, to publish proposed regulations, on or before December 31, 2002, and final regulations on or before July 1, 2002, requiring broker-dealers to file suspicious activity reports.

Section 356(b) authorizes the Secretary of the Treasury, in consultation with the Commodity Futures Trading Commission, to prescribe regulations requiring futures commission merchants, commodity trading advisors, and certain commodity pool operators to submit suspicious activity reports under 31 U.S.C. 5318(g). To a significant extent, the authorization clarifies and restates the terms of existing law, but it also signals our concern that the Treasury move quickly to determine the extent to which suspicious transaction reporting by commodities firms is necessary as a part of the nation's anti-money laundering programs.

Section 356(c) requires the Secretary of the Treasury, the SEC and Federal Reserve Board to submit jointly to Congress, within one year of the date of enactment, recommendations for effective regulations to apply the provisions of 31 U.S.C. 5311–30 to both registered and unregistered investment companies, as well as recommendations as to whether the Secretary should promulgate regulations treating personal holding companies as financial institutions that must disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

Section 357. Special report on administration of Bank Secrecy provisions

Section 357 directs the Secretary of the Treasury to submit a report to Congress, six months after the date of enactment, on the role of the Internal Revenue Service in the administration of the Bank Secrecy Act, with emphasis on whether IRS Bank Secrecy Act information processing responsibility (for reports filed by all financial institutions) or Bank Secrecy Act audit and examination responsibility (for certain non-bank financial institutions) should be retained or transferred.

Section 358. Bank Secrecy provisions and anti-terrorist activities of the United States intelligence agencies

Section 358 contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism.

Section 359. Reporting of suspicious activities by underground banking systems

Section 359 amends various provisions of the Bank Secrecy Act to clarify that the Bank Secrecy Act treats certain underground banking systems as financial institutions, and that the funds transfer recordkeeping rules applicable to licensed money transmitters also apply to such underground systems. Section 359 also directs the Secretary of the Treasury to report to Congress, within one year of the date of enactment, on the need for additional legislation or regulatory controls relating to underground banking systems.

Section 360. Use of authority of the United States Executive Directors.

Section 360 authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions (for example, the IMF and the World Bank) to use such Director's "voice and vote" to support loans and other use of resources to benefit nations that the President determines to be contributing to United States efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

Section 361. Financial Crimes Enforcement Network.

Section 361 adds a new section 310 to Subchapter I of chapter 3 of title 31, United States Code, to make the Financial Crimes Enforcement Network ("FinCEN") a bureau within the Department of the Treasury, to specify the duties of FinCEN's Director, and to require the Secretary of the Treasury to establish operating procedures for the government-wide data access service and communications center that FinCEN maintains. Section 361 also authorizes appropriations for FinCEN for fiscal years 2002 through 2005. Finally, Section 361 requires the Secretary to study methods for improving compliance with the reporting requirements for ownership of foreign bank and brokerage accounts by U.S. nationals imposed by regulations issued under 31 U.S.C. 5314; the required report is to be submitted within six months of the date of enactment and annually thereafter.

Section 362. Establishment of highly secure network.

Section 362 directs the Secretary of the Treasury to establish, within nine months of enactment, a secure network with FinCEN that will allow financial institutions to file suspicious activity reports and provide such institutions with information regarding suspicious activities warranting special scrutiny.

Section 363. Increase in civil and criminal penalties for money laundering.

Section 363 increases from $100,000 to $1,000,000 the maximum civil and criminal penalties for a violation of provisions added to the Bank Secrecy Act by sections 311, 312 and 313 of this Act.

Section 364. Uniform protection authority for Federal Reserve facilities.

Section 364 authorizes certain Federal Reserve personnel to act as law enforcement officers and carry fire arms to protect and safeguard Federal Reserve employees and premises.

Section 365. Reports relating to coins and currency received in nonfinancial trade or business.

Section 365 adds 31 U.S.C. 5331 (and makes related and conforming changes) to the Bank Secrecy Act to require any person who receives more than $10,000 in coins or currency, in one transaction or two or more related transactions in the course of that person's trade or business, to file a report with respect to such transaction with FinCEN; regulations implementing the new reporting requirement are to be promulgated within six months of enactment.

Section 366. Efficient use of current transaction report system.

Section 366 requires the Secretary of the Treasury to report to the Congress before the end of the one year period beginning on the date of enactment containing the results of a study of the possible expansion of the statutory system for exempting transactions from the currency transaction reporting requirements and ways to improve the use by financial institutions of the statutory exemption system as a way of reducing the volume of unneeded currency transaction reports.

SUBTITLE C. CURRENCY CRIMES

Section 371. Bulk cash smuggling.

Section 371 creates a new Bank Secrecy Act offense, 31 U.S.C. 5332, involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions.

Section 372. Forfeiture in currency reporting cases.

Section 372 amends 31 U.S.C. 5317 to permit confiscation of funds in connection with currency reporting violations consistent with existing civil and criminal forfeiture procedures.

Section 373. Illegal money transmitting business.

Section 373 amends 18 U.S.C. 1960 to clarify the terms of the offense stated in that provision, relating to knowing operation of an unlicensed (under state law) or unregistered (under federal law) money transmission business. Section 373 also amends 18 U.S.C. 981(a) to authorize the seizure of funds involved in a violation of 18 U.S.C. 1960.

Section 374. Counterfeiting domestic currency and obligations.

Section 374 makes a number of changes to the provisions of 18 U.S.C. 470–473 relating to the maximum sentences for various counterfeiting offenses, and adds to the definition of counterfeiting in 18 U.S.C. 474 the making, acquiring, etc. of an analog, digital, or electronic image of any obligation or other security of the United States.

Section 375. Counterfeiting foreign currency and obligations.

Section 375 makes a number of changes to the provisions of 18 U.S.C. 478–480 relating to the maximum sentences for various counterfeiting offenses involving foreign obligations or securities and adds to the definition of counterfeiting in 18 U.S.C. 481 the making, acquiring, etc. of an analog, digital, or electronic image of any obligation or other security of a foreign government.

Section 376. Laundering the proceeds of terrorism.

Section 376 amends 18 U.S.C. 1956 to add the provision of support to designated foreign terrorist organizations to the list of crimes that constitute "specified unlawful activities" for purposes of the criminal money laundering statute. (This provision was originally included in another title of the terrorism legislation.)

Section 377. Extraterritorial jurisdiction.

Section 377 amends 18 U.S.C. 1029 to vest United States authorities with extraterritorial jurisdiction over acts involving access device, credit card and similar frauds that would be crimes if committed within the United States and that are directed at U.S. entities or linked to U.S. activities.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what Senator DASCHLE would like to do, and this has been cleared with the two managers, is have a vote before 2 p.m. today, approximately 5 minutes to 2 p.m. There is a meeting at the White House. There are a number of very important hearings, one including the Secretary of State. We are waiting for one more Senator who has 15 minutes. We understand that Senator SPECTER is on his way.

I ask unanimous consent that the vote on passage of the Counterterrorism Act occur at 1:55 p.m. Further, that there be 10 minutes of closing debate. I will alter that by saying whatever time Senator SPECTER does not use, it will be divided between the two managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to state my support for the pending legislation. This is very important legislation in response to the atrocious terrorist attacks of September 11. We will at some date in the future conduct congressional oversight to make a determination as to whether there were any deficiencies in our intelligence operations prior to the September 11 attacks. However, we should wait until the appropriate time because our intelligence entities are busy now collecting intelligence to avoid any recurrence of the terrorist attacks. But it is important that law enforcement have appropriate tools at their disposal to combat terrorists. In the United States that means careful legislation which is in accordance with our constitutional rights and our civil liberties.

I believe Congress has responded appropriately in this matter with due deliberation. There is obviously a temptation in the face of what occurred on September 11 to respond spontaneously or reflexively, but we have undertaken this legislation, I think, with appropriate care and now have a good product.

I had expressed concerns when the bill was on the Senate floor that there could be some question about the adequacy of the deliberative process because the Supreme Court of the United States has held acts of Congress unconstitutional where they questioned the thoroughness or deliberation. I think this bill as presented today does meet that standard.

The legislation has very important provisions under the Foreign Intelligence Surveillance Act where a modification has been made to authorize electronic surveillance where there is a "significant" rather than a "primary" purpose, allowing use of the Foreign Intelligence Surveillance Act.

I chaired the Judiciary subcommittee, which did Department of Justice oversight, getting into the Foreign Intelligence Surveillance Act in some detail with respect to the Wen Ho Lee case. This is a change which is necessary, and I believe it is a change which will pass constitutional muster.

The electronic surveillance adds terrorism to wiretap predicates. It is rather surprising that terrorism, or allegations of terrorism, have not been sufficient to authorize electronic surveillance in the past. This corrects a longstanding deficiency.

The pen register has been expanded for nationwide orders, which makes sense on an administrative level and does not conflict with any issues of civil liberties or constitutional rights. The bill increases the civil liability for unauthorized disclosure of wiretapping information, which I think is important.

One of the key provisions of the bill is the sunset provisions relating to the Foreign Intelligence Surveillance Act, electronic surveillance, and information sharing which expire on December 31, 2005, with an appropriate exception for ongoing investigations. This will enable us to see how this expanded power will work out and will require reauthorization, new legislation, if we wish to continue it beyond.

The provisions on immigration are important, requiring the Department of Justice and the FBI to share certain information with the State Department and INS. The issues regarding detention, I think, have been very substantially improved to be sure that there is a protection of constitutional rights while giving law enforcement an adequate opportunity to conduct the inquiries which they need.

The provisions on money laundering, I think, are very important additions to take a stand, to stop terrorist organizations such as al-Qaida and terrorists such as Osama bin Laden not to be financed through the laundering which has been possible through laxity of the banking regulations.

In short, I believe this is a very significant step forward. There is a very heavy overhang over Washington, DC, today with what is happening here with our efforts to respond in so many ways to September 11. Now with the anthrax, we are all concerned about what may happen in the future.

Having served as chairman of the Intelligence Committee back in the 1995–1996 time period and chairing the appropriations subcommittee on terrorism, I am glad to see us move forward with this legislation which will give law enforcement the tools which would give them a better opportunity to prevent any more sneak attacks, any recurrence of the dastardly deeds of September 11.

I thank the Chair, and I yield the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a joint memorandum on the immigration provisions of H.R. 3162 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT MEMORANDUM OF SENATOR EDWARD M. KENNEDY AND SENATOR SAM BROWNBACK ON THE IMMIGRATION PROVISIONS OF "THE UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM ACT OF 2001"

The U.S.A. PATRIOT Act of 2001 contains certain immigration provisions worked out between the Administration and members of both parties. Because the legislation was developed outside the ordinary committee process, it was not accompanied by the usual reports elaborating on the background and purpose of its provisions. This memorandum is accordingly submitted on behalf of the Chairman and Ranking Member of the Subcommittee on Immigration of the Senate Committee on the Judiciary to provide some background and explanations for these provisions.

TITLE IV: PROTECTING THE BORDER

SUBTITLE A—PROTECTING THE NORTHERN BORDER

Section 401 Ensuring Adequate Personnel on the Northern Border

This section permits the Attorney General to lift the cap on the number of "full time equivalent" employees that the Immigration and Naturalization Service (INS) may assign to the northern border.

Section 402 Northern Border Personnel

This section triples the number of Border Patrol agents, INS Inspectors, and Customs Service employees in each state along the northern border. It also funds any additional staff and facilities needed to support northern border personnel. Further, this section provides $50 million to the INS and $50 million to the Customs Service to improve technology to monitor the northern border and to acquire additional equipment for this purpose.

Section 403 Requiring Sharing by the Federal Bureau of Investigation of Certain Criminal Record Extracts with Other Federal Agencies in Order to Enhance Border Security

This section provides the State Department and the INS with electronic access to the information contained in the Federal Bureau of Investigation's National Crime Information Center Interstate Identification Index (NCIC–III), Wanted Persons File, and other files maintained by the National Crime Information Center. This information is to be used in determining whether a visa applicant or an applicant for admission to the United States has a criminal history.

Under this section, the FBI must provide the State Department and the INS with extracts from its criminal history records and periodically update those extracts. Within four months of enactment of this legislation, the State Department must issue regulations regarding the proper use of the information provided by the FBI. Within two years of enactment, the Attorney General and the Secretary of State will report to Congress on the implementation of this section.

Further, this section directs the Attorney General and the Secretary of State, working with the National Institute of Standards and Technology (NIST) and other agencies, to develop and certify a technology standard that can conform the identity of a visa applicant or applicant for admission. As these agencies do not utilize a single technology, the development of a technology standard will facilitate the collection and sharing of relevant identity information between all the pertinent agencies. In particular, this section instructs those agencies to investigate the use of biometric technology. The technology standard must be developed and certified by NIST within two years of the date of enactment of this subsection.

Section 404 Limited Authority to Pay Overtime

This section eliminates the $30,000 limit on overtime pay for INS personnel during 2001. The limit was contained in the 2001 Department of Justice Appropriations Act, which did not contemplate the extraordinary demands that have been placed on the INS since the terrorist attacks of September 11.

Section 405 Report on the Intergrated Automated Fingerprint Identification System for Points of Entry and Overseas Consular Posts

This provision instructs the Attorney General, in consultation with the heads of other federal agencies, to report to Congress on the feasibility of enhancing the FBI's Integrated Automated Fingerprint Identification System (IAFIS), and other identification systems, to better identify foreign nationals wanted in connection with criminal investigations in the United States and abroad.

SUBTITLE B: ENHANCED IMMIGRATION PROVISIONS

Section 411 Definitions Relating to Terrorism

Under current law, unless otherwise specified, an alien is inadmissible and deportable for engaging in terrorist activity only when the alien has used explosives or firearms. Because a terrorist can use a knife, a box-cutter, or an airplane in a terrorist act, this section expands the definition of terrorist activity to include the use of any "other weapon or dangerous device." The language looks to the purpose, not the instrument, in determining whether an activity is terrorist in nature.

Current immigration law contains no provision acknowledging organized terrorist threats per se and therefore contains no ground for inadmissibility or deportability based on activities involving "terrorist organizations." Section 411 defines terrorist organization to include: (1) an organization expressly designated by the Secretary of State under current section 219 of the INA; (2) an organization otherwise designated as a terrorist organization by the Secretary of State, in consultation with the Attorney General, after finding that such organization engages in terrorist activities, as defined by section 212(a)(3)(iv)(I), (II) and (III), or provides material support to further terrorist activity; or (3) any group of two of more individuals that commits, plans, or prepares to commit terrorist activities.

This section adds three grounds of inadmissibility for individuals who, while not members of terrorist organizations, may advocate terrorism. These include (1) under new INA section 212(a)(3)(B)(i)(IV)(bb), being a representative of a group "whose public endorsement of terrorist activity" the Secretary of State has determined undermines United States efforts to combat terrorism; (2) under new INA section 212(a)(3)(B)(i)(VI), using one's "position of prominence within any country to endorse or espouse terrorist activity, or persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State determines" undermines United States efforts to combat terrorism; or (3) under new INA section 212(a)(3)(B)(i)(VII), being a spouse or child of a person inadmissible under this section, unless the spouse or child did not know or reasonably should not have known of the activity causing the inadmissibility, or the spouse or child has renounced such activity.

This section clarifies the circumstances under which the provision of material support, solicitation of funds, or solicitation of membership for a terrorist organization can be the basis for a charge permitting the removal of an alien. It provides that, after an organization is designated as a terrorist organization by the Secretary of State, any provision of material support or solicitation of funds or membership, as defined in subsection (iv) of INA section 212(a)(3)(B), for a designated organization may be the basis for a charge of removal. With respect to activity prior to the designation of the organization, or with respect to non-designated organizations under section 212(a)(3)(B)(vi)(III), only activity that was or is intended to further terrorist activity of the organization is prohibited by this section.

Section 412 Mandatory Detention of Suspected Terrorists; Habeas Corpus; Judicial Review

The section creates INA section 236A, giving the Attorney General the authority to certify and therefore detain persons who pose a terrorist or security threat to the United States. The power to certify is limited to the Attorney General and the Deputy Attorney General. This section also provides judicial review of this authority in habeas corpus proceedings.

This section sets forth the standards for certification, custody, and detention. All persons certified under these new provisions shall be placed in custody and detained until removed or decertified. Persons who are not removable would be released from custody upon conclusion of the proceedings.

Further, it permits certification of aliens whom the Attorney General has "reasonable grounds to believe" are described under the terrorism grounds of the INA or are engaged in any other activity that endangers the national security of the United States. "Reasonable grounds" is a higher standard than mere "reason to believe" and requires objective, articulatable grounds.

The Attorney General must, in certified cases, either initiate removal proceedings within seven days or release the alien. In cases not involving an alien certified by the Attorney General, proceedings should continue to be initiated within the time provided by the regulations. *See* 66 Fed. Reg. 48335 (amending 8 CFR §237.3(d)). The seven-day window to initiate proceedings is limited to cases certified under section 236A and should be used judiciously, with charges filed as promptly as possible.

For aliens whose removal is unlikely in the reasonably foreseeable future, the Attorney General is required to demonstrate that release of the alien will adversely affect national security or the safety of the community or any person before detention may continue beyond the removal period. Indefinite detention of aliens is permitted only in extraordinary circumstances. *Zadvydas* v. *Davis*, 121 S. Ct. 2491 (2001).

The Attorney General shall review the certification of an alien every six months and, when appropriate, revoke the certification and release the alien under such conditions as the Attorney General deems appropriate. The alien may submit documentation or other evidence to be considered by the Attorney General in reviewing his or her certification.

The Attorney General's decision to certify and detain an alien is subject to judicial review in habeas corpus proceedings. This review encompasses both procedural protections and the merits of the Attorney General's certification decision and any decision to extend detention beyond the expiration of the removal period where removal is unlikely in the reasonably foreseeable future. Habeas corpus review is permitted in any appropriate district court of the United States, but appeals are limited to the United States Court of Appeals for the District of Columbia, with review available in the United States Supreme Court by petition for certiorari or by original petition for habeas corpus. Restricting appellate review to a single court protects the government's interest in uniformity, while providing an alien with a meaningful opportunity to seek judicial review.

Section 413 Multilateral Cooperation Against Terrorists

The records of the State Department pertaining to the issuance of or refusal to issue visas to enter the United States are confidential and can be used only in the formulation and enforcement of U.S. law. This section allows the State Department to provide such records to a foreign government on a case-by-case basis for the purpose of preventing, investigation, or punishing acts of terrorism.

Section 414 Visa Integrity and Security

In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry and departure of every non-U.S. citizen arriving in the United States. The INS lacks the technology and funding to implement this measure at all ports of entry, especially on the land border. Last year Congress amended the law to establish reasonable implementation deadlines. This provision directs the Attorney General, in consultation with the Secretary of State, to fully implement the entry/exit system, as amended, as expeditiously as practicable, with particular focus on the utilization of biometric technology and the development of tamper-resistant documents. To that end, this section also authorizes the appropriation of such funds as may be necessary to implement this system.

The entry/exit system will notify the INS whether foreign nationals departed the United States under the terms of their visas. Since the vast majority of persons who enter the United States do not pose a threat to our safety or security, this provision requires that the information obtained from the entry/exit system be interfaced with intelligence and law enforcement databases to enable authorities to focus on apprehending those few who do pose a threat.

Federal intelligence and law enforcement agencies maintain "look out lists" containing the names of foreign nationals who pose safety or security threats. Not all critical information is currently shared with the INS and the State Department, which are the two agencies charged with determining who is granted a visa or admitted to the United States. This provision requires the Office of Homeland Security to submit a report to Congress assessing the information that these two agencies need to effectively screen out those who might pose a threat to the United States.

Section 415 Participation of Office of Homeland Security on Entry Task Force

This section includes the new Office of Homeland Security as a participant in the Entry and Exit Task Force established by the Immigration and Naturalization Service Data Management Improvement Act of 2000.

Section 416 Foreign Student Monitoring Program

In 1996, Congress established a program to monitor foreign students and exchange visitors to the United States, funded by user fees. While a pilot phase of this program ended in 1999, this system has not been implemented nationwide. This section requires the system to be fully implemented and temporarily funds the program through January 2003.

Currently, all institutions of higher education that enroll foreign students or exchange visitors are required to participate in the monitoring program. This section also expands the list of institutions to include air flight schools, language training schools, and vocational schools.

Section 417 Machine Readable Passports

The Visa Waiver Program permits nationals of participating countries to enter the United States without obtaining nonimmigrant visas. Countries participating in the program must have low nonimmigrant visa refusal rates, have machine readable passport programs, and not compromise the law enforcement interests of the United States.

This section requires the Secretary of State to conduct an annual audit of the program to assess measures to prevent the counterfeiting and theft of passports and to ascertain whether participating countries have established a program to develop tamper-resistant passports. Results of the audit will be reported to Congress.

Currently, nationals of participating countries have until October 1, 2007 to obtain machine-readable passports to seek admission to the United States. This section advances the deadline to October 1, 2003, but permits the Secretary of State to waive the requirements imposed by the deadline for all nationals of a program country, if that country is making sufficient progress to provide their nationals with machine-readable passports.

Section 418 Prevention of Consulate Shopping

This section directs the State Department to examine the concerns, if any, created by the practice of certain aliens to "shop" for a visa between issuing posts.

SUBTITLE C: PRESERVATION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM

Section 421 Special Immigrant Status

The section provides permanent residence as special immigrants to the spouses and children of certain victims of the terrorist attacks. They include aliens who would have obtained permanent residence through a family or employment-based category, but for death, disability, or loss of employment as a direct result of the terrorist attacks on September 11, 2001. Permanent residence would be granted to the fiancé or fiancee (and children) of a U.S. citizen who died in the attacks. Permanent residence would also be granted to the grandparents of a child whose parents died in attacks, if either parent was a U.S. citizen or a permanent resident.

Section 422 Extension of Filing or Reentry Deadlines

This section creates safeguards so that aliens seeking immigration benefits are not adversely affected by the terrorist attacks. For aliens in lawful nonimmigrant status at the time of the terrorist attacks, this section extends the filing deadline for an extension of status request or change of status request where the alien was unable to meet the filing deadline due to the terrorist attacks. Deadlines are similarly extended for aliens unable to reenter in time to request an extension of status, aliens unable to enter during the period of visa validity or parole, and aliens unable to depart within their period of lawful status or voluntary department. The section also protects recipients of diversity visas who were adversely affected by the terrorist attacks.

Section 423 Humanitarian Relief for Certain Surviving Spouses and Children

Current law provides that an alien who was the spouse of a U.S. citizen for at least two years before the citizen died shall remain eligible for immigrant status as an immediate relative. This eligibility also applies to the children of the alien. This section provides that if the U.S. citizen died as a direct result of the terrorist attacks, the alien can seek permanent residence even if the marriage was less than two years old.

This section also protects the spouse and unmarried sons and daughters of a permanent resident killed in the terrorist attacks by allowing them to seek permanent residence either through a pending visa petition (filed by or on behalf of the deceased) or by filing a "self-petition" based on their relationship to the deceased permanent resident.

Section 424 'Age-Out' Protection for Children

By providing a brief filing extension, this provision ensures that no alien will "age out of eligibility to immigrate as the result of the terrorist attacks. Aliens who turn 21 years of age while their applications are pending are no longer considered children under the INA, and therefore "age out" of eligibility to immigrate.

Section 425 Temporary Administrative Relief

This section provides temporary administrative relief to an alien lawfully present on September 10, who was the spouse, parent, or child of someone killed or disabled by the terrorist attacks and otherwise not entitled to relief.

Section 426 Evidence of Death, Disability, or Loss Employment

This section directs the Attorney General to establish evidentiary standards regarding on constitutes death, disability, or loss of employment "as a direct result" of the terrorist attacks. Regulations are not required to implement the provisions of this subtitle.

Section 427 No Benefit to Terrorists or Family Members of Terrorists

No benefit under this subtitle will be provided to anyone involved in the terrorist attacks on September 11 or to any family member of such an individual.

Section 428 Definitions

The term 'specified terrorist activity' means any terrorist activity conducted against the United States, its government, or its people of the United States on September 11, 2001.

TITLE VIII

Mr. GRAHAM. Mr. President, several provisions of title VIII would establish criminal prohibitions or expand existing criminal laws to deter terrorist conduct. My understanding is that the Senate certainly does not intend title VIII to criminalize otherwise lawful and authorized United States Government activities. Would the Senator confirm my understanding of the intent and effect of title VIII?

Mr. LEAHY. The Senator's understanding is absolutely correct. Unless expressly provided, none of the general restrictions in title VIII are intended to criminalize lawful and authorized United States Government activities.

Mr. BIDEN. Mr. President, 6 years ago I stood on this floor and called upon the Senate to join the fight against terrorism in the wake of the horrific bombing in Oklahoma City. Back then some argued terrorism was something that usually happened far away, in distant lands, over distant conflicts. Well, that's all changed.

Terrorism has come to America.

We have to be a little proactive now. Back then, I proposed a series of precise anti-terrorism tools to help law enforcement catch terrorists before they commit their deadly act, not ever imagining the events of September 11.

In particular, I said that it simply did not make sense that many of our law enforcement tools were not available for terrorism cases.

For example, the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists.

Anyway, some of my proposals were enacted into law in 1996, a number were not.

There were those who decided that the threat to Americans was apparently not serious enough to give the President all the changes in law be requested.

Today, 5 years later, I again call on my colleagues to provide law enforcement with a number of the tools which they declined to pass back then. The anti-terrorism bill we consider today is measured and prudent. It has been strengthened considerably since the Administration originally proposed it in mid-September. It takes a number of important steps in waging an effective war on terrorism.

It allows law enforcement to keep up with the modern technology these terrorists are using. The bill contains several provisions which are identical or nearly identical to those I previously proposed.

For example: it allows the FBI to get wiretaps to investigate terrorists, just like they do for the Mafia or for drug kingpins; it allows the FBI to get a roving wiretap to investigate terrorists—so they can follow a particular suspect, regardless of how many different forms of communication that person uses; and it allows terrorists to be charged with Federal "racketeering offenses," serious criminal charges available against organizations which engage in criminal conduct as a group, for their crimes.

I am pleased that the final version of the bill we are considering today contains three provisions that I fought for.

First, section 613 incorporates a bill that Senator HATCH and I introduced earlier this year, S. 899. Named in honor of Delaware State trooper Francis Collender, who was tragically killed while on a traffic stop in Odessa, DE this past February, S. 899 and section 613 of this bill will raise the one-time death benefit paid to the families of slain or permanently disabled law enforcement officers. For too long, this benefit has stood at $100,000. It was indexed for inflation and currently stands at $151,000, but even this is far too low for the families of these heroes to make ends meet. The bill we consider today raises this benefit to $250,000, continues to index it for inflation, and makes it applicable to the family of any law enforcement or fire personnel who lost their life on or after January 1, 2001. It's the least we can do for the Collender family, the least we can do for the hundreds of families who tragically lost a loved one on September 11, and I'm grateful my colleagues have agreed we need to include my bill in this larger anti-terrorism bill today.

Second, section 817 is based on legislation I introduced in the 106th Congress, S. 3202. It may shock my colleagues that under current law, anyone, including convicted felons, fugitives, and aliens from terrorist-sponsoring states, can possess anthrax or other biological agents. And under current law, the FBI has no tool at its disposal to charge someone with possession of anthrax. Possession of anthrax, or any other dangerous biological agent, is legal, unless the FBI can make a case that the suspect intended to use the agent as a weapon. This far too high a hurdle for our investigators to overcome in many cases, and indeed the FBI has informed me it has hindered several of their past bioweapons investigations. Section 817 closes this loophole. It prohibits certain classes of individuals, felons, illegal aliens, fugitives and others, from ever possessing these dangerous biological agents. And for everyone else, my provision says you need to be able to show you possessed this stuff with a peaceful or bona fide research reason. If not, you're going to be charged with a felony and you face up to ten years in Federal prison.

Finally, section 1005 of this bill incorporates my First Responders Assistance Act. I have spoken with too many local police officers, chiefs, firemen and women, and others who feel left out of our fight against terrorism. I commend FBI Director Mueller for recently pledging to do a better job sharing information with our State and local law enforcement people, but clearly more needs to be done. Who responds first to a terrorist incident? On September 11 it was the New York City and Arlington County, VA police and fire departments. That's always going to be the case, local law enforcement is our first line of defense against terrorists, and we need to give them the tools they need to get that job done well.

My provision will, for the first time, give State and local enforcement and fire personnel the opportunity to apply directly to the Justice Department to receive terrorism prevention assistance. Specifically, departments will now be able to get help purchasing gas masks, hazardous material suits, intelligence-gathering equipment, twenty-first century communications devices and other tools to help them respond to terrorist threats. This section also creates a new anti-terrorism training grant program that will fund seminars and other training sessions to help local police departments better analyze intelligence information they come across, help local fire departments acquire the knowledge they need to respond to critical incidents, and assist those agencies who may be called upon to stabilize a community after a terrorist incident. It is my intent that these funds go to professional law enforcement organizations who are in some instances already delivering this type of training. The Department of Justice's Office for Domestic Preparedness does some of this, but their program is a block grant sent to the Governor. I want to involve local police and fire departments directly in the fight against terrorism, and this section is an important step towards meeting that goal. The funds authorized, $100 million over the next four years, may not be enough to get the job done, but it's a good start. I thank the Police Executives Research Forum for working with me to craft this proposal, and I look forward to seeing significant dollars allocated to it in future spending bills.

So this bill contains many provisions critical to law enforcement. Some may say it doesn't go far enough.

I have to say, I was disappointed that the Administration dropped some proposals from an early draft of its bill, measures which I called for five years ago. Those measures are not in the bill we consider today, but I continue to believe that they're common-sense tools we ought to be giving to our men and women of law enforcement.

We should be extending 48-hour emergency wiretaps and pen-registers, caller-ID-type devices that track incoming and outgoing phone calls from suspects, to terrorism crimes. This would allow police, in an emergency situation, to immediately obtain a surveillance order against a terrorist, provided the police go to a judge within 48 hours and show that they had the right to get the wiretap and that emergency circumstances prevented them from going to the judge in the first place. Now, this emergency tool is available only for organized crime cases and the bill we consider today does not expand this power to terrorist investigations.

We should be extending the Supreme Court's "good faith" exception to wiretaps. This well-accepted doctrine prevents criminals in other types of offenses from going free when the police make an honest mistake in seizing evidence or statements from a suspect. We should apply this good faith exception to terrorist crimes as well, to prevent terrorists from getting away when the police make an honest mistake in obtaining a wiretap.

I'm pleased Chairman LEAHY and the Administration were able to reach consensus on the two areas which gave me some pause in the Administration's original proposal: those provisions dealing with mandatory detention of illegal aliens and with greater information sharing between the intelligence and law enforcement communities.

The agreement reached has satisfied me that these provisions will not upset the balance between strong law enforcement and protection of our valued civil liberties.

This bill is not perfect. No one here claims it embodies all the answers to the question of how best to fight terrorism. But I am confident that by updating our surveillance laws, by taking terrorism as seriously as we do organized crime, and by recognizing the important role state and local law enforcement has to play in this campaign, that we are taking a step in the right direction by passing this bill today.

ANTITERRORISM

Mr. KYL. Mr. President, I rise in strong support of the anti-terrorism bill. The bill will provide our Nation's law-enforcement personnel with important tools to more effectively investigate and prevent further attacks against the people of the United States.

At the outset, I want to make clear that we did not rush to pass ill-conceived legislation.

During the past two Congresses, when I chaired the Judiciary Committee's Subcommittee on Technology and Terrorism, the Subcommittee held 19 hearings on terrorism. I want to repeat that: 19. The witnesses who appeared before the Subcommittee included the then-Director of the FBI Louis Freeh and representatives of all three of the congressionally-mandated commissions on terrorism that have issued reports over the last two years. Additional hearings on terrorism were held by the full Judiciary Committee and by other committees.

Many of the provisions proposed by the Attorney General, and included in the legislation we sent to the President today, mirror the recommendations of one or more of the major terrorism commissions and have already been examined by the committee of jurisdiction. In fact, some of these provisions had already been voted on and passed by the Senate in other legislation.

Indeed, as I will discuss more fully in a minute, the language sent forward by the Attorney General to establish nationwide trap and trace authority was included in the Hatch-Feinstein-Kyl Amendment to the recently passed Commerce, Justice, State Appropriations bill. Much of the remaining language in that amendment was included in the Counterterrorism Act of 2000, which the Senate passed last fall, after a terrorist attack on the U.S.S. Cole killed 17 American sailors and injured another 39. That bill was based on recommendations of the bipartisan, congressionally-mandated National Commission on Terrorism, known as the

Bremmer Commission, which was established in 1998 in response to the embassy bombings in Tanzania and Kenya.

One particularly important provision, which was included in both the CJS bill and the current bill, updates the law to keep pace with technology. The provision on pen registers and trap and trace devices: one, would allow judges to enter pen/trap orders with nationwide scope; and two, would codify current case law that holds that pen/trap orders apply to modern communication technologies such as e-mail and the Internet, in addition to traditional phone lines.

Nationwide jurisdiction for a court order will help law-enforcement to quickly identify other members of a criminal organization such as a terrorist cell. Indeed, last year Director Freeh testified before the Terrorism Subcommittee that one of the problems law-enforcement faces is "the jurisdictional limitation of pen registers and trap-and-trace orders issued by federal courts."

He continued: "Today's electronic crimes, which occur at the speed of light, cannot be effectively investigated with procedural devices forged in the last millennium during the infancy of the information technology age."

Prior to the legislation we passed today, in order to track a communication that was purposely routed through Internet Service Providers located in different States, law-enforcement was required to obtain multiple court orders. This is because, under existing law, a Federal court can order only those communications carriers within its district to provide tracing information to law enforcement.

According to Director Freeh's testimony before the Terrorism Subcommittee, "As a result of the fact that investigators typically have to apply for numerous court orders to trace a single communication, there is a needless waste of time and resources, and a number of important investigations are either hampered or derailed entirely in those instances where law enforcement gets to a communications carrier after that carrier has already discarded the necessary information."

This bill solves the problem.

I would also like to address another important provision.

The bill will more clearly to criminalize the possession of biological and toxin agents by those who should not possess them. The bill would amend the implementing legislation for the 1972 "Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological, Biological, and Toxin Weapons and on their Destruction," BWC. Article I of the BWC prohibits the development, production, stockpiling, acquisition, or retention of Microbial or other biological agents, or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes. It is not the intent of the BWC, nor is it the intent of Section 802, to prevent the legitimate application of biological agents or toxins for prophylactic, protective, bona fide research, or other peaceful purposes. These purposes include, inter alia, medical and national health activities, and such national security activities as may include the confiscation, securing, and/or destruction of possible illegal biological substances.

In addition to the other provisions in this anti-terrorism legislation that will provide our law enforcement communities with the tools to weed out and stop terrorism, I want to express my support for the immigration provisions upon which the administration, key members of the House Judiciary Committee, Senators HATCH, KENNEDY, LEAHY and I have reached agreement, and which are included in this bill.

We must not forget, however, that the United States will continue to face overwhelming infrastructure and personnel needs at our consular offices abroad, along both the southern and northern border, and in our immigration offices throughout the United States. And, in addition to the provisions included in this anti-terrorism bill, the U.S. government will need additional tools to keep terrorists out of the country and, once they are in the country, find them and remove them. That means, among other things, eliminating the ability of terrorists to present altered international documents, and improving the dissemination of information about suspected terrorists to all appropriate agencies. After hearing first-hand about the extraordinary weaknesses of our immigration and visa processing systems, Senate Judiciary Terrorism Subcommittee Chairwoman DIANNE FEINSTEIN and I will soon introduce legislation to better equip our government with the tools necessary to make our immigration and visa processing systems more secure.

With that said, the anti-terrorism bill will certainly provide a better legal framework for keeping foreign terrorists out of the United States, and detaining them should they enter.

First, this anti-terrorism bill clarifies that the Federal Bureau of Investigation is authorized to share data from its "most wanted list," and any other information contained in its national crime-information system, with the Immigration Naturalization Service and the State Department. This will help the INS and State Department identify suspected terrorists before they come to the United States, and, should they gain entry, will help track them down on our soil. It also allows the State Department, during a U.S. criminal investigation, to give foreign governments information on a case-by-case basis about the issuance or refusal to issue a U.S. visa.

The bill will also clarify U.S. law prohibiting the entry of, and requiring the removal of, individual alien terrorists. It will probably surprise the Members of this body a great deal to know that, under current law, a terrorist alien is not considered either inadmissible to, or deportable from, the United States even if he or she has "endorsed or espoused terrorist activity that undermines the efforts of the United States to fight terrorism," or has provided "material support to a terrorist organization." Nor is an individual deportable for being a "representative of a terrorist organization." The anti-terrorism bill makes it clear to U.S. officials considering whether to allow someone to come to the country, that a person meeting any one of these criteria is not welcome to come here. Although the final bill prohibits admission of individuals who have endorsed terrorism or are representatives of a terrorist organization, neither of those criteria will make such an individual deportable. I will work to make it clear that such criteria are deportable.

In addition, the anti-terrorism package that we are debating today further defines what is considered by the United States to be a terrorist organization. Under current law, a terrorist organization must be designated by the Secretary of State under Section 219 of the Immigration and Nationality Act. This process can take several months, and has been criticized by some experts as potentially politically corruptible. Under this final package, Section 219 designations will remain in effect. A separate designation process is added, whereby an organization can be designated by the Secretary of State or the Attorney General, in consultation with each other, with seven days' notice to the leadership of the House and Senate and the congressional committees of jurisdiction. Additionally, an organization, whether or not it is formally designated by the Secretary of State or the Attorney General, can be considered to be terrorist if it is made up of two or more individuals who commit or plan to commit terrorist activities.

This anti-terrorism package also has provisions regarding temporary detention. It allows for the temporary detention of aliens who the Attorney General certifies that he has "reasonable grounds to believe is inadmissible or deportable under the terrorism grounds." This compromise represents a bipartisan understanding that the Attorney General of the United States needs the flexibility to detain suspected terrorists. Under the compromise that Members have reached, the Attorney General must charge an alien with a deportable violation or he must release the alien. In this final version, if the charge is not sustained, or if withholding of deportation is granted by an immigration judge then the alien must be released. In addition, the underlying certification, and all collateral matters, can be reviewed by any U.S. District Court and any appeals can be heard by U.S. Appeals Court for the District of Columbia. The Attorney General, under this final version, is required to review all individual certifications every six months, and any alien certified can ask that the Attorney General review the case.

Finally, this package will determine whether "consular shopping," i.e. someone has a visa application pending from his or her home country, but goes to another country for adjudication, is a problem. If so, the Secretary of State must recommend ways to remedy it. Another provision prevents countries that do not have machine-readable passports from participating in the Visa Waiver Program, although the Secretary of State is allowed to provide a waiver for countries that do not provide such passports. I do not support the waiver authority, but am pleased that the overall requirement is included. Another provision authorizes $36.8 million for quick implementation of the INS foreign student tracking system, a program that I have repeatedly urged be implemented. The final package also includes relief for immigrants, who but for the tragic events of September 11, are here legally and could now lose their legal status.

As former chairman and now ranking Republican of the Judiciary Committee's Terrorism Subcommittee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming and tragic events that took thousands of precious lives, I am resolved to push forward to make the United States a safer place for its millions of law-abiding citizens and legal immigrants. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing our institutions of government so that the law-abiding can continue to live their lives in freedom.

Finally, let me address briefly the concern voiced by some that we are in danger of "trampling civil liberties." I reiterate that we did not rush, that we have had thorough, deliberative hearings, and that many of the proposals within this bill have already been passed by the Senate. Nothing in the current bill impinges on civil liberties. The bill will give Federal agencies fighting terrorism the same tools we have given those fighting illicit drugs, or even postal fraud. Many of the tools in the bill are modernizations of the criminal law, necessitated by the advent of the Internet.

While some of these tools are extremely helpful in terrorism investigations, it makes no sense to refuse to apply these common sense changes to other crimes that are committed, like kidnaping, drug dealing, and child pornography. It is unwise to limit these tools to only terrorism offenses because often, at the outset of an investigation of a particular person or crime, law enforcement does not know what you are dealing with. A credit-card fraud case or a false immigration documents case may turn out to be connected to funding or facilitating the operations of a terrorist group. We should give law enforcement the tools it needs to have the best chance of discovering and disrupting these activities.

We have a responsibility to the people of this nation to ensure that those who are charged with protecting us from future terrorist attacks are empowered to do so. This is not a zero sum game. We can both ensure our security and protect our liberties.

We cannot afford to lose this race against terror, and we cannot afford to give the enemy in this war a full lap head-start. I support this bill. I commend President Bush and General Ashcroft for submitting a sound proposal to the Senate, and for their tremendous efforts during the past month.

SECTION 1012

Mr. HOLLINGS. I have a number of questions about the substance, scope and procedure of section 1012 of the USA PATRIOT Act of 2001. I am concerned that there are some significant issues which this provision has not addressed, notwithstanding its noble intentions. Would the gentleman be able to clarify some of these issues for me?

Mr. LEAHY. I will do my best to clarify the intent and operation of this section for the gentleman.

Mr. HOLLINGS. Would the gentleman please explain how the Secretary of DOT will determine whether an individual seeking an original or renewed license presents a security risk?

Mr. LEAHY. The Secretary will rely upon the background records check to be done by the Justice Department. Any further analysis to be done by the Secretary on this issue should be explained following a Congressional directive to do so, in regulations issued by the Secretary for notice and comment.

Mr. HOLLINGS. Does the section make clear what standards will be applied to determine if a security risk is presented by an individual?

Mr. LEAHY. At this time the section does not and that matter should be clarified in subsequent legislation.

Mr. HOLLINGS. I am concerned that the review process could be delayed and a person seeking renewal of a hazmat license could be unable to work due to matters beyond his or her control.

Mr. LEAHY. The gentleman is correct. Regulations need to be issued by the Secretary specifying time periods and making it clear that delays not due to the applicant should not force him to be out of work and that his existing hazmat license will remain in effect pending completion of the security risk review process.

Mr. HOLLINGS. I am troubled by the lack of due process protections for the applicant. What is the gentleman's opinion on this subject?

Mr. LEAHY. I agree with the gentleman. The section needs to be clarified by legislation and regulations issued making clear that any applicant denied a hazmat license because of a security risk will be advised of the reasons for such denial and given an opportunity to present any comments he or she deems appropriate. We need to provide the applicant with a right to challenge the Secretary's decision and insure due process is protected.

Mr. HOLLINGS. Finally, isn't there a concern that foreign drivers transporting hazmat present an equal, if not a greater, security risk than that presented by U.S. drivers? If so, how will we deal with foreign drivers because they do not appear to be covered by section 1012.

Mr. LEAHY. I fully agree with the gentleman. The legislation must address foreign drivers to cover adequately the security risks applicable to hazmat transportation.

Mr. THURMOND. Mr. President, the September 11 terrorist attack has brought to the forefront numerous flaws in how we control and manage immigration in this country. It is now clear that the control of our borders has become a matter of national security.

Let me first state that I have no doubt that most aliens who enter this country are innocent, hard-working people who make important contributions to our society. America can continue our tradition of supporting reasonable legal immigration, but I am concerned that we are allowing illegal immigration to get out of control.

According to the most recent census data, there are at least 7 and possibly as many as 8 million illegal aliens in the United States. The number has at least doubled just since 1990. This trend is very troubling and has to be reversed. We must do more to stop illegal aliens from entering our country, and we must do more to deport those who are already here illegally. Our previous efforts, such as the 1996 Immigration Act, have proven to be inadequate.

This is not only a matter of upholding our laws, it is a matter of maintaining the safety and security of our country. We do not even know how some of the September 11 hijackers got into the country. This is not acceptable. We must do more to track and keep out those who wish to harm our country and terrorize our citizens.

The Antiterrorism Act we are considering today contains some reforms in this area and is a step in the right direction. It expands the number of Border Patrol agents, INS inspectors, and Customs agents along the Northern Border. Also, it provides for greater data-sharing, including giving the INS easier access to the criminal history information contained in the NCIC database. Moreover, it grants the Attorney General greater authority to detain those who may be involved in terrorist activity, although we should continue to review this issue and grant the Attorney General greater power in the future.

In addition to immigration, this bill contains other crucial reforms that will update our wiretapping laws and allow greater sharing of intelligence and law enforcement information. I strongly supported this bill during Judiciary Committee hearings, including in one hearing in the Constitution Subcommittee of which I am Ranking Member. I am pleased that we are finalizing this bill today.

However, this bill is only a beginning. It is a move in the right direction, not an end in itself. Much more needs to be done to protect our nation from illegal immigration.

I believe one important measure could be to return to annual registration for immigrants who are in the United States. Requiring immigrants to register each year would help the INS keep track of where immigrants are in the United States, and whether they have overstayed their visas. In addition, it would benefit aliens by helping them prove how long they have been in the United States.

An alien registration system existed before 1981. However, the system became inactive at that time due to lack of funds and administrative difficulties. I think the time has come to reconsider this program. Recent technology, such as scanners, can help address some of the record-keeping problems that harmed the old system.

There are many other reform possibilities. Currently, when an alien commits a crime in the United States and is ordered deported, some home countries refuse to take him back. This creates huge difficulties for us, especially when the alien has completed his prison sentence. I believe the United States should respond in kind by not granting visas to countries that have such a policy. This would encourage countries to live up to their responsibilities. Also, we need to look into expanding the use of identification cards for aliens, including more fingerprinting.

The antiterrorism bill demonstrates that the Congress is committed to addressing the problems we face regarding immigration. I look forward to working with my colleagues to continue our important work in this area. It must remain a top priority. We should not rest until we have illegal immigration under control in this country.

Ms. SNOWE. Mr. President, I rise today in support of the anti-terrorism legislation we have before us, the USA PATRIOT Act. I supported the Senate bill when it passed 2 weeks ago, and this bill—which was overwhelmingly passed by the House yesterday—retains key provisions that give our Government the tools it needs to combat terrorism.

One of the key issues during the House-Senate negotiations was that of the so-called "sunset." While the Senate-passed bill ensured these provisions would remain in effect as long as necessary, the House voted to suspend the bill's provisions in 5 years. Ultimately, the bill before us today includes a four year sunset. While I believe the provisions of this bill will be needed to combat terrorism beyond 4 years, it is fair to say Congress should review the provisions and make an assessment of their effectiveness in 4 years.

Let me also say I am pleased to have worked in conjunction with Senator BOND and Senator CONRAD in supporting the Visa Integrity and Security Act. This bill addresses many of the concerns we raised, such as the importance of information sharing among government law enforcement and intelligence agencies with the State Department and tightening tracking controls on those entering the U.S. on student visas, including those attending flight schools. These are critical issues, and I commend both Senators for their efforts, and I am pleased the bill before us contains provisions from this bill on information sharing and the use of biometric technology for the entry and exit of aliens.

With this legislation, we take reasonable, constitutional steps to enhance electronic and other forms of surveillance, without trampling on the rights of Americans. We will also institute critical measures to increase information sharing by mandating access to the FBI's National Crime Information Center, or NCIC, by the State Department and INS.

Incredibly, while intelligence is frequently exchanged, no law requires agencies like the FBI and CIA to share information on dangerous aliens with the State Department or INS. While I am pleased the bill before us ensures information sharing between the FBI, State Department and INS, I believe it does not go far enough as other crucial agencies, such as the DEA, CIA, or DoD, that may have information the State Department and INS need, but are still not required to share information. In short, by only providing access to the FBI's NCIC system, we are not summoning the sum total of U.S. Government information on individual aliens which is now needed in our war on terrorism.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my 12 years as ranking member of the House Foreign Affairs International Operations Subcommittee and chair of the subcommittee's Senate counterpart.

Access to the FBI's NCIC system by the State Department is a first step, and one that I advocated in 1993, after the Justice Department ruled that because the State Department was not a "law enforcement agency," it no longer had free access to the NCIC. Tellingly, after ruling, the visa denial rate for past criminal activities plunged a remarkable 45 percent—stark evidence that we can't afford to tie the hands of America's overseas line of defense against terrorism.

Although my legislation designated the State Department a "law enforcement agency" for purposes of accessing the NCIC when processing any visa application, whether immigrant or nonimmigrant, a revised provision enacted in 1994 only provided the State Department with free access for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by all 19 suspected hijackers. Even that limited law was sunsetted in 1997 with a brief 6-month extension to 1998.

Currently, U.S. posts check the lookout database called the Consular Lookout and Support System—Enhanced, or CLASS-E, prior to issuing any visa. CLASS-E contains approximately 5.7 million records, most of which originate with U.S. embassies and consulates abroad through the visa application process. The INS, DEA, Department of Justice, and other federal agencies also contribute lookouts to the system, however, this is voluntary.

To further fortify our front-line defenses against terrorism—to turn back terrorists at their point of origin—information sharing should be mandatory, not voluntary. That is why I introduced a bill that would require that law enforcement and the intelligence community share information with the State Department and INS for the purpose of issuing visas and permitting entry into the U.S. And while my bill would have gone farther than the legislation before us, by including the DEA, CIA, Customs and the Department of Defense in the mandated information-sharing network, I am pleased that this bill we are considering at least mandates access to the NCIC by INS and the State Department.

The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network. Therefore, we must ensure that the only "turf war" will be the one to protect American turf.

Another important issue is that of verifying the identity of a visa holder. Once a visa is issued at the point of origin, we should be ensuring that it is the same person who shows up at the point of entry. The fact is, we don't know how many, if any, of the 19 terrorists implicated in the September 11 attacks entered the U.S. on visas that were actually issued to someone else.

Currently, once a visa is issued by the State Department, it then falls to INS officials at a port-of-entry to determine whether to grant entry. The problem is, no automated system is utilized to ensure that the person holding the visa is actually the person who was issued the visa. In other words, the INS official has to rely solely on the identification documents the person seeking entry is carrying—making that official's job that much more difficult.

There is a better way, and legislation I introduced would require the establishment of a fingerprint-based check system to be used by State and INS to verify that the person who received the visa is the same person at the border crossing station trying to enter the country.

Simply put, it requires the State Department and INS to jointly create an electronic database which stores fingerprints, and that other agencies may use as well. When a foreign national receives a visa, a fingerprint is taken, which then is matched against the fingerprint taken by INS upon entry to the U.S. This is a common sense approach that would take us one step closer to minimizing the threat and maximizing our national security.

The fact of the matter is fingerprint technology, one part of the larger category of biological factors that can be used for identification known as biometrics, is not new. In fact, the U.S. Government has already employed biometrics to verify identities at military and secret facilities, at ports-of-entry, and for airport security, among many others.

The bill before us includes a provision that requires the Attorney General to report on the feasibility of enhancing the FBI's Integrated Automated Fingerprint Identification System (IAFIS) or other identification systems to identify visa holders who may be wanted in a criminal investigation in the U.S. or abroad before they are issued a visa or permitted entry or exit to the U.S.

This surely doesn't sound all that much different than the legislation I have proposed. I am pleased this bill at least starts us down the road toward implementing biometric technologies, and I hope this can be achieved as soon as possible.

Although I would prefer an even stronger bill and indeed worked toward the inclusion of measures that would have accomplished this goal, this legislation negotiated by the House and Senate is vital to our national security, and I am proud to support it. The war on terrorism is a war on many fronts. Some of the battles will be great in scale, many will be notable by what is not seen and by what doesn't happen, namely, that individuals who pose a serious threat to this nation never see these shores and never set foot on our soil.

Many of our greatest victories will be measured by the attacks that never happen; in battles we win before they ever have a name, in conflicts we prevent before they ever claim one American life. I hope we will pass and enact legislation that will help make that possible, and urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed from The Bangor Daily News.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bangor Daily News, Oct. 24, 2001]

HOMELAND SECURITY AND THE "THREE C'S": COORDINATION, COMMUNICATION, AND COOPERATION

(By U.S. Senator Olympia J. Snow)

This week, Congress is expected to send to the President landmark legislation for a new era: a bill designed to bring the full resources of the federal government to bear in our war against terrorism. One of the most critical elements of this anti-terrorism package—which also includes expanded authority to hunt down and identify terrorist activity within our own borders—addresses the "Three C's" that have been lacking among those federal agencies that are integral to preventing terrorism: coordination, communication, and cooperation.

Incredibly, there is no provisions of current law that mandates State Department access to sources such as the FBI's National Crime Information Center (NCIC). This system, which maintains arrest and criminal information from a wide variety of federal, state, and local sources as well as from Canada, will be used by the State Department to deny visas to dangerous aliens. Similar to legislation I introduced in 1993, the bill pending in conference will finally make such information-sharing a requirement, and when combined with the new Office of Homeland Security should help ensure that our federal agencies are as united in the effort against terrorism as the American people. I urged conferees to further strengthen this requirement, so both State and the Immigration and Naturalization Service (INS) have access to the full range of information gathered by U.S. intelligence and law enforcement agencies.

During my twelve years as ranking member of the House Foreign Affairs International Operations Subcommittee and Chair of the subcommittee's Senate counterpart, I saw firsthand why removing impediments to a cooperative federal effort is a national imperative. Perhaps the most egregious example came to light in our investigations into the comings-and-goings of radical Egyptian cleric Sheikh Omar Abdel Rahman, mastermind of the 1993 World Trade Center bombing.

Astoundingly, we found that in the period since 1987 when Sheikh Rahman was placed on the State Department lookout list, he entered and exited the U.S. five times totally unimpeded. Even after the State Department formally revoked his visa, INS granted him permanent residence status. When he was finally caught on July 31, 1991, reentering the U.S., he was immediately released back into U.S. society to allow him to pursue a multi-year appeal process.

Just as unbelievable is the fact that, even after the 1993 attack on the World Trade Center, membership in a terrorist organization in and of itself—with the exception of the PLO—was not sufficient grounds for visa denial. Rather, the Immigration Act of 1990 required the government to prove that an individual either was personally involved in a terrorist act, or planning one. This absurd threshold made it almost impossible to block individuals, such as Sheikh Rahman, from entering the country legally. Legislation I introduced in 1993 removed that bureaucratic and legal obstacle—yet it took nearly three more years to enact it as part of the Anti-Terrorism and Effective Death Penalty Act of 1996.

Further, to respond to the trail of errors we uncovered, provisions from my bill were enacted in a year later, in 1994, requiring modernization in the State Department's antiquated microfiche "lookout" system to keep dangerous aliens from entering the United States. Recognizing the need to mate these new technologies with the need for the most comprehensive, current and reliable information, the bill also attempted to address the issue of access. Tellingly, after the State Department lost free access to the NCIC because of a 1990 Justice Department ruling that the State Department was not a "law enforcement agency", the visa denial rate for past criminal activities plunged a remarkable 45 percent.

Therefore, my 1993 bill also designated the State Department a "law enforcement agency" for purposes of accessing the NCIC as well as other FBI criminal records when processing any visa application, whether immigrant or non-immigrant. Unfortunately, a revised provision also enacted in 1994 provided the State Department with free access to these FBI resources only for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by all 19 of the suspected hijackers. Even that limited law was allowed to expire, despite my legislation enacted in 1996 repealing the requirement that visa applicants be informed of the reason for a denial—a provision that law enforcement agencies legitimately believed could impede ongoing investigations, or reveal sources and methods.

Having introduced my own legislation after the attacks to mandate information sharing among all agencies such as the FBI, CIA, DEA, Customs, INS and the State Department, I would have preferred that the recently-passed anti-terrorism bill go even further. Nevertheless, re-instating State Department access to the NCIC for both types of visas is a critical step in ensuring that information sharing will no longer be voluntary and ad hoc.

To further fortify our front-line defenses against terrorism and turn back terrorists at their point of origin, I also proposed mandating information sharing by establishing Terrorist Lookout Committees, comprised of the head of the political section of each embassy and senior representatives of all U.S. law enforcement and intelligence agencies. The committees would be required to meet on a monthly basis to review and submit names to the State Department for inclusion in the visa lookout system. Unfortunately, Senators did not reach agreement on amendments that could be added to the anti-terrorism bill, so the package was ultimately passed with no modifications. Consequently, I will continue to work to pass this important measure separately.

Clearly, the catastrophic events of September 11 have catapulted us into a different era, and everything if forever changed. We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism. and that means changing the prevailing system and culture by re-focusing on the "Three C's" of coordination, communication and cooperation. The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network—therefore, we must ensure that the only "turf war" will be the one to protect American turf. In our fight against terrorism, we can do no less.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent the time be divided equally between the distinguished chairman and myself.

How much time remains?

The PRESIDING OFFICER. Ten minutes for each side.

Mr. HATCH. Mr. President, as we wind down the debate and move to final passage, I want to continue my acknowledgment of those who worked so hard and were instrumental in getting this legislation enacted. I start again by expressing my gratitude to Senators KYL and FEINSTEIN for their efforts. No Senators have worked harder over the past few years in such a bipartisan manner on terrorist missions. They have both done an excellent job. Also, Senators BOB GRAHAM and SHELBY, who cosponsored this legislation, deserve credit for significant contributions. In the Intelligence Committee, of course, Senator SARBANES and Senator PHIL GRAMM are to be praised for the money laundering provisions of the package. They developed that in this bill. I credit the hard work of other fellow members of the Judiciary Committee; in particular, Senators BIDEN and SCHUMER, who have devoted their energy to several of these proposals. Their assistance was instrumental in shaping this final product.

Next, I thank my dedicated staff and my chief counsel and staff director, Makan Delrahim, who has been instrumental in putting this bill together. I also thank my crime policy counsels on the Judiciary Committee: Jeff Taylor, whose background as a federal prosecutor was crucial in crafting the many technical provisions of this legislation, as well as Stuart Nash, another former federal prosecutor, and Leah Belaire, each of whom has brought invaluable expertise to this process; my lead immigration counsel, Dustin Pead, and our tireless legislative assistant, Brigham Cannon, each has provided critical assistance. I am also grateful to Elizabeth Maier on Senator KYL's staff, David Neal on Senator BROWNBACK's staff, and Esther Olavarria on Senator KENNEDY's staff, for their input on the immigration provisions. I also extend our thanks to Sharon Prost, my former chief counsel who recently was appointed by President Bush to serve as a Federal appellate judge, for her wise counsel on this legislation.

In addition, I personally thank our Chairman, Senator LEAHY. I reserve that until the end. His staff deserve a lot of credit and I personally thank them for their long hard hours. I thank personally his chief counsel and staff director, Bruce Cohen, and other members of his staff: Beryl Howell, Julie Katzman, Ed Barron, Ed Pagano, Tim Lynch, David James, and John Eliff, each of whose expertise I personally found invaluable. I am grateful to them for the many long hours they devoted to drafting this bill and helping ensure that our final product has strong bipartisan support. I enjoyed working with them and I certainly always enjoy working with Senator LEAHY and appreciate the good things we were able to do.

The Department of Justice has been of great assistance to us in putting this bill together. In particular, I would like to thank Attorney General John Ashcroft and his Deputy Larry Thompson for their wise counsel, their leadership, and their quick response to our many questions and concerns. Michael Chertoff, the Assistant Attorney General for the Criminal Division was a frequent participant in our meetings, as was Assistant Attorneys General Dan Bryant and Viet Dinh. Justice Department lawyers Jennifer Newstead, John Yoo, John Elwood, Pat O'Brien, and Carl Thorsen were also important and valuable participants in this process.

The White House Counsel and Congressional Liaison staff provided essential contributions at all stages of this process. Judge Al Gonzales, the White House Counsel, provided key guidance with the help of his gifted staff, including Deputy White House Counsel Tim Flanagan and Associate Counsels Courtney Elwood, Brett Kavanaugh, and Brad Berenson.

The White House Congressional Liaison office, together with the Vice President's office, worked nonstop to keep this process moving forward and were critically responsive to any requests the Senate had. Nick Calio, Ziad Ojakli, and Heather Wingate with the White House, and Nancy Dorn and Candy Wolff with the Vice President's office, deserve our gratitude for all the assistance they have given us.

Finally, Mr. President, I must recognize the diligence and invaluable assistance provided by leadership staff on both sides of the aisle.

Mark Childress and Andrea Larue with Majority Leader DASCHLE's office, and David Hoppe, Sharon Soderstrom, and John Mashburn with Senator LOTT's office, all deserve our collective thanks. These dedicated professionals selflessly gave up their nights and weekends to facilitate passage of this final product. Also, I take special pride in thanking Stewart Verdery, who now works for Senator NICKLES but previously worked on my Judiciary Committee staff, for his cooperation and assistance in this process.

As we close debate on this legislation, I would like to note that the fundamental obligation of government is to protect our citizens from harm and every member of this Senate, by virtue of the sworn oath of the office we hold, must do everything in his or her power to ensure that the heinous attacks of September 11 are never repeated. We must never forget the more than 5,000 innocent men, women, and children who lost their lives on American soil some 6 weeks ago.

I am grateful that I have been able to work on this matter with the distinguished Senator from Vermont. I am grateful we have been able to pull together, in a relatively short period of time, an antiterrorism bill that really is going to make a difference in all our lives. So I urge my colleagues' support for this important legislation, thank my colleagues for all their help.

Mr. President. The Department of Justice has prepared an excellent and precise analysis of the legislation, with which I fully agree. I ask unanimous consent that the analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVERVIEW

In the wake of the tragic, criminal act of violence perpetrated against the United States on September 11, the Bush Administration proposed legislation that would provide the Department of Justice with the tools and resources necessary to disrupt, weaken, and counter the infrastructure of terrorist organizations, to prevent or thwart terrorist attacks, and to punish or defeat in battle perpetrators of terrorist acts.

On October 24, the House passed a bill which contains a substantial number of the key provisions originally requested by the Administration. The Department of Justice strongly supports this bill and urges the Senate to act quickly so that these new authorities can be made available to prosecutors and agents who are working around the clock to prevent future attacks and to bring the perpetrators of September 11 to justice.

The events of September 11, 2001 demonstrate that terrorist acts are perpetuated by expertly organized, highly coordinated, and well financed organizations, operating without regard to borders, to advance their agendas. The fight against terrorism thus is both a war to defend the security of our nation and our citizens against terrorism and a unified criminal justice effort.

Existing laws fail to provide our national security authorities and law enforcement with certain critical tools they need to fight and win the war against terrorism. Indeed, we have tougher laws for fighting organized crime and drug trafficking than for combating the threat of terrorism. For example, technology has dramatically outpaced our statutes. Many of our most important intelligence gathering laws were enacted decades ago, in and for an era of rotary telephones. Meanwhile, our enemies use e-mail, the Internet, mobile communications and voice mail. Until Congress provides law enforcement with the tools necessary to identify, dismantle and punish terrorist organizations, we are fighting an uphill battle.

Making the fight against terrorism a national priority must not and will not mean that the rights and freedoms guaranteed to all Americans under the Constitution will become victims of this war. In this law enforcement mission, as in all that we undertake at the Department of Justice, the protection of the rights and privacy of all Americans is the principle that guides us—the outcome which, if not achieved, renders our efforts meaningless.

This new terrorist threat to Americans on our soil is a turning point in America's history. It is a new challenge for law enforcement. Our fight against terrorism is not solely or primarily a criminal justice endeavor—it is defense of our nation and its citizens. We cannot wait for terrorists to strike to begin investigations and take action. We must prevent first, and prosecute second. The anti-terrorism proposals that have been submitted by the Administration and considered by the House and Senate represent careful, balanced, and long overdue improvements to our capacity to combat terrorism.

PROCESS

The Administration reached bipartisan agreement with the leadership of the House and Senate and the chairmen and ranking members of the Senate and House Judiciary Committees on a bill which was passed by the House on October 24 by an overwhelming majority.

The Department of Justice strongly supports this bill and urges the Senate to act quickly so that these new authorities can be made available to prosecutors and agents who are working around the clock to prevent future attacks and to bring the perpetrators of September 11 to justice. Although the compromises reflected in specific provisions of the bill do not in every case meet the Administration's original goals, the bill does overall substantially achieve each and every one of the Administration's objectives.

DISCUSSION ON SUBSTANTIVE PROVISIONS

Enhancing domestic security against terrorism (title I)

These provisions would provide new funding and structural reforms in the fight against terrorism. A counterterrorism fund would be established to address terrorism issues within the Department of Justice with regard to investigations and damage to components as a result of terrorism (§101); discrimination against Arab and Muslim Americans is condemned (§102); additional funding would be provided for the FBI's technical support center (§103); the National Electronic Crime Task Force Initiative would be expanded (§105); and the military would be authorized to assist state and local law enforcement in chemical weapons emergencies (§104).

The President's powers under the International Economic Emergency Powers Act would be expanded in cases of military hostilities and regarding the use of classified information (§106). President Bush signed a new Executive Order under the International Emergency Economic Powers Act (IEEPA) blocking the assets of, and transactions with, terrorist organizations and certain charitable, humanitarian, and business organizations that finance or support terrorism. At present, however, the President's powers are limited to freezing assets and blocking transactions with such individuals and entities. Starving terrorist organizations of the funds that sustain them requires that we do more. When we encounter drug traffickers, for instance, we don't just freeze assets, we seize assets.

Enhanced surveillance procedures (title II)

These provisions of the bill address gaps in the coverage of the federal electronic surveillance statutes (particularly the wiretap statute, the pen registers and trap and trace statute, and the Electronic Communications Privacy Act). The key element that unites these provisions is the goal of making the statutes technology-neutral: that is, ensuring that the same existing authorities that apply to telephones, for example, are made applicable to computers and use of e-mail on the Internet. It is critically important to note that in drafting these provisions, the Department's goal was and remains ensuring that the scope of the authority remains the same—in other words, that no more or less information as is currently obtainable through a particular device (for example, a pen register) on a telephone, is obtainable from a computer.

Law enforcement must have intelligence gathering tools that match the pace and sophistication of the technology utilized by terrorists. Critically, we also need the authority for law enforcement to share vital information with our national security and intelligence agencies in order to prevent future terrorist attacks.

Terrorist organizations increasingly take advantage of technology to hide their communications from law enforcement. Today's terrorist communications are carried over multiple mobile phones and computer networks—frequently by multiple telecommunications providers located in different jurisdictions. To facilitate their criminal acts, terrorists do not discriminate among different kinds of technology. Regrettably, our intelligence gathering laws don't give law enforcement the same flexibility.

The bill creates a technology-neutral standard for intelligence gathering, ensuring law enforcement's ability to trace the communications of terrorists over mobile phones, computer networks and any new technology that may be developed in the coming years.

We are not seeking changes in the protections in the law for the privacy of law-abiding citizens. The bill would streamline intelligence gathering procedures only. Except for under those circumstances authorized by current law, the content of communications would remain off-limits to monitoring. The information captured by this technology-neutral standard would be limited to the kind of information you might find in a phone bill, such as the phone numbers dialed by a particular telephone.

The Department strongly opposed the two-year "sunset" on these critical provisions in the original House version of the legislation. The President and the Attorney General have stressed that the threat of terrorism will not "sunset"; rather the fight against terrorism will be a long struggle, and law enforcement must have the necessary tools to fight this war over the long term. However, law enforcement must have these tools now. To calm fears of a permanent authority, the bill now includes a four-year "sunset" provision for several provisions as noted during the discussion of the impacted provisions, at which time it is the Administration's hope that these changes in surveillance law will be made permanent.

Foreign Intelligence Surveillance Act (FISA) amendments (title II)

These provisions sharpen the tools used by the FBI, CIA, and NSA for collecting intelligence on international terrorists and other targets under FISA, 50 U.S.C. §§1801–63. The amendments in this area would enable the agents and case officers of the FBI and CIA and the analysts of NSA to respond more quickly and efficiently to crises and to operational opportunities against terrorists and other targets.

Period of FISA Surveillance and Search Orders

Problem: Currently, with limited exceptions, applications to the FISA Court for its authorization to conduct electronic surveillance and physical search must be renewed by the Court every 90 and 45 days, respectively. Applications to the Court for surveillance and search against foreign terrorists and spies are noncontroversial but bog down the agencies and clog the Court.

Solution: The legislation would, for the conduct of electronic surveillance and physical search against foreign terrorists and spies, extend the duration of an approval order to 120-days with extension possible for up to a year for electronic surveillance and would extend the duration for searches from 45 to 90 days. (§207). This provision would sunset in four-years.

Multi-Point Authority

Problem: Foreign terrorists and spies are trained to change mobile or ground-line phones, hotel rooms, and restaurants in order to defeat surveillance. Currently, to effect FISA coverage at a new facility, DOJ must develop and draft a new application, get it certified by the Director of FBI and signed by the Attorney General, and find and present it to a judge on the FISA Court. This delays or defeats our coverage of these targets and impairs our ability to investigate and detect terrorism and espionage.

Solution: The bill would enable the FBI, in response to such actions by FISA targets that thwart coverage (§206), to serve an order on a previously unidentified vendor or facility in order to maintain the coverage. Congress passed a similar provision for Title III a few years ago. These provisions will sunset in four years.

Mobility—Nationwide Search Warrants

As communications technology now provides significant mobility to its users, who can pass from jurisdiction to jurisdiction in minutes, law enforcement and intelligence officers need that same flexibility.

The bill provides for nationwide search warrants for voice mail (§209), e-mail (as long as the issuing court has jurisdiction over the offense being investigated) (§220), and in investigations involving terrorism (§219).

Foreign Intelligence Information

Problem: Currently, as interpreted, the FISA requires that the FBI Director or other senior official certify that the collection of foreign intelligence is "the purpose" of the FISA search or surveillance. As interpreted by the FISA Court, that standard has hindered the Department's ability to coordinate multi-faceted responses to international terrorism, which involve foreign intelligence and criminal investigations and equities.

Solution: The bill would change this standard. The bill would require certification that the collection of foreign intelligence is "a significant purpose," rather than "the purpose," of the FISA search or surveillance; however, this provision is subject to the four-year sunset applicable to several FISA provisions. (§218).

Foreign Intelligence Information Sharing

Problem: Currently, with few exceptions, criminal investigators may not share grand jury or Title III information with the intelligence agencies. Records obtained through grand jury subpoenas and insights gained through Title III remain inaccessible to agencies that need such information in their operations and analysis.

Solution: The bill would enable foreign intelligence information obtained in a criminal investigation, including information obtained through a grand jury or Title III, to be shared with intelligence and other federal officers, subject to the four-year sunset and would require the court to be notified after any such information sharing occurs in the case of grand jury information. (§203). In addition, the Attorney General must establish procedures for the release of information when it pertains to a case against a United States citizen. Also, the FBI has been authorized to expedite the hiring of translators capable of translating any information gathered under these and other procedures (§205).

Pen Register: Business Records; National Security Letters

Problem: The ability of the FBI to obtain basic records as a part of an international terrorist or other intelligence investigation has been hampered by cumbersome procedures concerning pen registers, business records, and national security letters. As the current investigation of flight school records makes clear, our ability to gain quick access to such information may be critical to an investigation.

Solution: The legislation would enable the FBI to obtain toll, business, and other records more efficiently by eliminating the requirement of a showing that there is a nexus to a foreign power, and applying a standard of relevance to an intelligence or counterintelligence investigation. This new standard is limited to protection against international terrorism or clandestine intelligence activities and may not be based solely on First Amendment activities. (§§214, 215, 216). Pen/trap provisions would also now apply to Internet traffic, as well as telephone communications, while excluding Internet Service Providers (ISPs) and other entities complying with wiretap orders from liability based on any surveillance under these provisions. See also (§§201, 202, expanding predicates for obtaining surveillance authority). These provisions are subject to the four-year sunset.

Broadened Scope of Subpoenas for Records of Electronic Communications and Subscriber Records

The bill would permit the disclosure of information such as means of payment for electronic services, including bank account and credit card numbers, pursuant to subpoena. The bill would treat cable companies acting in their capacity of providing Internet services the same as other ISPs and telephone companies in this regard, removing them from the protections of laws governing cable privacy, the intent of which was and is to prevent disclosure of shows watched in the privacy of one's home not benign information such as account numbers and forms of payment. (§225). ISPs would also be permitted under the bill to disclose information of stored electronic communications where such communications indicate a risk of immediate death or injury. (§§210, 211, 212).

Delayed Notice of Execution of Search Warrant

The bill would permit delayed notice of execution of a search warrant in criminal investigations, for a reasonable time thereafter, where notice of the execution would have an adverse result. (§213).

International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001 (title III)

Title III of the bill is designed to impede the financing of terrorist activities. It accomplishes that goal by allowing the government to confiscate the assets of foreign terrorist organizations, the terrorists themselves and those who aid them. In addition, it allows the United States government to restrain those assets after indictment but before any final adjudication to ensure those assets are available to satisfy a judgment of forfeiture.

Law enforcement must be able to "follow the money" in order to identify and neutralize terrorist networks.

The bill gives law enforcement the ability to seize the assets of terrorist organizations. In addition, criminal liability is imposed on those who knowingly engage in financial transactions—money laundering—involving the proceeds of terrorist acts. In addition, financial institutions are encouraged to participate in this endeavor by providing civil liability immunity to financial institutions that disclose suspicious activity. (§314). The bill further includes financial institutions in this endeavor by requiring them to have anti-money laundering programs. (§§314, 352).

The bill would expand the scope of predicate money laundering offenses to include providing material support for terrorist organizations. (§301). These offenses would further not be limited to conduct occurring within the United States, as long as the tools of the offense are in or passed through the United States. (§§302, 377).

Various common banking problems are also addressed in the bill, such as shell banks, correspondent accounts, and concentration accounts. (§§312, 313, 325). Treasury would be authorized to order special measures be taken by financial institutions where they are involved in such accounts or other primary money laundering concerns. (§311). Information would be made available as to such crucial facts as the beneficial, as opposed to nominal, owner of a bank account and minimum standards and policies would be put into effect to deal with correspondent and concentration accounts involving foreign persons. (§§312, 313, 325, 326).

Employee references would be permitted to include reference to suspicious activity by the employee without fear of liability and other cooperation among financial institutions, law enforcement, and regulatory authorities would be encouraged. (§§314, 330, 355).

These money laundering provisions are all subject to the four-year sunset.

Protecting the border (title IV)

The legislation expands the grounds for deeming an alien inadmissible or deportable from the United States for terrorist activity, provides for the mandatory detention of aliens whom the Attorney General certifies pose a risk to the national security, and facilitates information sharing within the U.S. and with foreign governments. Current law allows some aliens who are threats to the national security to enter and remain in the United States. The provisions in the bill correct those inadequacies and are necessary tools to prevent detain and remove aliens who are national security threats from the United States. The Attorney General would also have the authority to detain suspected terrorists who are threats to national security, as long as removal proceedings or criminal charges are filed within 7 days. (§412). In the rare cases where removal is determined appropriate but is not possible, detention may continue upon a review by the Attorney General every 6 months. (§412). The bill further would expand the definition of terrorists for purpose of inadmissibility or removal to include public endorsement of terrorist activity or provision of material support to terrorist organizations. (§411). The bill further expands the types of weapons the use of which can be considered terrorist activity. (§411).

The ability of alien terrorists to move freely across borders and operate within the United States is critical to their capacity to inflict damage on the citizens and facilities in the United States. Under current law, the existing grounds for removal of aliens for terrorism are limited to direct material support of an individual terrorist. The bill would expand these grounds for removal to include material support to terrorist organizations. (§412).

To address the need for better border patrol, additional border patrol officers would be authorized, specifically on the northern border which has, during the investigation into the September 11th events, been shown to be extremely problematic. (§§401, 402). To aid INS agents, the FBI would also be required to provide criminal records information to those agents. (§403).

The bill addresses not only unwelcome suspected terrorist aliens but also immigrants who may need additional consideration to stay within the United States where their loved ones were victims of terrorist activity. (§§421–428).

Removing obstacles to investigating terrorism (title V)

The bill authorizes the Attorney General and Secretary of State to pay rewards related to terrorism investigations. It also provides for the DNA data collection from those convicted of terrorism offenses and the coordination of Federal law enforcement agencies. (§§501, 502, 503, 504).

Providing for victims and public safety officers (title VI)

The bill establishes procedures for expedited payment of public safety officers involved in the prevention, investigation, rescue or recovery efforts related to a terrorist attack, as well as providing increases to the Public Safety Officer Benefit Program. (§§611–614).

Increased information sharing (title VII)

The bill would require information sharing among Federal, State and Local law enforcement, thus, providing the necessary full picture needed to address terrorism. (§711).

Substantive criminal law/criminal procedure: Strengthening the criminal law against terrorism (title VIII)

These provisions reform substantive and procedural criminal law to strengthen federal law enforcement's ability to investigate, prosecute, prevent, and punish terrorist crimes. There are substantial deficits in each of these areas which impede or weaken our antiterrorism efforts.

We must make fighting terrorism a national priority in our criminal justice system. Current law makes it easier to prosecute members of organized crime than to crack down on terrorists who can kill thousands of Americans in a single day. The same is true of drug traffickers and individuals involved in espionage—our laws treat these criminals and those who aid and abet them more severely than terrorists.

Our investigation has found that wide terrorist networks, not isolated individuals, are responsible for the September 11 attacks.

Whether the members of these networks are in the United States or in other countries, they and those who aid them must be subject to the full force of our laws. Just as the law currently regards those who harbor persons engaged in espionage, the bill would make the harboring of terrorists a criminal offense. The bill also increases the penalties for conspiracy to commit terrorist acts to a serious level as we have done for many drug crimes.

Key Provisions

Removing impediments to effective prosecution—elimination of statute of limitations for offenses creating the risk of death or personal injury and extending the statute for all other terrorism offenses to 8 years (§809).

Removing impediments to effective investigation—single jurisdiction search warrants; expanded jurisdiction to include terrorism against U.S. facilities abroad. (§804).

Strengthening substantive criminal law—prohibition on harboring terrorists and on material support of terrorists (§§803, 805, 807); making terrorist crimes RICO predicates (§813); extending powers of asset forfeiture to terrorists' assets (§806); including altering cyberterrorism offense (§814); expanding the offense of possession of bioweapons (prohibiting possession of biological toxins by felons and aliens) (§817); creating a federal offense for attacking mass transportation systems (§801); expanding definition of domestic terrorism and offenses of the crime of terrorism, requiring a showing of coercion of government as an element of the offense (§§802, 808).

Strengthening criminal penalties—longer prison terms and postrelease supervision of terrorists (§812); higher conspiracy penalties for terrorists (§811); alternative maximum sentences up to life for terrorism offenses (§810).

Improved intelligence (title IX)

The bill authorizes the Director of the CIA to establish requirements and provide for the collection of foreign intelligence. The Director would also be asked to ensure proper dissemination of foreign intelligence information. Only if the appropriate officials have all the relevant information will prevention, investigation, and prosecution be fully functioning. The bill also would provide for the tracking of terrorist assets as part of the collection of information. (§§901, 905).

Miscellaneous (title X)

The bill would finally require the Department of Justice Inspector General to designate an official to receive civil liberty and civil rights complaints and report those complaints to Congress. The presumption is that such information will be used in determining the continuing viability of the provisions in the bill subject to sunset in 2005. (§1001).

Mr. HATCH. Mr. president, I also ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINAL COUNTER-TERRORISM BILL SECTION-BY-SECTION ANALYSIS

Bill provision No.	Bill description
1	Title and table of contents.
2	Construction and severability clause.
101	Establishes a fund to reimburse DOJ components for costs incurred to rebuild facilities, investigate and prosecute terrorism, and to reimburse other Federal agencies for detaining individuals in foreign countries accused of terrorist acts.
102	Sense of Congress condemning discrimination against Arab and Muslim Americans.
103	Authorizes $200M for each of FY 2002, 2003 and 2004 for the FBI Technical Support Center (established by AEDPA).
104	Broadens Attorney General's authority to request assistance of Secretary of Defense in emergency situations involving weapons of mass destruction.
105	Directs the Secret Service to develop a national network of electronic crime task forces modeled on the New York task force.
106	Grants President the power to confiscate and take title to enemies' property, when United States has been attacked or is engaged in military hostilities; also authorizes courts to consider classified evidence, without making it public, in lawsuits that challenge the government's seizure of property.
201	Adds terrorism statutes—including chemical weapons offenses under 18 U.S.C. 22—as predicate offenses for which Title III wiretap orders are available.
202	Allows voice wiretaps in computer hacking investigations.
203(a)	Permits sharing of grand jury information regarding foreign intelligence and counterintelligence with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel; must notify court that disclosure has taken place. Can share grand jury information with state officials upon court order.
203(b)	Sharing of wiretap information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel.
203(c)	Requires AG to establish procedure for information sharing in 203(a) and (b).
203(d)	Permits sharing of information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel notwithstanding other law.
204	Assures that foreign intelligence gathering authorities are not disrupted by changes to pen register/trap and trace statute.
205	Employment of translators by the FBI.
206	Allows court to authorize roving surveillance under FISA where court finds that the actions of the target may have effect of thwarting the identification of a target.
207	Initial authorization for surveillance and search of officers/employees of foreign powers changed to 120 days; can be extended for one year period. All other searches authorized for 90 day period.
208	Increases the number of judges on the FISA Court to 11, no less than 3 of whom must live within 20 miles of Washington, D.C.
209	Allows voice mail stored with a third party provider to be obtained with a search warrant, rather than a wiretap order.
210	Broadens the types of records that law enforcement can subpoena from communications providers, including the means and source of payment.
211	Clarifies that statutes governing telephone and internet communications (and not the burdensome provisions of the Cable Act) apply to cable companies that provide internet or telephone service in addition to television programming.
212	Allows computer-service providers to disclose communications and records of communications to protect life and limb; and clarifies that victims of computer hacking can disclose non-content records to protect their rights and property.
213	Amends 18 U.S.C. 3103a to permit delayed notice of search warrants where court determines that immediate notice would have an "adverse result"; officers may seize property if court finds "reasonable necessity."
214	To get pen register/trap and trace order under FISA, must certify that information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities; investigations of US persons may not be conducted upon the basis of First Amendment protected activities.
215	Business records provision allows any designee of FBI director no lower than Assistant Special Agent in Charge to apply to FISA court or a magistrate designated by Chief Justice for an ex parte order requiring production of any tangible things for an investigation to protect against international terrorism or clandestine intelligence activities; investigation must be conducted under AG Guidelines under EO 12333, and investigation of a US person cannot be based on First Amendment protected behavior; also requires semiannual reporting to Congress.
216	Amends the pen register/trap and trace statute to apply to internet communications, and to allow for a single order valid across the country.
217	Allows victims of computer-hacking crimes to request law enforcement assistance in monitoring trespassers on their computers; "computer trespasser" does not include persons who have a contractual relationship with the hacked computer's owner.
218	Allows law enforcement to conduct surveillance or searches under FISA if "a significant purpose" is foreign intelligence.
219	Permits courts to issue search warrants that are valid nationwide for investigations involving terrorism.
220	Permits courts to issue search warrants for communications stored by providers anywhere in the country; court must have jurisdiction over the offense.
221	Authorizes President to impose sanctions relating to the export of devices that could be used to develop missiles or other weapons of mass destruction. Also expands President's ability to restrict exports to the portions of Afghanistan controlled by the Taliban.
222	Protects communications providers from having to develop or deploy new technology as a result of the Bill, and assures that they will be reasonably compensated.
223	Creates a cause of action and authorizes money damages against the United States if officers disclose sensitive information without authorization.
224	Provides that all changes in Title II sunset after four years (except sections 203(a), 203(c), 205, 208, 210, 211, 213, 216, 219, 221, and 222).
225	Grants immunity from civil liability to persons who furnish information in compliance with a FISA order.
301	Title of money-laundering act.
302	Congressional findings.
303	Sunset provision; money-laundering provisions will expire in 2005 if Congress enacts joint resolution.
311	Authorizes the Treasury Secretary to require that financial institutions undertake a variety of special measures to prevent money laundering, such as recording certain transactions and obtaining information about correspondent accounts.
312	Imposes special due diligence requirements for private banking and correspondent accounts that involve foreign persons.
313	Prohibits domestic financial institutions from maintaining correspondent accounts with foreign shell banks.
314	Requires Treasury Secretary to promulgate regulations to encourage cooperation among financial institutions, regulators, and law enforcement; allows financial institutions to share information regarding persons suspected of terrorism-related money laundering.
315	Includes various foreign-corruption offenses—including bribery and smuggling—as "specified unlawful activities" under the money-laundering statute.
316	Allows persons to contest confiscations of their property in connection with antiterrorism investigations.
317	Authorizes long-arm jurisdiction over foreign money launderers; also allows courts to restrain foreign-money launderers' assets before trial.
318	Essentially a technical amendment, defines "financial institution" to include a "foreign bank."
319	Permits forfeiture of funds held in United States interbank accounts; upon the request of federal banking agencies, requires financial institutions to disclose information about anti-money laundering compliance.
320	Authorizes the civil forfeiture of property related to certain offenses against foreign nations, including controlled-substances crimes, murder, and destruction of property.
321	Includes various entities in the definition of "financial institution," including futures commission merchants and the Commodity Futures Trading Commission.
322	Provides that a statute preventing fugitives from using court resources in forfeiture actions, also applies to claims brought by corporations whose officers are fugitives. [typo in bill; refers to title 18; should be title 28]
323	Allows courts to issue restraining orders to preserve the availability of property subject to forfeiture by a foreign government.
324	Requires Treasury Secretary to report on the operation of this subtitle.
325	Allows Treasury Secretary to issue regulations governing concentration accounts, to ensure that customers cannot secretly move funds.
326	Requires Treasury Secretary to promulgate rules requiring financial institutions to verify the identities of persons opening accounts.
327	Requires the government to consider financial institutions' anti-money laundering record when deciding to approve various requests, including proposed mergers.
328	Requires Treasury Secretary to cooperate with foreign governments to identify the originators of wire transfers.

FINAL COUNTER-TERRORISM BILL SECTION-BY-SECTION ANALYSIS—Continued

Bill provision No.	Bill description
329	Imposes criminal penalties on government employee who is bribed in connection with his duties under the money-laundering title.
330	Sense of Congress that the United States should negotiate with foreign nations to secure their cooperation in investigations of terrorist groups' finances.
351	Grants immunity to a financial institution that voluntarily discloses suspicious transactions; prohibits the institution from notifying the person who conducted the suspicious transaction that it has been reported.
352	Directs financial institutions to establish anti-money laundering programs, and allows Treasury Secretary to prescribe minimum standards.
353	Imposes civil and criminal penalties for violations of geographic targeting orders; extends the effective period for geographic targeting orders from 60 to 180 days.
354	Requires the President's national strategy on money laundering to include data regarding the funding of international terrorism.
355	Allows financial institutions to disclose suspicious activity in employment references.
356	Obliges Treasury Secretary to issue regulations that require securities brokers and commodities merchants to report suspicious activities.
357	Requires Treasury Secretary to report on the administration of Bank Secrecy Act provisions.
358	Makes various amendments to Bank Secrecy Act to enhance United State's ability to fight international terrorism, including making information available to intelligence agencies.
359	Requires reporting on the suspicious activities of underground banking systems.
360	Instructs United States Executive Directors of international financial institutions to use their voice and vote to support loans to foreign countries that assist the United States' fight against international terrorism.
361	Establishes procedures and rules governing the Treasury Department's Financial Crimes Enforcement Network.
362	Requires Treasury Secretary to establish in the Financial Crimes Enforcement Network, a highly secure network that will allow the exchange of information with financial institutions.
363	Increases civil and criminal penalties for money laundering.
364	Authorizes the Federal Reserve to hire security personnel.
365	Requires companies that receive more than $10,000 in currency in a transaction to file a report with the Financial Crimes Enforcement Network.
366	Requires Treasury Secretary to study expanding exemptions from currency reporting requirements.
371	Makes it a crime to smuggle more than $10,000 in currency into or out of the United States, with the intent of avoiding a currency reporting requirement, also authorizes civil forfeiture.
372	Authorizes criminal and civil forfeiture in currency-reporting cases.
373	Includes a scienter requirement for the crime of operating an unlicensed money transmitting business.
374	Increases penalties for counterfeiting United States currency and obligations; clarifies the counterfeiting statutes apply to counterfeits produced by electronic means.
375	Increases penalties for counterfeiting foreign currency and obligations.
376	Designates a new predicate money-laundering offense: providing material support or resources to foreign terrorist organizations in violation of 18 U.S.C. § 2339B.
377	Provides for extraterritorial jurisdiction over certain crimes of fraud in connection with access devices.
401	Authorizes AG to waive caps on immigration personnel assigned to protect Northern Border.
402	Triples the number of Border Patrol personnel, Customs Service personnel, and Immigration and Naturalization Service inspectors; also allocates an additional $50 million each to the Customs Service and the INS.
403	Requires the FBI to share criminal-record information with the INS and the State Department for the purpose of adjudicating visa applications.
404	One-time expansion of INS authority to pay overtime.
405	Requires AG to report to Congress on feasibility of enhancing FBI's Integrated Automated Fingerprint Identification System, or "IAFIS," to prevent foreign terrorists from receiving visas and from entering United States.
411	Broadens the Immigration and Nationality Act's terrorism-related definitions. Expands grounds of inadmissibility to include persons who publicly endorse terrorist activity. Expands definition of "terrorist activity" to include all dangerous devices in addition to firearms and explosives. Expands definition of "engaging in a terrorist activity" to include providing material support to groups that the person knows or should know that are terrorist organizations, regardless of whether the support's purpose is terrorism related.
412	Requires AG to detain aliens whom he certifies as threats to national security. AG must charge aliens with criminal or immigration offenses within seven days. AG must detain aliens until they are removed or until he determines that they no longer pose threat. Establishes D.C. Circuit as exclusive jurisdiction for appeals.
413	Gives Secretary of State discretion to provide visa-records information to foreign governments, for the purpose of combating international terrorism or crime; gives certain countries general access to State Department's lookout databases.
414	Sense of Congress regarding need to expedite implementation of an integrated entry and exist data system.
415	Provides that Office of Homeland Security shall participate in the entry-exit task force authorized by Congress in 1996.
416	Requires AG to implement fully and expand the foreign student visa monitoring program authorized by Congress in 1996.
417	Requires Secretary of State to enhance efforts to develop machine-readable passports.
418	Obliges Secretary of State to review how consular officers issue visas to determine whether consular shopping is a problem.
421	Grants special immigrant status to people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the September 11 attacks.
422	Provides a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11.
423	Provides that aliens whose spouses or parents were killed in the September 11 attacks will continue to be considered "immediate relatives" entitled to remain in the United States.
424	Provides that aliens who turn 21 during or after September 2001 shall be considered children for 90 or 45 days, respectively, after their birthdays.
425	Authorizes AG to provide temporary administrative relief, for humanitarian purposes, to any alien who is related to a person killed by terrorists.
426	Requires AG to establish evidentiary guidelines for demonstrating that death or disability occurred as a result of terrorist activity.
427	Provides that no benefits shall be given to terrorists or their family members.
428	Definitions.
501	Enhances the AG's authority to pay rewards in connection with terrorism.
502	Enhances Secretary of State's authority to pay rewards in connection with terrorism.
503	Expands DNA sample collection predicates for federal offenders to include all offenses in 18 U.S.C. 2332b(g)(5)(B) list, all crimes of violence (as defined in 18 U.S.C. 16), and attempts and conspiracies to commit such crimes.
504	Allows "federal officers" who conduct FISA surveillance or searches to coordinate efforts to investigate or protect against attacks, grave hostile acts, sabotage, international terrorism, or clandestine intelligence activities by foreign power.
505	Allows FBI Deputy Assistant Director or higher (or Special Agent in Charge) to issue National Security Letters for telephone toll and transaction records, financial records, and consumer reports.
506	Extends Secret Service's jurisdiction (concurrently with FBI's) to investigate offenses against government computers.
507	Person not lower than Assistant AG can apply for an ex parte court order to obtain educational records that are relevant to an authorized investigation or prosecution of a grave felony or an act of domestic or international terrorism; must provide specific and articulable facts showing that records likely to contain information related to the offenses; AG required to issue guidelines to protect confidentiality.
508	Eliminates restrictions on production of information from National Center for Education Statistics; allows person not lower than Assistant AG to collect information if there are specific and articulable facts that records are likely to contain information related to a grave felony or an act of domestic or international terrorism; AG required to issue guidelines to protect confidentiality.
611	Provides for expedited payment of Public Safety Officer benefits in connection with terrorism.
612	Technical amendments to Pub. L. 107–37.
613	Raises base amount of Public Safety Officer benefits from $100K to $250K.
614	Enhances authority of Assistant Attorney General for the Office of Justice Programs to manage OJP.
621	Makes many minor changes in crime victims compensation program; one is: amounts received by the Crime Victims Fund from the $40B emergency fund are not subject to spending cap.
622	Makes many minor changes in the crime victims compensation program.
623	Makes many minor changes in the crime victims compensation program.
624	Makes many minor changes in the crime victims compensation program; one expands use of its emergency reserve.
701	Expands regional information-sharing system to enhance federal and state law-enforcement officers' ability to respond to terrorist attacks.
801	Makes it a crime to engage in terrorist attacks on mass transportation systems.
802	Adds definition of "domestic terrorism" to 18 U.S.C. 2331 and makes conforming change in existing definition of "international terrorism."
803	Makes it a crime to harbor a person where perpetrator knows or has reasonable grounds to believe that the person has committed or is about to commit one of several serious terrorism crimes; includes venue provision.
804	Extends the United States' special maritime and territorial jurisdiction to any offenses committed by or against U.S. nationals at foreign missions and related residences; excludes offenses by persons covered under 18 U.S.C. 3261(a) (which provides separate extraterritorial provision for persons accompanying the armed forces).
805	Amends crime of providing material support to terrorists by deleting the "within the U.S." restriction; adds some additional predicate offenses; and adds "monetary instruments" and "expert advice or assistance" as types of prohibited support. Also, adds material support of foreign terrorist organizations as money laundering predicate.
806	Amends 18 U.S.C. 981(a)(1) to authorize civil forfeiture of all assets owned by persons engaged in terrorism.
807	Clarifies that Trade Sanctions Reform and Export Enhancement Act of 2000 does not limit the prohibition on providing material support to terrorists or foreign terrorist organizations.
808	Amends definition of "federal crime of terrorism" in 18 U.S.C. 2332b(g)(5)(B) to include a number of serious crimes that terrorists are likely to commit. Makes conforming amendment to 2332b(f) to avoid reducing AG's primary investigative jurisdiction.
809	No statute of limitations for certain terrorism crimes that involve the occurrence or foreseeable risk of death or serious injury; other terrorism crimes subject to extended eight-year limitations period.
810	Amends statutes defining various terrorism crimes (including arson and material support to terrorists) to provide base maximum prison terms of 15 or 20 years, and up to life imprisonment where death results.
811	Amends statutes defining various terrorism crimes (including arson and killings in federal facilities) to add a prohibition on attempt and conspiracy; provides increased penalties for attempts and conspiracies that are equal to the penalties for the underlying offenses.
812	Authorizes postrelease supervision periods of up to life for persons convicted of terrorism crimes that involved the occurrence or foreseeable risk of death or serious injury.
813	Adds terrorism crimes listed in 18 U.S.C. 2332b(g)(5)(B) as predicates under RICO.
814	Makes a number of amendments to the computer hacking law to clarify protection of protected computers, and to ensure adequate penalties for cyber-terrorists.
815	Creates a defense for persons who disclose wire or electronic communications records in response to the request of a governmental entity.
816	Requires AG to establish regional computer forensic laboratories to enhance cybersecurity.
817	Broadens prohibition on possessing biological toxins; unlawful to possess toxins for anything other than a peaceful purpose; makes it a crime to possess a biological toxin in a quantity suggesting defendant had no peaceful purpose; provides that a small category of restricted persons (felons, illegal aliens and others) are disqualified from possessing biological toxins.
901	Gives CIA Director responsibility to establish requirements and priorities for foreign intelligence information under FISA, and to assist AG in ensuring that information derived from FISA surveillance or searches is used effectively for foreign intelligence purposes.
902	Includes international terrorist activities within the scope of foreign intelligence under the National Security Act.
903	Sense of Congress on the need to establish intelligence relationships to acquire information on terrorists.
904	Grants CIA Director temporary authority to delay submitting reports to Congress on intelligence matters.
905	Requires AG to disclose to CIA Director any foreign intelligence acquired by a DOJ element during a criminal investigation; AG can provide exceptions for classes of information to protect ongoing investigations.
906	Requires AG, CIA Director, and Secretary of the Treasury to report to Congress on feasibility of developing capacity to analyze foreign intelligence relating to terrorist organizations' finances.
907	Obliges Directors of FBI and CIA to report on the development of a "National Virtual Translation Center," which will provide intelligence community with translations of foreign intelligence.
908	Requires AG to establish a program to train government officials in the identification and use of foreign intelligence.
1001	Directs DOJ Inspector General to review allegations that DOJ employees engaged in civil rights abuses.
1002	Sense of Congress that Sikhs should not be subject to discrimination in retaliation for the September 11 attacks.

FINAL COUNTER-TERRORISM BILL SECTION-BY-SECTION ANALYSIS—Continued

Bill provision No.	Bill description
1003	Defines "electronic surveillance" in FISA to exclude the acquisition of computer trespassers' communications.
1004	Provides that money laundering prosecutions may be brought in any district where the transaction occurred, or in any district the underlying unlawful activity could be prosecuted.
1005	Requires AG to make grants to enhance states and local governments' ability to respond to and prevent terrorism.
1006	Provides that aliens who are engaged in money laundering may not be admitted to the United States.
1007	Authorizes Drug Enforcement Administration funds for antidrug training in Turkey and in South and Central Asia.
1008	Requires AG to study feasibility of using fingerprint scanner at overseas consular posts and points of entry into the United States.
1009	Requires FBI to report to Congress on feasibility of providing airlines with names of passengers who are suspected to be terrorists.
1010	Allows Defense Department to contract with state and local governments to provide security at military installations during Operation Enduring Freedom.
1011	Enhances statutes making it unlawful to fraudulently solicit charitable contributions.
1012	Restricts states' ability to issue licenses to transport hazardous materials; Transportation Secretary must first determine that licensee poses no security risk.
1013	Sense of the Senate that the United States should increase funding for bioterrorism preparedness.
1014	Requires Office of Justice Programs to make grants to states to enhance their ability to prepare for and respond to terrorism involving weapons of mass destruction.
1015	Expands and reauthorizes the Crime Identification Technology Act for antiterrorism grants to states and localities.
1016	Establishes National Infrastructure Simulation and Analysis Center to protect United States' critical infrastructure from terrorist attacks.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Utah for his comments. Senator HATCH and I, over the last generation, have spent a great deal of time with each other on a many issues, on numerous committees, especially the Judiciary Committee. But we have spent so much time together on this, we even appear to be coordinating wardrobes with gray suits and blue shirts today. But I appreciate his help.

I appreciate so many who helped on crafting and moving forward with this legislation. I thank our leader, Senator Daschle. It would have been impossible for us to be here at this point without his steadfast commitment to the committee system and his willingness to have the committee work diligently to improve the legislation initially presented by the Administration. On my behalf and on behalf of the American people, I want to publicly acknowledge his vital role in this legislation. Senator REID has also provided valuable counsel and assistance as we have moved first the original Senate USA Act, S. 1510, and now the House-passed bill, H.R. 3162.

Many others also helped us: Senator HATCH and Senator SPECTER and Senator GRASSLEY and Senator DURBIN, Senator SCHUMER, Senator CANTWELL, and so many others on the Judiciary committee.

I said many times we are merely constitutional impediments to staff.

In particular, I want to thank Mark Childress and Andrea LaRue on the staff of Majority Leader DASCHLE, and David Hoppe on the staff of Republican Leader LOTT. I would also like to thank Markan Delrahim, Jeff Taylor, Stuart Nash, and Leah Belaire with Senator HATCH, the ranking member of the Judiciary Committee, Melody Barnes and Esther Olavarria with Senator KENNEDY, Neil McBride, and Eric Rosen with Senator BIDEN, Bob Schiff with Senator FEINGOLD, and Stacy Baird and Beth Stein with Senator CANTWELL. I also want to thank Bill Jensen of the Legislative Counsel's office.

Finally, I would like to thank my own Judiciary Committee staff, especially Bruce Cohen, Beryl Howell, Julie Katzman, Ed Pagano, John Elliff, David James, Ed Barron, Tim Lynch, Susan Davies, Liz McMahon, Manu Bhardwaj, and Tara Magner. These are people who are more than just accomplished Senate staffs, they are close personal friends.

I think of the way they have worked, also, with personal office staff such as Luke Albee, J.P. Dowd, David Carle, and others. These are dear friends, but they are also people who bring such enormous expertise—expertise they had in their other careers before they came to the Senate, and how helpful this is.

Mr. President, we are about to vote and we will vote in a matter of minutes. I want us to think just for a moment why we are here. We have all shared the sadness, the horror of September 11. We are seeing Members of Congress and staffs threatened, tragic deaths in the Postal Service, those who died in the Pentagon, those who died at the Twin Towers.

It is also almost a cliche to say America under attack, but that is what it is. Each of us has a job helping to respond to that. We are not Republicans or Democrats in that, we are Americans preserving our Nation and preserving our democracy. But, you know, we preserve it not just for today, we preserve it for the long run. That presents the kind of questions we have to answer in a bill such as this.

I suspect terrorist threats against the United States will exist after all of us, all 100 of us, are no longer serving in the Senate. It is a fact of life. It will come from people who hate our democracy, hate our diversity, hate our success. But that doesn't mean we are going to stop our democracy, our diversity, or our success.

Think what we cherish in this Nation. Our first amendment, for example, giving us the right to speak out about what we want—as we want. How many countries even begin to give that freedom?

Also, in that same first amendment, the right to practice any religion we want, or none if we want.

The leaders of the Judiciary Committee, Senator HATCH and I, belong to different religions which we hold deeply. I think we gain a great deal of inner strength from our respective faiths. But we know we are not judged by our religion. That is something we must protect and hold. We are judged by how well we do in representing our States and our Nation.

Because we face terrible terrorist attacks today, we should not succumb tomorrow by giving up what makes us a great nation. That has been my benchmark throughout the work I have done in this bill.

I spoke of the people who bring so much to this. I was just talking with Beryl Howell, a brilliant lawyer, who, with Bruce Cohen, has led our team on all this. She is a former prosecutor. How much she learned from her prior experiences and how much she brought here. Bruce Cohen, who was in private practice and came here, probably is as knowledgeable about Senate practice as anybody I know of, and he has brought that knowledge here. There are so many others I could name.

I have to think of my own case. Probably my 26 years here in the Senate, in many ways led up to this moment because I have never brought more of my own experiences or knowledge to bear than on this.

There was a rush, an understandable and even, some may say, justifiable rush, to pass legislation immediately after these terrible events. I understand that, the United States having been attacked within our borders for the first time, really, by an outside power since the War of 1812—attacked terribly, devastatingly. Who can forget the pictures we saw over and over again on television?

So I can understand the rush to do something, anything. But I used every bit of credibility I had as a Senator to say, wait, let us take time. I applaud people such as Senator DASCHLE who, using his great power as majority leader, said we will take the time to do this right, and backed me up on this. Other Senators from both sides of the aisle said, OK, let's work together.

I know the Senator from Utah shared the same anger that I did at the terrorists, and perhaps had been reluctant at first to join with me on that. But then the Senator from Utah and I worked day and night, weekends, evenings, and everything else to put together the best possible bill.

We worked with our friends and our colleagues in both parties in the other body. Ultimately, we do nothing to protect America if we pass a bill which for short-term solutions gives us long-term pain by destroying our Constitution or our rights as Americans.

There are tough measures in this legislation. Some may even push the envelope to the extent that we worry. That is why we put in a 4-year sunset. We have also built in constitutional checks and balances within the court system and within even some of the same agencies that will be given new enforcement powers. But we also will not forget our rights and responsibilities and our role as U.S. Senators.

We will not forget our role and our responsibilities as Senators to do oversight. Senator HATCH and I are committed to that. We will bring the best people from both sides of aisle, across the political spectrum, to conduct effective oversight.

I have notified Attorney General Ashcroft and Director Mueller that we will do that to make sure these powers are used within the constitutional framework to protect all of us. I said earlier on this floor what Benjamin Franklin said: that the people who would trade their liberties for security and deserve neither.

We will enhance our security in this bill, but we will preserve our liberties. How could any one of us who have taken an oath of office to protect the Constitution do otherwise?

Like the distinguished Presiding Officer, I have held different elective offices. As the distinguished Presiding Officer knows, we take seriously our duties and our roles in each of those. He was a Member of the House and was the Governor of one of the original 13 States. I was a prosecutor and am a U.S. Senator from the 14th State. But all of us take this responsibility, because none of us are going to be here forever.

I want to be able to look back at my time in the U.S. Senate and be able to tell my children, my grandchildren, and my friends and neighbors in Vermont—the State I love so much—that I came home having done my best.

We have so much in this country—so much. But it is our rights and our Constitution that give us everything we have, which allows us to use the genius of so many people who come from different backgrounds and different parts of the world. That makes us stronger. We become weak if we cut back on those rights.

We have had some difficult times in our Nation where we have not resisted the temptation to cut back. Here we have. The American people will know that this Congress has worked hard to protect us with this bill.

I will vote for this legislation knowing that we will continue to do our duty, and to follow it carefully to make sure that these new powers are used within our Constitution.

I suggest that all time be yielded, and that we be prepared to vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1; as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Feingold

NOT VOTING—1

Landrieu

The bill (H.R. 3162) was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER (Mr. JOHNSON). Under the previous order, the Appropriations Committee is discharged from consideration of H.R. 2330 and the Senate will proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2330) making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies programs for fiscal year ending September 30, 2002, and for other purposes.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 2:31 p.m., recessed until 3:01 p.m., and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

AMENDMENT NO. 1969

Mr. KOHL. Mr. President, pursuant to yesterday's unanimous consent agreement, I rise to offer the text of S. 1191 as reported by the Senate Appropriations Committee as a substitute amendment for H.R. 2330, the fiscal year 2002 appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. The text of S. 1191 is at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. COCHRAN, proposes an amendment numbered 1969.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KOHL. Mr. President, I am pleased to present to the Senate, the fiscal year 2002 appropriations bill for agriculture, rural development, the Food and Drug Administration, and related agencies. This bill was approved by the Appropriations Committee without dissent, and I hope it will receive the support of all Senators. I believe this bill strikes an appropriate balance of programs, consistent with the interests of Senators, to meet the needs of the farm sector, the environment, and rural America generally; nutrition assistance to our Nation's most vulnerable citizens; provide adequate resources to the Food and Drug Administration for protection of our food supply and other aspects of public health; and to support other national and international priorities.

This bill provides $73.9 billion in new budget authority for both mandatory and discretionary programs under our subcommittee's jurisdiction, and is within our 302(b) allocation. This bill is

$2.8 billion below the level provided for fiscal year 2001, and is $78 million below the President's request. Let me restate, this bill is below the President's request.

Although this bill is $2.8 billion below the level provided last year, I should explain that the fiscal year 2001 bill included $3.6 billion in emergency spending for natural disaster and market loss related assistance to farmers and rural communities. No emergency funding is provided in the bill now before the Senate, and when compared to the non-emergency spending for fiscal year 2001, we are providing an increase of approximately $850,000. That amount represents an increase of slightly more than 1 percent from the previous year.

Before I go any further, I want to publicly thank my friend from Mississippi, Senator COCHRAN, ranking member on the Subcommittee, for his help and guidance. I also want to thank his staff: Rebecca Davies, minority clerk for the subcommittee, Martha Scott Poindexter, and Rachelle Schroder. Without their help and expertise, presentation of this bill to the Senate today would not have been possible. I owe a great deal of gratitude to Senator COCHRAN and his staff, as do all Senators.

Mr. President, when someone refers to this bill simply as the "Agriculture" appropriations bill, one might be left with the impression that it relates only to programs important to the farming community. While this bill does much to support our Nation's farmers, it also does much more. This bill provides substantial funding for agriculture research, including human nutrition research, biotechnology, energy alternatives, and many other important areas of inquiry. It also provides increases in conservation programs that protect our soil, water, and air resources, including examination of global change, and other critical aspects of environmental protection.

This bill also supports rural communities through economic development programs and assistance for basic needs such as housing, electricity, safe drinking water and waste disposal systems, and to help move rural America into the information age by promoting new technologies in the area of telecommunications and internet services. More and more, Americans are seeking relief from the congestion and sprawl of urban centers, and with the proper tools, rural America holds great promise for viable job opportunity alternatives. Programs in this bill do much to help rural communities provide the infrastructure necessary to create those jobs.

In addition, funding in this bill supports many nutrition and public health related programs. These include the food stamp, school lunch, and other nutrition assistance programs such as the Women, Infants, and Children program—WIC. This bill also provides funding for the Food and Drug Administration, which includes an increase for the Office of Generic Drugs to help make lower cost medications available to Americans as quickly as possible. Funding for the Food and Drug Administration, and other agencies, included in this bill will also help guarantee that the food Americans eat is not only the most nutritious and affordable in the world, but that it is also the safest.

Assistance in this bill does not stop at our shores. This bill also includes a number of international programs such as Public Law 480, which provide humanitarian food assistance to people in dire need around the world. This bill also supports international trade through a number of programs designed to open, maintain, and expand markets for U.S. production overseas.

Before I describe some of the specific program included in this bill, let me offer a few observations in view of recent events. World headlines this past year have described the devastation to the rural sector of the United Kingdom and other areas where foot and mouth disease outbreaks have raged out of control. Should such outbreaks occur in this country, the effect to the farm sector, and the general economy, would be staggering. Thankfully, this country has a strong set of safeguards to keep our shores safe from problems such as foot and mouth disease. But our safeguards are only as strong as the weakest part.

More recently, we all witnessed the horrific events of September 11. Suddenly, we were reminded that the significant concerns were held, in regard to accidental introductions of exotic pests and disease, may pale in comparison to what could befall this country by design. This is true for protection of our food supply, and in order to ensure that our public health system has the resources for immediate response to any threat at any time.

Last week, events occurring in the United States Senate, itself, reminded us of the need to keep strong our nation's defenses in regard to public health and safety. This bill, with jurisdiction for the food and Drug Administration, the Food Safety Inspection Service, the Animal and Plant Health Inspection Service, numerous research agencies, and other vital parts of government, place this bill directly on the front line for safety and security for the American people.

Our determination is strong, and our commitment is steadfast. This subcommittee is engaged in the struggle against terror, ignorance, and injustice, and we will prevail.

We must stay ever vigilant, especially in view of our growing global economy, and global exposure, to keep USDA, the FDA, and other relevant agencies alert and well prepared to meet the prospect of invasion by foreign pests and disease or threats conveyed by any other medium. We give high deference to items important to national defense, and we must not lose sight that many of the challenges to our border inspectors, animal health experts, public health officials, and others play as important a role in our national defense as do those in our armed forces.

We on this subcommittee have engaged Secretary Veneman, Secretary Thompson, and others in an ongoing dialogue so that we can do our best to understand what resources the various departments and agencies under the jurisdiction of this subcommittee require. We will continue these discussions as the administration allocates supplemental resources already provided by the Congress, and as we consider further appropriations actions.

As I stated at the outset, I believe this bill provides a proper balance of priorities within the limitation of resources provided to this subcommittee. I would like to highlight a few of the programs supported by this bill:

This bill provides $2.305 billion for agricultural research activities. This represents an increase of nearly $200 million above the fiscal year 2001 level, and includes programs of the Agricultural Research Service—the USDA-in house research agency; the Cooperative State Research, Education, and Extension Service, which supports the longstanding State and Federal partnership in research and extension activities; and other research agencies of the Department of Agriculture. This appropriated amount is in addition to the $120 million also available through the Initiative for Future Agriculture and Food Systems.

Agricultural production in this country is without parallel anywhere in the history of the world. Research has made that possible; and is one of the most important investments we can make to assure that American farmers continue that success and pass it on to the American consumer. This bill continues important support for those efforts.

Regulatory and marketing activities at the Department of Agriculture are strongly supported by this bill, which includes $1.445 billion for food safety inspection, animal and plant health safety programs, oversight of marketing transparency and fairness, and other activities. This level reflects an increase of nearly $100 million above the previous year.

This bill also includes a number of programs that directly support the farm sector. USDA farm credit serves the need of farmers in the acquisition and operations of farms all across this country. It should be noted, that many of today's farmers are nearing retirement age and without USDA farm credit programs, it would be very difficult for many young farmers to acquire the capital necessary to enter into this important occupation of high up-front costs, and high risk. Farm programs in this bill including farm credit, mediation, and the cost of supporting local Farm Service Agency offices, are funded at $1.487 billion, an increase of more than $200 million from last year.

Americans do not only benefit from the abundance and quality of products grown on the farm, they also benefit from the wise land stewardship practiced by farmers and ranchers. This bill provides $980 million for conservation programs. This funding, in large part, provides support to Natural Resource Conservation Service staff, who provide conservation technical assistance to farmers, ranchers, rural communities, and others at the local level. This bill also includes a new account for the Watershed Rehabilitation Program, which will provide assistance to repair the many water conservation structures located throughout the country that, due to age and condition, now pose a risk to life and property.

This funding is also in addition to other conservation programs such as the Conservation Reserve Program and the Environmental Quality Incentives Program, which have been authorized as direct spending measures under the 1996 farm bill. This bill also allows the Secretary of Agriculture to transfer funds from a number of mandatory programs to provide technical assistance for the Conservation Reserve Program in a way that does not detract from USDA's ability to provide discretionary conservation assistance for other ongoing natural resource needs.

It has often been noted that little of the general economic prosperity of the last decade made its way to rural America. This bill provides $2.794 billion for rural development programs. This is an increase of $318 million from the fiscal year 2001 level. Of this amount, slightly more than $1 billion is for the Rural Community Advancement Program, which includes the rural water and waste water loan and grants program, and is an increase of $243 million from last year's level.

This bill also includes $35.8 billion for domestic food programs, the largest single area of spending in this bill. These programs include the Food Stamp Program and Child Nutrition Programs, such as the School Lunch and School Breakfast Programs. In addition, this bill provides $4.247 billion for the WIC Program. This amount is an increase of $204 million from last year's level and $110 million above the amount requested by the President.

In addition to support of domestic programs, funding in this bill also helps the United States meet international challenges both in the area of promoting free trade, and our moral obligations to provide humanitarian assistance. This bill provides $1.128 billion for foreign assistance and related programs, which is an increase of $38 million from the fiscal year 01 level. This amount includes an appropriation of $850 million for Public Law 480 Title II food donations, which is an increase of $15 million.

Finally, this bill provides $1.217 billion for the Food and Drug Administration, an increase of $119 million from last year's level. The Food and Drug Administration provides a vital service to all Americans in helping protect our food and blood supplies, to ensure the safety and availability of effective drugs and medical devices, and other activities that affect American lives and health on a daily basis.

This overview presents only some highlights of programs included in this appropriations bill. I believe we have a good bill and I want to again thank my friend, and ranking member, Senator COCHRAN, for his invaluable help in putting this bill together. I hope all Senators will support this bill.

I believe that we can, and we should, move quickly to pass this bill in the Senate. I know that in years past, controversial subjects have come up when this bill has been on the floor, resulting in a number of days being spent on its consideration. I hope that will not be the case this year due, in part, to the recent tragic events which have occurred over the past six weeks, and the high state of urgency now before this Congress on other matters relating to a proper response to those events.

I hope that we can follow the lead of Senator DORGAN when the Treasury and general government bill was on the floor earlier. Senator DORGAN pointed out that there were certain amendments he had planned to offer which were of great importance to him, but due to their controversial nature, he deferred introduction of those amendments in order to ease the passage of that legislation. He was successful, and that appropriations bill passed the Senate in one day.

I, too, have amendments I had considered offering on subjects important to me, the people of Wisconsin, and all Americans. However, I also have chosen not to raise them at this time, and I hope all Senators will refrain, as Senator DORGAN and I have done on our respective bills, to avoid any subjects that would result in controversial, divisive, and lengthy debate. I do not mean to suggest that any Senator should not exercise any right he or she has, if the sentiment for that action is strong, but I do hope that consideration will be given to refrain from actions that will unnecessarily delay or make difficult the passage of this bill.

Mr. President, at this time I turn to the Senator from Mississippi, Mr. COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to join my good friend from Wisconsin in presenting this bill to the Senate today. I first want to thank him for his hard work and the work of his staff in helping to draft the bill. It was a pleasure to work with him during the hearings when we heard from administration officials and others about the budget requests of the President and the needs of the Department of Agriculture and the agencies that are funded in this legislation.

I am pleased to report that the amounts of discretionary spending recommended in this bill are consistent with the subcommittee's discretionary spending allocations under the Budget Act. In way of summary of some of the increases that are provided, I thought the Senate might be interested to know that the bill provides additional funding over last year's levels to enhance food safety activities, quarantine inspection activities, and pest and disease control, including increased vigilance against the entry into this country of foreign animal diseases.

The amount recommended for the Agricultural Research Service, for example, will provide enhanced funding for a number of priority research needs including emerging plant and animal diseases, genomics, control of invasive weeds and insects, and the development of bio-based products from agricultural commodities.

In the case of the Cooperative State Research, Education, and Extension Service, funding increases are recommended for minor crop pest management and sustainable agricultural research.

The Department of Agriculture's Natural Resources and Conservation Service has total funding recommended, which includes increases for conservation operations. These are over and above the President's request for resource conservation and development programs and a watershed rehabilitation program.

The Foreign Agricultural Service has an increase provided that will enable that agency to strengthen its market intelligence capabilities and to better address technical trade issues, particularly those related to food safety and biotechnology.

I am pleased that the bill contains an increase for the Rural Community Advancement Program, which is essential to supporting safe drinking water supplies and waste disposal systems for rural Americans.

Let me point out also that in the case of the nutrition programs, the total appropriation recommended for the WIC Program is $204 million more than the 2001 fiscal year level, and it is $110 million more than the level requested by the President for this next fiscal year, 2002. The increase was based on more recent data on projected program costs and participation levels at the time the Senate reported the bill. But since then, there are indications that the WIC caseload has continued to increase with the steady increase in unemployment and that additional funding may be required. I am committed to reexamine this issue in conference to ensure that WIC is adequately funded for fiscal year 2002.

Let me also say that in the case of the Food and Drug Administration, the President requested additional appropriations to cover pay increases, to prevent mad cow disease, to enhance import inspections, to enhance adverse events reporting, and food safety activities. This bill recommends the full amount requested for these activities and also provides increased funding for generic drugs, orphan products grants, dietary supplements, and gene therapy tracking.

Food safety continues to be a very high priority of this committee. The bill provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does this bill provide increased funds required for meat and poultry inspection activities of the Food Safety and Inspection Service, it increases funding for food safety research and for FDA's food safety activities.

So the bill accommodates increased funding to meet expected higher WIC participation levels, to control foreign animal diseases and pests, to provide rural Americans access to affordable housing and a safe water supply, and to protect the safety of the Nation's food supply. It is essential for us to consider this expeditiously so we can get this bill to conference with the House and on to the President for his signature.

I think Senators should be aware that we are continuing to assess supplemental funding needs of various programs and activities included in this bill as a consequence of the terrorist attacks on our Nation.

Mr. President, to reiterate, I am pleased to join my good friend from Wisconsin in presenting for the Senate's consideration today the fiscal year 2002 Agriculture, rural development, Food and Drug Administration, and related agencies appropriations bill.

This bill, as recommended to the Senate, provides fiscal year 2002 funding for all programs and activities of the United States Department of Agriculture (with the exception of the Forest Service which is funded by the Interior appropriations bill), the Food and Drug Administration, and the Commodity Futures Trading Commission.

As reported, the bill recommends total new budget authority for fiscal year 2002 of $73.9 billion. This is $803 million more than the fiscal year 2001 enacted level, excluding emergency appropriations, and $78 million less than the President's fiscal year 2002 budget request.

Just over seventy-eight percent of the total $73.9 billion recommended by this bill is for mandatory appropriations over which the Appropriations Committee has no effective control. The spending levels for these programs are governed by authorizing statutes. These include not only the payments to reimburse the Commodity Credit Corporation for net realized losses and fund the Federal Crop Insurance Corporation, but also appropriations for the Food Stamp and Child Nutrition Programs.

Roughly 22 percent of the total appropriations recommended by the bill is for discretionary programs and activities. Including congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of $16.1 billion in both budget authority and outlays for fiscal year 2002. These amounts are consistent with the subcommittee's discretionary spending allocations under the Budget Act.

I would like to take a few moments to summarize the bill's major funding recommendations. For the Food Safety and Inspection Service (FSIS), appropriations of $716 million are recommended, $21 million more than the fiscal year 2001 level. This provides additional funding to enhance food safety activities and to cover pay and benefit cost increases necessary to support the FSIS workforce, including approximately 7,600 meat and poultry inspectors.

For the Animal and Plant Health Inspection Service responsible for agricultural quarantine inspection activities and pest and disease control—including increased vigilance against the entry into this country of foreign animal disease, such as foot-and-mouth and "mad cow" disease—$608 million is recommended. This is an increase of $64 million from the 2001 level.

Appropriations for USDA headquarters operations and for other agriculture marketing and regulatory programs are approximately $52 million more than the fiscal year 2001 appropriations levels. Included in this increase is $19 million for information technology investments in support of the Department's Service Center Modernization Initiative; and additional $5 million to support the Department of Agriculture's buildings and facilities and rental payments' requirements; and a $10 million increase for the costs of the Census of Agriculture.

For programs needed to meet the credit needs of farmers, the bill funds an estimated $3.9 billion total loan level, $800 million more than last year's level. The amount recommended includes $1.1 billion for farm ownership loans and $2.6 billion for farm operating loans.

Total appropriations of $1.2 billion are recommended for salaries and expenses of the Farm Service Agency. This is $121 million more than the 2001 level and the same as the President's budget request. The additional funding will support Farm Service Agency staffing levels essential to keep pace with heavy county office workload demands due to a weakened farm economy.

The bill provides total appropriations of $2.1 billion for agriculture research, education, and extension activities. Included in this amount is an increase of $26 million from fiscal year 2001 for Agriculture Research Service (ARS) buildings and facilities; an increase of $108 million of research activities of the ARS; and a $40 million increase in funding for the Cooperative State Research, Education, and Extension Service.

The amount recommended for the Agricultural Research Service will continue support for essential ongoing research activities and provide enhanced funding for a number of priority research needs, including those focused on emerging exotic plant and animal diseases, genomics, control of invasive weeds and insects, and the development of biobased products from agricultural commodities.

The recommended funding for the Cooperative State Research, Education, and Extension Service includes a $1.4 million reduction below the fiscal year 2001 level for special research grants; increases of $1.0 million for minor crop pest management and $3.8 million for sustainable agriculture research and education; and total funding of $137 million, a $31.2 million increase, for the National Research Initiative competitive grants program. Appropriations for formula programs, including the Smith-Lever, Hatch Act, and McIntire-Stennis programs, are maintained at the 2001 funding levels.

For conservation programs administered by USDA's Natural Resources Conservation Service, total funding of $980 million is provided, $73 million more than the 2001 level and $52 million more than the President's request. Included in this amount is $802 million for conservation operations, $48 million for the resource conservation and development program, $10 million for a new watershed rehabilitation program, and $7.8 million for the Forestry Incentives Program.

USDA's Foreign Agricultural Service is funded at a program level of $126 million, $6 million more than the fiscal year 2001 level and the same as the budget request. The increase provided will enable the agency to strengthen its market intelligence capabilities overseas and to better address technical trade issues, particularly those related to food safety and biotechnology.

In addition, total appropriations of $1 billion are recommended for the Public Law 480 program, $31 million more than the fiscal year 2001 and budget request levels. This includes $159.3 million for Title I credit sales, and $850 million for donations of humanitarian food assistance overseas under Title II of the program.

The bill also provides total appropriations of $2.8 billion for rural economic and community development programs, along with a total loan authorization level of $10 billion. Included in this amount is $1 billion for the Rural Community Advancement Program essential to supporting safe drinking water supplies and waste disposal systems for rural Americans; $47 million for the Rural Business-Cooperative Service; first-time funding for rural broadband telecommunications and television loans; and $42 million to support a total $4.6 billion program level for rural electric and telecommunications loans.

In addition, the bill devotes additional resources to those programs which provide affordable, save, and decent housing for low-income individuals and families living in rural America. Estimated rural housing loan authorizations funded by this bill total $4.5 billion, a net increase of $32 million from the fiscal year 2001 level. Included in this amount is $4.2 billion for section 502 low-income housing direct and guaranteed loans and $114 million for section 515 rental housing loans. In addition, $709 million is included for the rental assistance program. This is $15 million more than the budget request to provide sufficient funds to meet contract renewal requirements, and $30 million more than the 2001 appropriations level.

Appropriations totaling $35.8 billion, just over 48 percent of the total $73.9 billion recommended by the bill, will support our nation's nutrition assistance programs. This includes $10.1 billion for child nutrition programs, including the school lunch and breakfast programs; $4.2 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); $140 million for the commodity assistance program; $151 million for the needy family and elderly feeding food donations programs; and $21.1 billion for the food stamp program.

The total appropriation recommended for the WIC program is $204 million more than the 2001 level and $110 million more than the level requested by the President for fiscal year 2002. The increase recommended was based on more recent data on projected program costs and participation levels at the time the Senate reported the bill. However, since then, there are indications that WIC caseload has continued to increase with the steady rise in unemployment and that additional funding may be required. I am committed to reexamine this issue in conference to ensure that WIC is adequately funded for fiscal year 2002.

For those independent agencies funded by the bill, the committee provides total appropriations of $1.3 billion, $122 million more than the 2001 level. Included in this amount is $70.4 million for the Commodity Futures Trading Commission and $1.2 billion for the Food and Drug Administration (FDA). The bill also establishes a limitation of $36.7 million on administrative expenses of the Farm Credit Administration.

For salaries and expenses of the FDA, the bill recommends a total increase of $129 million from the 2001 appropriations level. The President requested additional appropriations to cover pay cost increases; to prevent bovine spongiform encephalopathy (BSE or "mad cow" disease); to enhance import coverage and inspections; to increase the protection of human subjects in clinical trials; to cover relocation costs and begin the acquisition of a new financial information system; and to enhance adverse events reporting and food safety activities. The bill recommends the full amount requested for these activities, and also provides increased funding for generic drugs, orphan product grants, dietary supplements, and gene therapy tracking.

Food safety continues to be a high priority of this committee. This bill, as recommended to the Senate, provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does this bill provide increased funds required for meat and poultry inspection activities of the Food Safety and Inspection Service, it increases funding for food safety research and for FDA's food safety activities.

Mr. President, again, only 22 percent of the total funding recommended by this bill is for discretionary programs subject to annual control through the appropriations process. As I indicated earlier, this bill accommodates increased funding to meet expected higher WIC participation levels, to control foreign animal diseases and pests, to provide rural Americans access to affordable housing and a safe water supply. To protect the safety of the Nation's food supply, and many other pressing program needs.

Mr. President, this bill was passed by the House of Representatives on July 11, 2001. It was reported to the Senate by the Committee on Appropriations on July 18, 2001. Appropriations for programs and activities covered by the bill are now being provided through a continuing resolution. It is essential that the Senate complete its consideration of this bill so that we can conference it with the House and get a bill to the President.

At the same time we work to complete action on the regular appropriations bill, Senators should be aware that we are continuing to assess the supplemental funding needs of various programs and activities included in this bill as a consequence of the terrorist attacks on our Nation.

Let me close by thanking my staff members who have been identified by Senator KOHL. I also thank his staff. We worked together in a spirit of bipartisanship, to be sure that the needs and interests of all Senators that have been brought to our attention are taken under serious consideration. I hope we have been able to meet the needs that have been pointed out to the committee during our work on this bill. We are prepared to defend this bill.

There are some suggested amendments about which we have heard. As a matter of fact, we have a list about two pages long. Most of these are acceptable, I am happy to say, but there are a few that are not. I hope Senators who do have amendments that we have indicated we will not be able to support will refrain from offering them so we can get on to final passage of the bill and move this legislation along to the President for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I thank Chairman KOHL and Senator COCHRAN for their extraordinary cooperation and leadership on this Agriculture appropriations bill which funds the commodity and income support programs for farmers. It funds conservation programs, crop insurance, regulatory programs ensuring market competitiveness, rural development initiatives, value-added projects, agricultural research and security priorities, trade promotion initiatives, food safety, drug and medical services, and nutritional programs administered by the Department of Agriculture and the Food and Drug Administration. This bill contains $74.121 billion for these imperative programs which benefit all Americans.

There is a lot of focus obviously here on farmers and ranchers, understandably so. Over half of the funding for these programs, in fact, goes for nutritional programs which benefit particularly low-income people as well as students all over America.

This important appropriations legislation, of course, is separate from the farm bill debate which we hope to have on the floor of the Senate this year. The current farm bill expires next year. It is our hope to have a new farm bill in place—perhaps this year but certainly early on next year if this year it is not possible. It will be critically important that the Congress capitalize upon the resources that are provided in this appropriations bill and in the budget resolution to ensure farmers, ranchers, and rural communities that they, in fact, have an opportunity to prosper and to compete in the years ahead.

I am proud to serve on the Agriculture Subcommittee which crafted this product which has come to us in such an excellent bipartisan fashion. This Agriculture appropriations bill provides very timely funding for the Department of Agriculture's guaranteed and direct loan programs for farmers and ranchers, as well as beginning operators.

It provides almost $4 million for State mediation grants. This is an area that has been of particular concern to me because of multiple years of income stress in farm country.

We have needed less litigation and more coming together to try to devise ways for family farmers and ranchers to have an opportunity to stay on the farm and to pay their debts but to do so outside of long, protracted legal proceedings. The mediation grants program has been a proven success. It has now been reauthorized through the year 2005 because of legislation I authored last year allowing agricultural producers to sort through their disputes with creditors and with USDA agencies without costly litigation.

Additionally, this legislation provides funding for our ongoing conservation efforts and programs that compensate farmers while preventing soil erosion and providing valuable habitat for wildlife. This Senate bill provides about $985 million for discretionary conservation programs administered by the Department of Agriculture—nearly $30 million more than is contained in our counterpart in the other body, the House of Representatives.

Agricultural research extension and education is another winner in this bill. Those programs are central to a strong production in the agricultural industry in my home State of South Dakota and across the Nation.

The Senate bill contains $2.3 billion for four USDA agencies to support these activities. Moreover, our bill includes over $1 billion for the Cooperative State Research, Education, and Extension Service, which is $32 million more than the House bill. Many new value-added and bioenergy research projects that benefit farmers, and which will benefit our Nation ultimately, are funded through these programs carried out by our land grant universities all over the United States, including specifically South Dakota State University.

Protecting our Nation's crops, livestock, and overall food and fiber system from pests, diseases, and new bioterrorist threats is, again, one of the issues that is addressed in this key legislation.

Given the recent and very real bioterrorist attacks on the people of the United States, including in this very Capitol complex, I am also concerned that our Nation's food and fiber systems may be vulnerable to bioterrorism. A host of factors make our crop, livestock, and food supplies potentially susceptible to the introduction of a bioterror threat, such as livestock disease, crop fungus, or foodborne illness. Our research facilities and land grant colleges are in great need of emergency funding to boost security and accelerate research to protect our agricultural industry and to protect our Nation as a whole. This bill provides appropriate funding levels for these facilities given the timing of committee action, but we may need to consider additional emergency funding to boost security and research in these important labs.

Second, our border inspections need to be dramatically increased, and greater security needs to be placed on imports of commodities, livestock, carcasses, food ingredients, and ready-to-eat food items. Less than 1 percent of imported food currently undergoes inspection by Federal officials. Given the new set of circumstances that we face regarding anthrax and bioterror, this must change, and it needs to change with great urgency.

Additionally, many of the major livestock feeding and processing areas are concentrated in certain regions of our Nation. The introduction of a biosecurity threat such as foot and mouth disease could, in fact, spread rapidly in these areas and would create horrendous problems for the livestock health and economic viability.

Finally, and perhaps most disturbing, Federal agencies, including USDA, APHIS, FSIS, Customs, HHS, and the Food and Drug Administration, responsible for protecting our food and fiber system do not adequately coordinate their efforts, nor do they effectively communicate among each other or with the agricultural industry or the public. Therefore, I believe it is going to be imperative that we establish a crisis communications and education strategy with respect to bioterrorist threats to our food supply.

My good friend and colleague, Senator HAGEL from Nebraska, and I are working on legislation which we believe complements and coordinates the efforts I have referred to here. And the funding made available through this legislation, in fact, will be an important part of that overall strategy.

I believe this bill takes significant steps to boost current efforts to begin new initiatives to protect American agriculture from harm. I thank the chairman and the ranking member in particular for that effort.

Now more than ever, ensuring economic security in rural America means that emphasis has to be placed upon initiatives that serve to enhance the well-being of rural communities throughout our Nation. Rural development programs within USDA target financial loan and grant resources to value-added agricultural projects, telecommunications, and broadband services, telemedicine, distance learning, rule housing, and rural electric systems.

The Senate bill devotes almost $2.8 billion to rural development. It is a great amount of investment to these important programs. Again, these are programs that will make the difference literally between communities that prosper and communities that die away and that wither away in our rural development programs. This legislation provides $300 million more for this array of rural development initiatives than is found in the legislation of our counterpart, the House of Representatives.

So in area after area, I believe the Ag Appropriations Subcommittee and the Appropriations Committee as a whole have done very well for our Nation, for our farmers and ranchers, for our consumers, for the economic vitality of the entire fabric of our country. I applaud the bipartisanship and the thoughtful work that went into the production of this appropriations bill.

It is my hope that we will reach an opportunity for final passage on this bill still today. It is an excellent piece of legislation. I applaud all who participated and worked so hard to create this quality piece of appropriations legislation.

I yield back, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENTS NOS. 1970 THROUGH 1975, EN BLOC

Mr. KOHL. Mr. President, at this time I have a series of amendments which I send to the desk that are technical in nature and have the approval of the ranking member. These amendments are offered on behalf of the managers of the bill. They are: An amendment regarding conditions for transfers of funds; an amendment regarding extraneous language in the 1994 Endowment Fund account; an amendment regarding empowerment zones and enterprise communities; an amendment regarding rural utilities programs; an amendment regarding distance learning and telemedicine; and an amendment regarding administration of rural utility programs.

I offer this series of amendments en bloc, and I urge their adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. COCHRAN, proposes amendments numbered 1970 through 1975, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments (Nos. 1970 through 1975) were agreed to en bloc, as follows:

AMENDMENT NO. 1970

(Purpose: To modify conditions for transfers of funds)

On page 5, line 16, strike "in the event an agency within the Department should require modification of space needs,".

On page 5, line 21, after "appropriation," insert "to cover the costs of new or replacement space for such agency,".

AMENDMENT NO. 1971

(Purpose: To strike extraneous language from the Native American Institutions Endowment Fund)

On page 15, strike all beginning with ": *Provided*," on line 20 down through and including "purposes" on line 24.

AMENDMENT NO. 1972

(Purpose: To make a technical correction to the rural empowerment zones and enterprise communities grants program)

On page 47, after "1997" at the end of line 2, insert the following: "and Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999".

AMENDMENT NO. 1973

(Purpose: To make a technical correction to the Rural Utilities Service Rural Electrification and Telecommunications Loans Program Account)

On page 47, after "1936" on line 20, insert "(7 U.S.C. 935 and 936)":

AMENDMENT NO. 1974

(Purpose: To make a technical correction to the Rural Utilities Service Distance Learning and Telemedicine Program)

On page 49, after "for" at the end of line 6, insert "the continuation of a pilot project for" and also on page 49, after "*Provided*" on line 11, insert "*further*".

AMENDMENT NO. 1975

(Purpose: To include omitted language regarding administration of rural utilities programs)

On page 78, after line 2, insert the following:

SEC. . Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

Mr. KOHL. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I bring to the attention of all of our colleagues that this, hopefully, is the last bill we will consider this week, and when we finish this bill we could look forward to being out for the balance of the week. So when that occurs depends upon my colleagues and their willingness to come to this Chamber to bring any amendments to our attention they may have.

At this time, I am aware of one amendment that I know is going to come to the floor. I am not aware of what other amendments may come to the floor, but whatever they are, it is clearly in our common interest to get those amendments over here at this time so we can consider them.

Mr. REID. Will the Senator yield?

Mr. KOHL. I yield to Senator REID.

Mr. REID. I say to my two friends, the managers of the bill, Senator DASCHLE has announced that if we finish this bill tonight, we will not be in tomorrow. If we do not finish the bill tonight, we will be in tomorrow with votes.

We do not have the ability to communicate the way we normally do by running hotlines because some people cannot be in their office to receive them. So this is the notice that everyone will get: People have to come over and present their amendments or the managers will have no alternative but to move forward on the bill.

We want to be as agreeable, as considerate to everyone as we can, but there is an effort to complete this bill as soon as we can.

So, I repeat, this is everyone's notice that if you have an amendment, this is the time to offer it. If you cannot come over physically, you have to call the cloakroom and tell them you have an amendment and give the subject matter of the amendment.

Mr. KOHL. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Ms. STABENOW. I see my colleagues on the floor are ready to proceed. I defer to my senior colleague, Senator LEVIN, from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1978

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senators MURRAY, CANTWELL, STABENOW, SCHUMER, LEAHY, SNOWE, COLLINS, CLINTON, KERRY, JEFFORDS, and KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Ms. COLLINS, Ms. SNOWE, Mrs. CLINTON, Mrs. MURRAY, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Ms. CANTWELL, Mr. KENNEDY, Mr. JEFFORDS, and Mr. KERRY, proposes an amendment numbered 1978.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide market loss assistance for apple producers)

At the appropriate place, insert the following:

SEC. . MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS.

(a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation, in an amount not to exceed $150,000,000, to make payments, as soon as practicable after the date of the enactment of this Act, to apple producers to provide relief for the loss of markets during the 2000 crop year.

(b) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity of apples for which the producers on a farm are eligible for payments under this section shall be equal to the quantity of the 2000 crop of apples produced by the producers on the farm.

(2) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this section shall not exceed 5,000,000 pounds of apples produced on the farm.

(c) LIMITATIONS.—Subject to subsection (b)(2), the Secretary shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this section.

(d) APPLICABILITY.—This section applies only with respect to the 2000 crops of apples and producers of that crop.

Mr. LEVIN. Mr. President, this amendment will assist apple farmers who have suffered terrible losses in our Nation from fire blight and other weather-related and economic damage. It has broad bipartisan cosponsorship. In our State alone, apple farmers have suffered huge crop losses and damage due to several hailstorms which caused thousands and thousands of acres of apple trees to be affected by fire blight. Fire blight is a bacterium that has destroyed fruit trees across Michigan and across the country. Experts at Michigan State University anticipate that a quarter of our apple farmers have trees that are afflicted by fire blight and that then makes them susceptible to weather-related disasters. Many of our best apple producers have had disastrously reduced production and decreased revenues for a number of years. This amendment would provide vital assistance, not just in our State of Michigan but for apple producers who suffered losses due to fire blight or other weather-related disasters.

Much of the loss to apple growers is done to weather-related disasters, but unfair trade practices have also played an important role in this decline of the apple industry in this country. The Department of Commerce ruled in 1999 that China had dumped apple juice concentrate in the United States and that dumping is still causing the suffering of farmers and apple growers because of those unfair trade practices.

The unfair trade practices could not have come at a worse time for our Nation's apple growers who, according to the U.S. Department of Agriculture, have lost about $1.5 billion over the past 5 years, including $500 million last year alone, due to a variety of factors including diseases such as fire blight.

In addition to the large number of colleagues on both sides of the aisle who have cosponsored this amendment, the United States Apple Association and the American Farm Bureau Federation recognize the dire situation facing our apple growers, and both of these organizations have written to a number of Senators, voicing their support for this much-needed relief.

I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, September 24, 2001.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

Hon. SUSAN COLLINS,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR COLLINS AND SENATOR LEVIN: The American Farm Bureau Federation supports your efforts to add $150 million for market loss assistance for apple producers to the FY02 agriculture spending bill.

This is the third consecutive year that apple growers have had to survive low prices caused by a flood of imports. Without assistance, American producers will continue to go out of business, the jobs the industry supports will be lost, and the safe and reliable domestic supply of fruit will disappear.

Many in Congress already understand and support the need for assistance. The Senate Agriculture Committee passed an agriculture emergency package that contained $150 million for apple producers earlier this summer. Unfortunately, apple producers were left out of the final package that was signed into law.

The FY 02 spending bill passed by the House contains $150 million in emergency assistance for apple producers. Farm Bureau believes that apple assistance should also be included in the Senate bill. Inclusion in both bills will assure that the assistance will reach producers quickly.

Thank you for your work on behalf of our nation's apple producers. Farm Bureau stands ready to assist you in your effort.

Sincerely,

BOB STALLMAN,
President.

U.S. APPLE ASSOCIATION,
McLean, VA, October 1, 2001.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The U.S. Apple Association (US Apple) strongly supports your efforts to garner $150 million in much-needed emergency market loss assistance for America's apple growers.

Our nation's apple growers are experiencing the worst economic losses in more than 70 years, having lost $1.5 billion since 1996 and $500 million last year. Unfairly priced imports of apple juice concentrate, excessive regulatory costs, stagnant domestic consumption, food retail consolidation, subsidized foreign competition, diminished exports and global overproduction have all contributed to the devastating economic conditions confronting apple producers.

Apple growers have invested heavily in efforts to reverse their economic plight, and are not seeking establishment of a permanent direct assistance program. As losses continue to mount, however, as many as 30 percent of America's apple growers will lose their farms without this much needed ad-hoc assistance.

As you know, the House-approved agricultural appropriations bill for fiscal 2002 includes $150 million in market loss assistance for apple growers. The Senate Agriculture Committee also approved $150 million in assistance for apple growers as part of its farm relief package. Unfortunately, apple producers were left out of the final farm aid bill that was signed into law this past summer.

Thus, we strongly endorse your efforts to include this desperately needed emergency assistance in the Senate's fiscal 2002 agricultural appropriations bill.

On behalf of the 9,000 apple growers and more than 500 individual apple businesses we represent, USApple looks forward to working with you in support of your efforts to assist America's apple growers.

Sincerely yours,

KRAIG R. NAASZ,
President & CEO.

U.S. APPLE ASSOCIATION: EMERGENCY MARKET LOSS ASSISTANCE FOR AMERICA'S APPLE GROWERS

The U.S. Department of Agriculture distributed roughly $100 million in market loss payments to 7,500 apple growers nationwide, as provided by the 106th Congress to offset 1998 and 1999 crop losses. The amount of assistance each state's apple growers received is listed below under the column titled AMLAP. An estimate of the amount of assistance each state's apple growers would receive under the Levin-Collins amendment to the fiscal 2002 agriculture appropriations bill, which would provide $150 million in market loss assistance to offset 2000 crop losses, is listed under the column titled AMLAP II.

State	AMLAP	AMLAP II
Arizona	$56,037	$1,269,802
California	4,260,406	14,557,946
Colorado	669,559	1,077,244
Connecticut	79,301	833,854
Georgia	153,542	461,868
Idaho	1,021,370	2,342,670
Illinois	311,624	1,572,777
Indiana	301,902	1,349,585
Maine	538,168	1,611,153
Maryland	396,696	984,669
Massachusetts	866,463	1,837,375
Michigan	11,270,241	19,460,081
Missouri	115,477	1,437,448
New Hampshire	425,351	1,037,184
New Jersey	309,370	1,100,809
New York	9,546,250	15,846,936
North Carolina	2,444,097	3,533,698
Ohio	720,304	2,946,600
Oregon	2,051,102	2,997,096
Pennsylvania	3,798,287	8,587,320
South Carolina	142,275	958,411
Utah	42,390	1,109,225
Vermont	451,210	1,350,595
Virginia	1,918,006	4,854,332
Washington	46,331,907	50,371,268
West Virginia	835,373	2,418,413
Wisconsin	407,838	2,340,650
All Other States	709,305	1,750,992
Total	90,173,852	150,000,000

[From the Michigan Farm News, Feb. 28, 2001]

APPLE SITUATION STILL DISASTROUS, TART CHERRIES BETTER

(By Paul W. Jackson)

Options for apple growers whose farms were devastated by fire blight last year are not good, experts agree. For all growers, prices continue to be disastrous.

"Prices are considerably below the cost of production," said Tom Butler, manager of Michigan Processing Apple Growers. "Last year was the third year in a row they've been through tough economic times."

Hard times are expected to continue, he said, because apple juice concentrate imports from Argentina, China and Chile continue at below $5 per gallon. Also, there's domestic competition to worry about.

"Washington state continues to be a real competitor in selling fresh applies at low prices, and they're using big promotions," he said. "That makes it difficult to get our apples, particularly red delicious, into the marketplace."

The general state of depression in the apple industry is worse in southwestern Michigan, where fire blight led to a federal disaster aid program, a market loss assistance program and a tree replacement program. But farmers are still waiting for money from those promises, said Mark Longstroth, Michigan State University (MSU) District Extension horticultural and marketing agent in the Van Buren County office.

"That aid was supposed to come in January, but it's stuck in Washington (D.C.)," he said. "Complaining to your local FSA (Farm Service Agency) office won't help. Complain to your legislators."

While farmers wait for disaster aid, Longstroth said he's been telling growers who uprooted significant chunks of apple tree acreage to plant alfalfa this year.

"Don't be in such a big hurry to replant apples," he said. "Lease the ground for soybeans or corn, or plant alfalfa to help amend the soil. That might give a grower the best opportunity to look at what apple varieties might be best if he wants to replant trees in a year or two."

Rumors that many apple farmers are considering vegetable crops on the vacant ground concerns vegetable growers in the area who already face tight margins.

"I have no problem with them growing vegetables if they're already growing them," said Ron Goldy, MSU Extension district vegetable agent for southwestern Michigan. "They already have established relationships in the market chain. They'll talk to their brokers to decide if they can produce five to 10 more acres," he said. "But if they don't have those relationships and they try to get into vegetables, there's potentially no place to send their crops. I'd say that they're better off renting the ground and maybe getting $50 an acre for corn or soybeans. Or, there's nothing wrong with the ground being vacant for awhile."

Other potential solutions for southwestern Michigan apple growers seem to have dried up. Rumors that Lawton's Welches' plant and parent company National Grape Cooperative was seeking more grape growers aren't true.

"We were looking for more grape ground, but the board of directors cancelled that call," said John Jasper, the co-op's area manager for Michigan. "We did pick up some apple acreage over the last few years, so our needs are filled right now."

For apple growers who hope to survive last year's fire blight problems this year, the recommendation from MSU is to refrain from nitrogen fertilizer, prune oozing cankers and pray for cool spring weather.

The waiting game might be a good one to play as well, Longstroth said. Nurseries are having trouble meeting demand for replacement trees, and a wait might help growers know what they should or should not plant in a year or two.

Tart cherries the tart cherry industry is not great, but there is light at the end of the tunnel, said Phil Korson, with the Cherry Marketing Institute in DeWitt.

"We feel that a great opportunity for us is in cherry juice. It's a huge market to capture, it uses a lot of cherries and it gives consumers the cherry's anti-inflammatory properties in the most natural way," he said.

Value-added products like that have been emphasized by the Institute for a number of years, Korson said.

"We've worked on things from brandy to beers, to dried cherries and nutraceuticals," he said. "That's a real opportunity for the future, and we have ongoing projects at MSU and in Texas. Amway Corp., (A Michigan-based company) plans to go to clinical trials this year to extract anti-inflammatory properties from cherries. The work originally done at MSU was to identify compounds that have anti-inflammatory properties. The second part is the technology used to extract those properties. Those were licensed by Amway, and this year they bought balaton cherries (a variety new to the state) to extract those properties, and they'll take that to clinical trials within the next year."

Promotion of cherries as a beneficial food has been part of what brought the tart cherry industry out of its near disastrous overproduction just a few years ago. And while the 2000 crop was up—and prices down—a promotion program in Europe, along with health promotions to boost domestic sales and more than 50 million pounds in sales to the school lunch program is bringing back strong optimism.

"I think there's a lot of optimism in the cherry market today," Korson said. "We've invested heavily in research in Mexico, Japan and Europe, and we look in the future to expand that network to Korea, Taiwan, Turkey and Poland, to name a few. There will be years when we'll have too much fruit, but there are ways to offset that. Among them are expansion of value-added products for the cherry industry, and marketing the health benefits of cherries globally."

[From the New York Times, New York, NY, June 23, 2001]

Where Apples Don't Pay, Developers Will

(By Lisa W. Foderaro)

MILTON, N.Y.—In their sun-drenched orchard here in Ulster County, where the McIntosh and Red Delicious apples are still the size of cherries, father and son should be a whirlwind of activity this time of year: spraying and thinning the trees at Hudson Valley Farms, lining up labor for harvest.

Instead, they will let the fruit fall to the ground this fall. And they are spending their days indoors, in dry contract negotiations with housing developers for the sale of all 650 acres of their orchards—preparing the obituary, in essence, of a family business that stretches back to the 1920's.

"This is the first time in my life that I have not had a crop to tend to," said Bill Palladino, 58, who owns Hudson Valley Farms with his son, Jeff, 31. "It's definitely a naked feeling. You get emotionally attached to your trees, your orchards, your way of life. You miss that."

That is becoming a familiar refrain in Ulster County, the second largest apple-producing county in a state that is second only to Washington in apple production. Decisions like the Palladinos' reflect enormous changes here and for struggling apple growers around the country.

After several years of losing money in a depressed market that has devastated apple farmers nationwide, the Palladinos and at least five other growers in the county are selling out. They are taking advantage of the wave of suburban sprawl lapping at the edges of this county 75 miles north of Manhattan.

In the process, a county where bosky ridges and clear creeks always seemed a safe distance from the city, a place where understated hamlets have captivated permanent residents and weekenders alike, is wondering what the shriveling of the apple industry will bring.

"It's a big concern—that all this green space will be turned into development," said Suzanne Hauspurg, who, with her husband, Dan, owns the Inn at Stone Ridge. Trying to protect their corner of Eden, the two recently bought a 110-acre apple orchard behind their inn that a builder had been considering.

The apple growers here are not cashing in so much as they are staving off financial ruin. They say that money that arrived last week from the federal government, part of nationwide program to compensate growers for market losses with a maximum payment of $28,295, represents a tiny bandage when what they need is a tourniquet. Some are equally unimpressed with a state program that helps counties buy development rights from farmers but that has yet to produce any final agreements that would keep Ulster land in agriculture.

Since the early 1990's, farmers across the country have suffered as production costs have risen and apple prices have fallen: the result of a worldwide glut of apples, imports of cheap apple-juice concentrate from China, and a continuing consolidation among retailers that reduces farmers' bargaining power. In addition, countries like South Africa, Chile and New Zealand have emerged as major exporters of fresh apples to the United States.

Last year, the United States International Trade Commission voted unanimously to put punitive antidumping duties on apple juice concentrate from China. But some growers say Chinese concentrate is still cheaper than American, even with the imposition of the 52 percent duty.

"Not since the Great Depression have apple growers sustained such losses," said Kraig Naasz, president and chief executive officer of the United States Apple Association in McLean, Va. He said that nationwide, apple farmers have lost $1.5 billion in the past five years. "This coming harvest may mark the last for as many as 30 percent of the nation's apple growers," he said.

In the Hudson Valley, insult was added to the national economic conditions by catastrophic hail storms that wiped out a third of the apple crop last year. The year before, a damaging hurricane punctuated a summer of drought in which farmers spent copiously to irrigate their orchards.

The for-sale signs popping up across Ulster County's orchards are not new, but they mark a startling acceleration of a trend that began more than a decade ago. In 1985, 104 farms covered 11,629 acres in Ulster County. By the end of 1996, the most recent year for which statistics are available, the number of farms had fallen to 63 on 8,632 acres.

Apple farming has continued to dwindle since then, with production ending on more than 1,500 acres in the last year alone.

"You could probably call most growers, and they've got pieces of land up for sale," said Michael J. Fargione, an educator with Cornell Cooperative Extension, a program of Cornell University that provides research information and educational programs to farmers. "I'm not sure people are aware of the critical point we're at in terms of the potential for the loss of farms."

Most of the remaining orchards are particularly attractive to developers because they lie in towns like Lloyd, Marlborough and Plattekill on the county's eastern edge, closer to the train lines across the Hudson River that lead to New York City. In recent years, as Orange County to the south and Dutchess County to the east have seen a surge in home construction, Ulster has drawn professionals in search of lower prices and open space.

"Ten or twenty years ago, people would say: 'I have a 40-minute commute. Isn't that long?'" said Seth McKee, associate land preservation director of Scenic Hudson, an environmental organization in Poughkeepsie, N.Y., that is assisting Ulster County in its effort to buy development rights from farmers. "Now they say: 'I have an hour commute. Isn't that great?' The development pressures in Ulster are not quite what they are in southern Dutchess, but that doesn't mean it's not going to become that way."

That is just fine with Dennis and Diane Chaissan, apple farmers who are now subdividing their 350 acres of orchards. They shut down their apple operation in 1999. He got his real estate license; she went back to school for a master's degree in education administration.

"We didn't see a future in it," Mr. Chaissan said of the apple business begun by his grandfather in 1910. "Over the last 10 years or so, prices have been stagnant or going down. I didn't see a return on the money, and I didn't want to continue. Looking back, I think it was the best decision we ever made."

Mr. Chaissan, a trim 46-year-old with a salt-and-pepper mustache, chose a profession that neatly positioned him to take advantage of his top asset: land. Apple orchards are selling for between $3,000 to $10,000 an acre, depending on the location and factors like slope and drainage. But with zoning approvals in place for housing, the land becomes much more valuable.

The Chaissans hope to sell four two-and-a-half-acre building lots in the hamlet of Clintondale for $25,000 to $100,000 each. The lots, still covered with trees bearing young Empire and Cortland apples, have magnificent views of the Shawangunk Mountains to the west.

Like other growers, Mr. Chaissan, who works for Colucci Shand Realty in Gardiner, N.Y., could not make the economics of apples work. According to the New York State Apple Association, a bushel of apples that sold for $14 in the mid 1990's now sells for $9. Mr. Chaissan figures that each bushel would cost him about $11 to produce. "Right now growers are pounding their heads against a wall," he said. "They can't make money, and they see no way out."

His career switch was shrewd in another way, too. Mr. Chaissan represents a few of his fellow apple farmers now selling some or all of their orchards. One potential client is Jeffrey D. Crist, a fourth-generation apple grower who owns 500 acres of orchards, half in Ulster County and half in Orange County.

Mr. Crist is weighing a $2.3 million offer from a developer for 227 acres of orchards in the town of Hamptonburgh in Orange County. "At this point, we're not planning to get out of the business, but we can grow apples just as easily on less valuable land farther away from New York City," Mr. Crist said.

Still, Mr. Crist said his first priority was to pay back his creditors. "I've got loan payments from last year's growing season that are unpaid," he said, adding that revenues were down a half previous year. "We wouldn't invest in other land if it looked like we were going to lose money. The industry picture would have to improve."

Ulster County is now trying to buy development rights from farmers under a state program that would ensure that the land is reserved for agricultural use even if it is sold. But the process is slow. Two years ago, 17 farmers in the county applied, and the state, which contributes 75 percent of the purchase cost, chose two. But those two farmers, both apple growers in Clintondale, have yet to sell.

"It's possible I won't go through with it," said Phil Hurd, an owner of M.G. Hurd & Sons, a 250-acre apple and pear operation dating to the 1890's. "My land is owned by several family members, and it makes it difficult to come to agreement. The program restricts you to farming, which you can't make a profit on, so it's a double-edged sword."

Mr. McKee of Scenic Hudson says conservation programs like these do not happen overnight. "It's time-consuming to have the farmers think about all the possibilities and put it into an agreement that is perpetual," he said. "They rely on this land for their livelihood."

But as a resident of Ulster, Mr. McKee also knows that time is a luxury neither the county nor the apple industry has. "It's very painful to watch the impact of suburban sprawl heading north, but that's all the more reason why these programs are vital," he said. "For weekenders and local folks who have been here for generations, it's the loss of a sense of place. For the farm families, it's hard to watch what used to be a vast expanse being nibbled away."

[From the Loudoun Times, Leesburg, VA, Aug. 15, 2001]

VA. APPLE PRODUCERS FACE MANY PRESSURES

Market worries, hail and oversupply are causing tough times for apple growers in Virginia and other apple-growing states.

Producers in both the fresh fruit and processing sectors are suffering greatly, according to Giles County orchardist Bill Freeman.

"There's pressure from all sides. Things have gone downhill for several years, but it's really become a struggle to stay ahead. We're going to have to find different ways to market our product and keep it moving despite complications and competition," Freeman said.

"Apple production is quickly becoming a nonprofit industry," said Richard Marini, a Virginia Cooperative Extension horticulture specialist at Virginia Tech. "There's really a worldwide overproduction, and apples have become a global market."

Virginia is the nation's sixth largest apple producer, generating cash receipts of about $40 million in 1999. There are fewer than 300 commercial growers in the Old Dominion. Most are located in Frederick County, other parts of the Shenandoah Valley and Virginia Piedmont, and in Southwest Virginia.

Estimated losses in national apple production between 1995 and 1998 are $760 million, according to the U.S. Apple Association, and the average price received by growers in January dropped to its second lowest level in more than 10 years.

"Washington (state) has really increased production in the past several years with the thought that they could export them. But larger production and exports from China and much of Asia has prevented that," Marini said.

In an effort to aid struggling producers, the U.S. Department of Agriculture began sign-ups March 1 for its Apple Market Loss Assistance Program. Payments were made on a grower's first 1.6 million pounds of production in either 1998 or 1999.

"The program is similar to other programs for other commodities, but it's the first of its kind for apple producers. Many producers have realized that it's going to be necessary for their survival at this point, 'explained Spencer Neale, senior assistant director of the Virginia Farm Bureau Federation Commodity/Marketing Department. "If a producer has never relied on assistance before, it's a path they may tend to be reluctant to go down now."

Freeman said this year's assistance "has kept us going for another year, but I'm not sure that it's not just prolonging the agony."

The government is currently working on another program for apple producers that could provide $150 million in assistance. "Despite the assistance that's provided to help producers, it all comes down to supply and product price," Neale said.

In addition to market concerns, Virginia apple producers have suffered problems from numerous hailstorms in recent months, agriculture officials said.

[From the Sun Journal, Lewiston, ME, Aug. 8, 2001]

APPLE GROWERS' AID DROPPING

(By Glen Bolduc)

SINCE 1996 THE NATION'S APPLE GROWERS HAVE SUFFERED OVER $1.5B IN MARKET LOSSES.

TURNER—Apple trees used to grow on 850 acres of his farm. Now there's only 500 acres of the fruit.

"We're getting smaller fast," said Harry Ricker, owner of Ricker Hills Orchards.

The only thing growing seems to be the bills.

"The wholesale apple business has not been profitable for years now," Ricker said. "Our industry has gotten to the point where we need to worry about ourselves."

Since 1996 the nation's apple growers have suffered over $1.5 billion in market losses. This past growing year alone has cost them nearly $500 million.

"The apple industry is suffering the worst economic conditions in 70 years," said Kraig Naasz, president of the U.S. Apple Association in McLean, Va.

Not since the Great Depression have apple growers suffered such monetary loss, and Naasz estimates that 30 percent of the nation's apple growers will retire their industry this year if help isn't provided in some form.

"We're in trouble," Ricker said, "and we need some government help."

GOVERNMENT AID

Last week the U.S. Senate caved in to President Bush's veto threat and approved a $5.5 billion agriculture assistance bill that was $2 billion less than the House version. Republican Susan Collins of Maine was one of the senators who voted in favor of the trim; Olympia Snowe voted in favor of the House version.

About $50 million of the $2 billion cut from the original draft would have been used to supplement the market loss of apple growers. But the approved version still provides $169 million to states for various needs.

"The funds would have been well utilized," said Ned Porter, deputy commissioner of the Maine Department of Agriculture. "However, we're not out of the fight yet."

The House has currently approved another farm aid bill that will provide about $150 million—an estimated $900,000 for Maine—in market loss assistance.

Although the bill still has to wait for Senate and White House approval next month, Naasz said he expects it to pass. "It looks very promising," he said.

But Don Ricker, father of Harry Ricker, said that a lot of times the funding never comes.

"Typically the Congress passes all these bills, and they get a lot of press, but then it just dies," he said. "You'd think that I was living high with all these handouts."

Ricker's orchard was awarded farm assistance in a 1998 bill, but the check didn't come until June 2000.

WHY THE HARD TIMES

The cause of the economic stress is all in the politics of sale and trade, Naasz said. "The reasons are many and mostly beyond the control of apple growers."

In the last 10 years, the nation's price for apples has not risen.

"I can't go on," Dimock said. "We're simply not getting for our crop what it takes to produce it."

Rising costs in fuel, chemicals, and labor are not being met adequately, and the cost for apples in the United States is dropping even further because of foreign imports.

China produces four times the amount of the United States, and recent years have seen prices for American apples drop from eight cents a pound to 1 cent a pound as the overseas product floods the American market.

"This stuff goes in cycles," Ricker said. But once the American market is profitable again for apple growers, "we're not going to be here to do that."

Besides government assistance, Naasz said, other remedies will have to include raising apple prices, placing limits on imports and increasing marketing campaigns.

"It's encouraging consumers to eat that apple a day for health," he said.

Mr. LEVIN. Mr. President, our growers have invested heavily in their efforts to reverse their economic plight. They are not seeking the establishment of a permanent direct assistance program. However, unless we take some interim action here, as many as 30 percent of American apple growers are going to lose their farms. So this ad hoc assistance which we are struggling to achieve is essential if we are going to avoid that calamity.

The fiscal year 2001 agricultural supplemental appropriations bill that emerged from the committee included funding of $150 million for our Nation's apple growers. That provision, which came out of the committee, had to be dropped at the last minute if we were going to get a bill passed at all. So the Senate version of the bill had to be dropped, which included that assistance. Instead, the House bill was adopted which at that time did not include the assistance.

What has happened subsequently is the following. The House bill now has $150 million for our Nation's apple growers, and it will go to conference whether we adopt this amendment or not. We have had discussions among ourselves, the sponsors of this amendment, as to what would be the best approach to take.

I will yield the floor at this time, but I simply want to say this—and I want to speak to my good friend from Wisconsin in a moment. Our goal is to achieve this assistance one way or the other—either on this floor or in conference—by our giving the House provision the final say in this matter.

I am going to have a colloquy in a few moments with our friend from Wisconsin.

At this time there are a number of other cosponsors of this amendment in the Chamber who I hope can now be recognized before that colloquy takes place.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today to support the amendment by the Senator from Michigan. This is an extremely important measure. The Senator from Michigan aptly described what has happened to our apple farmers across the country. In my home State of Washington, it has been a tremendous disaster with the economic loss for the young families who are working diligently to try to make ends meet in this industry for the last several years. It has been heartbreaking to watch.

The Senator from Michigan talked about the dumping of apple juice concentrate by China, which contributed to the decline in our apple growing communities. Severe weather conditions this year have caused horrendous problems for these orchardists who have been struggling for the last few years anyway. The loss of markets in Asia, because of the Pacific Rim crisis, precipitated this dramatic loss for many farmers in the State of Washington.

The Senator from Michigan described the process that we have been going through. Senator CANTWELL from my home State and I worked hard with the Senators from Michigan, New York, Maine, Vermont, and Massachusetts on the emergency supplemental bill to provide $150 million for the apple industry in this country. That support was not included in the Agriculture Appropriations bill when it came out of committee because we fully expected the Administration and the House to support this as an emergency supplemental measure. Unfortunately, they did not. As a result, in August Congress recessed without the money in the emergency agricultural supplemental. This bill is now coming to the floor, and it is absolutely essential for our farmers.

Senator CANTWELL and I have traveled around our State. We have seen the tremendous pain and loss among our farmers, and we have seen the hardships they are experiencing today.

My grandfather, back in the early 1900s, lived in central Washington and was part of the apple industry. I can tell you, when I was growing up I remember driving across central Washington and seeing our tremendous, beautiful orchards. I was so proud to be from Washington State. Today, as a Senator traveling around the world, I am proud to be able to talk about bringing our apples into markets worldwide—both for our economy and for establishing great relationships with countries everywhere. The apple is the symbol of the State of Washington.

It is upsetting for me to visit central Washington today and see so many abandoned orchards. Many of the orchards have been bulldozed because farmers can't sell their apples for a fair price.

Add to that the weather conditions of this year with the drought that has occurred in the State of Washington and the severe hailstorms we have seen. That means we will not have these orchards in the future if we don't provide assistance this year in the Agriculture appropriations bill. I am committed to providing it, along with my colleague from Washington State, and the Senators from Michigan, New York, Massachusetts, Vermont, and Maine. All of us have worked hard together with our chairman, who has been a great advocate and supporter.

I thank the Senator from Wisconsin. He understands the plight of our farmers. He is committed to working with us to ensure this assistance is there for our farmers. It is essential for a way of life in Washington State and across this country. It is essential for a product that is important to my home State and to many others. I believe it is essential for the future of this industry that we have this help and assistance from this Congress this year in this appropriations bill.

I thank the Senator from Michigan for offering this amendment. I thank our Chair, Senator KOHL, for his support and his assistance. I look forward to working with my colleagues to be sure we don't lose these important farmers and this important resource for our country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise also to support this very important effort and very important amendment.

I, first, thank my senior colleague and friend from Michigan for his ongoing leadership in this effort to support our apple growers in Michigan and across the country, and my colleagues who are joining us in the Chamber certainly have been at the forefront of this battle.

We really have had two strategies. One is to focus on research for apple fire blight. I thank the chairman of the subcommittee and the ranking member for their ongoing efforts. There are dollars in this bill for apple fire blight research. That continues to be a priority. I thank him for his vision and his support because in the long run we are hoping the research will allow us to be able to find ways for our farmers to eradicate this terrible disease that is so afflicting the apple growers across the country.

In the meantime, we know that in the last 5 years apple growers across our country have lost $1.5 billion. Last year alone, $500 million was lost as a result of this effort.

We are talking about a serious disease affecting a very important Michigan industry and national industry.

I am very hopeful that we can come together and support the $150 million effort. I am very pleased that the House has finally recognized this and is supporting this effort in the House bill.

Let me stress one more time that originally we had this supplemental funding in the emergency supplemental that we passed. As a member of the Agriculture Committee, we worked very hard with colleagues to get that money in the Senate bill. I appreciate everyone's efforts at that time. Unfortunately, we were not able to pass the Senate bill. We were not able to address it earlier, which we had hoped would happen.

Now we find ourselves in a situation where we are seriously in need of addressing this as quickly as possible. This amendment is absolutely critical. I hope we will have the support of colleagues.

While I have the floor, I also want to say one more time a thank you to our leader, the chairman of the subcommittee, and the ranking member for a number of different issues in this bill that are important to Michigan—the focus on the eradication of bovine disease and specialty crop research in other areas are very important. I very much appreciate the fact they are willing to undertake this issue and support our apple growers. It is absolutely critical to our economy and to the economy of many, many States.

I yield the floor. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak, along with my colleagues from Michigan and Washington who have eloquently talked about the important need of helping the apple industry—not just those States mentioned but all across the Nation. We are trying to move forward on an Agriculture appropriations bill. We have the opportunity in that process to express the failure of last August when we actually had the means by which to help legitimate apple growers across the country in the emergency supplemental.

I very much appreciate the efforts of the Senator from Wisconsin to help us bring attention to this issue. The current House version of this bill includes $150 million in apple assistance. We need to match that assistance.

As my colleagues have stated, this industry, particularly this year for us in the State of Washington, has just been devastating, largely due to the fact we have had the second worst drought on record in our State. Not only have farmers been without all the resources they need, but the high cost of energy in those areas where farmers have been able to irrigate has made this a very difficult year.

We have already seen how important the apple industry is in our State. Over 183,000 people are employed in that industry. But every one of these family farms are on the brink, and they need help now.

Current prices are 40 percent below the cost of production. Between 1995 and 1998, apple growers lost approximately $760 million due to questionable import practices involving such countries as China and Korea—in addition to stiff export tariffs.

They also face increases in the price of diesel fuel. Prices are up 20 to 30 percent over last year. The cost of running electricity pumps that these farmers use is expected to rise as much as 150 percent.

Our farmers have been facing all of these things, and some are very close to bankruptcy.

So I very much appreciate the Senator from Wisconsin in his efforts to make sure this issue gets addressed as we move through the process, and I very much appreciate his efforts earlier this year in making sure the Senate version of the supplemental included this support.

I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Wisconsin.

Mr. KOHL. Mr. President, I would like to respond to the previous speakers on this issue.

I would like to declare that I will fight for them in conference. The House of Representatives has the money in their bill, and that fact will give us the opportunity to meet this need of apple growers. The Senators from the States of Michigan, Washington, New York, Maine, Massachusetts, and Vermont have been very persuasive, most effective, and, frankly, relentless in this cause on behalf of their apple growers.

This bill was voted out of the Appropriations Committee in July, and we fully expected the White House and the House of Representatives to fund this urgent need for apple growers in the agricultural supplemental. In fact, the Senate had done that. That is why it isn't in this bill. And the budget allocation precludes me from putting it in now. That is why I am declaring I will fight for it in conference instead. I very much appreciate the advocacy of the Senators from those States.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that Senator EDWARDS be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the good Senator from Wisconsin has really worked with us on so many issues. I appreciate very much what he has just said. With that assurance, I am satisfied, and I intend to withdraw this amendment. I think, however, there may be another speaker on this amendment. I will not withdraw it if there is another speaker. I will withhold that at this time.

Mr. SMITH of Oregon. Mr. President, I say to my friend from Michigan, I am very supportive of his amendment, but I was going to speak to another one and would love to be added as a cosponsor to this amendment.

Mr. LEVIN. We welcome that.

Mr. President, I ask unanimous consent that the Senator from Oregon be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1978 WITHDRAWN

Mr. LEVIN. Mr. President, I withdraw this amendment at this time, with thanks to Senator KOHL and also Senator COCHRAN. I have had a chance to speak with Senator COCHRAN, who has been so helpful on a whole host of issues in the agricultural area. While we had a minor disagreement in the area of missile defense, in so many other areas we have worked together on issues. I hope we can work together on this issue as it proceeds to conference.

I thank the Senator.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment. The amendment is withdrawn.

Mr. COCHRAN. Mr. President, I join my colleague from Wisconsin in thanking the Senator from Michigan for his action. I know it is a serious problem, and it has been well identified. The Senator from Oregon has an interest in it as well.

There are other agricultural activities that are similarly situated. We have heard from the Senator from Wyoming, for example, on the plight of the livestock industry; there are problems in some other specific areas of the country because of drought—all of which are in need of special assistance and special economic assistance in this time of hardship.

So all of these interests are going to be considered. They should be considered by the Congress as we work to reach an agreement in conference on this bill.

I am happy to join with the Senator from Wisconsin in assuring those who talked about the apple industry and the problems they have that their interests will be carefully considered. I hope we can work out a provision in this bill in conference that will be satisfactory with them.

Mr. LEVIN. I thank my friend.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1981

Mr. SMITH of Oregon. Mr. President, I rise today, again, to raise my voice on behalf of the farmers of Klamath Falls, OR, and the Klamath Falls Basin that includes northern California in equal numbers.

I first thank my colleagues of the Senate and of the entire Congress for the $20 million that was allocated on an emergency basis to help these farmers to stave off foreclosure.

My colleague, Senator WYDEN, and I pointed out at the time that it was probably a tenth of what was actually needed, and that is proving to be the case, because the wolves of foreclosure are at the doors of many farms right now. The reason is simply that they were denied a season of farming. You can imagine what it would mean if the Federal Government took away the means by which any of us makes a living for a year and how we might survive. The truth is, we cannot. No one saves that money. The way farms operate, they do not have those kinds of margins.

So what I am doing today is seeking an additional appropriation to help them; it comes in two requests: One, it is to provide these 1,400 farm families with an additional $38 million in direct assistance; in addition to that, $9 million for activities to improve water storage and water quality in the Upper Klamath River Basin.

I have searched for offsets. I found one. I am willing to work with the Congress on making these dots connect, but I am identifying it as an offset: the sale of Pershing Hall in Paris, France. It is along the Champs Elysees. It is owned by the Department of Veterans Affairs. It is empty. We are paying taxes on it. It is exceedingly valuable real estate. It is run down. It is vacant.

I am asking that we sell this building and that we use this money to help these farmers. It will generate at least this amount of money, and more. I am simply saying that, in very real terms, this money is needed now while it is being wasted in Paris.

The people of Oregon generally have the highest rates of unemployment in America, but certainly the pain is felt more acutely in Klamath Falls than any place of which I can think.

So I ask for consideration of my amendment. I look forward to working with the chairman and the ranking member, both of whom have expressed support for my cause on this issue. And I thank them for that. I also thank my colleague, Senator WYDEN, for his equal partnership in the effort to try to salvage 1,400 great family farms.

I yield the floor, Mr. President, and thank you for the time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I come to this Chamber today to join my colleague from Oregon, Senator SMITH. One can debate whether we have found precisely the right offset. Senator SMITH and I have scoured the budget and intend to work closely with the chairman of the subcommittee and the chairman of the full committee and, of course, the ranking minority members as well, so as to ensure that this is addressed at the proper time in the proper way.

But as Senator SMITH has correctly said, what I think is not debatable is the fact that there is a world of hurt, a world of pain in the Klamath Basin in the State we represent. We have scores and scores of farmers in that part of the State who are on the ropes as we speak.

These are people who have worked hard all their lives. That have played by the rules. They have done nothing wrong. But clearly, now, as a result of policies that ensure we can find water for all the uses about which people of Oregon and people of this country feel strongly—agriculture, environment, conservation—there is a tremendous crunch in our part of the country.

Senator SMITH and I have spent many hours in recent weeks working to forge a coalition between agricultural interests, environmental interests, the rural communities—all of the stakeholders—the tribes, and all of the parties who feel so strongly about this.

The reason we come to the floor today is that we want to work with the Appropriations Committee—particularly the chairman, Senator KOHL, and Senator COCHRAN, who have been very gracious to us in working on Klamath issues in the past—so we can get this urgently needed assistance.

It is our understanding that there are some questions about exactly from which account this should come. Senator SMITH has been very clear, in making our initial remarks, that we intend to work with both the subcommittee and the full committee to ensure this offset does come from the appropriate account.

What is not debatable is how grave the need is. We have farmers who are not going to survive. They are not going to be there a few months down the road, if we can't get the assistance through this amendment the two Oregon Senators offer today.

I thank Chairman KOHL and Senator COCHRAN. We are going to be working closely with them and with the chairman of the full committee and the ranking minority member, Senator STEVENS, so that we can find the funds needed so urgently in the Klamath Basin and we can give a little bit of hope at this critical time to those families who are suffering today and are worried about whether they are going to be able to farm tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I ask for adoption of the amendment.

Mr. REID. I couldn't understand the Senator.

The PRESIDING OFFICER. The amendment has not yet been proposed.

Mr. REID. What did the Senator from Oregon say?

Mr. SMITH of Oregon. I am asking for consideration of our amendment.

Mr. KOHL. Mr. President, I object. I would like to make a statement.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. We do not have a copy of the amendment. However, we do understand that the offset of which they speak falls in the jurisdiction of another subcommittee. We need to confer with that subcommittee and the Congressional Budget Office. We did provide $20 million to the Klamath Basin in the spring supplemental. No other disaster assistance has been provided by this committee. If we accept this amendment, then others will seek additional assistance which our allocation cannot provide.

This is a very difficult amendment for this committee to support. In fact, we will not support it.

In addition, I am fairly certain that the offset they are discussing does not fall within this committee's jurisdiction. I humbly and respectfully suggest that they pursue a different avenue than requesting a vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I ask for the amendment's immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. WYDEN, proposes an amendment numbered 1981.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for farmers and ranchers in the Klamath Basin, Oregon and California)

At the appropriate place in the bill, insert the following:

“In addition to amounts otherwise available, $38,000,000 from amounts pursuant to 15 U.S.C. 713a–4, for the Secretary of Agriculture to make available financial assistance to eligible producers in the Klamath Basin, as determined by the Secretary.

“$6,600,000 will be available for the acquisition of lands, interests in lands or easements in the Upper Klamath River Basin from willing sellers for the purposes of enhancing water storage or improving water quality in the Upper Basin.

“$2,500,000 will be available through the rural utilities account to fund the drilling of wells for landowners currently diverting surface water upstream of Upper Klamath Lake, Oregon.

“Funding for this program will come from the sale of Pershing Hall, a Department of Veterans' Affairs building in Paris, France.”

Mr. SMITH of Oregon. Mr. President, I would like to work with the chairman and the ranking member to find the offset that works and that would win the support of the chairman and ranking member. I thank them both.

Mr. KOHL. We would be happy to accommodate the Senator with respect to his last comment.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1981 WITHDRAWN

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent to withdraw the amendment that is now pending.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, while we are waiting for amendments to be offered, I wanted to make a couple of comments about this subcommittee bill and talk about the work done by Senator KOHL and Senator COCHRAN on this bill.

As always, as I have indicated before, a lot of difficult work goes into putting together the Agriculture appropriations bill. Senators KOHL and COCHRAN work very well together. I, for one, appreciate their cooperation and their assistance. I think they have put together a good piece of legislation.

There are two issues that I have on previous occasions brought to the floor during the consideration of this legislation. One issue we discussed last year on this bill, among other things, is the reimportation of prescription drugs. This issue deals with drug prices, and what we can do to lower those prices.

As I understand it, in the House of Representatives in their Agriculture appropriations bill, there is a provision dealing with the reimportation of drugs that will come to conference this year. It is my intention not to offer an amendment in the Senate on this matter this year—not because it is not important because it is very much so, but as we all know too well, a number of things have happened at this point to change our focus. Other events have happened in this country that have caused us to focus on other serious issues dealing with terrorism and so on. I think this is not the point at which we ought to go off into the medicine importation debate. Therefore, I will not offer an amendment dealing with the reimportation of prescription drugs.

However, let me say this issue will not go away. It is still critically important. The issue will be alive in conference because there is a provision in the bill sent to us by the House of Representatives. One of the reasons we—myself, Senator JEFFORDS, Senator STABENOW, Senator SNOWE, Senator WELLSTONE, and a number of others of us—have worked on the issue of prescription drug prices and reimportation is that prescription drugs are priced higher in the United States than anywhere else in the world. You see a prescription drug sold across the counter in this country to the American consumer at the highest price in the world. That is not fair.

I have told colleagues of my experience in taking a group of senior citizens from North Dakota up to Emerson, Canada, just 5 miles across the North Dakota-Canadian border. In a little one-room pharmacy in Canada, you can buy the same prescription drugs sold in Pembina, ND. The only difference is price—same drug, same pill, put in the same bottle, manufactured by the same company. You can buy it for 50-percent or 70-percent less across the border in Canada than you can in the United States. That is not fair to the American consumer, and it is not fair pricing.

We all know spending on prescription drugs is increasing dramatically—15, 16, 18 percent a year, year after year. The American people—particularly senior citizens—are very concerned about this. One of the proposals we had offered previously was to say: If this is a global economy, why can that not work for everybody, why not for all Americans? Why can't an American citizen or, yes, an American pharmacist, or a distributor get access to cheaper drugs in Winnipeg, Canada, and bring them back and pass the savings along to the American consumer?

Let me give a couple of examples. Cipro, a drug most of us now know about, is used to treat infections. In recent days, we have seen that it has been given to thousands of people who have been exposed to anthrax. The average wholesale price in the United States is $399 a bottle. You can buy Cipro in Canada at $171 a bottle. Let me say that again. A bottle of Cipro—same strength, same number of tablets—in Canada costs $171, but when you buy it in the United States, it is $399. Why more than twice as expensive in the United States? Why does the American consumer pay more than twice as much for the same drug, put in the same bottle, made in an FDA-approved plant? Does that make sense?

Or take the example of Zocor. A football coach tells us on television in an advertisement that I suppose I have seen 500 times that Zocor would be great to lower your cholesterol. The average wholesale price in the United States is $3.82 for one 20-milligram tablet. In Canada, it is $1.82. Fair? I don't think so.

Zoloft is used to treat depression. In the United States, it is $2.34 per 50 milligram tablet. In Canada, the exact same tablet costs $1.28. Fair? I don't think so.

For every dollar we spend for the same prescription drugs in this country, the Canadians spend 64 cents; the Swedes pay 68 cents; in Great Britain it costs 65 cents; and in Italy, 51 cents. That is what is angering the American people and propelling a number of us to say if this global economy is to work, why can't it work for all Americans? Why can't a pharmacist from Grand Forks, ND, access the same prescription drug produced in an FDA-approved plant and bring it back and pay half the price and pass the savings along to the consumer in this country. I offered an amendment of this type last year. We went to conference. We actually succeeded in getting this agreed to in conference. And both the Clinton administration and the Bush administration Secretaries of Health and Human Services said they would not implement this legislation because they said it would not, among other things, save money. Let me ask if there is anybody who has gone past the third grade who doesn't understand that, if you buy Cipro in the United States and pay $399 a bottle and are only required to pay $171 a bottle in Canada, that you can't save money by buying the bottle from Canada.

I guess the only people who think that are the two successive Secretaries of Health and Human Services. I don't know what kind of math they taught in their schools, but I went to a school with 40 students in all 4 high school grades. There were 9 in my senior class. I studied the highest math they offered, and I can understand that this saves money, and there is no Secretary of any Agency in the Federal Government who can convince us otherwise.

Nonetheless, neither administration will implement it. The result is a law that was passed last year is not yet implemented. For reasons I discussed before, we will not offer the amendment on this piece of legislation. But this will be a conferenceable issue because a provision is coming from the House on the Agriculture appropriations bill, and we will resolve this then. It is, I think, an unusual time in our country's history, as we wage a fight against terrorism and deal with a range of issues, so that perhaps this is not the right time to have a full-scale debate about this issue. But there will probably never be a right time, and there will be a time when we must force this again on behalf of the American consumer, to ask how do you justify this? How do you justify drug companies charging the highest prices to the American consumers out of any consumers in the world? How do you justify doubling and tripling the price? How do you justify to a woman who has breast cancer that she ought to pay 10 times more money for Tamoxifen purchased in the United States than in Canada. How do you justify that to somebody fighting cancer, who has to fight a pricing policy for prescription drugs that is wrong?

The answer is that you cannot justify it. That is why this Congress, sooner or later—and I hope sooner—will deal with that subject.

Now, Mr. President, there is one other issue on which I have traditionally offered an amendment on this subcommittee. Again, I will not because I understand we are not able to do it this year for a number of reasons. Each year, in recent years, we have had to offer amendments to the Agriculture appropriations bill on the floor of the Senate trying to provide some weather disaster and economic relief. Why? Because the Freedom to Farm bill was miserable, a miserable failure. It was a disaster, in my judgment. So each year, because it was not countercyclical, it didn't provide help when farmers needed it—or enough help—as we saw commodity prices collapse. We had to try to put some sort of disaster relief in the bill, both weather and economic. We normally described it as emergency spending. We went to conference and boosted it.

I would say the Senator from Wisconsin and the Senator from Mississippi were instrumental in making all of that assistance available to family farmers in this country. I commend them for that. We will likely, in some areas of the country, again this year, need some weather disaster assistance. I understand that in Montana, Idaho, Wyoming—and some other areas that colleagues have talked about—there has been drought. And in some other areas, too much rain has fallen. I expect there won't be a weather disaster amendment this year to this appropriations bill because I don't think the money exists or the emergency category exists to accommodate that. But there will be an economic stimulus package that will be discussed and considered, and it seems to me that one of the things that might be considered would be a livestock and crop loss assistance for disaster aid to those who suffered disasters.

In fact, it is stimulative because that money gets in the hands of producers who then are able to use that immediately to deal with the debts they have and put that money on the main street of our small towns and cities across the country.

So as we move along, even though this subcommittee will not carry these two amendments in its markup this year, it is my hope both of them will continue to be considered, one in conference because it will come from the House, and the second, I hope, perhaps in the stimulus package when we have an opportunity to consider that in the Senate.

Finally, there are a lot of provisions of this Agriculture Appropriations Subcommittee bill that are critically important dealing with research and other matters relating to American agriculture. Our agriculture in this country ought to be a source of enormous pride to all of us. In my judgment, family farmers in America are America's economic all-stars. Yet they have had an awfully tough time year after year as commodity prices have collapsed. One part of trying to help them is not only trying to write a new farm bill, which we should do and we ought to do soon. In fact, we ought to bring a farm bill to this Chamber within a matter of weeks. But, one part of assistance in addition to that farm bill is to provide the kind of research help that will allow family farmers the ability to have access to new seeds—disease-resistant strains of seeds—to make them more effective and reduce risks. That is what much of this bill is about, investment and research.

I again say thanks to the Senator from Wisconsin, Mr. KOHL, and Senator COCHRAN from Mississippi. It is always a pleasure to work with them. They do a good job, and I am proud of them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had a number of inquiries in both cloakrooms about how this bill is moving along, and it is moving along fine. The two managers are working on what amendments can be accepted, which ones cannot be accepted. That list should be completed relatively soon, within the next half hour, hopefully.

The only amendment outstanding, other than what the managers are working on, it is believed, is the Harkin amendment. He is working with Senator NELSON of Nebraska to see if they can work out language on that amendment. If not, Senator HARKIN would offer that amendment. As I understand it, Senator NELSON of Nebraska would move to second degree that amendment.

As I said, they are trying to work out that amendment. So Senators should be advised, we hope, within the next hour or so, and with a little bit of luck, we can complete this legislation. If someone has an amendment and they have not been able to work with the managers, have not had the opportunity to offer the amendment, they should come over because we are going to wrap up this bill totally as soon as we complete what the managers are working on, and the Harkin amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have been waiting here while a couple of our colleagues are trying to resolve some differences in the Cloakroom on an amendment. It is taking them a while so it gives me an opportunity to say a bit about an amendment that I have offered to this bill the last 2 years and which the Senate has accepted both time. I have not offered it this year and will not this evening. I wanted to explain why.

That amendment deals with the shipment of food and medicine to Cuba and the ability of American farmers to sell food to Cuba. In the last 2 years I offered amendments to this appropriations bill that would have eliminated the embargo that now prevents American farmers from selling food to Cuba.

As you know, the American embargo of Cuba has been a failure for 40 years. That embargo has included restrictions on the shipment of food and medicine to Cuba. I have said for several years it is morally wrong, in my judgment, for us to use food and medicine as a weapon. It is not right for us to use food and medicine as part of an embargo. It doesn't injure Fidel Castro. He has never missed a meal because we don't ship food to Cuba.

Our allies, the Canadians and Europeans and others, of course, are able to sell food and other goods to Cuba. It is just the American farmer who is prevented from accessing that markets.

Twice I have offered amendments to fix the problem. The first year my amendment got hijacked because the conference got abandoned and the leaders would not allow it to resume because they knew I had the votes in conference to end the embargo on food and medicine shipments to Cuba. The second year the House of Representatives changed the language and boasted they had solved the problem, but of course they did not. What they provided was that food could be shipped to Cuba, except the sales could not be financed even with private financing. So we still, in fact, have an embargo on food shipments to Cuba. There are no food shipments happening between this country and Cuba. So the U.S. government still tells our farmers: You pay the cost of this embargo. You cannot be part of the Cuban market for food. You can't be a part of it, the Canadians can, the Europeans can, but you can't because we have an embargo of which you are going to pay the cost.

This is unfair to farmers. And I don't think it is a moral policy for our country to use food as a weapon.

Let me say, finally, the provision that was completed last year started the right way in the Senate with my amendment. We did the right thing. It got watered down and then perverted in the conference, and those who did it that boasted that this really solved the problem. A year later we know it did not.

I would say by this time next year, when I certainly will again offer this amendment in the Senate, it will be quite evident that what they boasted of last year never materialized at all. Farmers were still paying the price for this embargo.

We have had plenty of experience with embargoes on food. It ought not be a lesson we need to learn two or three times. Shooting ourselves in the foot doesn't really solve much of the problem. As I indicated, Fidel Castro has never missed a meal because of the embargo. He does just fine. It is our family farmers who suffer.

If necessary, I will offer an amendment to fix this problem again next year. I would like to do so now. However, I think this is not the time. It is late in the year. We should have passed this appropriations bill weeks ago. If I offered this amendment this evening, we would be off into a debate that would last many hours. But I would like to remind my colleagues that I have offered it for the last 2 years. I will offer it again, and some of my colleagues on this appropriations subcommittee will join me the next time we go around.

In deference to the work that we need to do and the times we are in, I think it is important for all of us to work together to try to find a way for us to avoid the kind of controversy that divides us hour after hour after hour. We have been through all of that.

I wanted to explain why I am not going to offer that amendment this evening. But be sure to keep tuned because it will be offered again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to discuss for a few moments the fundamental problem with this appropriations bill and then talk a little bit about the pork that is again prevalent and on the increase in this appropriations bill.

First of all, I want to talk about Federal subsidies, where they go, who should be receiving them, the largess of the Federal Government taxpayers' money under the present setup, how we are going to work subsidies, and how the money is distributed.

Earlier this year, the General Accounting Office released a report that details some very critical information on the disturbing trends of federal farm assistance. The GAO reports that over 80 percent of farm payments have been made to large- and medium-sized farms, while small farms have received less than 20 percent of the payments.

In 1999, large farms, which represent about 7 percent of all farms nationwide with gross agricultural sales of $250,000, received about 45 percent of federal payments. These payments average about $64,737.

Seventeen percent of farms that are medium-sized with gross sales between $50,000 and $250,000, received 45 percent of all payments. Payments average $21,943.

Let me repeat that.

Seven percent of all the farms are now getting 45 percent of all the payments. Seventeen percent of farms that are medium sized and with gross sales between $50,000 and $250,000 receive 45 percent of all payments. Payments average $21,943.

What does this mean? Generally, small farms—with gross sales under $50,000—received only 14 percent of the payments, despite the fact that small farms make up about 76 percent of the farms nationwide. Most of these payments average about $4,141. That is about 6 percent of the total amount made available to large farms.

There is something wrong here. Seventy-six percent of all the farms get 14 percent of the payments. Seven percent of the farms receive 45 percent of the payments.

Where is the rhetoric about the small and family farmer?

The GAO also concluded that:

> The percentage of payments received by the large, very large, and nonfamily farm types increased from 1993 and decreased for other farm types. These farms also experienced substantial increases in the average payment that they received in 1999.
>
> Large and very large farms received about 22 percent of the payments in 1999, with average payments ranging from $51,000 to $85,000.

If we take a look at what has happened with the Freedom to Farm bill and with the substantial amount of emergency and supplemental payments Congress has delivered since 1998, the trend seems to indicate that small farmers are receiving less and less federal assistance. In 1995, small farms received 29 percent of payments. By 1999, small farms received 14 percent.

Thus far, between 1999 and 2001 alone, Congress has designated more than $30 billion in emergency or supplemental spending for farm relief. While the 1996 farm bill was intended to reduce reliance on the Federal Government, payments to farmers have increased by 400 percent, from $7 billion in 1996 to $32 billion in 2001. I think we should all be concerned about where this money is really being spent.

By some reports, even the likes of Ted Turner and pro basketball star, Scottie Pippen, have been recipients of Federal subsidies. At least 20 Fortune 500 companies and more than 1,200 universities and Government farms, including State prisons, received Government checks. Such corporate giants as Riceland Foods, Inc., based in Stuttgart, Arkansas, took in a mammoth $32 million in Federal subsidies and a large conglomerate farm, Missouri Delta Farms received $7 million.

Who pays the tab for these payments? The American taxpayers.

I don't know how you justify a $32 million subsidy to one organization, one corporation, and call it assistance to the farmer. Let's call it assistance to major corporations. Let's call it for what it is.

What I think we ought to do is support the hard-hit family farm operations. Any entity that earned more than $1 million in annual revenues does not justify the expenditure of taxpayer dollars.

I remind my colleagues the American public is very much aware of the actions we are taking when asking the taxpayers to subsidize farmers. Many others among the American public have expressed similar concerns.

Let me point out a few statements:

Representative RON KIND, Wisconsin in the St. Paul Pioneer Press, July 2001:

> Why are we throwing these billions of dollars at these few farmers, which is only leading to an increase in production, and an oversupply, and commodity prices plummeting? 90% of the current farm funding is going to less than one-third of the producers in this country, who are located in 15 states. You can imagine that those 15 states are represented on the Agriculture Committees, where there is a prevailing attitude to keep the status quo.

Mark Edelman, Iowa State University Extension to Communities, October 1999:

> While targeting federal assistance to medium and small farmers and those that are financially vulnerable is often discussed during the outbreak of a farm crisis, the bulk of the emergency payments are not distributed according to those criteria. Up to this point, Congress and farm interests have not been willing to target the bulk of the farm program payments in ways that exclude or penalize larger farmers, or that arbitrarily reward medium, small or financially vulnerable farmers.

Elizabeth Becker, New York Times, May 2001:

> Supporters of farm subsidies, which were enacted in the Depression, argue that they needed to save the family farm. But government documents indicate that the prime beneficiaries hardly fit the image of small, hardscrabble farmers. Because eligibility is based on acreage planted with subsidized crops in the past, the farmers who have the biggest spreads benefit the most.

Chuck Hassebrook, Center for Rural Affairs, Nebraska, July 2001:

> The single most effective step Congress could take to strengthen family farms would be to stop subsidizing large farms to drive their neighbors out of business.

In a recent Wall Street Journal article (October 3, 2001), called "Nuts to You," a story outlines the federal government's continuing love affair with federal subsidies.

> In short, at a time when voters want Congress to be serious, we're seeing Washington at its worst. Once upon a time, it was possible to argue that farm supports kept small-time growers on the land. But nowadays they are little more than huge wealth transfers from average taxpayers to well-to-do farmers, many of whom work the land only part-time.
>
> Based on the amount of a crop produced, these subsidies go to big landholders who collect the cash and then buy up the land around them to collect still more. According to one recent study, only 10 percent of all farmers get 61 percent of all of the federal subsidies. Florida's Fanjul family has made a killing in sugar, another crop vital to the war effort.

Even my colleague and distinguished chairman of the Senate Agriculture Committee, Senator HARKIN, criticized current farm policies for sending a greater share of Government subsidies to large farms instead of the more vulnerable smaller farms and for making it more difficult for young people to go into farming by driving up land values.

In reviewing the General Accounting Office report, Senator HARKIN was quoted in the Des Moines Register, July 2001, as saying that the GAO report "proves that we can and should be doing more to ensure that these payments are distributed fairly." And Senator HARKIN further was quoted as saying, "[T]he bottom line is we must have a fairer system for providing support to farmers in the next farm bill."

More recently, the administration stepped into the debate to urge the Congress to curb its appetite for Federal subsidies and extend more benefits to smaller farming entities. The administration's report makes several important points to the Congress, including this particular comment:

> Even the most carefully designed government intervention distorts markets and resource allocation, produces unintended consequences, and spreads benefits unevenly. We cannot afford to keep relearning the lessons of the past.

However, we are not reauthorizing the farm bill today. The Senate will consider legislation to reauthorize the Freedom to Farm bill in the coming year. However, what we are considering today is equally important, the approval of annual spending for USDA to support farming entities.

When considering any spending measure, we are obligated to ensure the fair and appropriate spending of billions of taxpayer dollars. If we do nothing to ensure equity today in this agriculture appropriations bill, the ultimate outcome is that half of this money will go to the large and very large farming operations, many of them agribusinesses, with little left for small to medium farmers that might demonstrate a greater need. It is time to change this alarming trend.

Mr. President, I am, once again, greatly disappointed to report the amount of flagrant porkbarrel spending in this bill. This year's Agriculture spending bill includes $372 million in questionable earmarks, exceeding last year's level by $136 million. Unfortunately, it appears that the porkbarrel "business as usual" attitude reigns once again.

Few of the annual appropriations bills are more loaded with unrequested, low-priority earmarks than this one. Despite the urging from the administration to eliminate the excessive special interest earmarks in the Agriculture appropriations bill, the appropriators tacked on 395 of the usual garden-variety, special interest earmarks.

I, obviously, will not go through all 395, but let's take a look at the top 10 porkbarrel projects in this year's Agriculture appropriations bill.

My colleagues will note that all of these earmarks are specifically designated to a specific State or a specific entity:

No. 10, $150,000 for potato breeding research at Aberdeen, ID;

No. 9, $250,000 for a beaver control program in Louisiana;

No. 8, $50,000 specifically for the Oregon Garden;

No. 7, $300,000 to the Tick Research Unit at Kerrville, TX;

No. 6, $500,000 for the Honey Bee Laboratory in Baton Rouge, LA;

No. 5, $300,000 for a coyote control program in West Virginia. That one particularly interests me since in my home State we have a lot of coyotes. I do not see any money in there for the control of coyotes in the great State of Arizona or in any place else in the Southwest, but perhaps, as in most cases, with a lot of appropriations bills, there is a unique problem in the State of West Virginia.

No. 4, $750,000 to Western Kentucky University to examine the use of chicken litter as a fertilizer or nutrient source. I hope there is a careful division between those two choices. It could have serious consequences. But I am sure the folks at Western Kentucky University are well equipped to make sure there is no overlap between using chicken litter as a fertilizer or as a nutrient source.

No. 3, $435,000 for weed control in North Dakota. They must have a terrific problem out there in North Dakota because year after year we find this weed control money going to the great State of North Dakota. I hope they get it under control soon. Of course, no other States, obviously, in the view of the appropriators, have a weed problem—except in the great State of North Dakota.

No. 2, $90,000 to study the use of acoustics in aquaculture research at the National Center for Physical Acoustics; and then,

No. 1, $500,000 for the Montana Sheep Institute—$500,000 for that institute of higher learning in Montana, which obviously is very badly needed up there.

Even the reliable earmarks for the National Center for Peanut Competitiveness and shrimp aquaculture are included. I believe that the National Center for Peanut Competitiveness is doing very well because we continue, every year, to make sure that peanut competitiveness is one of our highest priority projects. I will supply for the RECORD the many hundreds of thousands, if not millions, of dollars that have been devoted to peanut competitiveness.

Funding has never been requested for the National Center for Peanut Competitiveness, yet it has been funded by the appropriators for 5 years. And shrimp aquaculture in Arizona and other States has been a consistent beneficiary of taxpayer dollars for 9 years. Unfortunately, there is little explanation included to justify why targeted Federal dollars for earmarked projects are more important than other programs to protect food safety or more directly support farm programs in the bill.

This is a spending spree. So far this year more than $8.5 billion of pork has been included in 10 appropriations bills, including this Agriculture spending bill.

We are at war. We must do better and heed the words of the Office of Management and Budget Director Mitch Daniels, who said:

> Everything ought to be held up to scrutiny. . . . Situations like this can have clarifying benefit. People who could not identify a low priority or lousy program before may now see the need.

Apparently, we are not heeding Mr. Daniel's words. And I do not believe that anyone can say there are no low-priority items in this bill before us.

I urge my colleagues to work harder to curb our habit of funneling resources to provincial ventures. Serving the public good should continue to be our mandate, and we can only live up to that charge by keeping the process free of unfair and unnecessary spending that unduly burdens the American taxpayer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am constrained to say a few words in defense of the committee's decisions with regard to the total overall spending in this bill. It is below the President's budget request. Twenty-two percent of the funds in this bill are discretionary; 78 percent of the funds in the bill are mandatory—mandatory, meaning there is legislation directing the spending be made to those that are defined as eligible for the benefits under the law, under statutes that have been passed by Congress and are now the law of the land.

So the subcommittee, in working to identify the appropriate levels of funding, has to look at the law, provide the funds that the Department of Agriculture, the Food and Drug Administration, and the other agencies funded in this bill say will be due and owing by the Government under statutes that require the money to be paid.

Here is an example of one of the programs. It is the Women, Infants, and Children Nutrition Program. The participation in that program is defined by law. The eligibility for participation is defined by law. If someone is eligible and presents themselves to a facility where the program is administered, they are entitled to the benefits. They are entitled to medical care. They are entitled to food supplements. And the funding for that has to be appropriated. So this bill contains funding for the WIC Program.

I mentioned, in earlier comments, that we may have to appropriate more money in a supplemental later on for the WIC Program because participation is outstripping the predictions. So far this year, in this new fiscal year that started October 1, we can see the trend is such that we may not have appropriated enough money for that program.

The Senate will approve that request if it comes from the Department, if it comes from the President, for a supplemental for that program.

Food Stamps is another program. Because of higher rates of unemployment than we had last year, the Food Stamp Program participation has begun to increase. So there are increases for those program activities.

There are farm programs, as the Senator correctly described, that require the payment of dollars to those who are eligible for support in agricultural production. That also is defined by law.

We don't decide how much each person gets in this appropriations bill. That has already been decided when we passed the farm bill. This bill provides the funds to the Department to make the program dollar payments that are required by law to the eligible beneficiaries.

On the discretionary funding side, the 22 percent of the funds in this bill over which we did have total control, we came in under the President's budget request. That is the point I wanted to make on that. On the part of the budget the Congress controls and on which this Appropriations Committee is making decisions with respect to dollar amounts, we are under the President's budget request.

So to accuse the committee of throwing money around that is not needed, funding programs that are not justified, doesn't hold up when we look at the exact spending levels compared with the budget request, compared with the economic conditions, compared with the statutes that require funding for specific purposes under the law.

The committee has done a good job, in my opinion. That is why the Senator from Wisconsin and I are proud to present this bill to the Senate today, and we hope the Senate will support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTHRAX ATTACK ON CAPITOL HILL

Mr. DASCHLE. Mr. President, I will use this time for just a couple of minutes to provide a brief update on our circumstances involving the buildings here in the Capitol complex and the situation involving the anthrax experience we have all been attempting to work through.

I had hoped before the end of the week to give our colleagues a briefing. There have been meetings ongoing as late as this afternoon. But I believed it was important for those who couldn't come to the meetings to share at least some of the information we have available to us.

It has been 10 days now since the letter containing anthrax was opened in my office in the Hart Building. We now have the final results on all the nasal swabs collected by the attending physician's office. Of the more than 6,000 swabs, 28 were positive for exposure. All 28 of the people whose nasal swabs were positive were on the fifth and sixth floors of the Hart Building's southeast quadrant last Monday. All are being treated with antibiotics. I am happy to say that all currently are healthy.

In all, more than 400 people who worked in or passed through the fifth or sixth floor of the Hart Building's southeast quadrant last Monday are being treated with a full 60-day course of antibiotics.

I know I speak for all of us on Capitol Hill when I say how deeply saddened we are by the deaths this week of the two postal workers from the Brentwood mail facility. We are also concerned about the two other employees from the Brentwood facility who are currently hospitalized and fighting anthrax infections.

On behalf of the entire Senate, I say that our thoughts and prayers are with them, their families, and all of the men and women of the U.S. Postal Service. They are dedicated public servants and they, like the Capitol Police and Senate employees exposed to anthrax, are innocent victims.

As for the buildings, the Capitol itself has been open all week for official business. After virtually around-the-clock environmental testing, a number of other buildings in the Capitol complex have begun reopening.

The Russell Senate Office Building reopened yesterday. The Rayburn and Cannon House Office Buildings reopened today. Also open today are the Senate day care center, Webster Hall, the Senate page dorm, and the Postal Square where Senate offices have been given temporary work spaces. The mailroom in the Dirksen Senate Office Building where a trace of anthrax was discovered last week is being remediated today. Pending the results of environmental tests, it is my expectation that the Dirksen Office Building will be reopened tomorrow.

We have also learned that evidence of anthrax was found on the air-conditioning filter on the ninth floor of the Hart Building and the stairwell leading from the eighth to the ninth floor. The experts say this is neither a surprise nor a concern. Environmental testing and nasal swabs of this section of the Hart Building show no further exposure beyond what we already know.

In addition, late last night we learned that the environmental tests in the freight elevator in the southwest quadrant of the Hart Senate Office Building tested positive. Based on this finding, the attending physician now recommends that anyone who rode in that freight elevator on October 11, the probable date the letter was delivered to my office, or later, be treated with a 60-day course of antibiotics. Anyone who rode on the southwest Hart freight elevator should see the attending physician.

The Hart Building will reopen as it is completely safe. The reopening has been the subject of a good deal of discussion with all of our teams of consultants in and out of the Government. We are looking at the most appropriate way with which to remediate the Hart Building. Some have suggested we remediate the area before any of it is open. If that is possible, that will be our plan.

If it is determined that it is not possible to remediate it in the not-too-distant future, within the next several days, we may have to remediate it in stages and open up the Hart Building in stages.

First, though, before any part of the building reopens, environmental specialists will examine the nine floors in the southeast quadrant and the area near the southwest freight elevator where anthrax was detected. The exact footprint of the southwest quadrant to be examined is still being determined by both scientific and medical specialists.

This anthrax assault has forced a number of temporary changes in the way we work on Capitol Hill. On Monday and Tuesday, all 100 Senators worked out of the Capitol Building. It may be the first time Senators shared such close quarters since the Russell Office Building opened in 1909. While the accommodations were a little cramped, the spirit of determination and cooperation in the Capitol this week has certainly been admirable.

This incident has also forced another temporary change on the Hill. Every week more than 250,000 pieces of mail are sent to the U.S. Senate alone. The mail Senators receive is an important lifeline. It is how our constituents tell us what is on their minds and how they communicate when they need help.

Since last Monday, when the U.S. Postal Service halted delivery to the Capitol, mail for Senators has been piling up in a regional postal facility. It will continue to be held there until we are absolutely certain it poses no risk to anybody, and it will be remediated as well. The postal workers who handle it and the staffers who open it will all be protected.

The Senate Sergeant at Arms is working closely with the Postal Service and with medical and environmental experts to establish procedures for safe mail handling and delivery.

This has been a difficult week—not only for my staff and others here on Capitol Hill but for our Nation's postal workers and for many Americans. My staff and I are grateful for the outpouring of concern and support we continue to receive from all over the country.

I thank the many experts who continue to work virtually around the clock—the Federal Government, the military, the District of Columbia and, of course, our colleagues and staff here in the Senate. The challenge facing these people, in particular, is unprecedented in American history. To a person, they have responded admirably and enabled the Senate to move ahead with the legislative business of our Nation. I am grateful to each one of them, and I thank them for their effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1984

(Purpose: To prohibit the use of appropriated funds to label, mark, stamp, or tag as "inspected and passed" meat, meat products, poultry, or poultry products that do not meet pathogen reduction performance standards)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1984:

On page 78, between lines 2 and 3, insert the following:

SEC. 7 . PATHOGEN REDUCTION PERFORMANCE STANDARDS.

(a) None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to label, mark, stamp, or tag as "inspected and passed" meat, meat food products, poultry, or poultry products under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) produced in establishments that do not meet pathogen reduction performance standards (including regulations), as determined by the Secretary in accordance with applicable rules of practice.

(b) RULEMAKING.—Not later than May 31, 2002 the Secretary shall initiate public rulemaking to ensure the scientific basis for any such pathogen reduction performance standard.

Mr. HARKIN. Mr. President, this amendment, I believe, comes at a very critical time in our Nation for concerns about our safety, about food safety, about what the Secretary of Health and Human Services has told us—that less than 1 percent of our imported food is being inspected. There is great concern.

Quite frankly, I have been involved in agricultural matters now for 27 years. For many of those 27 years, I was involved, in both the House and the Senate, in changing the inspection procedures at the U.S. Department of Agriculture dealing with meat, poultry, meat products, and poultry products to ensure that the people of our country would have the highest assurance that the meat products and poultry products they were purchasing in the store would be safe, that they would have reduced pathogens, and that people could buy them with the absolute assurance that every possible step was taken to ensure they would not get sick.

We have had cases in the recent past. We know about the Jack In The Box and E. Coli 015787. People died. We know from some of the lunch meat packaged in a plant in Michigan where people got sick. Some died there as well. There isn't a week that goes by that we don't hear reports of some illness someplace because of food, food products. It is not always meat, it may be other things.

So during these years, we changed the processes to ensure we would have meat and meat products that would be as free from pathogens as possible. We called that the HACCP. That is what everybody calls it. It stands for the Hazard Analysis Critical Control Point rule. We adopted that in 1996. It was a landmark revision of the meat and poultry inspection system. This rule implemented sweeping changes to accomplish one primary goal: To ensure safer meat and poultry products, to reduce the level of pathogens on meat and poultry products. That is why we did it. It took us years to get to that point.

It was a significant departure from previous meat and poultry inspection efforts—the old poke and sniff system. That is what it was. You looked at it, you poked it and sniffed it, and if it seemed OK, it went through. It did absolutely nothing to ensure the reduction of pathogens.

So for the first time, USDA was not only focused on ensuring good sanitation in plants, which we had always done, going clear back to the Wholesome Meat Act, but also on reducing pathogens—the things that really were making people sick. You might have had a plant that wasn't the cleanest in the world, but it may not have had pathogens. Maybe the plant looked clean on the outside—clean and sparkling—but at some point in that processing plant, or packing plant, pathogens could be entering the meat or meat products.

The pathogen reduction rule that accompanied the HACCP rule established a modern inspection system based on two fundamental principles:

First, the meat and poultry industry has the primary responsibility to ensure the safety of our products by designing and implementing food safety plants. Again, this is something the industry wanted. All these years, the industry kept coming to us saying: We can do it ourselves. We can set up systems to control the safety of our food and our meat and our meat products. So we said: OK, fine, you can have that authority. We will give that to you, along with the responsibility. So that was the first fundamental principle—that the industry was now going to be responsible.

The second fundamental principle was that the public health is best served by reducing the level of pathogens on meat and poultry products nationwide. You might say, well, if you buy something with pathogens on it, if you cook it well enough, you don't have to worry. Fine. But a lot of people don't. A lot of people don't. So we said the public health of America is best served by reducing the pathogens on meat and poultry products.

To accomplish these two principles, USDA developed pathogen reduction standards using salmonella as the indicator bacteria.

These standards set targets that plants have to meet for reducing microbial pathogen levels. If a plant repeatedly fails to meet these targets, USDA may refuse to inspect the plant's products, effectively shutting the plant down until that plant implements a corrective action plan to meet the pathogen reduction standard. Recognize, I say "may." The USDA may refuse to inspect the plant's products. It does not say "shall." It says, "may." So there is broad authority for the Secretary of Agriculture to work with a plant. If it has a problem, if there are pathogens that have showed up in the meat or poultry products, the Secretary can work with the plant.

How did the pathogens get there? From where did they come? How do you control it? How do you keep it from happening in the future? That has been the process by which USDA has operated under this rule.

Quite frankly, we have had some pretty amazing results. I use this first chart again to repeat for the sake of emphasis what I said. To ensure safe food we needed two things: We needed the HACCP plan. Plus, we needed the pathogen reduction standards.

If you take away one or the other, it does not work. So you need both. So what has happened since 1996 when we first changed this and started implementing it? From 1998 to 2000, 2 years, salmonella, which makes you pretty sick—I know because I had it once—the class of the product, using the present performance standard, the one we now have, boilers have gone from 20 percent to 11.4 percent, almost cut in half. As I understand, we are making even further progress there.

Ground beef went from 7.5 percent to 4.4 percent, again almost a 50-percent reduction. Ground chicken, where we had some baseline studies, we went from 44.6 percent incidents in ground chicken of salmonella to 16.2 percent.

Are our people safer today? You bet they are safer. By a long shot, they are safer in eating meat, meat products, poultry and poultry products. So it is working.

So what is this amendment all about that I just offered? What happened was there was a plant in Texas called Supreme Beef. Basically, Supreme Beef had been warned three times by the Department of Agriculture that they had too high a level of pathogen, salmonella, on their ground beef. This was a ground beef plant. They warned them one time.

Did they shut the plant down? No, they did not shut the plant down. They said: You have too much salmonella in your ground beef. We found it. Do something about it. Work with us.

Sometime later, I think about a year later, if I am not mistaken, USDA inspected the plant again, took some samples, and found out there was still a high level of salmonella in the ground beef. The USDA said to Supreme Beef, you have to clean up your act. You have to find out where these are coming from and stop it.

Again, some time went by. USDA went back, inspected them the third time and found that same high level of salmonella in their ground beef. This time they told them to shut down.

During the entire time USDA was working with Supreme Beef to get them to clean up their act, we continued to buy ground beef from that same plant for the school lunch program, even though it had high levels of salmonella, putting our kids in school at risk. Yet the Department of Agriculture worked with Supreme Beef to get them to find out where was the salmonella coming from and to stop it—three times. Yet Supreme Beef just thumbed their nose at the USDA.

Then what happened? After USDA shut them down, lawyers for Supreme Beef went to court. They went to court arguing the Secretary of Agriculture did not have the authority to shut down Supreme Beef based upon these salmonella standards. The case was argued in Federal District Court in Texas. Supreme Beef lawyers went to court challenging the authority of the Secretary to take that action. It was argued at length.

On May 25 of 2000, 1½ years ago, the Federal District Court for the Northern District of Texas held the United States Department of Agriculture does not have the statutory authority to enforce its salmonella pathogen reduction standard for ground beef.

That case is now on appeal to the appeals court. We do not know when a decision is going to be made.

Quite frankly, the Texas case is a frontal assault on microbiological standards, the very thing the people of our country are highly concerned about right now. The decision undermines the only objective standard we have right now to ensure that meat and poultry plants are reducing the level of pathogens on its products. It threatens the very core of the pathogen reduction rule itself.

Let me be very clear. I think the district court got it wrong. I believe the existing meat and poultry inspection acts do give USDA that authority to issue and enforce pathogen reduction standards. I think it is intolerable to have the very core of this rule trampled by a handful of industry lawyers bent on ensuring there are no enforceable pathogen standards—none. That is what they want. That is why I have offered this amendment.

This amendment has broad support among public health groups, consumer groups, farmers, labor unions, senior citizens, even the meat and poultry industry itself. The American Farm Bureau Federation supports this amendment, AARP, the American Food Safety Institute, American Public Health Association, the Consumer Federation of America, the National Farmers Union, the National Parent Teachers Association, the Ranchers-Cattlemen Action Legal Fund, the Iowa Meat Processors Association from my own State, the Iowa Pork Producers Association, and the Iowa Farm Bureau Federation, the Consumers Union.

I ask unanimous consent the list of all these groups that support my amendment and the letters from these groups in support of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE HARKIN AMENDMENT

AARP.
American Farm Bureau Federation.
American Food Safety Institute.
American Public Health Association.
Center for Science in the Public Interest.
Consumer Federation of America.
Consumer Union.
Government Accountability Project.
National Consumers League.
National Farmers Union.
National Parent Teachers Association.
Ranchers-Cattlemen Action Legal Fund United Stock Growers of America.
Iowa Meat Processors Association.
Iowa Pork Producers Association.
Iowa Farm Bureau Federation.
Safe Tables Our Priority.
United Food and Commercial Workers Union.

NATIONAL PTA,
Chicago, IL, September 26, 2001.

SENATE APPROPRIATIONS COMMITTEE,
Agriculture Subcommittee,
Washington, DC.

DEAR SENATOR: I am writing to urge your support for the amendment to the agriculture appropriations bill that will be introduced by Senator HARKIN to clarify USDA's legal authority to enforce standards for reducing pathogens in meat and poultry products.

As president of the National PTA, I represent over 6.4 million parents, teachers, students, and other advocates committed to the health and safety of our nation's children. National PTA supports legislation to sustain, improve, and expand federal child nutrition programs, including school meals and antihunger efforts. Such advocacy efforts fall short, however, if the meals fed our children are tainted by foodborne pathogens, to which children are even more susceptible than are adults.

The HACCP/Pathogen Reduction rule adopted by the USDA in 1996 included standards to reduce these pathogens. Last year, however, a federal court barred USDA from enforcing these standards. Senator HARKIN's amendment is needed to clarify that USDA does indeed have the authority under the Federal Meat and Poultry Inspection Acts to enforce pathogen reduction standards in meat and poultry products.

To improve the safety of our children's meals, I urge you to support Senator HARKIN's amendment.

Sincerely,

SHIRLEY IGO,
President.

AARP,
Washington, DC, October 3, 2001.

Hon. TOM HARKIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of AARP, I am writing in support of your amendment to the Agriculture Appropriations Bill that would help ensure a safer meat supply. Food safety is of particular concern to older Americans who, along with young children and those with immune deficiencies, are at particular risk from foodborne illness.

The amendment is long overdue. We are pleased that it would clarify the authority of the U.S. Department of Agriculture (USDA) to set standards to control pathogens in meat. Unfortunately, this authority has come into question as a result of a court case in Texas, in which a meat company successfully sued the Department to prevent it from enforcing its performance standard for Salmonella, a standard that the company had failed to satisfy on three separate occasions.

We agree that it is imperative to reaffirm USDA's authority to adopt and enforce performance standards; otherwise, the effectiveness of the comprehensive Hazards Analysis Critical Control Points (HACCP)-based meat inspection system will be seriously jeopardized.

We strongly support your amendment.

Sincerely,

WILLIAM D. NOVELLI,
Executive Director and CEO.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 16, 2001.

MS. CAROL TUCKER FOREMAN,
The Food Policy Institute, Consumer Federation of America, Washington, DC.

DEAR CAROL: Thank you for your October 15, 2001, letter to Secretary Veneman about performance standards.

The Department of Agriculture (USDA) believes that we must have performance standards for pathogens. We recognize that some groups have questioned what the appropriate pathogen performance standards should be and whether the present performance standards are scientifically based. We believe that the results of two studies now underway by the National Academy of Sciences and the National Advisory Committee on Microbiological Criteria for Foods will provide important scientific information. In the meantime, USDA remains committed to enforcing the current performance standards at every meat and poultry establishment in the country to which they apply.

Certain groups also have raised questions about the application of the pathogen reduction performance standards. USDA supports the retention of the Secretary's discretion in determining the appropriate application of the standards.

Because of pending litigation filed in 2000, the Department's policy is to refrain from commenting on any matter that relates directly to the Supreme Beef Processors, Inc., case. For this reason, we cannot comment on legislative amendments sponsored by Senator Harkin or by the industry.

We appreciate hearing from you. I'm looking forward to working with you and our other stakeholders to ensure a safe food supply for all Americans.

Warm regards,

ELSA A. MURANO,
Under Secretary, Food Safety.

CFA,
Washington, DC, October 5, 2001.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America urges you to vote FOR the Harkin amendment to H.R. 2330, the agriculture appropriations bill for fiscal year 2002. The amendment specifically states that the Secretary of Agriculture has authority to impose and enforce limits on disease causing organisms in meat and poultry products. This element of the USDA's new inspection system has been challenged in court. Opponents charge that laws passed in 1906 and 1967 did not contemplate a science-based inspection system and assumed inspection would include only visible examination by federal inspectors.

But federal inspectors cannot see the pathogenic bacteria that cause food-borne illness. This is one reason that food poisoning has become a serious public health problem in the United States. The Centers for Disease Control reports that each year contaminated food causes 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. Contaminated meat and poultry products are often implicated in food poisoning cases.

To help reduce the terrible toll of food-borne illness, USDA introduced a new science-based inspection program, the Pathogen Reduction and Hazard Analysis Critical Control Point (PR/HACCP) inspection system. The new program sets limits on the levels of Salmonella that can be present in raw meat and poultry products.

Since USDA began setting and enforcing Salmonella standards, the amount of Salmonella in meat and poultry products has dropped substantially. For some products, it has dropped by half. While USDA inspectors remain in the plants, the performance standards are the only objective measure of whether a plant's HACCP program actually produces food that is cleaner, safer and less likely to cause food-borne illness than the old inspection system.

If the pathogen standards are eliminated, each company will be free to decide how much pathogen contamination is acceptable. A meat or poultry company could produce filthy products with thousands of Salmonella bacteria. Those products would be stamped, "USDA Inspected and Approved" and sold to unsuspecting consumers.

Consumer Federation of America has strongly supported Pathogen Reduction/HACCP. It is an important step forward in meat and poultry inspection. But our support has always been conditioned on USDA setting and enforcing pathogen controls. If this objective measure of adequate performance is dropped, we will withdraw our support and inform our members that the USDA inspection seal is largely meaningless.

The pathogen reduction requirements do not unnecessarily burden industry. Frankly, the performance standards are not as stringent as they should be. Plants have only a .8 percent chance of failing three times in a row. Hundreds of plants have been tested. Only four have failed the test three times. Further, USDA makes every effort to help plants comply. If a plant fails once, USDA works with management to adjust the company's processes so they can meet the standard. The plant is tested again and it it still fails, USDA continues to work with them. Then they are tested yet again. This process may go on for almost a year. During all that time the company's products continue to be approved and sold.

In this system, everyone benefits. Companies know what the standard is. Companies that fail get help from USDA so they can pass subsequent tests. Consumers benefit from the reduction in disease causing organisms. The Harkin amendment will assure that the pathogen controls remain in effect.

With threats of terrorist attacks on our food supply possible, it would be shocking if Congress failed to protect these standards. It would surely increase the risk of food-borne disease and further diminish public confidence in our food supply.

We urge your support for the Harkin amendment.

Sincerely,

HOWARD METZENBAUM,
Chairman.
CAROL TUCKER FOREMAN,
Director, Food Policy Institute.

SAFE FOOD COALITION,
Washington, DC, July 24, 2001.

DEAR SENATOR: The undersigned members of the Safe Food Coalition urge you to support an amendment by Senator Harkin to H.R. 2330, the Agriculture Appropriations Bill for FY 2002. The amendment clarifies USDA's authority to set standards to control the presence of pathogens in meat and poultry products. It is needed for the following reasons:

USDA's Rule Limiting The Presence Of Disease Causing Bacteria In Meat And Poultry Is Threatened. A meat company in Texas has sued USDA to prevent the Department from enforcing its Salmonella performance standard. The Texas company, a major supplier of meat to the school lunch program, failed the Salmonella standard three times. USDA sought to close the plant. A federal district court allowed the company to continue selling meat, despite the company's apparent inability to meet this basic food safety test.

The decision is under review by the U.S. Court of Appeals for the 5th Circuit. If that court rules against the USDA, the department will be unable to enforce limits on Salmonella in ground beef in any of the states comprising the 5th Circuit. Further, the meat industry continues to pressure USDA to drop Salmonella testing all across the country.

The Salmonella standard is reasonable and it is effective. Since it went into effect over three years ago, Salmonella contamination has dropped in all tested products—dropped by 50 percent in some. USDA applies this test in thousands of slaughter and grinding facilities. Fewer than a half-dozen plants have failed the test three times. There are two reasons for the high pass rate. First, the performance standard is not hard to meet. In practice it falls below the industry median for each product. To pass, a plant need not even be as good as the least effective plant in the top half of all plants. In 2000, 91 percent of the ground beef plants tested by USDA under the rule met the standard on each round of tests and 92 percent of the 344 small ground beef plants tested met the standard on each round.

Second, USDA helps plants meet the standard. If a plant fails once, USDA staff works with the plant to help it resolve the problem. If it fails a second time, the USDA again seeks to help the plant correct the deficiencies in its HACCP plan. It is only when a plant, after getting help from USDA and being given multiple opportunities to pass, fails a third time to meet the Salmonella standard, that it becomes subject to sanctions. In the case of Supreme Beef, almost a year passed between the time Supreme failed the first test and the point at which USDA finally tried to close the plant. Consumers might well ask why USDA allows any plant that fails to meet the Salmonella contamination limit to continue operating for such extended periods.

Limits on Salmonella in meat and poultry are basic to the USDA's new inspection system, officially named the Pathogen Reduction and HACCP System. In 1996, USDA began to shift from its old inspection program to a new one, the so-called HACCP system. Under the new system, plants are responsible for producing clean, safe products. The Salmonella standard, Salmonella testing, and enforcement of the standard are the means by which the government works to assure that a plant's HACCP program does what it promises, providing an acceptable level of public health protection. Consumer and public health organizations initially opposed the HACCP program. We gave our support only after HACCP was coupled with pathogen reduction to help protect public health. The Salmonella performance standard, Salmonella testing, and enforcement are basic to our continued support for the program. Salmonella test results are our objective proof that a HACCP plan works to limit the presence of these disease causing organisms.

Meat and poultry are the only products that come to the consumer with a Government warranty. Enclosed with this letter are copies of the USDA seal of inspection. Every package of meat and poultry sold to consumers is stamped, "Inspected and Approved, USDA" or "Inspected for Wholesomeness, USDA."

No other product, not cars, nor tires, nor airplanes—not even other food carries an assurance that the U.S. government has examined it and attests that it meets a standard for wholesomeness. Americans have a right to assume that products carrying the USDA seal will be reasonably safe and clean, not loaded with disease causing organisms. It is not unreasonable to ask the companies whose products carry a U.S. government seal of approval to demonstrate that those products are clean and safe and relatively free of disease causing organisms.

Food-borne illness is a serious public health problem in the U.S. According to the Centers for Disease Control contaminated food cause 76 million illnesses, 325,000 hospitalization and 5,000 deaths each year. Government standards must limit the organisms that cause these illnesses. The Harkin amendment will ensure that whatever decision is reached by the Court of Appeals, beef shipped within the US will continue to meet strict safety standards for Salmonella.

Please do not turn the clock back on food safety. Do not break faith with consumers who assume that the USDA seal of inspection has some integrity. Do not allow companies who fail to limit pathogens in their products to continue to sell their meat and poultry as "USDA Inspected and Approved." Maintaining the pathogen standard will help preserve public health. it will also protect legitimate businesses from those companies that are unable or unwilling to meet a decent standard.

Again, we ask you to support the Harkin amendment.

CAROL TUCKER FOREMAN,

Coordinator, SFC, Director, Food Policy Institute, Consumer Federation of America, Assistant Secretary, USDA, 1977–81, on Behalf of the following organizations:

American Public Health Association.

Consumers Union (Consumers Union is not a member of the Safe Food Coalition but endorses this position statement).

Center for Science in the Public Interest.

Government Accountability Project.

Consumer Federation of America.

National Consumers League.

Safe Tables—Our Priority (S.T.O.P.)

Mr. HARKIN. It is a broad coalition, from farm groups to labor unions to consumer groups to parent teachers. It covers the entire spectrum of the food safety chain from farm to table.

Now, some may be surprised there is meat and poultry industry support for my amendment. Do not be surprised. My staff and I have spent hours and hours in meetings trying to arrive at a compromise with industry opponents of these microbiological performance standards.

My door has been open to all. There is no one who can say I would not meet with them to discuss how we reach some agreement. The reason we have this support from many meat and poultry groups is because the pathogen reduction standard is simply the right thing to do for food safety.

Mr. DURBIN. Will the Senator yield?

Mr. HARKIN. I am delighted to yield to my friend from Illinois who has led the charge for a single food agency in this country. He is on the right course. I hope he gets it done soon.

Mr. DURBIN. I am happy to be an ally on this cause, as well. I recollect a few months ago there was a release on the Web site of the USDA suggesting they were going to relax, if not remove, the salmonella standard for school lunch programs. Many people saw it and started to respond.

If I am not mistaken, the very next morning, Ari Fleischer at the White House, in the opening briefing said: This is not true; it is not where the USDA stands; we are for the strictest standard when it comes to the presence of salmonella in ground beef for school lunch programs.

What the Senator from Iowa is arguing for, if I am not mistaken, is the position of the USDA, and the position President Bush has taken, is that they will establish the standards—the district court case in Texas notwithstanding.

The Senator from Iowa, a Democratic Senator, is offering a reaffirmation of the position taken by both Democratic and Republican Departments of Agriculture. Does the Senator from Iowa recall this?

Mr. HARKIN. I appreciate my friend from Illinois bringing that up. I have it later in my speech someplace. You beat me to the gun.

It is true, there was this indication that someone in the Department, probably at the behest of the industry lawyers, maybe the same one who brought the Supreme Beef case, I don't know, decided they would relax the salmonella standards on the very meat our kids eat in school.

As the Senator said, the hue and cry was incredible. The administration came to its senses and said the next morning: It said absolutely not. The administration said it will enforce those standards and it wanted the toughest standards. All we are doing is giving the Secretary of Agriculture the statutory authority to do just that.

Mr. DURBIN. So those who oppose this amendment not only oppose a standard created by the Clinton administration and the U.S. Department of Agriculture, but a standard that has been reaffirmed by the Bush administration in its current Department of Agriculture.

Mr. HARKIN. I believe that is entirely true.

As I said, the reason we have such broad support is because the pathogen reduction standards is the right thing to do for food safety. The vast majority of our packers and our processers in this country are conscientious and want to do the right thing. They work with the Department of Agriculture. As my chart shows, they have been energetically reducing the number of pathogens that enter our foods. But, as anything else, there are always some out there who believe they can shave a little bit, skim a little bit, make an extra buck here or there. And after all, they can cite the Supreme Beef case in Texas, and say: You don't have the authority to enforce this standard.

Those who have refused to compromise at all have resorted to a campaign against this amendment based on untruths and misstatements. I want to set the record straight on some of these most egregious examples.

First, industry opponents have said that the current administration does not support having enforceable pathogen standards. As my friend from Illinois pointed out, just read what Ari Fleischer said at that press conference that morning, they want the toughest standards.

I ask unanimous consent to have printed in the Record a letter from Under Secretary for Food Safety, Dr. Murano.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Office of the Secretary,
Washington, DC, October 16, 2001.

Ms. Carol Tucker Foreman,
The Food Policy Institute, Consumer Federation of America, Washington, DC.

Dear Carol: Thank you for your October 15, 2001, letter to Secretary Veneman about performance standards.

The Department of Agriculture (USDA) believes that we must have performance standards for pathogens. We recognize that some groups have questioned what the appropriate pathogen performance standards should be and whether the present performance standards are scientifically based. We believe that the results of two studies now underway by the National Academy of Sciences and the National Advisory Committee on Microbiological Criteria for Foods will provide important scientific information. In the meantime, USDA remains committed to enforcing the current performance standards at every meat and poultry establishment in the country to which they apply.

Certain groups also have raised questions about the application of the pathogen reduction performance standards. USDA supports the retention of the Secretary's discretion in determining the appropriate application of the standards.

Because of pending litigation filed in 2000, the Department's policy is to refrain from commenting on any matter that relates directly to the Supreme Beef Processors, Inc., case. For this reason, we cannot comment on legislative amendments sponsored by Senator Harkin or by the industry.

We appreciate hearing from you. I'm looking forward to working with you and our other stakeholders to ensure a safe food supply for all Americans.

Warm regards,

Elsa A. Murano,
Under Secretary, Food Safety.

Mr. HARKIN. The Department of Agriculture believes we must have performance standards with pathogens.

Second, the industry opponents have said my amendment will codify the salmonella performance standard. This is patently untrue. We only clarify that the Secretary has a generic authority. We do not set any standard. I leave that to the scientists.

Industry opponents claim my amendment would limit the Secretary's discretion to determine when a plant has failed to meet the performance standard. This is demonstrably untrue. We worked with Secretary Veneman to ensure my amendment preserves the Secretary's existing flexibility to work with plants in danger of failing the standard. We both want to avoid withdrawing inspections where plants are genuinely working to come into compliance with the standard and there is no immediate threat to public health. Obviously, if there is an immediate threat to public health, like E. coli, or something like that which will kill you, obviously, the Secretary should have the authority to shut that plant down.

There are a number of other arguments they have made which are patently untrue, but I will not get into them here. In deciding whether to support my amendment, my colleagues should consider the following question: How do you explain to America's families why a plant shipping ground beef with salmonella levels more than five times the national average, ground beef that is going into the School Lunch Program, how do you explain to our families that plant shouldn't even be asked to clean up its act? These are the facts of the case in Texas. The plant had the worst record on pathogen levels in the country and one of its biggest customers was the School Lunch

Program. It failed three rounds of salmonella testing. No one said, we are shutting you down. They asked them to submit a plan for corrective action. The owner refused. I think when the health of our kids is at stake and our families are at stake, this is common sense.

Last, in trying to reach an agreement with those who are opposed to this amendment, I added a section. I will be very clear so people understand this added section. I will read it:

> Not later than May 31, 2002, the Secretary shall initiate public rulemaking to ensure the scientific basis for any such pathogen reduction standard.

Now, the first part of my amendment basically says that between now and then the Secretary has the statutory authority to enforce the existing pathogen reduction standards based upon the salmonella bacteria indicator.

That is all it says. So those who are opposed to my amendment are saying they want to leave a gap that between now and some indefinite time in the future the Secretary will not have that authority, will not have that authority to enforce a pathogen reduction standard.

People ought to take a look around and see what is happening in this country. The people of this country are demanding we reduce the pathogens in our food and in our food supply. We have been doing it under the existing standard, but because of one district court case in Texas that said we did not give the Secretary the statutory authority, that is now in question.

All my amendment does is give the Secretary the statutory authority to enforce the standards. We don't set the standards. And then it says further, by May 31 of next year the Secretary has to initiate public rulemaking to ensure that a pathogen reduction standard is based on good science.

How can anyone argue with that?

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nebraska.

AMENDMENT NO. 1987 TO AMENDMENT NO. 1984

Mr. NELSON of Nebraska. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

> The Senator from Nebraska [Mr. NELSON], for himself and Mr. MILLER, proposes an amendment numbered 1987 to amendment No. 1984.

Mr. NELSON of Nebraska. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the word "sec" and insert the following:
>
> None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture shall be available for application of the mark of inspection to any meat or poultry product that is shown to be adulterated: *Provided further*, That the Secretary of Agriculture shall prepare a report, which is to be submitted by May 15, 2002, to the Committee on Appropriations of the Senate and the House of Representatives, regarding the role of microbiological monitoring and standards relating to indicator organisms and pathogens in determining the effectiveness and adequacy of Food Safety and Inspection Service Hazard Analysis and Critical Control Point (HACCP) meat and poultry safety programs, including relevant points of general scientific agreement regarding such monitoring, and analysis of the microbiological data accumulated by the Secretary to identify opportunities to further enhance food safety, as well as any modification of regulations or statutory enforcement authority that may advance food safety; *Provided further*, That not later than August 1, 2002, the Secretary shall initiate public rulemaking to improve the effectiveness and adequacy of the Hazard Analysis and Critical Control Point (HAACP) System established under part 417 of title 9, Code of Federal Regulations.

Mr. NELSON of Nebraska. Mr. President, I rise in support of this second-degree amendment and believe it requires some degree of explanation as to how it may differ from the amendment which has been offered.

It has been characterized that this is an issue about food safety. But truly the difference between his amendment and mine is not about food safety, it is about whether or not we are going to enforce a flawed standard before we have studies completed that this body mandated last year. That is what this issue is all about, not whether or not we are going to have food safety.

My amendment doesn't move to table Senator HARKIN's amendment, but it seeks to improve it. I believe in fact it does.

We worked very diligently to find a way to have a solution. But the solution would have required authorizing and empowering the U.S. Department of Agriculture, by statute, by his amendment, to enforce a standard about which a court in Texas, a Federal district court in Texas, has said, among other things:

> The performance standard may not be enforced because it doesn't measure food safety.

I am for food safety. But I am not for a standard that doesn't measure food safety. Nor am I in favor of empowering specifically eliminating any question about the authority of an agency to enforce a standard that does not measure food safety.

I am most definitely interested in making certain that we have food safety. That is why I worked very closely with my colleague to work out some language which he has included in his amendment. I commend him for doing that because that language says that, by May 31 of next year, the U.S. Department of Agriculture must initiate rulemaking and a standard based on these studies which are expected to be completed by that time.

I think it would be unwise for this body to now empower the U.S. Department of Agriculture to enforce standards that do not measure food safety after, last year, authorizing and requiring studies that will, in fact, establish a standard that will be aimed at measuring food safety and empowering the agency, the U.S. Department of Agriculture, to be able to use those standards in order to impose an appropriate salmonella standard for all food. That is what the question is really all about: Do we enforce and authorize and require the enforcement of a standard that doesn't rise to that level versus authorizing the agency and requiring the agency to, by a certain time—a timeframe certain—to have the rulemaking in place in order to impose an appropriate standard based on sound science.

That is what this issue is about: Whether or not we are going to have a standard based on sound science or one that the court says doesn't measure food safety.

There are some other things the amendment does that I think are important. It specifies that food that is unsafe or labeled inaccurately or is otherwise adulterated cannot bear the U.S. Department of Agriculture mark of inspection.

It further goes on to make sure that the agency, the Secretary of Agriculture, comes forward with the report that specifies the general points of scientific agreement regarding microbiological testing and standards.

This will require a standard that we can be sure is based on sound science. Until these reports are done, we can't be sure the current standard is strict enough. It is not a question of whether it is too lax. We don't know.

I am unlikely to support the requirement of that standard until, in fact, we have the studies done to know if it is strict enough. The suggestion might be that it is not strict enough. But I suggest we do not know and we will not know until and unless these studies that were authorized by this body last year have been completed and a rule adopted by the U.S. Department of Agriculture.

I yield to my colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I think it is so important for us to make sure we understand what we are talking about tonight and what some of our colleagues have expressed. We do not oppose a standard which was mentioned earlier by the Senator from Illinois. What we do want is a good standard.

This body requested studies this time last year as we debated this whole issue. Since then, through hearings, everyone has agreed—even USDA agreed, as they testified to that as they effect—that the standard, the current standard, is flawed. Basically what we have been trying to say is that enforcing a flawed standard is, in effect, codifying a bad standard. We do not want to do that.

This issue was debated last year. We worked with Senator HARKIN then at the time, saying the issue was not whether there should be enforceable microbial testing standard for meat and poultry plants, the question was what standard should be used and what should be the scientific basis for that standard.

We directed those studies, both from the National Research Council and the USDA Scientific Advisory Committee, to make recommendations regarding microbial testing in plants. These committees were directed to review the appropriateness of the existing salmonella performance standard and to recommend a microbial testing program that will measure food safety performance in meat and poultry plants. We want a good standard. We want a standard based on science, which is exactly what the Senator from Nebraska is asking.

Some would claim that food safety would be compromised while we await USDA's recommendation. That is simply not the case. USDA is still conducting salmonella performance tests at every meat and poultry plant in the Nation. USDA still has a wide variety of enforcement tools available, including withdrawal of inspection if meat or poultry plants produce adulterated products or operate in unsanitary conditions.

Food safety must continue to be a top national priority. I don't think that is the argument here. We want to see the best standards. But our food standards must be practical, they must be enforceable, and they must be based on scientific evidence, which is exactly what we asked for last year.

What we want to see happen is that we use these studies, we use this scientific evidence, that we have worked so hard to get, as it comes out this spring and put it into practice across this country.

We don't want to base it on sound bytes or newspaper headlines. I think Senator NELSON's amendment will allow us to achieve that goal. That is why I urge our colleagues to vote for and support his amendment so we can base good standards on scientific findings.

I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, there is a fundamental difference here. Quite frankly, the standard in place now is, in fact, based upon the best science that was available during the time when they promulgated that standard. As I pointed out in my amendment on May 31, the Secretary has to start rulemaking based upon the best science available. I agree with that.

Let us not be mistaken. This amendment says if you want to have uncertainty out there as to whether or not the Secretary can enforce a patent and pathogen reduction standard, this is the amendment for you because that is what we have. We have uncertainty right now because of the Supreme Beef case in Texas.

This amendment by my good friend from Nebraska basically says that is what we are going to have. We are going to have this vast uncertainty out there.

I don't want my kids and I don't want your kids and grandkids, or the people of this country having that cloud of uncertainty.

That is why I believe this amendment should be defeated—because it leaves the uncertainty there. It would allow for plants such as Supreme Beef to continue to snub their noses at the Secretary of Agriculture and at reducing the pathogen standard.

That is why I move to table the second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. REID. Could the Chair check that again?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Their now appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mrs. HUTCHISON), the Senator from Montana (Mr. BURNS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—45

Akaka
Baucus
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Campbell
Carper
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Ensign
Enzi
Frist
Gramm
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Bunning
Burns
Domenici
Hutchison
Stevens

The motion was rejected.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent to withdraw my amendment.

AMENDMENT NO. 1984, WITHDRAWN

Mr. COCHRAN. Reserving the right to object, what was the request? The Senator asked unanimous consent for something, but I could not understand it.

Mr. HARKIN. I asked unanimous consent to withdraw the amendment.

Mr. COCHRAN. Reserving the right to object, he asked unanimous consent to withdraw his amendment. The amendment has been amended by the amendment offered by the Senator from Nebraska. I hope the Senator from Nebraska will suggest what his intentions are.

I don't want to object if the Senator from Nebraska is not going to object.

The PRESIDING OFFICER. The amendment has not yet been agreed to.

Mr. COCHRAN. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, as I understand it, we are simply waiting now for a managers' amendment that should be available shortly. As soon as it is available, we will deal with that. As I understand it, that is the last amendment remaining. We will then go to final passage.

For the information of all Senators, assuming we are able to go to final passage tonight, there will be no session tomorrow. We will be in pro forma session on Monday. It would be my expectation, in consultation with Senator LOTT, to go to the Labor-HHS appropriations bill Tuesday morning.

I yield the floor.

AGRICULTURAL RESEARCH SERVICE

Mr. THURMOND. Mr. President, I appreciate the chairman and ranking member working with me to find funding for a crucial Agricultural Research Service (ARS) Station project. This project will further the research and commercial adaptation of swine waste management. It will be an offset facility located in North Carolina, but is associated with the Florence, SC, ARS Station. In order to fund the start-up costs and equipment rental associated with this project, the full cost to ARS is estimated to be $1 million. The nature of this project is urgent. I hope ARS will fund this program with available fiscal year 2002 funds.

Mr. HELMS. I am grateful to my friend from South Carolina, Senator THURMOND, for his determination to pursue this project which will be located in North Carolina. I believe ARS should make this project a priority. I appreciate the managers of the bill acknowledging its importance.

Mr. KOHL. I appreciate the Senator from South Carolina bringing this important issue to my attention. I am confident we can work together to encourage ARS to fund this project in fiscal year 2002.

Mr. COCHRAN. I understand why this project is important to my colleagues. I will work with them to find a way to help ARS move forward in funding this project.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

Mr. CRAIG. Mr. President, first I would like to thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2001 Agriculture, Rural Development, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman of the subcommittee regarding the appropriation for the Department of Agriculture's Rural Development Programs. The committee has encouraged the Department to continue to support the National Rural Development Partnership (NRDP) and its associated State Rural Development Councils within existing funds. It is my understanding that an allocation of $5.5 million would provide Federal funding to 40 State Rural Development Councils (SRDCs) at the level they received in fiscal year 2001 and that it would cover other necessary program support for the NRDP/SRDCs. I would ask that this need be considered when this bill goes to conference.

The National Rural Development Partnership is a nonpartisan interagency working group whose mission is to contribute to the vitality of the Nation by strengthening the ability of rural Americans to fully participate in determining their futures. Although the Partnership has existed for 10 years, it has never been formally authorized by Congress.

Thirty seven members of the Senate have joined on legislation to formally establish the NRDP and SRDCs, S. 1111, the National Rural Development Partnership Act. This legislation authorizes or formally recognizes the existence and operations of the Partnership, the National Rural Development Council, and SRDCs. In addition, the legislation gives specific responsibilities to each component of the partnership and authorizes it to receive Congressional appropriations.

It is essential that the current network of SRDCs remain viable while we work to pass this legislation. The core components of S. 1111 have been included in the House version of the farm hill and we are working to have S. 1111 included in the Senate version of the farm bill. In addition, a task force, which includes significant representation external to the NRDP, is currently considering questions related to the mission, structure, and operations of the NRDP and SRDCs. Fiscal year 2002 is a transitional year during which fundamental issues related to the NRDP and SRDCs will be addressed. During fiscal year 2002, unique role of helping to coordinate rural development policies and programs must be preserved.

Mr. KOHL. I thank the Senator from Idaho for his remarks, and I look forward to working with him to resolve this issue in conference. It is my understanding that contributions provided to the NRDP from other Federal agencies could be used to diminish the amount of funding that would come from USDA. The NRDP and SRDCs provide rural citizens and agencies, nonprofit organizations, and corporations that serve rural areas with a forum for analyzing challenges and developing holistic and cost-effect solutions. There has never been a greater need for the type of work done by the partnership and SRDCs.

EXOTIC DISEASES

Mr. HOLLINGS. Mr. President, I rise today to thank Chairman KOHL and Ranking Member COCHRAN for recognizing the increasing threat posed by emerging and exotic diseases to animals and crops through out the United States and providing the Agricultural Research Service an increase of $6,782,000 for fiscal year 2002. I also want to confirm that the Committee intends for at least $500,000 of these funds to be used to meet the higher operating costs presented by the new state-of-the-art ARS U.S. Vegetable Lab in Charleston, South Carolina.

Mr. KOHL. The Senator from South Carolina is correct. I understand there has been significant progress on its construction and the new facility is scheduled to open in February 2002. I agree that the necessary funds must be provided for its operations.

Mr. HOLLINGS. Such progress would not have been possible without the support I have received over the years from both sides of the aisle on this project. The new laboratory will play an important role in the ARS mission of conducting research to solve regional and national problems in the production and protection of vegetable crops. This research is critical to the continued production of crops in a sustainable agricultural economy.

Mr. COCHRAN. Certainly the research conducted by the lab is a key component in ensuring that an affordable, safe and dependable supply of nutritious vegetable crops is available to U.S. consumers. I, too, want to assure the Senator from South Carolina that it is my understanding these funds will be used to meet the higher operating costs of the Charleston Vegetable Lab.

Mr. HOLLINGS. I thank the distinguished chairman and ranking member of the subcommittee for their attention to this matter and, again, appreciate the assistance they have provided on this project over the years.

SUDDEN OAK DEATH SYNDROME

Mrs. BOXER. Mr. President, I would like to address an emerging ecological crisis in California that quite literally threatens to change the face of my State, and perhaps others.

California's beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan, and Shreve's oak trees—among the most familiar and best loved features of California's landscape—are dying from a newly discovered disease known as Sudden Oak Death Syndrome.

The loss of trees is fast approaching epidemic proportions, with tens of thousands of dead trees appearing across the Californian landscape. As the trees die, enormous expanses of forest face substantially increased fire risk because the dead trees are highly flammable. These dead trees are also more likely to blow over in high winds, posing a growing risk to people and property.

Unfortunately, this terrible disease has also been found in at least 10 other plant species, including rhododendron in commercial nurseries. Other commercially important plants such as blueberries and cranberries are also believed vulnerable.

Most disturbing is the fact that Sudden Oak Death Syndrome is spreading rapidly. It was recently discovered in Oregon. Fear that it will spread further has already provoked Canada and South Korea to ban the importation of California oak products. Scientists believe it may only be a matter of time before this disease reaches oaks and other species in the Midwest, Northeast, and around the country.

It is vital that we invest now in efforts to stop the spread of this disease before it becomes uncontrollable. Although the Senate bill does not include funding to address this issue, the House has provided $500,000 for these purposes. Last year, the Agriculture Committee provided over $2 million in funding to address this disease. Am I correct in understanding that the chairman will assist in conference to ensure that the final bill includes funding to address Sudden Oak Death Syndrome?

Mr. KOHL. Yes. I recognize that Sudden Oak Death Syndrome is a growing problem that threatens oak trees and other species in my State and around the Nation. I assure my colleague that I will do my best in conference to push for an increase in funding to $1,000,000 when the agriculture bill is considered in conference.

NATIONAL ORGANIC STANDARDS

Mr. STEVENS. Mr. President, I am very concerned over the National Organic Standards Board's recent recommendation to USDA that wild seafood not be eligible for organic labeling. This decision ignored the plain evidence on the record that most wild seafood, and wild Alaska salmon in particular, are the most organic, natural fish available on the market today.

Mr. COCHRAN. I appreciate the Senate bringing this to our attention. We will look into it.

Mr. KOHL. I also appreciate being advised of this matter.

SOUTH PLAINS RANGE RESEARCH STATION

Mr. NICKLES. I am pleased that the Appropriations Committee has provided $1.5 million for the Southern Plains Range Research Station in Woodward, OK. However, it has come to my attention that there is an urgent need for a conference center at the facility to house agricultural conferences and agricultural training programs as well as community activities. Because this center is to be available to the community, the city of Woodward has committed to provide $3,000,000 for the construction of the conference center. The study for this facility is estimated to cost $400,000 to determine if this facility would be a good use of Federal tax dollars. I hope the agency will complete this study within available funds.

Mr. COCHRAN. I thank my colleague from Oklahoma for bringing this important project to the committee's attention and also hope the agency can find a way to do the feasibility study on this project.

AGRICULTURAL RESEARCH SERVICE

Mr. DORGAN. Mr. President, I rise to thank the chairman and the ranking member for supporting my request to expand research on cereal crops and sunflowers at the Agricultural Research Service Northern Crops Research Laboratory at Fargo, ND. This bill recommends an increase of $900,000 for expanded research on small grains and sunflowers.

The economic viability of small grains industries remains a concern as a result of production and marketing problems faced by producers in recent years. The barley industry has been particularly hard hit due to weather related problems. We have seen production of this crop decline by 40 percent during the past ten years due to weather related problems. In North Dakota, the decline in production has been even more dramatic with production falling off by 53 percent during the same time period.

I think we need to use a portion of the increased funding over the last year's level to develop new barley varieties that are high yielding and have good feed quality attributes. No such program currently exists and I think increased research in this area would help the barley industry gain a competitive edge.

Mr. KOHL. I understand the need for increased research in this area and I will do my best to hold the increases for cereal crops research contained in the Senate bill.

ANIMAL WASTE RESEARCH

Mr. HELMS. Mr. President, I am grateful to the distinguished chairman of the Senate Agriculture Appropriations Committee, Mr. KOHL, and the ranking member, Mr. COCHRAN, for their willingness to acknowledge the exciting animal waste research taking place in North Carolina.

Senator EDWARDS and I are deeply impressed with the initiative being shown by the poultry and swine industry, which is actively seeking solutions to the problems associated with animal waste material. We have been particularly interested in proposals that will convert a variety of animal waste products into a usable energy resource.

Several innovative North Carolina constituents are moving forward with the development of this technology, and I want to make sure that the Federal Government is both aware of and supportive of these efforts. I appreciate the willingness of the managers of the bill to show an interest in this work, and I will be grateful for their continued attention to this research.

I look forward to working with Senator EDWARDS, my fellow members of the Senate Agriculture Committee, and the appropriators to make sure that the U.S. Department of Agriculture has the authorization and resources needed to support innovative use of animal waste.

Mr. EDWARDS. Mr. President, Senator HELMS and I are excited about the alternative uses of animal waste products, and I appreciate the attention this issue is receiving from the Agriculture Appropriations Subcommittee. There has been a great deal of attention paid to the problems associated with animal waste, but very little has been said about the work taking place in the private sector and our research educational institutions to try and deal with this problem.

I agree that there is reason to be optimistic that technological advances will yield innovative solutions that will benefit poultry and swine producers, the environment, and ultimately, energy consumers. We will look forward to continuing to support additional research into alternative animal waste uses, and I appreciate the interest of the managers.

Mr. KOHL. I appreciate the Senators from North Carolina letting us know of the interesting work taking place in North Carolina in regard to animal waste research. We will continue to work with Senator HELMS and Senator EDWARDS to explore the potential of alternative energy sources.

Mr. COCHRAN. I also look forward to working with the Senators from North Carolina as this technology develops.

RURAL FACILITIES PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the Agriculture Appropriations Subcommittee.

The Village of DeTour in the Upper Peninsula of Michigan is living with an unfortunate safety hazard. Currently, the Village of DeTour is using a World War II era fire engine to fight fires within its jurisdiction. This antiquated fire engine is so old that safety personnel can no longer drive it to emergency situations. Instead, firefighters must tow the fire engine to any dangerous area. This represents a tremendous safety hazard for the hard working people of this unique Upper Peninsula town.

The Rural Facilities Program at USDA provides funding for rural communities like DeTour to improve their public facilities, including providing money for new fire equipment.

Therefore, I would ask the distinguished chairman if he would agree to include the Village of DeTour in the statement of managers accompanying the conference report to this appropriations bill, and list the purchase of a new fire truck as a high priority project that deserves funding in fiscal year 2002?

Mr. KOHL. I will do everything I can to include the Village of DeTour in the statement of managers as a high priority project worthy of funding in fiscal year 2002.

Mr. COCHRAN. I associate myself with the remarks of the distinguished subcommittee chairman.

Ms. STABENOW. I thank the chairman and ranking member for their strong support. This community needs only $80,000 next year to purchase this new vehicle. Since the village has already raised the required matching funds necessary, once it receives this $80,000 it will be able to move forward immediately on the project. Will the chairman and ranking member continue their strong support for this project until the Village receives this necessary funding?

Mr. KOHL. I reiterate my strong support for this project and will work in conference and will work with the USDA to make sure this community receives this $80,000 in fiscal year 2002.

Mr. COCHRAN. I associate myself with the remarks of the distinguished subcommittee chairman.

AUDUBON SUGAR INSTITUTE

Ms. LANDRIEU. Mr. President, I rise to express my support for a project close to the heart of the Louisiana State University AgCenter as well as many of my consitutents—the Audubon Sugar Institute. I want take this opportunity to bring to the attention of the chairman of the Senate Agriculture Appropriations Subcommittee the importance of relocating the Audubon Sugar Institute from LSU main campus to St. Gabriel Sugar Research Station as well as the need to encourage USDA Rural Development to give priority consideration to this very worthwhile project.

Sugarcane is the largest economic crop in Louisiana with a gross farm income in 2000 of just under $363 million. Sugar and sugarcane research and extension education at the LSU AgCenter are conducted at the St. Gabriel Sugar Research Station, approximately 7 miles south of the LSU main campus and the Audubon Sugar Institute in the heart of the main campus. The Audubon Sugar Institute has a long history and a proud tradition of educating some of the finest sugar technologies and sugar engineers in the country. In the past, it drew many people to Louisiana, and earmarked the LSU AgCenter as a center for excellence in the sugar industry. However, the need to improve and upgrade the Audubon Sugar Institute is critical to furthering the Louisiana Sugar Industry.

The first step in accomplishing the goals mentioned above is to move the Audubon Sugar Institute from the heart of the main LSU campus to the St. Gabriel Sugar Research Station. The LSU AgCenter is requesting assistance from the USDA Office of Rural Development.

The equipment and laboratories at Audubon Sugar Institute are in dire need of upgrading and the building itself is in serious arrears and does not conform to safety regulations. It appears that it is no longer an option to run the factory continuously because of the environmental implications of running a sugar factory in the middle of a busy university campus. Relocating the Institute has the advantage of meeting the main campus at the same time providing the option of updating the Audubon Sugar Institute archaic design and providing a modern facility capable of handling billeted cane. It also places Audubon adjacent to the variety development and production research going on at the St. Gabriel Sugar Station. Building a new facility and moving the sugar mill to St. Gabriel would allow the Institute to function as a training ground and undertake manageable plant scale experiments. Having a fully functional small mill operation at Aubudon Sugar Institute would provide a facility unsurpassed in the world and immensely assist the sugarcane industry in Louisiana.

I thank the chairman and his staff for their consideration and reiterate that it is my hope that the USDA Rural Development can be encouraged to give priority consideration to this very worthwhile project.

Mr. KOHL. I appreciate the comments of the Senator from Louisiana and will make every effort to accommodate her request during the conference of this bill.

IDAHO OUST PROBLEM

Mr. CRAIG. Mr. President, first I would like to thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2002 Agriculture and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman and ranking member of the subcommittee regarding a situation that has arisen in Idaho. The Idaho delegation is concerned over the growing impact a product called OUST has had on crops in fields near the Bureau of Land Management's rangeland treatment areas.

The BLM has been using OUST as part of their rehabilitation program to eliminate cheatgrass and stop the fire cycle. The program is two-fold. First spray, then plant native and perineal vegetation which is better feed for cattle and fire suppression. From October 23 to November 3, 2000, in order to control the spread of cheatgrass on their burned land, the Bureau of Land Management sprayed the herbicide, OUST, from a helicopter onto approximately 17,000 acres of their land.

This spring, we began to receive reports from farmers that OUST may have spread beyond its intended use area and may be impacting crops in fields adjacent to or near the BLM's treated areas. Sugar beet growers noticed strange growth developments in their crops. As the crop developed, it was determined the lack of growth could be related to the OUST spray. What our farmers project happened is the OUST, which is activated and broken down by water, was sprayed on top of the ashes from the fire. With the lack of snowfall and spring rains, the OUST was blown with the ashes to as far as 10 miles from the sprayed ground. When the farmers turned on their irrigation systems this spring, it activated the OUST and it is now damaging the crops. The most significant damage reported is in the Burley/Paul area and the American Falls/Aberdeen area in Southern Idaho. Because of all of the uncertainty, BLM has agreed to stop the use of OUST until this issue is resolved.

Since the damage was first noticed, testing by the Department of Agriculture in Idaho has indicated the presence of OUST in crops at least 5 miles beyond the BLM's treated areas. Those tests are ongoing and results continue to show the presence of OUST in damaged crops. According to the information we have seen, in some cases the damage to crops in these areas approaches a 100 percent loss. In other cases, crops are only partially impacted, but may still be damaged in terms of their value. In either case, farmers are facing over $100 million in reduced income. The whole extent of the problem will not be known until later because some crop types will not show damage until further in the season. Unfortunately, the projected losses these producers may incur as a result of OUST are only compounded by the ongoing drought, high energy costs, and low crop prices.

Mr. CRAPO. I join Senator CRAIG in acknowledging Chairman KOHL's and Senator COCHRAN's hard work on this bill and in expressing my deep concerns for the farmers of southern Idaho.

Senator CRAIG has provided a good background on the issue and the problem. I will only add that while the final impact of the OUST contamination is unknown, we do know many Idaho producers will be affected. With the difficulties agriculture is already facing, high input costs, low product prices, and a shortage of water, the losses due to this contamination could be devastating.

Credible scientific data is being established to measure the extent of the damage. I look forward to working with the administration and my colleagues to address the needs of southern Idaho farmers.

Mr. KOHL. I commend the Senators for their interest in this program. I want to assure the gentlemen that it is the committee's belief that the Secretary of Interior should continue to work closely with the U.S. Department of Agriculture, the Idaho Department of Agriculture, Idaho's agriculture producers, and the Idaho delegation to facilitate the timely flow of information and a coordinated response to this problem.

Mr. COCHRAN. I thank my colleagues from Idaho for bringing this issue to the subcommittee's attention. I look forward to working with them and the chairman on this issue.

CSREES

Mr. DASCHLE. I thank Chairman KOHL and Senator JOHNSON for helping me secure $700,000 through CSREES in this bill for South Dakota State University to continue the planning and development of a bio-based energy and product initiative that will be of major significance to the nation's ability to efficiently produce renewable fuels, as well as to the future viability of rural America and the agriculture community. Senator JOHNSON and I have been working with SDSU to develop a concept called the "Sun Grant Initiative," which would become a national network of land grant universities in partnership with USDA and DOE, dedicated not only to the development of cost-effective biobased energy and nonfood product production, but also to the disbursement of new technology, and integration in rural communities on a scale that fosters economic independence and growth. The $700,000 dedicated for feedstock conversion in this bill will allow us to move forward with this important project.

Mr. JOHNSON. I also thank Chairman KOHL for his help with this project. Agriculture has much to contribute to the nation's energy security, and can make significant contributions to markets for nonfood producers as well. This biobased shift would reduce our reliance on petroleum-based products and provide significant economic opportunities for independent farm families and rural communities. These funds will help make this a reality, and I am hopeful that USDA will release the funds as quickly as possible after enactment of this legislation so the planning of this exciting initiative can continue in a timely manner.

Mr. KOHL. I thank the Senators and look forward to seeing this project develop.

POTATO STUDY

Mr. CRAIG. Mr. President, first I thank Chairman KOHL and Senator COCHRAN for the hard work they have put into the fiscal year 2001 Agriculture, Rural Development, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished chairman of the subcommittee regarding the appropriation for the Department of Agriculture's National Agricultural Statistics Service. The committee has provided a $13.3 million increase in the budget for NASS. I would like to clarify with the chairman and ranking member that the increase provides $125,000 to conduct a potato objective yield, size and grade survey.

NASS has developed a plan to conduct a potato size and grade survey for the seven major potato producing States. The intent of the survey is to provide all market participants with comprehensive potato size and grade data. These data are crucial information to both potato growers and buyers in estimating the current potato crop's quality. All involved market parties will use this unbiased information when negotiating sale or purchase contracts of processing potatoes. The National Potato Council, which represents all segments of the potato industry, has identified that these data are imperative to the orderly marketing of the annual potato crop. These data also ensure that no one group uses their market position to distort the true picture of annual crop quality. The size and grade data will complement the annual production data already provided by NASS and supply the necessary information for the orderly marketing of the potato crop.

Mr. KOHL. The Senator has correctly stated the intent of the committee. The size and grade survey will be conducted in the seven major producing States in conjunction with the current potato objective yield survey. The seven states are Idaho, Wisconsin, Maine, Minnesota, North Dakota, Oregon, and Washington. These funds are needed to obtain statistically defensible potato size and grade date, and the sample size. This amount includes equipment, supplies, training, and personnel needs to conduct, analysis, and publish the survey data and add the additional objective yield samples required.

Mr. CRAIG. I thank the chairman for his support on this issue.

FDA FUNDING FOR NEW MEXICO STATE UNIVERSITY'S PHYSICAL SCIENCE LABORATORY

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to thank the chairman of the Agriculture Appropriations Subcommittee, Senator KOHL, for all his fine work on this bill. I know his task has not been an easy one, and he and his staff are to be complimented for the very thoughtful and fair way they have worked to complete this legislation.

I also thank the chairman for including in the bill second-year funding for the Food and Drug Administration to continue its contract with New Mexico State University's Physical Science Laboratory to develop and evaluate rapid screening methods, instruments, and analyses that will facilitate FDA's regulation of imported food products. As I requested, the committee's bill continues funding for PSL's Agriculture Products Food Safety Laboratory at the fiscal year 2001 level of $1.5 million.

I understand FDA and PSL have completed all the necessary agreements and work is already underway. Equipment has been ordered and lab staff is being hired. One of the first tasks will be an independent evaluation of biosensors for microbial contamination to ensure the equipment is accurate and dependable. If the reliability of the new biosensors can be verified they could replace the much slower testing protocols FDA currently uses.

Does the chairman agree that PSL's Agriculture Products Food Safety Laboratory is supporting FDA's efforts to develop quick and safe food inspection systems that can detect filth, microbial contamination, and pesticides on fresh fruits and vegetables and the FDA should continue this work at PSL is fiscal year 2001?

Mr. KOHL. Yes, I agree that PSL is helping support FDA's food safety program, and I was pleased to include second-year funding for PSL from the total sum appropriated to FDA for food safety and other initiatives.

Mr. BINGAMAN. I also call Chairman KOHL's attention to the potential to broaden PSL's efforts, within the existing funding and framework, to include evaluations of technologies and methods for testing agricultural products for microbial contamination as well as contamination from pesticides, chemical and biological agents, evidence of tampering, or possible acts of bioterrorism. In addition to fruits and vegetables, the expanded scope of testing technologies might include other food products as well as illicit or counterfeit products and pharmaceuticals that could present hazards to public health and safety.

I understand FDA is responsible for wide variety of product safety initiatives, including bioterrorism, counterfeit pharmaceuticals, and so forth. I do believe the availability of a testing and verification laboratory, such as PSL's Agriculture Products Food Safety Laboratory, could be of great value in FDA's continuing effort to combat illicit products and health hazards.

Is the chairman aware of these additional capabilities at PSL that could be used by FDA to evaluate a wider variety of testing technologies and does he agree that it would be appropriate for FDA to consider this broader scope of effort at PSL within the funding level already provided in the bill?

Mr. KOHL. I thank the Senator from New Mexico for bringing these additional capabilities at PSL to my attention. I agree that the Commissioner should consider broadening the scope of the effort beyond microbial analyses of imported fruits and vegetables to include other products and contaminants under FDA's purview.

Mr. BINGAMAN. Mr. President, I thank Chairman KOHL for his support of continued funding for PSL's Agriculture Products Food Safety Laboratory and for considering broadening the scope of the laboratory. The House bill does not include second-year funding for the food safely laboratory at New Mexico State, and I look forward to working with the chairman to ensure the Senate's funding level is included in the conference report.

TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH

Mr. INOUYE. Will the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee yield?

Mr. KOHL. I yield to the senior Senator from Hawaii.

Mr. INOUYE. I thank the chairman for yielding. As the chairman knows, the Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies Appropriations Subcommittee has a long history of support for tropical and subtropical agricultural research due to the limited transferability of agricultural research from the temperate zones of the United States. This reasoning has been most evident in congressional support for the establishment of the Pacific Basin Agricultural Research Center.

The Pacific Basin Agricultural Research Center is a welcome addition to the tropical and subtropical agricultural research community in Hawaii and the American Pacific. The increased scientific and technical capacity offered by this center is a significant and vital complement to other institutions in the region. The center's mission of contributing to the region's scientific knowledge base on tropical and subtropical organisms strengthens the foundation for a competitive, diversified agricultural industry in the region.

In addition to construction funds for this center, the success of the center is also contingent upon its ability to recruit and deploy scientists and technicians at a rate consistent with completion of construction, and its ability to work in concert with the agricultural research and technology transfer infrastructure at the University of Hawaii at Hilo and the University of Hawaii at Manoa. For these purposes, $900,000 is needed. Of this total, $600,000 has been provided and I recommend that the additional $300,000 be derived from an internal reallocation of funds provided to the University of Hawaii for two other USDA-ARS projects, Non-toxic Control of Tephritid and Other Insects and Environmental Effects of Tephritid Fruit Fly Control and Eradication. This does not deny the importance of these two latter projects but rather the higher priority of providing operating support to assure the success of the center. With this internal shifting of resources, a total of $900,000 would be available for the United States Pacific Basin Agricultural Research Center, of which $300,000 would be available for the University of Hawaii at Hilo and $300,000 for the University of Hawaii at Manoa for activities complementing the research of the center.

Mr. KOHL. I thank the Senator from Hawaii for his insight and recommendation. I fully concur with his recommendation, because other funds are internally available to ARS to minimize the impact of the recommended internal reallocation of funds.

Mr. COCHRAN. Mr. President, I also with to support the recommendations from the Senator from Hawaii.

Mr. INOUYE. I thank the chairman and my colleague from Mississippi for their support of my recommendation.

SUGAR BEETS

Mr. DAYTON. Mr. President, I rise to engage my neighbor and colleague from Wisconsin, the Chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies, and join my colleague, the senior Senator from Minnesota, in a colloquy on an issue that is vitally important to sugar beet growers in our state.

Last fall, five hundred fifty producers in the Southern Minnesota Beet Sugar Cooperative of Renville, Minnesota, (SMBSC) experienced a freeze of sugar beets. Over the next three months, it became increasingly evident that a large share of the beets would have to be discarded. The result is a catastrophic loss of revenue that has forced these farmers into near bankruptcy.

Tragically, the private insurers of those losses have refused to cover them, and the USDA has refused to provide sufficient funds for relief. We are desperately trying to remedy these two travesties to forestall the cooperative's complete collapse.

Now we are appealing to you and your colleagues on the Agriculture Appropriations Subcommittee as our last possible remedy. We ask that you give these farmers your favorable consideration as you negotiate this bill in conference.

Mr. WELLSTONE. I agree with the statement of my colleague from Minnesota and would like to join him in underscoring the urgency of this funding for the sugar beet growers in Minnesota. As my colleague has recognized the five hundred fifty producer members of the Southern Minnesota Beet Sugar Cooperative in Renville, Minnesota experienced a freeze of sugar beets while still in the ground during the early stage of their annual harvest. The cooperative continued with their harvest, with the goal of extracting as much of the crop's value from the market, while knowing that federally subsidized crop insurance would likely cover losses that which were not harvested.

Unfortunately these growers are now having difficulty claiming due compensation under the Quality Loss Program authorized in last year's Agriculture Appropriations bill. While USDA has offered to settle disaster assistance claims, their offer falls dangerously short, jeopardizing hundreds of family farmers and the local economy. The growers have presented USDA with information to justify a disaster payment of $31 million, but USDA has rejected this argument.

It is now clear that additional assistance from Congress is needed to secure the continued operation of hundreds of family farms in and around Renville, Minnesota. I ask the Chairman, Senator KOHL, if he agrees that additional assistance is necessary, in this Agriculture Appropriations Bill, to ensure the continued viability of the Southern Minnesota Beet Sugar Cooperative and its five hundred fifty member growers?

Mr. KOHL. Mr. President, I thank my colleagues, Senator DAYTON and Senator WELLSTONE. Both of you are strong advocates for farmers, and in particular the sugar beet growers in Minnesota. I am committed to secure a level of assistance that can ensure the survival of the Southern Minnesota Beet Sugar Coop, for another year.

GRAND FORKS AGRICULTURAL RESEARCH SERVICE

Mr. DORGAN. Mr. President, I rise to support the expansion efforts of the Grand Forks Human Nutrition Research Center in Grand Forks, ND. This facility, which is part of the U.S. Department of Agriculture's Agricultural Research Service (ARS), has been a national and international leader in mineral nutrition research for more than 30 years. In 1995, legislative authority was granted to the center to purchase four city lots to expand its operation. Since then, three lots have been acquired and are being used by the facility. The ARS was not able to purchase the fourth lot at the same time because the owner of an adjacent lot was not prepared to sell.

Recently, the owner of the fourth lot decided to sell his property. This is timely, because the Grand Forks Human Nutrition Center recently acquired a mobile research laboratory with funds this bill provided last year to conduct nutritional studies of underserved populations such as Native Americans and the rural elderly. This vehicle needs to be stored in a secure, climate-controlled garage. There is currently no storage facility in Grand Forks appropriate to store this mobile lab, but one could be erected on this adjacent property.

It would take no appropriation of additional funds for the Grand Forks Human Nutrition Center to purchase this lot. The facility merely needs a reprogramming of funds, and as a member of the Agriculture Appropriations Subcommittee, I support this request. It is my understanding that the ARS Area Director, as well as ARS headquarters, support allowing the Grand Forks Human Nutrition Center to spend its funds to purchase this lot. In conference, it is my hope that we can provide direction in the statement of managers allowing this reprogramming to move forward. I would like to solicit the support of the leaders of the subcommittee for this purpose.

Mr. KOHL. I understand the reasons why the Grand Forks Human Nutrition Center wants to purchase this land, and I will work to satisfy the request from the Senator from North Dakota to include a statement of managers in the conference report to allow the reprogramming of funds for this purpose.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1191, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides $16.137 billion in discretionary budget authority, which will result in new outlays in 2002 of $11.863 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $16.107 billion in 2002. The Senate bill is within its section 302(b) allocation for budget authority and outlays. In addition, the committee once again has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators KOHL and COCHRAN, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriations bills for 2002.

I ask for unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1191, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISON—SENATE-REPORTED BILL

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	16,137	43,112	59,249
Outlays	16,107	33,847	49,954
Senate 302(b) allocation: [1]			
Budget Authority	16,137	43,112	59,249
Outlays	16,107	33,847	49,954
House-passed:			
Budget Authority	15,668	43,112	58,780
Outlays	16,044	33,847	49,891
President's request:			
Budget Authority	15,399	43,112	58,511
Outlays	15,789	33,847	49,636
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation: [1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-passed:			
Budget Authority	469	0	469
Outlays	63	0	63
President's request:			
Budget Authority	738	0	738
Outlays	318	0	318

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mrs. CLINTON. Mr. President, recent events have demonstrated that we must reexamine our ability to respond to terrorism—including biological and chemical attacks. One area we must safeguard against such an attack is our food supply, which is woefully underprotected. For instance FDA is so short of inspectors that it currently inspects less than 1 percent of imports. That is why this spring, even before the recent attacks, the Senate passed an amendment that I offered to increase the fiscal year 2002 budget allocation to expand the number of food safety inspectors.

While the House stripped this provision out in conference, the need for such an increase has only become more urgent, not less. That is why I filed this amendment, to add $100 million for food safety inspection.

FDA presently has only about 700 to 800 inspectors to oversee food imports and investigate the 57,000 sites within its jurisdiction across the country. They are so understaffed that they currently are only able to inspect commercial food sites about once every decade on average.

An increase of $100 million for food inspection activities at FDA, factored into the baseline over 5 years, would allow FDA to increase import inspections from less than 1 percent to roughly 20 percent.

I understand that this needed increase in FDA inspection resources is being resolved in other contexts, in the bioterrorism package that is being worked out, or even in the debate about resources available in the stimulus package.

On that understanding, I withdraw my amendment today seeking to add $100 million to FDA's food inspection authorities, and look forward to confirming food safety inspection resources in those other contexts.

Terrorists aim to strike terror among civilians, in their homes, in their everyday lives, and that is why we must protect the security of our dinner tables and our families through increased inspection and greater vigilance.

And since this is the Agriculture appropriations bill, I just want to once again remind my colleagues that agriculture is the number one industry in New York—and we plan to keep it that way.

Our farmers—like so many others around the country—are some of the most dedicated, most decent, most hard-working people in this country. Our farmers are an integral part of our heritage. And they are out there every day, working to put fresh, healthy, and safe food on our tables.

Our farmers are also some of the finest stewards of our natural resources. They help to preserve open space, and they work to properly manage and protect our land and our water.

And our farmers are some of our most innovative, resourceful small business people.

But our farmers need our help—at least I know they do in New York. As I travel around New York, I meet so many farmers who are struggling just to get by, just to make ends meet.

And that is why I want to thank Chairman KOHL, Senator LEVIN, Senator SNOWE, and my other colleagues for working to help provide much needed assistance for our apple growers. I was pleased to hear Chairman KOHL's words earlier today about working this out in conference.

And I hope that I can continue to work with my colleagues to increase assistance for specialty crops and for conservation programs like the Farmland Protection Program.

These conservation programs are important programs not just for our environment, but for our farmers—particularly for those farmers that are underserved by the more traditional payment programs. And these conservation programs are all over-subscribed, meaning there are more farmers that want to participate in these programs than there are resources available to accommodate.

And, or course, we want to assist our dairy farmers by reinstituting the dairy compact.

So, I want to again express my strong support for our Nation's farmers, and reiterate my commitment to ensuring that New York's farmers have the support they need and deserves.

Mr. DOMENICI. Mr. President, I rise in support of the pending Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations bill for fiscal year 2002.

I thank the distinguished Subcommittee Chairman, Senator KOHL, and my good friend and distinguished ranking member, Senator COCHRAN, for including $750,000 in the bill to allow the National Center for Genome Resources in Santa Fe, NM, to proceed to establish a Bioinformatics Institute for Model Plant Species. This program was authorized through an amendment that I sponsored to the Agriculture Risk Protection Act, Public Law 106-224. The final language in Section 227 of that Act authorizes the Secretary of Agriculture, acting through the Agricultural Research Service, to enter into a cooperative agreement with the National Center for Genome Resources in Santa Fe, NM, and university partners to establish and operate the Bioinformatics Institute for Model Plant Species. An amount of $3 million was specifically authorized to establish the Institute, and such sums as may be necessary is authorized for each subsequent fiscal year to carry out the cooperative agreement. The Center is pleased to work with both New Mexico State University and Iowa State University in this bioinformatics initiative.

I strongly urge the Senate conferees to retain this funding in conference with the House. The initial appropriation of $750,000 in the Senate bill will allow the National Center for Genome Resources to build upon its existing programs to create and develop software tools to transfer information and conduct comparative analyses among model plant and crop species. The Center, in establishing the Institute, will develop a bioinformatics infrastructure to improve the accessibility and facilitate the transfer of information on structural and functional genome information from model plants to crop species. The Institute will work with university partners at New Mexico State University and Iowa State University to expand and link existing genomic and genome database research from the Agricultural Research Service allowing researchers to discover, characterize, and manipulate agronomically important genes of major crops, including soybeans, alfalfa, maize, and cotton. As a non-profit entity, the National Center for Genome Resources provides its research to the public domain to improve the productivity and nutritional value of agricultural crops grown in the United States.

I am pleased to work with the Appropriations Committee to advance a project that holds the promise of improving agricultural crop quality, nutrition, and production.

Mr. BYRD. Mr. President, I congratulate Senator KOHL, chairman of the Agriculture Appropriations Subcommittee, and Senator COCHRAN, ranking member, for presenting to the Senate the fiscal year 2002 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies.

This bill provides $73.9 billion in new budget authority for both mandatory and discretionary programs under the subcommittee's jurisdiction and is within the 302(b) allocation. This is a good bill and deserves the support of all Senators.

This bill includes programs important to the farming community and to all Americans. This bill supports agriculture research and conservation programs that protect our soil, water, and air resources. This bill also supports rural communities through economic development programs and assistance for basic needs such as housing, electricity, safe drinking water and waste disposal systems.

This bill also provides funding for the Food and Drug Administration which helps protect the safety of our food supply and helps make lower cost medications available to Americans as quickly as possible. In addition, funding in this bill supports many nutrition and public health related programs. These include the Food Stamp, School Lunch, and other nutrition assistance programs such as the Women, Infants, and Children Program—WIC.

This bill provides $2.794 billion for rural development programs. This is an increase of $318 million from the fiscal year 2001 level. Of this amount, slightly more than $1 billion is for the Rural Community Advancement Program, which includes the rural water and waste water loan and grants program, and is an increase of $243 million from last year's level.

This bill also provides funding to support activities that promote animal welfare. At my request, the bill includes increased funding to deal with the problem of animal cruelty. The bill includes $13,767,000 for animal welfare inspectors, an increase of $1,627,000 above last year's level. This bill also includes $8,101,000 for regulatory and enforcement activities in connection with animal welfare investigations, which is an increase of $1,852,000 above last year's level. This increased funding builds on my $3 million initiative that I included in the FY 2001 supplemental to improve the enforcement of the Animal Welfare Act and the enforcement of humane slaughter practices.

Together, these programs, and others in this bill, will work to help meet the expectation of the American people that animals, whether as an integral element of our nation's livestock industry, or in other aspects, will be treated properly and humanely.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, in anticipation of getting this bill done shortly, I want to thank the Senate for cooperating and moving this bill so quickly and efficiently. I especially want to thank Senator COCHRAN. His knowledge of this bill, and its many complicated issues, is unsurpassed. His evenhanded, bipartisan approach to legislating are the key reasons we have such a good product in the Senate Agriculture appropriations bill.

I also want to thank his fine and dedicated staff—Rebecca Davies, Martha Scott Poindexter, and Rachelle Schroder. All of our staff have had to operate in very difficult conditions these last few weeks, but you wouldn't know it from the fine quality of their work. Senators talk often about keeping the work of the Nation going here in the Senate, but it is these dedicated staff people who do the work that makes us look good—even if it means operating out of cardboard boxes and back basement rooms, without computers, telephones, or even windows.

I also want to thank the members of my staff who have worked on this bill: Ben Miller, my agriculture LA, who handles issue as diverse as satellites and sugar beets with the same skill and good humor. Paul Bock, my chief of staff, who is an essential part of anything that goes well in our office. Les Spivey, Jessica Arden, and Dan Daggert, who have labored all year to bring this bill to the floor.

And last, but certainly not least, Galen Fountain, the Agriculture Appropriations clerk. His knowledge and skill are exemplary, even legendary in the Senate. He has done everything in getting this bill together, from working out countless amendments to writing up my comprehensive opening statement. I firmly believe that, without him, we would have no Agriculture appropriations bill.

Mr. President, I again thank the Senate for its help in moving this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the only amendment in order prior to third reading be the managers' amendment. The managers' amendment will have to be cleared by both managers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia, Mr. MILLER, is recognized.

Mr. MILLER. Mr. President, I'd like to add my voice to those in Congress who think that we should take action on a farm bill this year.

We need to act now for several reasons. First, the House took action on the farm bill in expeditious fashion and passed it faster than most folks expected. I know many Senators—including this one—were surprised and impressed by Chairman COMBEST's pace in completing his bill.

This quick action led many in the industry to believe that we would have a new farm bill this year that they could plan around. The result in Georgia has been industry reactions detrimental to growers. Georgia peanut shellers, in anticipation of a new program, have make market decisions which could result in record area pool losses, which by law the growers themselves have to cover. A new farm bill could avert this problem.

Our Nation's newly discovered economic woes have been on the farm for some time now. Rural America always feels these pressures much sooner and longer than other segments of society. Commodity prices have not improved, input costs are still sky high and morale among farmers is the lowest I have seen it in my career in public service. Fewer and fewer young people want to take over the family farm and continue this honorable way of life. We all want to stimulate the economy, I have a great place for us to start—on our farms. The stimulus coming from a new farm bill would not only be only felt in tractor, chemical and irrigation sales. It would filter into the local banks, car dealerships, restaurants and department stores. This is why I hope the Administration will get behind the effort to write a farm bill before we adjourn for the year.

Also, I want to act this year because of the budget ramifications. We fought hard during consideration of our current budget resolution to obtain nearly $74 billion extra which is necessary to meet our long term obligations to

American farmers. It would also prevent us from having to pass emergency relief bills, as has been the case over the last few years. I am concerned that this money may not be there for us next year. If OMB's reaction to the House bill is any indicator, we have every reason to be worried.

From all indications, we have only a few weeks left in this session and many pressing issues such as appropriations matters and the war on terrorism. But I want to send a clear message to my colleagues—put me in the camp that says let's act now on the farm bill.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1988 THROUGH 2016, EN BLOC

Mr. KOHL. I ask unanimous consent the managers' amendment be considered and agreed to, the motion to reconsider be laid upon the table, the bill be read the third time, and the Senate vote on passage of the bill, and, upon passage, the Senate insist on its amendment, requesting a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action or debate.

Mr. BYRD. Madam President, reserving the right to object, has the amendment been sent to the desk?

The PRESIDING OFFICER. The amendment is at the desk.

Mr. BYRD. Has the amendment been read?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Could the clerk state the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. COCHRAN, proposes amendments numbered 1988 through 2016, en bloc.

The amendments are as follows:

AMENDMENT NO. 1988

On page 78, between lines 2 and 3, insert the following:

SEC. . SUGAR MARKETING ASSESSMENT.

Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

AMENDMENT NO. 1989

On page 78, after line 2, insert the following new section:

"SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed $0.4 million for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project."

AMENDMENT NO. 1990

(Purpose: To provide funding for rural development)

Strike section 740 and insert the following new section:

"SEC. 740. Notwithstanding any other provision of law, $3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project."

AMENDMENT NO. 1991

At the appropriate place in Title VIII, insert the following:

SEC. . (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—

Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible state or eligible county in the Forest Service document entitled "P.L. 106–393, Secure Rural Schools and Community Self-Determination Act", dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by March 1, 2002.

(c) ADDITIONAL OPT-OUT OPTION.—Notwithstanding section 102(b)(2) of P.L. 106–393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a country that has elected under section 102(a)(2) the full payment amount, then that county may revisit their election under section 102(b)(1).

(d) DEFINITIONS.—In this section, the terms "eligible State", "eligible county", "eligibility period", "25-period payment", and "safety net payments" have the meanings given such terms in sections 3 of such Act.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

(f) Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence the following new sentence: "The preceeding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

AMENDMENT NO. 1992

(Purpose: To amend the definition of income in the Housing Act of 1949)

At the appropriate place, insert the following:

SEC. . ALASKA PERMANENT FUND.

Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) For purposes of this title, for fiscal years 2002 and 2003 the term "income does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.".

AMENDMENT NO. 1993

(Purpose: To support funding for 1890 land-grant institutions).

On page 13, line 18, strike beginning with "$32,604,000" all down through and including "West Virginia" on line 20 and insert in lieu thereof "$34,604,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000".

On page 13, line 24, strike "$137,000,000" and insert "$135,492,000".

On page 17, line 13, strike beginning with "$28,181,000" all down through and including "West Virginia" on line 15 and insert in lieu thereof "$31,181,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000".

On page 17, line 22, strike "$15,021,000" and insert "$11,529,000".

AMENDMENT NO. 1994

(Purpose: To provide funding for the National 4–H Program Centennial Initiative)

On page 16, line 11 strike "$275,940,000" and insert in lieu thereof the following: "$275,940,000, of which $3,600,000 may be used to carry out Public Law 107–19".

AMENDMENT NO. 1995

On page 40, line 19, insert the following: ": *Provided further*, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committee on Appropriations of both Houses of Congress."

AMENDMENT NO. 1996

(Purpose: To increase reserves of the Food Stamps Program)

On page 52, line 17, strike "$21,091,986,000" and insert in lieu thereof "$22,991,986,000".

On page 52, line 18, strike "$100,000,000" and insert in lieu thereof "$2,000,000,000".

AMENDMENT NO. 1997

(Purpose: To strike a limitation relating to the Kyoto Protocol)

Strike section 727 and renumber subsequent sections as appropriate.

AMENDMENT NO. 1998

(Purpose: To make West Virginia State College at Institute, West Virginia, an 1890 Institution)

On page 78, after line 2, insert the following:

SEC. . Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: *Provided*, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

AMENDMENT NO. 1999

(Purpose: To authorize a Natural Resources Conservation Service watershed project)

On page 78, line 3, insert the following:

SEC. . Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance to the Tanana River bordering the Big Delta State Historical Park.

AMENDMENT NO. 2000

(Purpose: To restrict the importation of certain fish and fish products)

On page 78, after line 2, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as "catfish" unless the products are taxonomically from the family Ictaluridae.

AMENDMENT NO. 2001

At the appropriate place, insert:

SEC. . The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to $499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

AMENDMENT NO. 2002

At the appropriate place in the bill, insert the following:

SEC. . Of funds previously appropriated to the Bureau of Land Management under the heading 'Wildland Fire Management,' up to $5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau's use of herbicides in the State of Idaho. Provided, that nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau's use of such herbicides.

AMENDMENT NO. 2003

(Purpose: To clarify that emerging vegetation in water may be enrolled in the pilot program for enrollment of wetland and buffer acreage in the conservation reserve)

At the appropriate place, insert the following:

SEC. . PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

AMENDMENT NO. 2004

(Purpose: To provide assistance for certain specialty crops)

At the appropriate place, insert the following:

SEC. . SPECIALTY CROPS.

(a) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)"; and

(D) in subsection (c) (as so redesignated), by striking "subsection (c)" and inserting "subsection (b)".

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking "section 1236(d)" and inserting "section 1236(c)".

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term "horse breeder" means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

AMENDMENT NO. 2005

(Purpose: To improve crop insurance coverage for sweet potatoes during fiscal year 2002)

On page 78, between lines 2 and 3, insert the following:

SEC. 7 . SWEET POTATO CROP INSURANCE.

During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term "and potatoes" read as follows: ", potatoes, and sweet potatoes".

AMENDMENT NO. 2006

(Purpose: To provide funds for repairs to the Beltsville Agricultural Research Center in the State of Maryland)

At the appropriate place in title VII, insert the following:

SEC. 7 . BELTSVILLE AGRICULTURAL RESEARCH CENTER, MARYLAND.

Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the $21.7 million in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

AMENDMENT NO. 2007

At the appropriate place in title VII, insert the following:

SEC. . CITRUS CANKER ERADICATION.

(a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a) by striking "The" and inserting "Subject to subsection (e), the"; and

(2) in subsection (e), by striking "2001" and inserting "2002".

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

AMENDMENT NO. 2008

At the appropriate place, insert:

SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

AMENDMENT NO. 2009

Amend section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

"(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in states with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission's determination, will result in the long-term availability to rural communities in such state of affordable broadband telecommunications services which can be used for the provision of high speed internet access.".

AMENDMENT NO. 2010

On page 52, line 24 after the comma, strike "not to" and all through page 53, line 2 up to the colon and insert the following: "not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from producer owned cooperative organizations".

AMENDMENT NO. 2011

On page 10, line 24, strike "$1,004,738,000" and insert "$999,438,000".

On page 32, line 21, strike "$802,454,000" and insert "$807,454,000".

On page 33, line 20, after "(16 U.S.C. 590e–2)" insert ": *Provided further*, That $5,000,000 shall be available to carry out a pilot program in cooperation with the Department of Interior Fish and Wildlife Service to determine migratory bird harvest, including population monitoring, harvest information, and field operations".

AMENDMENT NO. 2012

(Purpose: To provide funding for the purchase of conservation easements in the State of Kentucky)

On page 78, line 3, insert the following:

"SEC. . Of the funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky, $490,000, and of the funds made available for competitive research grants, $230,000, shall be made available to purchase conservation easements or other interests in land to not exceed 235 acres in Adair, Green and Taylor counties, Kentucky in accordance with the Farmland Protection Program."

On page 13, line 24, strike "$137,000,000" and insert in lieu thereof, "$136,770,000".

AMENDMENT NO. 2013

(Purpose: To enhance FDA enforcement of the Dietary Supplement Health and Education Act of 1994)

Amend page 57, line 7, by increasing the sum by $1 million: and

Amend page 57, line 18, by increasing the sum by $1 million.

Amend page 60, line 22, by adding the following after the word "offices:": *Provided further:* $1 million to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the Dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims.

Amend page 30 line 4: reduce the figure by $1 million.

AMENDMENT NO. 2014

(Purpose: To set aside funding for a generic drug public education campaign)

On page 59, line 25, after the semicolon, insert "and of which not less than $500,000 shall be available for a generic drug public education campaign;".

AMENDMENT NO. 2015

(Purpose: To provide a grant to Oklahoma State University to develop chemical and biological sensors, including food safety sensors)

On page 13, line 21, of which $500,000 should be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on microoptoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination);".

On page 13, line 24, decrease the amount by $500,000.

AMENDMENT NO. 2016

On page 13, line 24, decrease the amount by the amount by $500,000.

On page 13, line 21, increase the amount by $500,000 and insert "of which $500,000 is for the Environmental Biotechnology initiative at the University of Rhode Island".

AMENDMENT NO. 1999

Mr. COCHRAN. Mr. President, the catfish industry in the United States is being victimized by a fish product from Vietnam that is labeled as farm-raised catfish. Since 1997, the volume of Vietnamese frozen fish filets has increased from 500,000 pounds to over 7 million pounds per year.

U.S. Catfish farm production, which is located primarily in Mississippi, Arkansas, Alabama, and Louisiana, accounts for 50 percent of the total value of all U.S. aquaculture production. Catfish farmers in the Mississippi Delta region have spent $50 million to establish a market for North American Catfish.

The Vietnamese fish industry is penetrating the United States fish market by labeling fish products to create the impression they are farm-raised catfish. The Vietnamese "Basa" fish that are being imported from Vietnam are grown in cages along the Mekong River Delta. Unlike other imported fish, Basa fish are imported as an intended substitute for U.S. farm-raised catfish, and in some instances, their product packaging imitates U.S brands and logos. this false labeling of Vietnamese Basa fish is misleading American consumers at supermarkets and restaurants.

According to a taxonomy analysis from the National Warmwater Aquaculture Center, the Vietnamese Basa fish is not even of the same family or species as the North American Channel Catfish.

This amendment will prevent the Food and Drug Administration from allowing admission of fish or fish products not taxonomically in the same family as North American farm-raised catfish. U.S. catfish farmers have invested millions of dollars to develop a market for the North American catfish. This amendment will help ensure that fish products are properly identified so that consumers are not deceived by the improper labeling.

Mr. SARBANES. Mr. President, I rise today to support an amendment to the fiscal 2002 Agriculture Appropriations bill to address the emergency needs of the Henry A. Wallace Beltsville Agricultural Research Center (BARC) and ensure that the critical work done at this world-renowned facility can carry on without delay.

In the early evening of September 24, BARC, the United States Department of Agriculture's flagship research center, was severely impacted by a tornado which had just ripped through the University of Maryland College Park, killing two students and contributing to the death of a volunteer firefighter. While thankfully none of the 500 employees working on BARC's stricken western campus were injured, the facility itself sustained significant damage.

All 90 of BARC's greenhouses, housing innovative and important research were damaged, with 40,000 square feet of greenhouse space being totally destroyed and another 90,000 square feet receiving severe to moderate damage. Each of the 15 major buildings on

BARC's West-campus suffered roof damage and many of these lost their windows, leading to rain damage in laboratories and offices. In addition, scientists lost over $3 million in equipment and reagents. In fact, in one newly renovated building, hazardous chemical spills precluded security windows against the rain or the use of emergency generators to run freezers, exacerbating the loss of experimental materials. As a result, critical research projects were set back from six months to as much as three years.

On Monday, I toured the facility with BARC Director Dr. Phyllis Johnson to see the tornado's damage firsthand. Nearly a month after this disaster, the impact of the storm is still terribly evident.

My amendment directs the Secretary of Agriculture, within 30 days after the date of enactment of this Act, to submit a reprogramming request to address the $21.7 million in damages at BARC. The majority of this funding, $12,250,000, will be used for greenhouse replacement and repair. The remaining funds will contribute to a variety of infrastructure needs, including roof repair, electrical and mechanical systems repair, and replacement of critical lab equipment and reagents. This funding is essential to allowing the scientists and researchers at BARC to continue to carry on BARC's mission of conducting research to develop and transfer solutions to agricultural problems of high national priority, including ensuring high-quality, safe food, sustaining a competitive agricultural economy, and providing economic opportunities for rural citizens, communities, and society as a whole. In my view, it is critical that the staff at BARC have the tools and facilities to be able to continue this vital mission, one that benefits all Americans.

I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 2013

Mr. HARKIN. Mr. President, I rise to urge my colleagues' support for the amendment that Senator HATCH and I are offering today.

The Harkin-Hatch amendment provides $1 million to Center for Food Services and Applied Nutrition at the Food and Drug Administration to enhance enforcement of requirements under the Dietary Supplement Health and Education Act related to the accuracy of product labeling and the truthfulness and substantiation of claims.

This is an area of extreme importance to American consumers, literally millions of whom regularly take dietary supplements to maintain their health.

I was extremely proud to author the Dietary Supplement Health and Education Act with Senator HATCH back in 1994. I think this law has helped consumers reap the tremendous benefits of safe dietary supplements that are doing to much so improve public health.

When we passed DSHEA unanimously, we noted that improving the health status of American citizens ranked at the top of the government's national priorities. Never was that statement more true.

Over the past decade, the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies.

And, we should not forget that healthy lifestyles, including proper nutrition, can mitigate the need for expensive medical procedures.

Almost daily, we are seeing exciting new reports about the health benefits that dietary supplements offer our citizens.

For example, a recent study showed that the specific combination of vitamins C, E, and beta-carotene, and the minerals zinc and copper, can slow age-related macular degeneration, an eye disease that afflicts some eight million Americans and is a leading cause of visual impairment, blindness, and loss of independence in those over age 65.

According to the Alliance for Aging Research, the U.S. currently spends more than $26 billion annually in additional health care costs for people over age 65 who lose their ability to live independently. Obviously, slowing this loss of independence due to blindness for even one year not only dramatically improves quality of life for the aging population, but it can save the Federal government potentially billions of dollars.

Mr. HATCH. Will the Senator yield?

Mr. President, I rise in strong support of this amendment as well, and just wanted to follow up with a few comments on what Senator HARKIN has just said.

Seven years ago, my colleague from Iowa and I joined with then-Representative Bill Richardson to enact this law, the Dietary Supplement Health and Education Act, that set up a rational, consumer-friendly framework for the regulation of dietary supplements. Our colleague from Nevada, Senator REID, joined us in this effort as the original cosponsor of our bill.

Since that time, dietary supplements are being integrated more and more into mainstream medicine, a fact of which I am proud.

By any measure, a majority of Americans regularly rely on dietary supplements to enhance and maintain their healthy lifestyles. A study by Prevention Magazine last year found that approximately 151 million consumers currently take dietary supplement products. A study this year found that the most common reason consumers use these vitamins, minerals, herbs and amino acids is for overall health and general well-being.

I am aware that an April, 2001, study from the Journal of Clinical Endocrinology and Metabolism demonstrated that vitamin D and calcium supplementation plays an important role in reducing systolic blood pressure and maintaining thyroid hormone levels.

In addition, a January, 2001 Lancet article showed that patients with knee osteo-arthritis who took glucosamine supplements reduced painful and often disabling symptoms.

Not only are dietary supplements an essential component of a healthy lifestyle, I believe, but they represent a vital industry in our country as well. In my home state of Utah, the dietary supplement industry has grown to an estimated $2 billion in annual sales; and one estimate I have seen places the national level at $12 billion.

I thank the Senator for allowing me to add those compelling facts.

We have become increasingly alarmed over reports that unsafe or mislabeled dietary supplement products are being marketed.

We have also been concerned about the increasing use of so-called "performance-enhancing products" by our youth. Many of these products are being marketed as dietary supplements, although it is not clear they fall within the legal definition of dietary supplement.

I think the Aging Committee, under the very capable leadership of Senators JOHN BREAUX and LARRY CRAIG, did us all a great service in pointing up some of the areas where we need improvement.

Mr. HARKIN. There is no question that there are some problems here, but I believe the majority of dietary supplements are upstanding products that are safe and accurately labeled. What we hope to convince our colleagues, though, is that problems in the marketplace are largely a failure of enforcement, and not of the law.

I want to make clear to our colleagues that the bill we passed unanimously in both houses—seven years ago—and I might add that the Senate passed it unanimously, not once, but twice contains all the tools the government needs to address these concerns, as we will outline.

But just don't take my word for it. The Commissioner of Food and Drugs in the Clinton Administration—Jane Henney, a physician who we all respect a great deal—has assured the Congress on more than one occasion that she believed the law provided her with adequate authority to act against unsafe or mislabeled products. Commissioner Henney assured me both publicly and privately that she was confident the law is sufficient to allow the FDA to act against any bad actors in the dietary supplement marketplace. It might be beneficial for us to review some of the authorities that the FDA has.

First, the law allows the Food and Drug Administration to deem any dietary supplement product adulterated if the label fails to list any of the ingredients contained within and the quantities of those ingredients. This provision is contained within section 403(s)(1) and (2) of the Federal Food, Drug and Cosmetic Act.

If a product is adulterated, it cannot be legally sold. So, a mislabeled dietary supplement product is, quite simply, illegal.

Mr. HATCH. Let me add one point. Many of us were disturbed over reports that Olympic athletes or prospective Olympic athletes became disqualified after they took "banned substances" which were alleged to have been dietary supplements that contained substances not listed on the bottle.

I have no way of verifying those reports. What I can say is this. The International Olympic Committee sets the rules for what products may be taken by athletes. This is not a matter of U.S. law. If the IOC wanted to ban orange juice, it is perfectly within its rights.

But, obviously, athletes—as with all consumers—should be able to rest assured that they know what they are ingesting.

I was dismayed to read last week that the I.O.C. warned athletes to avoid dietary supplements because of what it called "lax quality control and labeling." This is a situation that should not be occurring, and our amendment today will help rectify that situation.

The law is not inadequate in this area. It provides consumers with the assurance that they will know what they are buying. As the Senator from Iowa just said, amendments to U.S. law made by DSHEA make explicit that dietary supplement containers must be labeled accurately as to their contents.

The principal way that the FDA enforces this provision is through its Good Manufacturing Practice standards, or "GMPs," which FDA inspectors use to make certain that manufacturing plants adhere to rigid guidelines for safe and sanitary processing of foods, including dietary supplements.

Mr. HARKIN. Let me follow up on that. The second tool DSHEA provided to FDA is the authority to promulgate new GMPs specifically for dietary supplements. Those regulations have been in development for the past several years, a source of great frustration to me and the Senator from Utah as well.

We have written, called, and implored the Office of Management and Budget and the Department of Health and Human Services to release these regulations, which we understand have been ready in near-final form for almost a year.

It is past time those regulations were issued.

Mr. HATCH. I want to add my strong concern about this as well. I don't know what else we can do to free up these regulations. They are an essential consumer protection of the law and they should be allowed to go into effect.

Another concern we have heard is that there are products on the market that are making false or misleading claims. That could be true for any product regulated by the FDA, be it a drug, a cosmetic, a food, or a medical device.

In fact, I recall vividly the 1993 hearing that the Labor and Human Resources Committee held on dietary supplements. Then-Commissioner David Kessler came up and testified for the FDA. He spread out a table-full of products he believed made non-truthful claims. The reason I remember this so well was that I was so angry the Commissioner had brought this "show and tell" display to the Congress rather than take action against the products.

The question I asked him then remains operative today. If the FDA thinks there are products on the market that are inaccurately labeled, then why doesn't it remove them from the market?

Mr. HARKIN. So that there was absolutely no question about the FDA's authority in this area, during the debate on DSHEA we made clear that the FDA maintained its ability to act against false and misleading claims under section 343(a)(1) of the Federal Food, Drug and Cosmetic Act. This is the third important tool FDA maintains to assure consumers that they are taking safe and accurately labeled dietary supplement products.

I worked very hard to make certain that we provided the FDA with adequate authority in this area, but that we did not open up the opportunity for the agency to twist and torture the law as they had done in years past.

Mr. HATCH. Another concern related to the accuracy of claims is that of the manufacturer's ability to substantiate the claims made. Health claims made with respect to a product's ability to treat, mitigate or cure disease must be pre-approved by the FDA under a "significant scientific agreement" standard mandated by the Nutrition Labeling and Education Act (NLEA).

Claims not subject to this preapproval, that is, claims which describe the product's effect on the structure or function of the body, must be substantiated under the fourth tool we provided the FDA in DSHEA. Under section 343(r)(6)(B) of the FFD&CA, manufacturers must be able to substantiate the accuracy of their claims made. That is an important consumer protection.

Mr. HARKIN. It is amazing to me, and a complete indication of how little-enforced DSHEA is, that the FDA has apparently never invoked this section of the law. We hope to correct that deficiency with our amendment today.

Mr. HATCH. I mention another important consumer protection included in the law. Questions have also been raised about the safety of supplements in the marketplace. In DSHEA, we added a fifth tool to FDA's arsenal—section 402(f)(1)(A), which deems that a dietary supplement is adulterated if it presents a significant or unreasonable risk of illness or injury under the conditions of use recommended or suggested in labeling. If no conditions of use are suggested or recommended in the labeling, then the FDA could act against a supplement that presented a significant or unreasonable risk of illness or injury under ordinary conditions or use.

This safety standard was carefully developed in close consultation with Senator KENNEDY and Congressmen JOHN DINGELL and HENRY WAXMAN, all of whom worked with us to assure we had the strongest possible measure.

Mr. HARKIN. If I could just amplify on that. To address any lingering concerns our colleagues might have that the FDA did not have adequate authority to act against an unsafe supplement, we provided an additional sixth tool to the Secretary of Health and Human Services. We gave the Secretary emergency authority to act against any supplement he believes poses an "imminent hazard" to public health.

Mr. HATCH. Indeed. That authority, contained within section 402(f)(1)(C) of the FFD&CA, allows the Secretary to act immediately, no questions asked, to remove a product from the market if he believes there is a safety problem. Similar emergency authority is contained within the drug law.

I must take this opportunity to reject the many press accounts, which have so irresponsibly and inaccurately alleged that the Dietary Supplement Health and Education Act "deregulated" dietary supplements, or falsely stated that "FDA's hands were tied" by our Act. Nothing is further from the truth, as we have just explained in outlining all the authorities provided to FDA to make certain dietary supplements are safe and accurately labeled.

Mr. HARKIN. I am in complete agreement. It astounds me that we could add so many new authorities to the law and have it called "deregulation." I am affronted by any suggestion that the majority of both bodies of Congress could have endangered the public health in a way these news reports have falsely claimed. That simply was not the case, and I hope whomever is planting all these inaccuracies will stop.

Mr. HATCH. So, with all of these tools in FDA's arsenal, legitimate questions have been raised about why unsafe or mislabeled products are being sold. Indeed, many of us are asking, "What is the problem? Why are these products still on the market?"

Mr. HARKIN. Implementation of this Act has not been a top priority of the Food and Drug Administration.

Mr. HATCH. I did a little research on this, and I found some information which may be of interest to my colleague, since he is the very capable chair of the Labor-HHS Subcommittee.

It might interest my colleagues to learn that the FDA, the government's most important consumer protection agency since it regulates over one-quarter of each dollar in goods sold, is severely at a disadvantage when its funding is compared to its sister public health agencies.

For the past three fiscal years, the FDA's appropriation has grown an average of 6.9 percent.

By comparison, the Centers for Disease Control's appropriation has grown an average of 12.5 percent; in fact, it grew 15.5 percent between fiscal year 2000 and fiscal year 2001.

The National Institutes of Health's budget has grown an average of 14.5 percent.

Mr. HARKIN. I am aware of this, and this is a situation we must work to rectify. Despite the best efforts of those of us who serve on the Appropriations Committee, the FDA is not getting the budget it deserves.

In fact, Senator HATCH and I had hoped to use our amendment as a vehicle for adding funds to the FDA's budget, but we were reluctant to divert funds from the many agriculture programs funded within this bill.

For that reason, we are offering this amendment today, in the hopes that it will focus FDA's efforts on better enforcement of the law.

Mr. HATCH. It is our hope that the House-Senate conferees may be able to work to add funds for dietary supplement enforcement, so that other programs of the FDA are not penalized through addition of our language.

Mr. HARKIN. That is correct.

Mr. President, so what our amendment does today is help the FDA make enforcement of DSHEA a top priority.

I want to emphasize as Senator HATCH did that the vast majority of dietary supplements are marketed safely and legally, by manufacturers who care deeply about the public and its health. However, for the few bad actors who are giving industry a bad name, who are taking advantage of a trusting public, I say "it is time to get tough."

In so doing, we admonish the agency not to wield the heavy hand it did for over three decades, the over-bearing attitude which led Congress to pass DSHEA so overwhelmingly in the first place.

Mr. HATCH. There is a reason that over two-thirds of both the House and Senate cosponsored our legislation, and that reason is quite simple:

Many of us recall FDA's efforts to classify vitamins as over-the-counter drugs if they exceeded 150 percent of the Recommended Daily Allowance, an effort which would have rendered 200 milligrams of vitamin C a drug. Congress rejected that with the Proxmire amendment in 1976.

More recently, many of us recall FDA's efforts to ban the supplement black currant oil by saying it was an unsafe food additive. The FDA's logic was that the black current oil was added to a food—the gelatin capsule in which it was contained. The Seventh Circuit rejected this logic, terming the FDA's scheme "Alice in Wonderland." The First Circuit also described FDA's approach as "nonsensical."

It was nonsensical, and we are all grateful that wiser heads have prevailed since.

So, let me make clear that the intent of our amendment is not to forearm the FDA so it can embark on another of these fairy-tale journeys, but rather to help it take enforcement actions against those who are clearly violative of three aspects of the law: whether products are accurately labeled; whether claims are truthful and non-misleading; and whether claims are substantiated.

Mr. HARKIN. It is our hope that the funding provided in our amendment will allow the FDA to devote additional staff to this effort. In so doing, we will be making great strides toward assuring Americans—be they farmers in Iowa, athletes in Utah, stay-at-home moms throughout the U.S., or even members of Congress—that the dietary supplement products they take are safe and accurately labeled.

Mr. HATCH. The FDA simply has to get serious about enforcing this law. We cannot allow the very few products of poor quality to cast a negative shadow over the rest of the industry, which is so law-abiding.

Before I yield the floor, I want to recognize the great efforts of my partner in this endeavor—Senator HARKIN. I am appreciative of his hard work here, and the fact that we can count on him for non-partisan leadership on behalf of both his constituents and the American consumers.

Mr. HARKIN. I am appreciative of the Senator from Utah's efforts as well. It is no secret here that he is the world's number one proponent of dietary supplements. He has done an effective job of helping promote the public health through safe dietary supplements and I am pleased we have joined together today in this amendment.

Mr. REID. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Madam President, did the unanimous consent agreement adopt the managers' amendment?

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, does anybody here know what is in the managers' amendment? Could we have at least a brief summary from the managers as to what is in the managers' amendment? How many amendments are there? How many?

Mr. KOHL. Do you want me to read off several?

Mr. McCAIN. How many are there?

Mr. KOHL. There are about 35.

Mr. REID. Has the managers' amendment been agreed to yet?

The PRESIDING OFFICER. It has not.

Mr. REID. I ask unanimous consent that be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, and I will not object, but we should not be proud of this way of doing business, my friends. Thirty-five amendments that nobody has seen, except the two managers, that I know of; maybe someone else has, but I seriously doubt it. Thirty-five amendments. No Member has seen them. They may be technical in nature; they may be very substantive in nature.

I tell my colleagues, I will not agree to this again. We have several more appropriations bills. I will not agree to this again without at least knowing what the amendments are.

I remove my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1988 through 2016) were agreed to en bloc.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), is necessarily absent.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell

Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Ensign
Gregg
Kyl
McCain
Voinovich

NOT VOTING—4

Boxer
Bunning
Hutchison
Stevens

The bill (H.R. 2330) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Madam President, I thank all staff who worked so hard to make this bill possible and to assist Senators during the deliberation of the bill, particularly those who have worked as members of my staff on this side of the aisle for the Appropriations Committee, Subcommittee on Agriculture: Rebecca Davies, who is the chief clerk; Martha Scott Poindexter; and Rachelle Schroeder.

I also want to commend a member of my personal staff who was on the floor and contributed in a very important way to the work on this bill, Hunter Moorhead.

Without their good assistance it would not have been possible to have such a good work product as this bill represents.

It was a pleasure working for the first time with the distinguished Senator from Wisconsin as chairman of the subcommittee, Senator KOHL. He did an excellent job, he and his fine staff, particularly Mr. Fountain, with whom we have worked for several years, and the others.

We appreciate very much their cooperation and their excellent professional assistance.

I hope Senators appreciate the fact that without the staff we have, their talent, their hard work, and their experience, it would have been impossible to get to the point we did tonight for final passage of this bill. For that, I am very grateful to all of them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, is the Senate in a quorum call?

The PRESIDING OFFICER. It is not. Pursuant to the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mrs. MURRAY, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS conferees on the part of the Senate.

The Senator from Louisiana.

EXPLANATION OF VOTES

Ms. LANDRIEU. Madam President, I was unable to cast my vote on H.R. 2506 and H.R. 3162. It would not change the outcome of either of the votes, so I ask unanimous consent that the RECORD reflect I would have voted in the affirmative on both of those measures had I been here.

Mr. COCHRAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

A VERY PRODUCTIVE WEEK

Mr. REID. Madam President, this has been a very productive week for the Senate. We have completed two appropriations bills and the counterterrorism bill. We should feel very good about what we have been able to do. There was cooperation on both sides.

Next week I hope we will be just as productive. We have a lot of very important work to do in the short period before Thanksgiving. The majority leader has talked to all of us, and I think we should be reminded how important it is we complete our work.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN TRAVEL INDUSTRY STABILIZATION ACT

Mr. DORGAN. Mr. President, earlier I introduced the American Travel Industry Stabilization Act on behalf of myself, Senator CONRAD, Senator REID, Senator INOUYE, and Senator SPECTER. I wish to simply explain the purpose for this. As we proceed to think through the economic stimulus package that we will put together to try to provide lift to this economy, we need to consider what has happened to the travel and tourism industry in this country. I had a hearing on this subject in the commerce subcommittee that I chair. We know we have provided some loan guarantees to the airlines, and they were very much needed loan guarantees, and I supported them.

But, there are a range of other travel and tourism businesses and industries in this country that are in desperate trouble. We propose some loan guarantees to try to be helpful to them during these difficult times. Their businesses are directly tied to the airline industry. When this country shut down the airline industry, we, of course, had a significant impact on the ancillary businesses attached to that industry as well.

I want to call attention to this bill today in the hope that my colleagues who are interested in this subject—and I know there are many of them—may consider cosponsoring this legislation. I know my colleague, Senator REID, who is in the Chamber may well wish to say a few words as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I applaud and commend the Senator from North Dakota for his leadership on this issue. The travel industry needs help. This bill will give the travel industry the shot in the arm it needs. Whether it is travel agents, whether it is rental car agencies, or the myriad of other people who support the tourism industry, we must start someplace. This is certainly a start.

In 30 States, the No. 1, No. 2, or No. 3 economic driving force in those States is tourism and we have kind of ignored tourism since September 11. We can no longer afford to do that.

I look forward to working with my colleagues who are sponsors of this legislation and the rest of the Senate. This is essential legislation and I hope we can move it very quickly.

AVIATION SECURITY

Mr. KERRY. Mr. President, it is Thursday of almost the fifth or sixth week since September 11. We still have not passed aviation security in the U.S. Congress. I cannot impress upon my colleagues enough how much I hear from aviation personnel, from law enforcement personnel, and from people throughout our country, how we are beginning to press the line of irresponsibility in our not having moved on this.

There is a reason our economy is still hurting. There are many reasons. None of them are going to be solved by any one single component. We understand that. We began September with a huge overhang in the telecommunications industry. All of us knew the stocks in the marketplace were significantly overvalued. There was almost a decline taking place prior to September 11. But we have a responsibility to do everything in our power to begin to turn the economy around and to protect a lot of our citizens who are beginning to feel a lot of economic pain.

One of the principal ways we can do that is in the stimulus package itself, as well as in passing aviation security.

I have heard some of my colleagues on the other side of the aisle in the House suggest publicly that one of the reasons they don't want to pass the aviation federalization is because some of these folks may be in a union; they may join a union. Are we really so far away already from the events of September 11 that people around here have forgotten that the firemen and the police officers and a lot of the medical technicians and other folks who lost their lives on September 11 were members of a union?

We do an extraordinary insult to that event and to what has happened since by having ideology and politics suddenly come back to prevent us from doing something that almost every person in the industry accepts is the best way to provide the highest level of security to the American people.

I respectfully suggest the best way we can provide a stimulus to this country is not by turning around and putting $1.4 billion into the coffers of IBM and billions more dollars into the coffers of a whole host of energy companies and other large corporations—not because they are bad, not because we think they don't deserve help in some way or another, they have received a lot of it, but because a stimulus package is supposed to do the most you can not to reward past investments or make up for past mistakes but put money, cash, into the hands of Americans now, to create jobs now in order to turn the economy around.

What we have staring us in the face is a whole set of requirements to make our post offices more secure, to make our trains more secure, to make our airlines more secure, to make countless of numbers of components of our health system more capable of responding to the potential of disease. When all of these security needs are staring us in our face, there ought to be a stimulus package that is security-oriented, that has some spending in it that puts people to work now at those tasks we know we have to embrace.

To see this package that came out of the House of Representatives with its extraordinary amount of giveaway, I find it an insult to the purpose of the Congress, to the weight of this moment of history, and to the obligation that we all have to bring security to our country and jobs to our citizens.

I hope we are going to do a better job in the course of the next weeks.

I yield the floor.

U.S.-CHINA COOPERATION IN THE WAR ON TERRORISM

Mr. KYL. Mr. President, following the terrorist attacks in New York and Washington, Chinese officials pledged to join the global effort against terrorism. But comments made by Chinese officials following the attacks indicate that they may try to exact policy concessions from the United States in exchange for support for anti-terrorism efforts. For example, according to a Reuters article on September 18, China's Foreign Ministry Spokesman Zhu Bangzao stated, "The United States has asked China to provide assistance in the fight against terrorism. China, by the same token, has reasons to ask the United States to give its support and understanding in the fight against terrorism and separatists." He went on to discuss the importance of combating Taiwan's independence activists. And more recently—at the Asia-Pacific Economic Cooperation summit in Shanghai—press reports have indicated that China's support is lukewarm at best.

It is my hope that the Chinese government will ultimately choose to offer support in our war effort; however, it is important that as we seek China's assistance, we not lose sight of the myriad concerns that remain regarding the communist regime's failure to abide by internationally recognized norms of behavior—including Beijing's proliferation of technology used to make ballistic missiles and weapons of mass destruction, and military buildup aimed at our long-standing, democratic ally, Taiwan.

The Chinese government's continuing sale of arms and other assistance to many of the countries on the State Department's list of state sponsors of terrorism is of particular concern. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has sold nuclear technology to Iran and Pakistan. It has sold Iran advanced cruise missiles and aided that country's chemical weapons program. And it has provided technological assistance to Iraq.

We should also keep a close eye on the Chinese military's continued modernization and buildup—the immediate focus of which is to build a military force capable of subduing Taiwan, and capable of defeating it swiftly enough to prevent American intervention. According to the Department of Defense's Annual Report on the Military Power of the People's Republic of China, released in June 2000, "A cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army's] force planning, military training, and war preparation."

Amidst China's alarming behavior, on October 17, the Washington Post reported that the Administration was considering a waiver on the sanctions placed on China following the Tiananmen Square crackdown that would have allowed the U.S. sale to China of spare parts for Blackhawk helicopters. Richard Fisher, editor of the China Brief newsletter at the Jamestown Foundation, addressed that possibility in an op-ed published in the Washington Times on October 21. He stated.

> . . . it is not time to end Tiananmen massacre sanctions on arms sales to China, such as allowing the sale of spare parts for U.S.-made Blackhawk helicopters. The Administration is considering this move to reward China and to allow it to rescue U.S. pilots that may be downed over Afghanistan. China has plenty of good Russian helicopters to do the job, and it makes no sense to revive military-technology sales to China as it still prepares for war against Taiwan.

The Washington Post later reported that the administration is not planning to waive sanctions that would allow the sale of the helicopter parts. And it is my hope that the United States—in our effort to gain China's support for our war on terrorism—will not consider such a move as long as China fails to live up to its international commitments. As Richard Fisher also stated in his op-ed, "...to qualify as a U.S. ally in the war on terrorism, China must stop lying about its nuclear and missile technology proliferation and prevent states like Pakistan and Iran from fielding nuclear missiles. Also, China must end its economic and military commerce with regimes that assist terrorists, like the Taliban and Iraq. In addition, China must halt its preparations for war against Taiwan, a war that will likely involve U.S. forces."

The past month has seen longtime foes, at least for now, espouse a common goal in America's efforts against terrorism. Scores of nations have taken the side of America in a battle to eradicate terrorists of global reach—but the most populous nation on the globe must truly back its words with actions. Until it does so, Beijing should not be rewarded by any relaxation of U.S. restrictions aimed at curbing the communist regime's unacceptable behavior.

Mr. President, I ask unanimous consent that the full text of that op-ed be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 21, 2001]

LOOKING TO A NON-ALLY IN CHINA

(By Richard Fisher)

While the United States is correct to seek Chin's assistance in what will be a long war against terrorism, it should harbor no illusions that China will share all of the same goals in this fight, or that China will cease being a longer term adversary.

Yes, Chinese President Jiang Zemin was swift to condemn the Sept. 11 terrorist attacks in the United States, and China has shared some counterterrorism intelligence.

And it would be welcome to have Beijing's full cooperation for the many battles ahead. But as he meets Jiang Zemin in Shanghai, President Bush should be mindful that any future Chinese assistance in the war on terror can only be effective if China reverses the aid that it has given to a number of rogue states. For example, should Osama bin Laden or his allies obtain a nuclear weapon in the future, it is likely that many of its components will come via Pakistan or Iran, and could very well carry the stamp "Made in China." China's assistance to Pakistan's nuclear weapons program dates back to the mid-1970s and includes the training of engineers, provision of nuclear-fuel-reprocessing components, and perhaps even the plans to make nuclear weapons. China has sold Pakistan more than 30 of the 180-mile range M–11 ballistic missiles. China has also sold Pakistan the means to build solid-fuel 450-mile-range Shaheen–1 and 1,200-mile-range Shaheen–II missiles.

China has sold Iran nuclear-reactor and nuclear-fuel-reprocessing components and cruise missiles that could conceivably carry a small nuclear device.

For more than a decade the United States has been "engaging" Chinese officials in a repetitive pattern of U.S. complaints, Chinese denials and promises not to proliferate, occasional U.S. slap-on-the-wrist sanctions, but with no definitive cessation of Chinese proliferation. So far, Beijing is correct to question U.S. resolve. It took the Bush administration until August this year to impose some sanctions on Chines companies selling Shaheen missile parts to Pakistan, a program that likely began early in the Clinton administration, which produced no Shaheen-related sanctions during its two terms.

This failure to stop Chinese proliferation helped fuel the nuclear missile race between India and Pakistan. And as the later weakens under pressure from radical pro-Taliban forces, the danger increases that nuclear weapon technology could fall into the hands of terrorist groups like bin Laden's. But rather than isolate radical Islamic regimes that harbor or aid terrorists, Beijing engages them, too. In recent months, China has been caught red handed helping Saddam Hussein to build new fiber-optic communications networks that will enable his missiles tc better shoot down U.S. aircraft. Beginning in late 1998, according to some reports, after they gave Beijing some unexploded U.S. Tomahawk cruise missiles, the Taliban began receiving economic and military aid from China.

The more important subtext is that China engages these regimes because it shares their goal of cutting down U.S. power. And, incredibly, China may be attracted to using their methods as well. Bin Laden himself has a fan club in some quarters of China's People's Liberation Army (PLA). In their 1999 book "Unrestricted Warfare," two PLA political commissars offer praise for the tactics of bin Laden. They note that bin Laden's tactics are legitimate as the tactics that Gen. Norman Schwartzkopf used in the Persian Gulf war. Of bin Laden, they state that the "American military is inadequately prepared to deal with this type of enemy."

While some U.S. analysts downplay "Unrestricted Warfare" as written by officers with no operational authority, it is well known that the PLA is preparing to wage unconventional warfare, especially cyber warfare. Should China attack Taiwan, the PLA would want to shut down the U.S. air transport system.

The PLA now knows this can be done with four groups of terrorists, or perhaps by computer hackers that can enter the U.S. air traffic control system and cause four major airline collisions.

So to qualify as a U.S. ally in the war on terrorism, China must stop lying about its nuclear and missile technology proliferation and prevent states like Pakistan and Iran from fielding nuclear missiles. Also, China must end its economic and military commerce with regimes that assist terrorists, like the Taliban and Iraq. In addition, China must halt its preparations for a war against Taiwan, a war that will very likely involve U.S. forces.

In this regard, it is not time to end Tiananmen massacre sanctions on arms sales to China, such as allowing the sale of spare parts for U.S.-made Blackhawk helicopters. The administration is considering this move to reward China and to allow it to rescue U.S. pilots that may be downed over Afghanistan. China has plenty of good Russian helicopters to do that job, it makes no sense to revive military technology sales to China as it still prepares for war against Taiwan.

In his Sept. 20 speech, Mr. Bush correctly declared that "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." China's aid to the Taliban and its continued nuclear proliferation are not friendly actions. The United States should press China to undo all it has done to strengthen the sources of terrorism.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

Mr. STEVENS. Mr. President, on August 1, the Senate passed it's version of H.R. 2299, the fiscal year 2002 Department of Transportation Appropriations Act. The Senate has not yet appointed conferees on this bill, which provides vitally needed funding for aviation, the Coast Guard, highways and rail programs.

A key issue of contention in that bill has been the standards and practices governing highway truck movement between our Nation and Mexico, under the provisions of the North American Free Trade Agreement.

Recently, discussion with the White House have produced a framework for compromise which I believe responds to the concerns for safety and equity voiced by many in the Senate and the other body, and I intend to support this compromise in the conference. It is my hope that the conferees on the bill will proceed along the lines of this proposal to strike a final agreement which will secure support in the Senate, and the signature of the President.

AMERICAN COMPANIES DOING BUSINESS IN COLOMBIA

Mr. LEAHY. Mr. President, yesterday, during consideration of the fiscal year 2002 foreign operations, export financing, and related programs appropriations bill, a colloquy between myself and Senator McCONNELL concerning American companies doing business in Colombia was printed in the Record. That colloquy was incomplete, and should not have been included in the RECORD in that form. Among other things, it omitted a copy of an amendment that Senator McCONNELL and I had considered offering to the foreign operation bill. Therefore, I ask unanimous consent that our complete colloquy, a well as our proposed amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. —

On page 144, line 3, after the colon insert the following: "*Provided further*, That of the funds appropriated under this heading for Colombia, $10,000,000 shall not be obligated or expended until the Government of Colombia resolves outstanding international arbitration decisions which favor United States corporations more than 50 percent owned and controlled by United States citizens:".

Mr. LEAHY. Mr. President, we often hear from American companies whose investments in developing countries have gone sour. That is the risk of doing business, and nobody disputes that. But international arbitration was created in order to mitigate the risks of overseas investments and to avoid depending on shaky legal institutions in those countries. Arbitration has been one of the principal building blocks to the extraordinary growth in international trade. It has brought investments to countries which would have otherwise been considered too risky because it gives investors and sovereign nations an agreed-upon mechanism to resolve disputes. Key to its success is the agreement by all parties that arbitration can only work if it is binding.

It recently came to my and Senator McCONNELL's attention that at least two American companies, Sithe Energies, Inc., and Nortel Networks, have participated in binding arbitration to resolve disputes with the Colombian Government. According to information we have received, Sithe and Nortel, and, we are told, companies from Mexico and Germany, have won clear, unambiguous rulings through binding arbitration, only to have the Colombian Government renege on its commitment to honor the arbitration decision.

We have not had an opportunity to discuss these matters with the Colombian Government, but if our information is correct, that American companies have agreed to binding arbitration and prevailed, only to have the Colombian Government refuse to pay, that is unacceptable. We want to help Colombia's economy develop in an environment where the rule of law is respected. This is crucial to Colombia's future. If Colombia flaunts the rules of the private market, it is will have increasing difficulty attracting private investment because it cannot be trusted.

Representatives of these companies have urged us to withhold a portion of

U.S. assistance to Colombia until the Colombian Government fulfills its legal obligations to these companies. We considered offering such an amendment, because of the importance we give to the fair treatment of American companies, respect for the rule of law, and the international arbitration process. I ask unanimous consent that a copy of our proposed amendment be printed in the RECORD at the conclusion of my remarks.

We decided no to offer the amendment, because of the precedent it could set. But we want to emphasize that respecting binding, internationally sanctioned arbitration is essential to the investment that will ultimately be the engine for Colombia's economic development. No amount of foreign assistance can do that. The pattern of Colombia's apparent abuse of the international arbitration process is very disturbing, and by conveying our concern about it we mean to strongly encourage the Colombian Government to act expeditiously to resolve these matters.

Finally, I would note that the Andean Trade Preferences Act addresses this issue directly. Section 203 of that act makes clear that the President shall not designate any country a beneficiary under the ATPA, if the country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of U.S. citizens or a company which is 50 percent or more beneficially owned by U.S. citizens. The ATPA is up for extension or expansion, and Senator McCONNELL and I will be following this issue closely, as well as discussing it with Colombian Ambassador Moreno and U.S. Ambassador Patterson, both of whom I have the utmost respect for.

Mr. McCONNELL. Let me just add a word or two to Senator LEAHY's comments. Few would disagree that Colombia's long term political and economic development resides in its ability to forge a lasting peace, establish the rule of law, and attract foreign investment. No service is done to the nation or the people of Colombia when the Colombian government refuses to recognize the legitimacy of an arbitration award to international businesses. The leadership in Bogota should understand that such action further erodes confidence in the overall investment climate in Colombia within the international business community—and in foreign capitals. It is my hope that the Colombian government takes note of the amendment Senator LEAHY and I contemplated offering and initiates corrective action in the very near future.

FREEDOM SUPPORT ACT

ARMENIA

Mr. McCONNELL. Mr. President, I want to take a brief moment to share with my colleagues the tremendous effort to craft an agreement which preserves section 907 of the FREEDOM Support Act while permitting Azerbaijan to assist with America's war on terrorism. In the closing minutes of the Senate's debate on the FY 2002 Foreign Operations bill yesterday, Senators SARBANES, BROWNBACK, and I reached agreement on my amendment which strikes a balance between our counter terrorism needs and vital ongoing efforts to negotiate a peace between Armenia and Azerbaijan with respect to the Nagorno-Karabakh conflict.

I want to thank my colleagues for their constructive input into my amendment. In addition, the Administration deserves our gratitude for their willingness to work with Congress on finding a compromise which addressed the concerns of all sides of this complicated issue. It is no secret in the halls of Congress that there was serious consideration of a certification under section 907 as a means of securing the legal authority to provide counter terrorism assistance to Azerbaijan. Such a certification would have permanently eliminated section 907 as a means to support the sensitive ongoing negotiations between Armenia and Azerbaijan. Despite some carveouts over the years, this was the most serious challenge to section 907 since its inception. Senator SARBANES and I, in particular, strongly believe that section 907 is vital to ongoing peace efforts and that such a certification was an unacceptable option.

I also want to recognize the invaluable input and encouragement of patriotic Armenian-Americans who understand the importance of supporting America's efforts to fight terrorism on every front. But, cooperating with Azerbaijan should not mean that the negotiations on Nagorno-Karabakh should be disrupted. Here again, the amendment provides protection. Counter terrorism assistance to Azerbaijan will not be forthcoming unless the President determines and certifies to Congress that the assistance "will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia." The Administration has assured us that they support peaceful negotiations and that none of our counter-terrorism efforts will disrupt these talks.

In addition to the amendment preserving section 907, I sponsored an amendment to provide assistance to Armenia under the Foreign Military Financing and the International Military Education and Training programs. This historic amendment will for the first time provide Armenia with valuable military assistance. The IMET funding will allow the U.S. to work with and train with the Armenian military thereby improving America's ability to work with Armenia on a host of security issues. This will ensure that Armenia remains a strong ally and coalition partner in the war against terrorism.

We will have an opportunity to revisit issues relating to Armenian and Azeri relations on the FY 2003 Foreign Operations bill, and I want to make clear to my colleagues and the Administration that I will be closely following developments in Azerbaijan and Turkey to lift the blockades against Armenia. I encourage these countries to fully understand the importance and necessity of lifting their blockades.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. BAUCUS. Mr. President, the horrific terrorist attacks of September 11, and America's response to those attacks have shifted our sense of priorities about what's important for our Nation. But, as we move forward with the challenging task of eliminating terrorism and securing the safety of our citizens, we must not lose sight of other values that make our Nation great.

Some are using the shock and fear caused by the September 11 attacks to call for renewed focus on our energy security, and more particularly to renew their calls to open the Arctic National Wildlife Refuge to exploration and drilling. While I agree that it is high time we developed a strategy to reduce our dependence on imported oil and secure the Nation's energy resources and infrastructure, we should all know by now that developing ANWR will not achieve this goal.

I have followed the Arctic debate closely for many, many years. I've spoken to this body on a number of occasions about this subject. The facts and best evidence on the main points at issue persuade me, as they have in the past, that drilling in the Arctic is both unnecessary and unwise.

First, there is no oil bonanza in the Arctic that will impact or enhance the Nation's energy security, and neither the Senate nor the Nation should be rushed to an ill-fated judgement based on wildly inflated claims to the contrary.

At peak production, many years down the road, the arctic coastal plain might at best replace about 5–9 percent of the foreign oil imported by the U.S. Oil from the arctic refuge will not have any meaningful impact on either the price of gasoline or on our demand for imported oil. It would do nothing to secure energy independence for our Nation.

Arctic oil is also expensive to produce and transport to the lower 48. Which is why, until Congress banned oil exports, the oil companies shipped a lot of that oil to foreign markets. If those exports bans are ever lifted, we'll likely see any oil from the refuge shipped overseas. There's a reason America imports so much OPEC oil, it's cheap.

In short, our energy security lies in reducing our dependence on oil, period. The more efficiently our Nation uses oil, gas and other energy resources, the more we depend upon alternative energy resources and renewable resources, the less vulnerable our country will be to oil supply disruptions and price spikes.

Moreover, the arctic refuge's coastal plain is the last 5 percent of the entire Alaskan coastal plain that is not already open to oil drilling. The remaining 95 percent of the Alaskan coastal plain is not only open to drilling, but vast tracts of it have yet to be explored for their potential oil reserves.

What's so special about this last 5 percent, preserved since the Eisenhower Administration? It's the heart of all the wildlife diversity in the entire Arctic National Wildlife Refuge. That 5 percent is the central calving ground for the porcupine caribou herd, the exact same landscape that would be scarred with oil wells, drill pads, roads and pipelines if drilling is allowed. That 5 percent is essential migratory habitat for 135 species of birds and waterfowl. That 5 percent is home to polar bears, musk oxen, grizzly bears, wolves, 36 species of fish, and more than 100 other species of wildlife. In fact, ANWR is the most important polar bear denning area in Alaska.

That 5 percent is also a desert compared to the rest of the arctic coastal plain. I have yet to hear a satisfactory explanation from the oil companies about how they will deal with the fact that there is not enough water to build ice roads in ANWR. If you can't build ice roads that "disappear" in the spring, you have to build gravel roads. Given what we have been told about the dispersed nature of recoverable oil in the refuge, the oil companies will need to build a lot of roads, roads that will crisscross the refuge, disrupting the natural flow of water during the spring, marring the wild character of the refuge and interfering with wildlife migration patterns.

In Montana, we know we must have working landscapes where we encourage oil and gas development, promote timber harvest and grow our Nation's food and fiber. We know such landscapes, if carefully managed, can also produce abundant wildlife populations and much recreational opportunity. Balancing appropriate development with the need to protect special places, for ourselves and for our children, is a dance Montanans know well.

So too the Arctic National Wildlife Refuge. We have far too many other options open to us right now to secure our energy future than any that may or may not materialize from drilling in ANWR. Americans aren't ready to drill, and America doesn't need to. I hold that the Arctic refuge is too wild to waste.

I would also like to address briefly some concerns I have with some of the energy proposals made by our colleagues in the House. I am particularly concerned with provisions that affect oil and gas leasing procedures on public lands.

The House suggests that we replace the current public process surrounding oil and gas leasing on public lands with a centralized federal mandate that would remove any meaningful public involvement from oil and gas leasing decisions on national forest lands.

In the 1980's, many Montanans traveled to Washington, DC to urge passage of legislation to bring the public into oil and gas leasing decisions on national forest and public lands. Their efforts and those of many others resulted in the passage of the 1987 Federal Onshore Oil and Gas Leasing Reform Act.

Under current law, the forest supervisor analyzes likely impacts, considers surface resources and consults with the public before determining (1) where Federal oil and gas leasing is authorized and, (2) under what circumstances it should occur. Even if a lease is offered, it often contains provisions to protect wildlife and the environment through stipulations that limit roads and other industrial developments.

Legislation endorsed by our colleagues in the House would eliminate the existing public involvement process.

That legislation would strip national forest supervisors of existing authority to make decisions regarding oil and gas leasing. The local supervisor's authority would be transferred and centralized under the Secretary of Agriculture who is directed to "ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions" on all oil and gas exploration or development operations "are eliminated" from oil and gas operations "on Federal land." This seems out of character with the often repeated pledge from the Administration and others, that local communities should have a greater voice in the public lands decisions that directly affect them.

Other language would direct the Secretaries of Agriculture and Interior to order a rewrite of oil and gas leasing plans to remove limits or restraints on oil and gas exploration and development. This would include local Montana decisions that limit oil and gas development designed to protect native trout streams.

Still more language would give the oil and gas industry the power to force a review of previous decisions to limit oil and gas development on national forest and BLM lands, including written explanations showing "whether the reasons underlying the previous decision are still persuasive."

In Montana, such decisions authorized millions of acres for leasing while protecting municipal drinking water sources for Helena, Red Lodge, and East Helena, popular hunting areas, key habitat and wild lands in the Elkhorns Wildlife Management Area, Line Creek Plateau and along Montana's Rocky Mountain Front. Montanans invested years in each of these decisions. They have been well debated, they have withstood legal challenge. They do not need to be reopened by Congress.

In short, I want to express my opposition to any similar provisions that may arise in the Senate. As I have outlined above, what may seem like obscure language to other members of this body is vitally important to Montanans, and could have an enormous impact on my state, and the landscapes Montanans have declared too precious to develop.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 15, 2000 in Denver, CO. First-degree murder charges were filed against Samuel Grauman, 21, who was accused of killing, Daniel O'Brien, 36, because O'Brien was gay. Grauman and another man were believed to have befriended gay men they thought would be easy robbery targets.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

FIFTY CALIBER—WEAPON OF CHOICE FOR CRIMINALS

Mr. LEVIN. Mr. President, I am a cosponsor S. 505, a bill introduced by Senator FEINSTEIN to strengthen the regulation of long-range fifty caliber sniper weapons. These weapons are among the most powerful, and least regulated, firearms legally available. Information provided by the Violence Policy Center demonstrates why Senator FEINSTEIN's legislation is so important.

According to the VPC's analysis, the ease with which fifty caliber weapons are purchased has made them popular with criminals and fringe groups. For example, in February of 1992, a Wells Fargo armored delivery truck was attacked in a "military style operation" in Chamblee, Georgia, by several men using a smoke grenade and a fifty caliber sniper rifle. Two employees were wounded. And according to the General Accounting Office, fifty caliber sniper rifles have been found in the armories of drug dealers in California, Missouri, and Indiana.

In March of 1998, in my home State of Michigan, Federal law enforcement officers arrested three members of a radical group known as the North American Militia. The men were charged with plotting to bomb Federal office buildings, destroy highways, utilities and public roads, and assassinate a number of Federal officials. A fifty caliber sniper rifle was among the weapons found in their possession.

Fifty caliber weapons are too powerful and too accessible to be ignored any longer. Tighter regulations are needed. I urge my colleagues to support Senator FEINSTEIN's bill.

ADDITIONAL STATEMENTS

TRIBUTE TO ADMIRAL JAKE SHUFORD

• Mr. GRAMM. Mr. President, I rise today to recognize Rear Admiral (Select) Jake Shuford, United States Navy, for the outstanding performance, dedication, and leadership he has exhibited over the last two years as the Director of Senate Liaison for the Navy. Admiral Shuford is a sailor's sailor.

Since receiving his commission as a Naval officer over 27 years ago, Jake Shuford has distinguished himself through his tactical acumen, seamanship, and "can-do" attitude. He commanded the hydrofoil USS *Aries*, PHM 5, the guided missile frigate USS *Rodney M. Davis*, FFG 60, and the guided missile cruiser USS *Gettysburg*, CG 64. During Admiral Shuford's command of the *Gettysburg*, the ship won the prestigious Battle "E" Efficiency award while successfully firing 69 Tomahawk missiles during strike operations in Iraq and Kosovo.

Admiral Shuford took the conn of the Navy's Senate Liaison Office in September 1999, earning the admiration of Senators who have worked with him. Admiral Shuford epitomizes what is best in our Navy and in America, and the Senate, the Navy, and the American people are indebted to him for his many years of distinguished service. He will soon leave the Senate for his first flag officer assignment in charge of duty assignments for all 375,000 officers and enlisted personnel in the Navy. As he departs Washington, D.C. and the Senate, I know that my colleagues wish the very best for Jake, his wife, Cathy; their daughter, Campbell; and their sons, Bennett and John.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON A DRAFT OF PROPOSED LEGISLATION TO IMPLEMENT THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS AND THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

Enclosed for the consideration of the Congress is a legislative proposal to implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Also enclosed is a detailed explanation of the bill's provisions.

Title I of the bill is entitled the "Terrorist Bombings Convention Implementation Act of 2001." It would implement the International Convention for the Suppression of Terrorist Bombings, which was signed by the United States on January 12, 1998, and which was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. In essence, the Convention imposes binding legal obligations upon State Parties either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and intentionally delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility. A State Party is subject to these obligations without regard to the place where the alleged act covered by the Convention took place. Twenty-eight States are currently party to the Convention, which entered into force internationally on May 23, 2001.

Title II of the bill is entitled the "Suppression of the Financing of Terrorism Convention Implementation Act of 2001." It would implement the International Convention for the Suppression of the Financing of Terrorism, which was signed by the United States on January 10, 2000, and which was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. The Convention imposes binding legal obligations upon State Parties either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and wilfully provides or collects funds with the intention that they should be used to carry out various terrorist activities. A State Party is subject to these obligations without regard to the place where the alleged act covered by the Convention took place. The Convention is not yet in force internationally, but will enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval, or accession with the Secretary General of the United Nations.

I urge the prompt and favorable consideration of this proposal.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 25, 2001.*

REPORT ON A PROPOSED PROTOCOL AMENDING THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF MOROCCO CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy signed at Washington on May 30, 1980. I am also pleased to transmit my written approval, authorization, and determination concerning the Protocol, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Protocol. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified Annex to the NPAS, prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

I am informed that the proposed Protocol has been negotiated to be in accordance with the Act and other applicable law, to meet all statutory requirements, and to advance the nonproliferation and other foreign policy interests of the United States.

The Protocol amends the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy in two respects:

1. It extends the Agreement, which expired by its terms on May 16, 2001, for an additional period of 20 years, with a provision for automatic extensions thereafter in increments of 5 years each unless either Party gives timely notice to terminate the Agreement; and

2. It updates certain provisions of the Agreement relating to the physical protection of nuclear material subject to the Agreement.

As amended by the proposed Protocol, I am informed that the Agreement will continue to meet all requirements of U.S. law.

Morocco is in the early stages of developing a nuclear research program, with support from the United States and the International Atomic Energy Agency (IAEA). The United States firm, General Atomics, is currently building the country's first reactor, a small (2 megawatt) TRIGA Mark II research reactor that will use low-enriched uranium fuel. General Atomics' completion of the project cannot occur without an Agreement for Cooperation in force.

Morocco is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Morocco is a signatory to (but has not yet ratified) the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the storage and transport of nuclear material.

I have considered the views and recommendations of the interested agencies in reviewing the proposed protocol and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the protocol and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes for both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House International Relations Committee as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE BUSH.

THE WHITE HOUSE, *October 24, 2001.*

MESSAGES FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 70. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 71. Joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day.

ENROLLED BILLS SIGNED

At 3:25 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3162. An act to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The following enrolled bill, previously signed by the Speaker of the House, was signed today, October 25, 2001, by the President pro tempore (Mr. BYRD):

H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

S. 1573. A bill to authorize the provisional and health care assistance to the women and children of Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4496. A secret communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report relative to Tajikistan; to the Committee on Armed Services.

EC-4497. A communication from the Deputy Secretary of Defense, transmitting, a report relative to the Fiscal Year 2001 National Defense Authorization Act provision on Major Headquarters Activities; to the Committee on Armed Services.

EC-4498. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4499. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1374 Timber Ruling" (Rev. Rul. 2001-50, 2001-43) received on October 9, 2001; to the Committee on Finance.

EC-4500. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report relative to the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for Fiscal Year 2000; to the Committee on Veterans' Affairs.

EC-4501. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a report relative to a Port Expansion Project in Columbia; to the Committee on Appropriations.

EC-4502. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a status report relative to the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project for Fiscal Year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4503. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Report on the Status of the State Small Business Stationary Source Technical and Environmental Compliance Programs for the Reporting Period, January through December 1999; to the Committee on Environment and Public Works.

EC-4504. A communication from the Assistant Director for Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Army, Civil Works, received on October 5, 2001; to the Committee on Environment and Public Works.

EC-4505. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Regulations for Air Carrier Safety Guarantee Loan Program under Section 101(a)(1) of the Air Transportation Safety and System Stabilization Act" received on October 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4506. A communication from the Director for Executive Budgeting and Assistance Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations" (RIN0605-AA09) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

*John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

*Joseph M. DeThomas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Joseph Michael DeThomas.

Post: Estonia.

Contributions, Amount, Date, and Donee:

1. Self: Joseph M. DeThomas, none.
2. Spouse: Leslie K. Davidson, none.
3. Children and Spouses: Benjamin J. DeThomas, none; Gabrielle DeThomas (deceased).
4. Parents: Arthur DeThomas, none; Teresa DeFranco (deceased).
5. Grandparents: None (deceased).
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

---

*Brian E. Carlson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Brian E. Carlson.

Post: Latvia.

Contributions: Amount, Date, and Donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Marinn F. Carlson, None.
4. Parents: Conrad V. Carlson—deceased; Charlotte G. Carlson, none.
5. Grandparents: Elmer E. Carlson, Amelia J. Carlson, Grady K. Griffith, Ellen Hill Griffith—all deceased.
6. Brothers and Spouses: Grady K. Carlson: 1997—$253 to HWPAC (VA. registration number VA-910106); 1998—$180 to HWPAC (VA. registration number VA-910106); 1999—$231 to HWPAC (VA. registration number VA-910106); 2000—$174 to HWPAC (VA. registration number VA-910106).

Barbara A. Carlson: 10/22/99, Friends of Bob Dix, $100.00; 3/17/01, Tom Davis for Congress, $50.00. Joint Barbara A. Carlson/Grady K. Carlson: 2/5/98, Republican National Finance Committee; $35.00; 5/18/99, Republican National Finance Committee; $86.00; 3/18/00, Friends of George Allen; $50.00; 5/8/00, Friends of George Allen; $25.00; 6/30/00, Bush for President; $25.00; 1/7/01, Bush Cheney Presidential Transition Fund, Inc.; $25.00.

7. Sisters and Spouses: None.

---

*John N. Palmer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: John Norris Palmer, Sr.

Post: U.S. Ambassador to Portugal.

Contributions, Amount, Date, and Donee:

1. Self: John N. Palmer, Sr.—Contributions for the year ended December 31, 1997: Capital Foundation (RNSEC), 1/12/97, $1,000; Coverdell for Good Government, 11/21/97, $500; Pickering for Congress, 6/20/97, $1,000; RNSEC, 5/12/97, $5,000; Republican National Committee, 5/12/97, $20,000; Scott McInnis for Congress, 12/31/97, $1,000 (Total: $28,500).

Contributions for the year ended December 31, 1998: Anti-defamation league, 10/9/98, $1,000; Campaign America, 3/10/98, $1,000; Charlie Williams Campaign, 12/22/98, $1,000; Delbert Hoseman for Congress, 3/26/98, $1,000; Delbert Hoseman for Congress, 6/10/98, $1,000; Delbert Hoseman for Congress, 8/28/98, $1,000; Fay Boozeman for Senate, 9/4/98, $1,000; FACPAC, 12/31/98, $1,000; Heath Hall for Congress, 4/10/98, $1,000; Murkowski '98 Campaign, 9/21/98, $1,000; Phillip Davis for Congress, 3/4/98, $1,000; Phillip Davis for Congress, 6/10/98, $1,000; Pickering for Congress, 9/17/98, $500; R.N.S.E.C., 10/28/98, $100,000; Senate Majority Celebration, 9/17/98, $15,000; Spirit of America PAC, 3/20/98, $1,000; The Majority Leader Fund, 3/20/98, $1,000; Victory '98, 8/28/98, $500 (Total: $130,000).

Contributions for the year ended December 31, 1999: Alexander for President, 2/15/99, $1,000; AmSouth PAC, 10/6/99, $1,000; Ashcroft 2000, 5/6/99, $1,000; Friends of Conrad Burns, 3/20/99, $1,000; Friends of Nick Walters, 8/14/99, $500; Friends of Roger Wicker/RW for Congress, 4/7/99, $1,000; Friends of Roger Wicker/RW for Congress, 6/15/99, $2,000; Friends of Roger Whicker 6/15/99, ($1,000); G.W. Bush Presidential Expl. Comm., 4/15/99, $1,000; G.W. Bush Presidential Expl. Comm., 11/23/99, $2,000; G.W. Bush Presidential Expl. Comm., ($1,000); George Allen Exploratory Committee, 4/7/99, $500; 1999 Republican Senate House Dinner, 6/9/99, $5,000; 1999 State Victory Fund, 12/14/99, $12,000; Pickering for Congress, 5/6/99, $1,000; R.N.S.E.C., 4/22/99, $25,000; The Smith Committee, 6/9/99, $1,000; Walter Michel Senate Campaign, 8/14/99, $250 (Total: $53,250).

Contributions for the year December 31, 2000: Ashcroft 2000, 7/21,00, $1,000; Bush/Cheney Recount Fund, 11/13/00, $5,000; Dunn Lampton for Congress, 2/23/00, $500; Dunn Lampton for Congress, 3/14/00, $500; Dunn Lampton for Congress, 4/8/00, $1,000; Friends of George Allen, 4/20/00, $500; Jay Dickey for Congress, 3/17/00, $1,000; Pickering for Congress, 4/20/00, $1,000; Pickering for Congress, 10/16/00, $1,000; R.N.S.E.C., 7/7/00, $65,000; Russ Francis for Congress, 8/8/00, $500; Trent Lott for Mississippi, 3/10/00, $1,000 (Total: $78,000).

2. Spouse; Clementine B. Palmer—Contributions for the year ended December 31, 1997: Pickering for Congress, $1,000, 6/25/97, National Republican Senatorial Committee, $15,000, 12/31/97 (Total: $16,000).

Contributions for the year ended December 31, 1998: Friends of Phil Davis, $1,000, 03/04/98; Delbert Hosemann for Congress Committee, $1,000, 09/21/98; National Republican Congressional Committee, $5,000, 03/02/98; Hollings for Senate, $1,000, 05/12/98 (Total: $8,000).

Contributions for the year ended December 31, 1999: Pickering for Congress, $1,000, 05/14/99; Friends of Roger Wicker, $1,000, 06/15/99; Friends of Roger Wicker, $1,000, 06/15/99; Bush for President Inc., $1,000, 04/21/99; Forbes 2000 Inc., $1,000, 07/13/99 (Total: $5,000).

Contributions for the year ended December 31, 2000: Dunn Lampton for Congress, $1,000, 8/14/00; Pickering for Congress, $1,000, 10/20/00; Republican National Committee, $10,000, 7/21/00; Dunn Lampton for Congress, $500, 2/23/00 (Total: $12,500).

3. Children and Spouses: John N. Palmer, Jr. (Son)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Pickering for Congress, 6/30/97, $1,000; Bush for President, Inc., 4/21/99, $1,000; Pickering for Congress, 11/1/00, $1,000; Walter Michel, 1998, $1,000; Victory 2000 (Bush campaign), 9/1/00, $10,000 (Total: $14,000).

Stacy R. Palmer (Daughter in law)—Congributions for the period beginning January 1, 1997, and ending March 31, 2001: Bush for President, Inc., 4/21/99, $1,000 (Total: $1,000).

James B. Palmer (Son)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Pickering for Congress; 6/25/97, $1,000; Delbert Hosemann for Congress, 9/21/98, $1,000; George W. Bush Exploratory Committ, 4/21/99, $1,000; Pickering for Congress, 10/27/00, $1,000 (Total: $4,000).

Tui V. Palmer (Daughter in law)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Bush for President, Inc., 4/21/99, $1,000 (Total: $1,000).

Patricia Palmer McClure (Daughter)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Delbert Hosemann for Congress Cmte, 9/21/98, $1,000; Bush for President, Inc., 4/21/99, $1,000; Pickering for Congress, 10/20/00, $1,000 (Total: $3,000).

J. Justin McClure (Son in law)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Delbert Hosemann for Congress Cmte, 9/21/98, $1,000; Bush for President, Inc., 11/1/00, $2,000; Pickering for Congress, 10/20/00, $1,000 (Total: $4,000).

Susan Palmer Amaro (Daughter)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Delbert Hosemann for Congress Cmte, 9/21/98, $1,000; Bush for President, Inc., 4/21/99, $1,000; Bush for President, Inc., 6/6/00, $1,000; (Total: $3,000).

Francisco J. Amaro (Son in law)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Bush for President, Inc., 4/21/99, $1,000 (Total: $1,000).

4. Parents: David M. Palmer (deceased); Veva Bell Palmer (decreased).

5. Grandparents: Estelle Smith Bell (deceased); James Y. Bell (deceased); Mamie Norris Palmer (deceased); David M. Palmer (deceased).

6. Brothers and Spouses: David M. Palmer (Brother)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Bush for President, Inc., 12/22/99, $1,000 (Total: $1,000).

Grizelda Palmer (Sister-in-law): No political contributions.

James Y. Palmer (Brother)—Contributions for the period beginning January 1, 1997, and ending March 31, 2001: Friends of Phil Davis, 5/15/98, $1,000; Delbert Hosemann Congress, 5/20/98, $1,000; Friends of Phil Davis, 6/16/98, $1,000; George W. Bush Exploratory Committee, 4/14/99, $1,000; Ronnie Shows, 8/29/00, $1,000; Dick Cheney Vice Presidential, 9/6/00, $2,000 (Total: $7,000).

Sheila C. Palmer (Sister-in-law)—Contributions for the period beginning January

1, 1997, and ending March 31, 2001: Friends of Phil Davis, 5/15/98, $1,000; George W. Bush Exploratory Committee, 4/14/99, $1,000 (Total: $2,000).

7. Sisters and Spouses: Not applicable.

---

*John Malcolm Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Ordway.

Post: Armenia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses: Christopher, none; Julia, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses: Stephen Ordway, none; Mark and Frances Ordway, none.

Sisters and Spouses: None.

---

*Bonnie McElveen-Hunter, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Bonnie McElveen-Hunter.

Post: U.S. Ambassador to the Republic of Finland.

Contributions, amount, date, and donee:

1. Self: $500, 4/6/98, Faircloth for Senate 1998; $1,000, 3/1/99, Elizabeth Dole Exploratory Committee; $250, 11/23/99, Sixth District GOP; $1,000, 2/10/00, Bush for President; $500, 4/12/00, N.C. Republican Party; $1,000, 7/12/00, Christine Toretti Reception; $100,000, 7/13/00 RNC Convention Gala; $300, 7/27/00, Tribute to Laura Bush (tickets); $5,000, 11/14/00, Bush-Cheney Recount Fund; $475, 1/4/01, Presidential Inaugural Committee (tickets); $260, 1/4/01, Presidential Inaugural Committee (tickets).

2. Spouse: Bynum M. Hunter (husband): $50, 3/17/97, National Republican Congressional Committee; $1,000, 5/13/97, Lauch Faircloth for Senate; $100, 10/1/97, Republican Majority Fund; $100, 12/14/97, National Tax Summit (GOP); $500, 4/2/98, Lauch Faircloth for Senate; $25, 4/24/98, Republican National Convention; $100, 6/12/98, National Republican Congressional Committee; $50, 6/12/98, Matt Fong, U.S. Senate Campaign; $50, 9/14/98, National Republican Congressional Committee; $250, 9/22/98, Faircloth for Senate; $50, 9/23/98, Faircloth for Senate; $1,000, 6/10/99, Elizabeth Dole for President, $50, 9/21/99, Friends of Guiliani; $250, 11/24/99, 6th District Republican Party; $100, 2/9/00, Republican Presidential Committee; $100, 4/10/00, RNC Victory 2000; $250, 5/3/00, National Republican Congressional Committee; $100, 7/11/00: Lazio 2000; $100, 9/22/00, National Republican Congressional Committee; $10,000, 10/12/00, Presidential Trust (President George H.W. Bush Luncheon); $200, 10/16/00, House Managers PAC; $1,000, 9/7/00, Bush for President; $50, 10/23/00, Lazio 2000; $100, Republican Congressional Committee.

3. Children and spouses: Not applicable.

4. Parents: Madeline McElveen (mother): $1,000, 5/28/99, Elizabeth Dole; $1,000, 2/8/00, George W. Bush.

5. Grandparents: Not applicable.

6. Brothers and spouses: Not applicable.

7. Sisters and spouses: D.A. Tweed McElveen (sister): $1,000, 5/28/99, Elizabeth Dole; $1,000, 2/9/00, Bush for President, Inc.; $1,000, 2/29/00, Alan Clemmons (SC Senate); $1,000, 9/18/00, Alan Clemmons (SC Senate); $5,000, 10/12/00, Victory 2000.

---

*Robert V. Royall, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert Venning Royall.

Post: Ambassador to Tanzania.

Contributions, amount, date, and donee:

1. Self: $1,000, 12/05/95, Dole for President, Inc.; $1,000, 11/14/95; Reelect Strom Thurmond; $233, 07/09/96, Safari Club Intl. PAC; $1,000, 05/29/96, Strom Thurmond Re-election; $500, 06/27/97, Mike Fair for Congress; $300, 05/27/98, Synovus Financial Corp: Committee for Good Leadership; $530, 06/10/98, Citizens Committee for Ernest F. Hollings; $469, 10/28/98, Citizens Committee for Ernest F. Hollings; $500, 03/24/99, Henry E. Brown, Jr. for Congress; $1,000, 05/20/99, Bush for President, Inc.; $500, 07/12/99, Mark Sanford for Congress; $500, 11/22/99, Floyd Spence for Congress; $500, 11/22/99, Bush-Cheney 2000 Compliance Committee, Inc.; $20,000, 08/24/00, Republican National Committee; $500, 05/19/00, Synovus Financial Corp. Committee for Good Leadership; $1,000, 09/22/00, Henry E. Brown, Jr. for Congress; $5,000, 11/13/00, Bush-Cheney Recount Fund; $5,000, 11/30/00, Bush-Cheney Presidential Trust Foundation, Inc.

2. Spouse: Edith F. Royall: $530, 06/10/98, Ernest F. Hollings; $469, 10/28/98, Ernest F. Hollings; $1,000, 05/20/99, Bush for President, Inc.; $500, 11/22/99, Bush-Cheney 2000 Compliance Committee, Inc.

3. Children and spouses: Eleanor R. Parker: $1,000, 07/09/99, Bush for President, Inc.

Russell G. Parker: $1,000, 07/09/99, Bush for President, Inc.

Margaret R. Shore: $1,000, 07/09/99, Bush for President, Inc.; $200, 10/10/00, S.C. Republican Party.

Edith R. Smith: $1,000, 07/09/99, Bush for President, Inc.

R. Champion D. Smith: $1,000, 07/09/99, Bush for President, Inc.

4. Parents: Robert Venning Royall—deceased; Eleanor Williams Royall—deceased.

5. Grandparents: George W. Williams—deceased; Eula Lowery Williams—deceased; Edward Manly Royall—deceased; Harriett Maybank Royall—deceased.

6. Brothers and spouses: Edward Manly Royall, none; Helen Johnson Royall, none.

7. Sisters and spouses: None.

---

*J. Edward Fox, of Ohio, to be an Assistant Administrator of the United States Agency for International Development.

*E. Anne Peterson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Margaret K. McMillion, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Margaret K. McMillion.

Post: Kigali, Rwanda.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Not applicable.

3. Children and spouses: Not applicable.

4. Parents: Margaret Jane Houlette McMillion, none.

5. Grandparents: Deceased.

6. Brothers and spouses: John L. and Karen R. McMillion, none.

7. Sisters and spouses: Not applicable.

---

*Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Wanda L. Nesbitt.

Post: Antanarivo, Madagascar.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: James E. Stejskal, none.

3. Children and spouses: No children.

4. Parents: James W. Nesbitt—deceased; Edna Pearson Nesbitt—deceased.

5. Grandparents: All grandparents deceased since 1964.

6. Brothers and spouses: James W. Nesbitt, Jr., none.

7. Sisters and spouses: Cheryl D. Nesbitt, none; Lynn Nesbitt, none; Natalie Nesbitt, none.

*Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Clifford M. Sobel.

Post: Ambassador to the Netherlands.

Amount, date, and donee:

1. Self: $1,000, 3/6/97, Americans for Hope, Growth and Opportunity; $5,000, 5/30/97,Campaign America, Inc.; $500, 6/23/97, Citizens Committee for Gilman for Congress; $25,000, 6/26/97, RNC Republican National State Elections Committee; $5,000, 10/20/97, Republican Leadership Council (FKA) Committee for Responsible Government; $1,000, 11/11/97, Friends of Jim Saxton (primary); $10,000, 11/20/97, GOPAC; $1,000, 12/5/97, Friends of Senator D'Amato; $1,500, 8/11/97, New Jersey Republican State Committee; $1,000, 10/29/97, Citizens for Arlen Specter; $5,000, 12/19/97, Republican Party of Florida Campaign Account; $500, 3/4/98, Friends of Dylan Glenn; $1,000, 3/28/98, Mike Ferguson for Congress (primary); $1,000, 3/28/98, Mike Ferguson for Congress (general); $1,000, 6/30/98, Lonegan for Congress; $5,000, 6/3/98, Freedom and Free Enterprise PAC; $500, 7/15/98,

Friends of Newt Gingrich; $5,000, 9/30/98, Republican Leadership Council (FKA) Committee for Responsible Government; $1,000 10/13/98, Committee to Re-Elect Congresswoman Marge Roukema; $1,000, 10/14/98, Friends of Jim Saxton (general); $1,000, 10/21/98, Fox for Congress Committee; $25,000, 10/21/98, RNC Republican National State Elections Committee; $2,000, 2/18/99, RNC Republican National State Elections Committee; $2,000, 2/18/99, RNC Republican National State Elections Committee; $1,000, 3/29/99, Jon Kyl for U.S. Senate; $1,000, 5/7/99, Whitman for U.S. Senate (primary); $1,000, 5/7/99, Whitman for U.S. Senate (general); $2,000, 5/17/99, The WISH List; $2,000, 6/15/99, Friends of Giuliani Exploratory Committee (primary); $1,000, 5/21/99, Trent Lott for Mississippi; $1,000, 5/13/99, Friends of Conrad Burns—2000; $1,000, 6/30/99, Zimmer 2000 Inc. (primary); $1,000, 6/30/99, Zimmer 2000 Inc. (general); $1,000, 8/11/99, Friends of Giuliani Exploratory Committee (general); −$1,000, 8/11/99, Friends of Giuliani Exploratory Committee (general), refund of $1,000; −$1,000, 9/21/99, Whitman for U.S. Senate (general), refund of $1,000; −$650, 10/19/99, Whitman for U.S. Senate (primary), refund of $650; $25,000, 10/21/99, RNC Republican National State Elections Committee; $1,000, 11/12/99, Friends of George Allen (primary); $1,000, 11/12/99, Friends of George Allen (general); $423, 12/7/99, New Jersey Republican State Committee; $657, 12/7/99, Republican Federal Committee of Pennsylvania; $1,521, 12/7/99, California State Republican Party; $621, 12/7/99, Illinois Republican Party; $513, 12/7/99, Michigan Republic State Committee; $927, 12/7/99, New York Republican Federal Campaign Committee; $594, 12/7/99, Ohio State Republican Party; $225, 12/7/99, Republican Party of Kentucky; $369, 12/7/99, Republican Party of Virginia Inc.; $315, 12/7/99, Washington State Republican Party-Federal Account; $342, 12/7/99, Massachusetts Republican State Congressional Committee; $225, 12/7/99, Arizona Republican Party; $10,000, 12/7/99, 1999 State Victory Fund Committee; $711, 12/7/99, Republican Party of Florida Federal Campaign Account; $395, 12/30/99, Republican Party of Florida Federal Campaign Account; $5,000, 12/30/99, 1999 State Victory Fund Committee; $330, 12/30/99, Ohio State Republican Party; $515, 12/30/99, New York Republican Federal Campaign Committee; $285, 12/30/99, Michigan Republican State Committee; $845, 12/30/99, California State Republican Party; $1,000, 12/20/99, Weingarten for Congress; $235, 12/30/99, New Jersey Republican State Committee; $365, 12/30/99, Republican Federal Committee of Pennsylvania; $345, 12/30/99, Illinois Republican Party; $205, 12/30/99, Republican Party of Virginia Inc.; $1,000, 1/18/00, Bush-Cheney 2000 Compliance Committee Inc.; $5,000, 1/20/00, Republican Leadership Council (FKA) Cmte for Responsible Government; $20,000, 2/4/00, Republican Leadership Council; $500, 3/7/00, Don Payne for Congress; $1,000, 3/27/00, Friends of Mark Foley for Congress; $1,000, 3/27/00, Abraham Senate 2000; $1,000, 3/31/00, Roth Senate Committee; $1,000, 4/17/00, Committee to Re-Elect Congresswoman Marge Roukema; −$1,000, 6/30/00, Friends of Giuliani Exploratory Committee (primary), refund of $1,000; $75,000, 6/30/00, RNC Republican National State Elections Committee; $1,000, 6/30/00, Bob Franks for U.S. Senate Inc. (primary); $1,000, 6/30/00, Bob Franks for U.S. Senate Inc. (general); $100, 8/2/00, RNC Republican National State Elections Committee; $1,000, 8/15/00, Lazio 2000 Inc.; $1,000, 9/29/00, Bush for President Inc.; $25,000, 10/6/00, Republican Leadership Council; $10,000, 10/31/00, RNC Republican National State Elections Committee; $5,000, 11/12/00, Bush-Cheney Recount Fund; $2,061, 1/30/01, RNC Republican National State Elections Committee; $3,206, 1/30/01, RNC Republican National State Elections Committee; $2,061, 1/30/01, RNC Republican National State Elections Committee; $1,350, 2/1/01, RNC Republican National State Elections Committee; $5,000, 3/6/01, RNC Republican National State Elections Committee; $1,000, 3/8/01, Friends of Mike Ferguson; $5,000, 3/27/01, The WISH List.

2. Spouse, Barbara Sobel: $1,000, 8/8/97, WISH List; $1,000, 3/2/98, WISH List; $5,000, 4/20/98, Campaign America Inc.; $1,000, 6/2/98, Mike Ferguson for Congress (primary); $1,000, 6/2/98, Mike Ferguson for Congress (general); $1,000, 6/4/98, Michigan Republican State Committee; $1,000, 5/1/99, Don Payne for Congress (primary); $1,000, 5/7/99, Whitman for U.S. Senate (primary); $1,000, 5/7/99, Whitman for U.S. Senate (general); $1,000, 6/30/99, Zimmer 2000 Inc. (primary); $1,000, 6/30/99, Zimmer 2000 Inc. (general); −$1,000, 9/21/99, Whitman for U.S. Senate (general) (refunded $1,000); $5,000, 9/30/99, New Jersey Republican State Committee; −$650, 10/19/99, Whitman for U.S. Senate (primary) (refunded $650); $1,000, 11/12/99, Friends of George Allen; $10,000, 12/7/99, 1999 State Victory Fund Committee; $423, 12/7/99, New Jersey Republican State Committee; $711, 12/7/99, Republican Party of Florida Federal Campaign Account; $657, 12/7/99, Republican Federal Committee of Pennsylvania; $1,521, 12/7/99, California State Republican Party; $621, 12/7/99, Illinois Republican Party; $513, 12/7/99, Michigan Republican State Committee; $927, 12/7/99, New York Republican Federal Campaign Committee; $594, 12/7/99, Ohio State Republican Party; $225, 12/7/99, Republican Party of Kentucky; $369, 12/7/99, Republican Party of Virginia Inc.; $315, 12/7/99, Washington State Republican Party Federal Account; $342, 12/7/99, Massachusetts Republican State Congressional Committee; $225, 12/7/99, Arizona Republican Party; $1,000, 12/13/99, Bill Nelson for U.S. Senate (final recipient of contribution to Florida 2000); $1,000, 12/13/99, Florida 2000 (joint fundraising committee final recipient was Bill Nelson for U.S. Senate); $1,000, 12/20/99, Weingarten for Congress; $205, 12/30/99, Republican Party of Virginia Inc.; $330, 12/30/99, Ohio State Republican Party; $515, 12/30/99, New York Republican Federal Campaign Committee; $285, 12/30/99, Michigan Republican State Committee; $345, 12/30/99, Illinois Republican Party; $845, 12/30/99, California State Republican Party; $5,000, 12/30/99, 1999 State Victory Fund Committee; $1,000, 12/30/99, Friends of Giuliani Exploratory Committee (primary); $235, 12/30/99, New Jersey Republican State Committee; $365, 12/30/99, Republican Federal Committee of Pennsylvania; $395, 12/30/99, Republican Party of Florida Federal Campaign Account; $1,000, 12/31/99, Friends of Giuliani Exploratory Committee (primary); $1,000, 2/1/00, Friends of Giuliani Exploratory Committee (general); −$1,000, 2/1/00, Friends of Giuliani Exploratory Committee (primary) ($1,000 refunded); $500, 3/14/00, Don Payne for Congress (general); $1,000, 3/29/00, Abraham Senate 2000; $5,000, 4/10/00, The WISH List; $1,000, 4/28/00, Friends of Dylan Glenn; $1,000, 6/30/00, Snowe for Senate (contribution was made to "The WISH List" but earmarked for and passed through to "Snowe for Senate"); $1,000, 6/5/00, WISH List (earmarked for and passed on to the Snowe for Senate" Campaign); $25, 6/8/00, Republican Presidential Task Force/National Republican Senatorial Committee; $1,000, 6/30/00, Friends of Giuliani Exploratory Committee (general) (refunded $1,000); $1,000 6/30/00, Bob Franks for U.S. Senate Inc. (primary); $1,000, 6/30/00, Bob Franks for U.S. Senate Inc. (general); $5,000, 7/10/00, New Jersey Republican State Committee; $1,000, 7/11/00, Gormley for Senate Primary Election Fund; $30, 8/14/00, Republican Presidential Task Force/National Republican Senatorial Committee; $1,000, 9/29/00, Bush for President Inc.; $60, 10/17/00, Republican Presidential Task Force/National Republican Senatorial Committee; $1,000, 11/3/00, Friends of Jim Saxton; $1,000, 3/8/00, Friends of Mike Ferguson; $5,000, 4/17/00, NORPAC; −$658, 8/15/01, New Jersey Republican State Committee (refund).

3. Children and spouses: Scott Sobel (son): $1,000, 7/19/99, Bush for President Inc.; $20,000, 12/30/99, 1999 State Victory Fund Committee; $940, 12/30/99, New Jersey Republican State Committee; $1,460, 12/30/99, Republican Federal Committee of Pennsylvania; $3,380, 12/30/99, California State Republican Party; $1,380, 12/30/99, Illinois Republican Party; $1,140, 12/30/99, Michigan Republican State Committee; $2,060, 12/30/99, New York Republican Federal Campaign Committee; $1,320 12/30/99, Ohio State Republican Party; $500, 12/30/99, Republican Party of Kentucky; $820, 12/30/99, Republican Party of Virginia Inc.; $700, 12/30/99, Washington State Republican Party—Federal Account; $440, 12/30/99, Republican Party of Iowa; $760, 12/30/99, Massachusetts Republican State Congressional Committee; $500, 12/30/99, Arizona Republican Party; $1,580, 12/30/99, Republican Party of Florida Federal Campaign Account; $1,000, 3/31/00, Abraham Senate 2000; $5,000, 7/6/00, New Jersey Republican State Committee; $10,000, 9/22/00, Republican National Committee—RNC; $1,000, 10/25/00, Bob Franks for Senate Inc.; $1,000, 11/3/00, Friends of Jim Saxton. Jonathan Sobel (son): $1,000, 6/18/99, Bush for President; $1,000, 8/19/00, Bob Franks for Senate; $1,000, 10/30/00, Friends of Jim Saxton. Julie Sobel (daughter): $1,000, 6/8/99, Bush for President, Inc.; $1,000, 8/19/00, Bob Franks for Senate; $1,000, 10/30/00, Friends of Jim Saxton.

4. Parents: Theodore Sobel (father): $1,000, 6/8/99, George Bush Campaign; $250, 7/8/99, Joint Action Committee for Political Affairs; $1,000, 10/26/99, George W. Bush for President, −$1,000, 1/10/00, Bush for President, Inc., refund of $1,000; $250, 9/22/00, Joint Action Committee for Political Affairs; $1,000, 10/1/00, Bob Franks for U.S. Senate; $1,000, 10/1/00, Friends of Jim Saxton. Claire Sobel (mother): $1,000, 10/26/99, George W. Bush for President; $1,000, 10/1/00, Bob Franks for U.S. Senate; $1,000, 10/1/00, Friends of Jim Saxton.

5. Grandparents: Not applicable.

6. Brothers and spouses: Peter Sobel (brother): None. Elizabeth Sobel (sister-in-law): $250, 2/97, Bill Clinton (campaign debt).

7. Sisters and spouses: Wendy Sobel Barr (sister): None. Aaron Barr (brother-in-law): None.

---

*Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Cameron R. Hume.

Post: Pretoria.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses: Laura Penn, Heather Hume, Jasmin Hume, Ivy Hume, Rigmor Spang: None.

4. Parents (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: Duncan and Joan Hume: None.

7. Sisters and Spouses: Not applicable.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. BOXER, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, Ms. COLLINS, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE , and Ms. STABENOW):

S. 1573. A bill to authorize the provision of educational and health care assistance to the women and children of Afghanistan; read the first time.

By Mr. ROCKEFELLER:

S. 1574. A bill to ensure that hospitals that participate in the medicare program under title XVIII of the Social Security Act are able to appropriately recognize and respond to epidemics resulting from natural causes and bioterrorism; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BOND):

S. 1575. A bill to provide new discretionary spending limits for fiscal year 2002, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. ROCKEFELLER:

S. 1576. A bill to amend section 1710 of title 38, United States Code, to extend the eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON:

S. 1577. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. CONRAD, Mr. INOUYE, and Mr. REID):

S. 1578. A bill to preserve the continued viability of the United States travel industry; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI:

S. 1579. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND:

S. 1580. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V Adios; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 1581. A bill to amend the Internal Revenue Code of 1986 to allow a business deduction for the purchase and installation of qualifying security enhancement property; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1582. A bill to amend the Internal Revenue Code of 1986 to delay for 1 year the mandatory beginning date for distributions from individual retirement plans, and to accelerate the effective date for modifications of the AGI limit for conversions of Roth IRAs; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1583. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for recreational travel costs, and for other purposes; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. BAUCUS, and Mr. COCHRAN):

S. 1584. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1502

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1502, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes.

S. 1546

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1546, a bill to provide additional funding to combat bioterrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. BOXER, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, Ms. COLLINS, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, and Ms. STABENOW):

S. 1573. A bill to authorize the provision of educational and health care assistance to the women and children of Afghanistan; read the first time.

Mrs. HUTCHISON. Mr. President, no one in America can have read a newspaper or seen a television report about the plight of women in Afghanistan, and children, without being horrified. All 13 women of the Senate, led by myself and Senator MIKULSKI, are introducing a bill today that would authorize the President to give education, health care benefits, and other help to the women and children of Afghanistan, and to those in refugee camps, at the first opportunity we possibly can.

Women are not able to be educated under the Taliban. Women are not able to get health care under the Taliban. They are not able to work.

I am going to talk about some of the things that have happened. But my colleague from Maryland and my colleague from the State of Washington have other commitments, and I want to yield to my colleague from Maryland who is a cosponsor of this bill. Every woman in the Senate is sponsoring this bill: Senator BOXER, Senator COLLINS, Senator LANDRIEU, Senator FEINSTEIN, Senator STABENOW, Senator CLINTON, Senator CANTWELL, Senator SNOWE, Senator MURRAY, Senator LINCOLN, Senator CARNAHAN, and of course my key cosponsor, Senator MIKULSKI from Maryland.

Mr. President, I yield the floor to the Senator from Maryland.

The PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President I rise to be a proud original cosponsor with Senator KAY BAILEY HUTCHISON in introducing the Afghan Women and Children Relief Act. This act will provide education and assistance and health care to the women and children of Afghanistan.

I have stood with the Senator from Texas on other issues related to the employment of women. We worked on economic security, pension security, health care opportunity, and educational opportunity for women and children as we worked on other issues related to the economic issues of our own States. Today I join with her, speaking on behalf of all of the women of the Senate—and I know all of the men of the Senate who will join with us—to see this crisis in Afghanistan is an opportunity to lift up the women and children from what has happened under the Taliban regime.

The Taliban regime represents repression of all people and particularly is most brutal to women and children. Taliban restrictions on women's participation in society make it nearly impossible for women to exercise their basic human rights. Restrictions on Afghan freedom of expression, association, and movement deny women full participation in their society. They don't even have access to the basic ability to work, go to school, and have health care.

The facts speak for themselves. Afghanistan has one of the highest infant mortality rates in the world. Only 5 percent of the rural people have access to safe drinking water. It is estimated hat 42 percent of all deaths in Afghanistan, up until this terrible situation was because of contaminated food and water. Over one-third of the Afghan children under 5 suffer from malnutrition.

I could go on with the data from the World Health Organization and others. This is not about statistics, this is about the people of Afghanistan, particularly the women. Because their human rights have been denied, we need to work with our own Government and the NGOs to make sure, as we work to create a new world order in Afghanistan, that women and children will have access to education and health care.

Often people have said the women face these repressions under the guise of traditional customs. Let me say this: I don't believe that. In an article in the New York Times by scholars Jane Goodwin and Jessica Neuwirth entitled "The Rifle and the Veil," they point out that the very visible repression against women is not about religion, "it is a political tool for achieving and consolidating power."

I ask unanimous consent that that op-ed be printed in the RECORD at the end of my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1)

Mr. MIKULSKI. They point out that under the guise of religion, using a distorted view of the Koran, women are forced into subjugation. Women in Afghanistan can't work in their own professions. Women and girls can't go to school. Women who are capable of teaching in school are forbidden to do so. Widows, who are deprived of their ability to earn a living, have been beaten when they have resorted to begging to feed themselves and their children.

Afghan women and children have fled to escape this repression, but their plight as refugees is not much better. At the camps, either in Pakistan or other countries or in no-man's land, they depend on international assistance for survival, but their future is bleak. Secretary Albright went to those Afghan camps. I spoke to her about it. She talked about those dire circumstances. And she led the effort to help the Afghan people.

We now have an opportunity to create a new world order. This is what this legislation is all about. America will demonstrate our solidarity and our support to these women and children. As America leads the international coalition against al-Qaida and the Taliban regime, let's use this as the opportunity to help the women and children there.

Let me conclude by saying this. As our Govenment—and I salute President Bush on what he is doing—works to create a new government in Afghanistan, if we are having a new government, let us insist that there not be the old rules, the old repression. We respect religion, we respect the traditions of the Muslim Community, but I do not believe that includes denying health care and education to the women.

If we are going to have a new world order, let's start with making sure we help the women and children. I thank Senator HUTCHISON for taking the lead on this legislation.

On a personal note, I particularly want to thank Senator HUTCHISON at this time, when I have been displaced from my own office, for the wonderful courtesy she has extended to my staff to be able to work in some of her rooms at the Russell Building. I say to you, Senator HUTCHISON, not only has the space meant a lot to us, but so did your graciousness in making it available.

See, Mr. President, this is what the terrorists don't understand. They can't stop us. We are the red, white, and blue party. If you look at HUTCHISON, MIKULSKI, and the other 11 women of the Senate, the Taliban can't stop us from helping the women of the world. I yield the floor.

EXHIBIT 1

[From the New York Times, Oct. 19, 2001]

THE RIFLE AND THE VEIL

(By Jan Goodwin and Jessica Neuwirth)

Anyone who has paid attention to the situation of women in Afghanistan should not have been surprised to learn that the Taliban are complicit in terrorism. When radical Muslim movements are on the rise, women are the canaries in the mines. The very visible repression of forced veiling and loss of hard-won freedoms coexists naturally with a general disrespect for human rights. This repression of women is not about religion; it is a political tool for achieving and consolidating power.

Sher Abbas Stanakzai, then the Taliban regime's deputy foreign minister, admitted as much in a 1997 interview. "Our current restrictions of women are necessary in order to bring the Afghan people under control," he said. "We need these restrictions until people learn to obey the Taliban."

In the same way that many Islamic extremist crusades use the oppression of women to help them gain control over wider populations, the Taliban and Osama bin Laden are now employing the tactics of terrorism to gain control.

The Taliban did not start the oppression of Afghan women, nor have they been its only practitioners.

In 1989, Arab militants working with the Afghan resistance to the Soviet Union based in Peshawar, Pakistan—and helping to finance the resistance fighters—issued a fatwa, or religious ruling stating that Afghan women would be killed if they worked for humanitarian organizations. At that time, a third of the Afghan population of 15 million were displaced from their homes, and many were heavily dependent on humanitarian groups for food and other necessities. Among the 3.5 million of these refugees who were then living in Pakistan, many were war widows supporting their families by working for the aid groups. After the fatwa, Afghan women going to work were shot at and several were murdered. Some international aid groups promptly stopped employing Afghan women, and though many women were infuriated, most complied after being intimidated by the violent attacks. Soon afterward, another edict in Peshawar forbade Afghan women to "walk with pride" or walk in the middle of the street and said they must wear the hijab, the Arab black head and body covering and half-face veil. Again, most women felt they had no choice but to comply.

In 1990, a fatwa from Afghan leaders in Peshawar decreed that women should not attend schools or become educated, and that if they did, the Islamic movement would meet with failure. The document measured 2 feet by 3 feet to accommodate the signatures of about 200 mullahs and political leaders representing the majority of the seven main mujahedeen parties of Afghanistan. The leading school for Afghan girls in Peshawar, where many Afghan refugees still lived, was sprayed with Kalashnikov gunfire. It closed for months, and its principal was forced into hiding.

When an alliance of mujahedeen groups took over in Kabul in 1992, it forced women out of news broadcasting and government ministry jobs and required them to wear veils. But it was the Taliban who institutionalized the total oppression of women after Kabul fell to them four years later, and who required the total coverage of the now familiar burqa.

Now, as Afghans, Pakistanis and Americans look to the future of Afghanistan, most plans call for a broad based new government giving representation to all of Afghanistan's ethnic groups and major political parties, including the Taliban. No one, however, has called for the participation of women, even though women, after many years of war, now almost certainly make up the majority in the adult Afghan population.

Afghan women gradually gained rights in the first decades of 20th century. Women helped write their country's Constitution in 1964. They served in parliament and the cabinet and were diplomats, academics, professionals, judges and even army generals. All of this happened well before the Soviets arrived in 1979, with their much-touted claim of liberating Afghan women.

Many of the forces now opposing the Taliban include signatories of the later fatwas that deprived Afghan women of their rights. History is repeating itself.

Any political process that moves forward without the representation and participation of women will undermine any chances that the principles of democracy and human rights will take hold in Afghanistan. It will be the first clue that little has changed.

The PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Maryland for her kind remarks. We are all in this, and one of the things we are trying to do is help our colleagues who still are out of their offices, who have not received mail for over a week, who do not have the places. We are happy to do that and especially because my colleague from Maryland has had two postal workers who have died at the Brentwood Station. At a time of huge crisis in her State, she is left without an office. We all want to back her and help her and help her constituents in every possible way.

I will take a few moments, because I deferred to the Senator from Maryland, to talk about some of the statistics in Afghanistan that have caused us to highlight this issue. We have seen repression of women in other countries, but we have never seen the repression that is happening in Afghanistan today. The pictures of women being beaten on the streets because their burqa was opened a little bit by the wind, or beaten on the streets because the religion police heard a clicking of heels of shoes on the sidewalk and believed the woman must be wearing high-heeled shoes—this is unbelievable.

In one account I read in a journal, a widow who did not have a male relative to escort her to the hospital watched her small son die of dehydration. She tried to make the journey to the hospital by herself but was beaten by the religion police as she left her home.

This is not a country that should be allowed, with the Taliban, to do this to its own people. That is why we are standing here today to say we want to come in and make sure the women and children of this country have opportunities for health care, for education. We are not trying to put our religion on other people. We are not trying to say you have to do it our way. But there are some basic human rights that everyone accepts, and they are that a woman is equal to a man, that a woman should be able to have basic health care, she should be able to take her children to see a physician, she herself should be able to go to a physician. That is not the case today in Afghanistan. She can't see a physician because she is not allowed to see a male physician and the woman physicians are gone because the Taliban will not allow women to work.

Afghanistan today has a 16-percent infant mortality rate and a 25-percent children mortality rate.

We cannot allow that to stand. That is why the women of the Senate are standing together to say when the aid comes in that we want to make sure the women get the aid in health care, that they are allowed to be educated, and that they will be allowed to support themselves and their children in a respectful way, and not be required to beg on the streets and sell themselves into prostitution, which is happening today.

That is why we feel so strongly abut this and why we are standing together and hoping that we can pass this bill with the help of the Foreign Relations Committee very quickly—so the women and children in the refugee camps in Afghanistan know that when America helps, it will be help for them too because they are also equal people.

I yield up to 3 minutes to the Senator from Michigan.

The PRESIDENT pro tempore. The Senator from Michigan, Ms. STABENOW, is recognized for 3 minutes.

Ms. STABENOW. Thank you, Mr. President.

I want to, first, thank my colleague, Senator HUTCHISON, for her leadership and for the eloquent words of Senator MIKULSKI who spoke earlier.

This is a wonderful example for working together. We are in the Chamber today not as Democrats or Republicans but as the women of the Senate speaking because we believe it is our responsibility to speak up on behalf of the women and children of Afghanistan who are being terrorized by their own government, the Taliban.

Senator HUTCHISON spoke very eloquently about the statistics and about what is happening. I am honored to represent in Michigan a very large Muslim-American population. They assure me this is not Islam. It is not the words of the Koran. This is an extremist, perverted group of people who have twisted the words. They hide behind the religion, which is a very perverse and twisted view of the world that is disenfranchising half of their population.

We come together to indicate that, as they move to a new coalition government, we expect and we will demand on behalf of the women and the children of the world that the women and children of Afghanistan are not left out of this new government; that the women who are physicians in Afghanistan will be allowed to treat their patients; that the country will benefit from the women who have been educated and who have the skills to help rebuild that country; and, that we empower the next generation of girls by making sure they are educated and will have the skills and knowledge they need to help rebuild the country of Afghanistan.

We know that once the Taliban has been defeated there will be much work to be done. If they continue to exclude half of their population, they are not only committing a travesty against them but they are placing their own country in jeopardy by not using the talents and the abilities that are there.

I, once again, thank all of my colleagues. It is wonderful to see everyone in the Chamber and to see a unified effort. I know we will continue to stay focused until we make sure the outrageous violence and atrocities that have been committed are stopped, and that the women and children of Afghanistan have the opportunity to live and be healthy and successful in their country.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDENT pro tempore. The Senator from Maine, Ms. COLLINS, is recognized for 2 minutes.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I commend my colleague from Texas and my colleague from Maryland for their extraordinary leadership in shining the spotlight on a very dark, dark part of the Earth.

We, the women of the Senate, represent different States, different ideologies, and are from different backgrounds, but we are united in our determination to expose the horrendous treatment of the women and children of Afghanistan. We are determined to help them in every way possible.

It was our colleague from Louisiana, MARY LANDRIEU, who first brought to my attention an excellent CNN documentary called "Women Behind the Veil," which demonstrated the appalling treatment by the Taliban of the women of Afghanistan. Women are not allowed to be educated.

That, to me, says it all because by denying women an education, you are denying them knowledge, awareness, and opportunity.

I am happy to join with the Senator from Texas, my colleague, Mrs. HUTCHISON, and the Senator from Maryland, my colleague, Ms. MIKULSKI, in this excellent initiative. I hope all of our colleagues will join in supporting this legislation.

Thank you, Mr. President.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Maine for her remarks, and the Senator from Michigan.

I yield 2 minutes to the Senator from California.

The PRESIDENT pro tempore. The Senator from California, Mrs. BOXER, is recognized for 2 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

Let me add my thanks to Senators HUTCHISON and MIKULSKI for their leadership on this important piece of legislation. Let me pledge to my friend from Texas and my friend from Maryland, and all the women in the Senate who are behind this, as the only woman on the Foreign Relations committee, that I will work with them to ensure we move this forward to markup.

The committee has a very good record when it comes to dealing with this issue. In 1999, Senator Brownback and I coauthorized a resolution condemning the practices of the Taliban. It went through the Senate very fast. We pointed out some of the issues that my colleagues have pointed out today about the treatment of women. It said the United States should never recognize the Taliban if they continue this type of treatment of women.

Yesterday, in the Foreign Operations Appropriations Act, Senator BROWNBACK and I were able to pass two amendments: one that called for women to be part of a new postwar Afghanistan government; and, second, a training program.

We actually funded that for women leaders in Afghanistan. But unless we pass this bill ensuring the health of the women in Afghanistan who have been denied health care—there is a law under the Taliban that says a woman may not go to a male doctor. She may not go to a male doctor. Yet they have said to the women doctors that they can no longer practice and they can no longer learn medicine.

What kind of situation is this? Women are forced to wear the burqas. You see them more and more on television. I put one on to get the sense of how it feels. I say to my friend from Texas that it feels as if you are nonexistent. It feels as if you are a nobody. You are no one.

In closing, let me say that this important piece of legislation must be heard soon by the Foreign Relations Committee. We must act on it. We must ensure that women who have been mistreated and who have been made, in essence, invisible must get the health care they deserve as well as their children. To carry that out, the Boxer-Brownback amendment which we agreed to yesterday must be part of an emerging new government.

My thanks to my friend from Texas. This a very strong bill. It has bipartisan support. I am proud to be a cosponsor.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from California for her efforts, along with Senator BROWNBACK, to bring the plight of Afghan women to the forefront. The bill that we have before us I hope can be moved expeditiously. I want any dollars that go to Afghanistan or to the refugees who are Afghans in camps outside the country to help these women who have been so abused.

I am stunned at some of the statistics. Forty-two percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water. This is 2001. Contaminated food and water is the most preventable kind of affliction that we could ever imagine. We have clean food and water. Forty-two percent of the people who die from something so preventable is just stunning.

As we have said, before the Taliban came, women could be educated. Schools were coeducational. Women accounted for 7 percent of the teaching force. Women represented 50 percent of government workers, and 40 percent of the physicians were women. But today, the Taliban prohibits women from working in any occupation.

Clearly, the Afghan people, before the Taliban, had basic human rights. The women and children were treated at least with respect. But when the Taliban came in and prevented women from being educated, prevented women from working, and prevented them from having health care, you wonder what kind of beasts are these? What kind of beasts would do this to other human beings? What kind of beast would let a little child die because the mother had no one to escort them to the hospital?

We cannot conceive of this kind of terrorism to the people who are their own people, much less what they have harbored against America.

So, Mr. President, I am proud the women of the Senate are coming together to speak for the women of Afghanistan, to say that our dollars are going to come and help rebuild Afghanistan.

We have no problem with the people of Afghanistan. We feel sorry for the people of Afghanistan living under this regime of the Taliban. That is why we are trying to root the Taliban out because they have harbored terrorists who have killed innocent Americans and innocent people from around the world. But when we do, we are going to make sure that women and children have the basic respect and the basic human rights that everyone in the world should have, and American dollars coming in will be dollars that will help bring a quality of life that is the basic decency that we all expect in our lives.

I know the bill will stay at the desk. I hope to work with the members of the Foreign Relations Committee to have an expedited procedure.

Ms. CANTWELL. Mr. President, I rise today with the other 13 women Senators and Senator KAY BAILEY HUTCHISON of Texas to introduce a bill that will authorize the use of existing funds in the foreign operations bill for the education and health care services of Afghan women.

There is no doubt that the Taliban regime has been particularly heinous to the women of Afghanistan. Women are not allowed in public, girls are not sent to school, and the basic human rights that are afforded to women across the world, especially women here in America, are denied.

The record is clear, women and girls in Afghanistan are abused regularly by the Afghan Government. It is my hope that the monies made available by this bill will help ameliorate the lives of the Afghan women by bettering their educational opportunities and increasing their access to necessary and vital health care services.

Mrs. FEINSTEIN. Mr. President, I rise this morning alongside my colleagues Senators HUTCHISON and MIKULSKI to voice my support for the Afghan Women and Children's Relief Act of 2001, which I am proud to cosponsor.

This bill authorizes the President to provide educational and health care assistance to the women and children living in Afghanistan and as refugees in neighboring countries. This is an important new front in our war against terrorism—and for the people of Afghanistan—and a much overdue one at that.

For over twenty years Afghanistan has known little but violence, bloodshed, and civil war. It has seen mass killings, disappearances, land mines, child soldiers, and one of the world's largest refugee outflows and internally displaced populations in history.

And, since the Taliban takeover in 1996, Afghanistan has also been witness to a horrifying war against women.

Until the accession of the Taliban women in Afghanistan were involved in public life, had access to education, were able to travel freely within their own country, and had access to jobs. Indeed, many were professionals—doctors, nurses, and teachers.

But under the Taliban women have been systematically denied access to education and health care. They have been denied access to employment. They have been forced to wear burkas, an all-encompassing garment, if they go out in public—something they can only do if accompanied by a male relative. Indeed, without a male relative to accompany them, many are even denied access to humanitarian aid and food assistance.

In short, under the Taliban Afghan women have been systematically denied their basic and fundamental human rights.

At the same time Afghanistan has witnessed a burgeoning humanitarian crisis. Two decades of war have destroyed or degraded much of the housing stock in Afghanistan's major cities. Afghan war-widows have been forced to become the primary bread-winners for their families and children, but, under Taliban law, are often prevented from working. As a result, tens of thousands of Afghan children are undernourished or malnourished. Most Afghans do not have access to safe drinking water. It has one of the highest infant mortality rates in the world. Millions of Afghans have fled to neighboring countries, and millions more are internally displaced within their own country.

I first became concerned about the plight of Afghan women five years ago, during the 105th Congress, when, shortly after the Taliban takeover of Kabul, I first started to hear the horror stories of what was transpiring in a country which at that time rarely made the news section of American newspapers.

As a member of the Foreign Relations Committee I held a public hearing on women's rights in Afghanistan to learn more about what was happening, and I introduced legislation which condemned the Taliban, called on the United States to provide additional humanitarian assistance to the people of Afghanistan, and stated that the U.S. government should not recognize any government of Afghanistan which systematically maltreated women.

Alongside a handful of my colleagues—Senators BOXER and BROWNBACK foremost among them—I have continued to try to bring attention to this issue in the years since, addressing it in letters to the President, addressing it every year in statements on International Woman's Day, cosponsoring further legislation in the Senate, and, earlier this year, urging the Administration to consider additional emergency assistance for the people of Afghanistan, with an emphasis on the special needs of women and children.

For too many years, however, all too few people listened.

But I would argue that how a regime treats its women and children can be seen as an early warning indicator that can alert us to larger systemic problems that demand our attention.

Indeed, as I stated before the Foreign Relations Committee in addressing this issue in 1998, "The conditions of near-anarchy that have resulted from the sectional fighting and civil war have created in Afghanistan an environment well-suited for the training of terrorists and the production and shipment of drugs. It is no coincidence that Osama bin Laden has chosen Afghanistan as a base of operations . . . ."

Today, tragically, we have all become experts on Afghanistan and its tumultuous recent history.

The "Afghan Women and Children's Relief Act of 2001" is an important statement of the United States commitment to the future of Afghanistan and its people. A commitment to make sure that Afghanistan's women and children, who have borne the brunt of the Taliban's brutality for the past half-decade, will receive the assistance they need, and have the opportunity for a future.

As we continue to push forward in our effort to combat international terrorism I can think of few tasks more valuable than making sure that Afghanistan will never again face conditions which have made it an ideal base for terrorist operations, and that the people of Afghanistan will never again face the human suffering that they have been subject to for the past two decades.

I urge my colleague to join with Senators HUTCHISON and MIKULSKI in support of this important piece of legislation.

Ms. LANDRIEU. Mr. President, I rise today in support of this very important piece of legislation. I would like to commend my colleagues, Senators HUTCHISON, MIKULSKI, and BOXER, for their leadership not only on this bill, but also in these issues generally. Women and children make up 80 percent of refugees worldwide. In Afghanistan, twenty years of civil war, political turmoil, continuing human rights violations and recent drought have already displaced more than five million of the Afghani population. Some four million refugees are displaced in neighboring countries and across the world, while another one million people are internally displaced within Afghanistan. Before September 11, severe drought had brought the country to the verge of famine and existing Taliban restrictions on relief agencies had severely hampered the delivery of assistance and civilian access to basic services. Approximately 1 million people, the majority of them women and children, will die of starvation if aid is not given to them before the winter arrives.

In addition to being denied physical needs, the women and children of Afghanistan have long been denied the freedom and respect that are also necessary to sustain human life. The oppressive rule of the Taliban removes from their lives the very freedoms we embrace, education, free speech, and the opportunity to make a living. The Taliban restrictions are so severe that they make it nearly impossible for women to exercise these and other basic human rights. Under this rule, the very lives of women are in danger. There are hundreds of stories of women being executed, raped, or beaten. Just recently, RAWA reported that at least four women in the last six months were burned alive by their husbands for their alleged infringements of Taliban law. They received no trial for these offenses and their husbands were praised, not punished for these horrible acts.

The women members of the Senate and many of our colleagues have called on the U.S. to act to bring an end to these violations of basic human rights. Over the past several years, Senator BOXER, myself and others have called on the Foreign Relations Committee to take immediate action to ratify the Convention to End Discrimination Against Women, a treaty designed to stamp out this type of behavior worldwide. Over the last two months, Americans have been reminded of the importance of their freedoms. Many are prepared to die to protect them for all Americans. Yet if we are to be the true and lasting democracy that we hope to be, democracy and freedom cannot end at our borders. We must work to ensure that men, women and children everywhere know what it is like to be truly free.

This bill recognizes that the war to preserve freedom must be fought on two fronts. First, through military action designed to bring an end to oppressive rule. Secondly, through targeted humanitarian aid designed to provide education, health care, food and support to the citizens so that they may one day form the base of a new and free society. In providing this type of support to the women and children of Afghanistan, the United States is protecting the principles upon which this country was founded, that each and every individual in this world is "endowed by their creator with certain unalienable rights that among these are, life liberty and the pursuit of happiness.

Again, I am proud to join Senators HUTCHISON and MIKULSKI in support of this important legislation and I urge that we pass it into law as soon as possible.

AFGHANISTAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Mrs. MURRAY. Mr. President, I am pleased to join my colleagues today to again raise the plight of women, girls and children in Afghanistan. I commend Senator HUTCHISON and Senator MIKULSKI for taking the initiative to introduce the Afghan Women and Children Relief Act of 2001.

Many of us have been working since the Taliban seized control in Afghanistan to give voice to women who have been silenced, beaten, harassed and even executed.

Afghanistan has been in a cycle of war and conflict for more than twenty years. These two decades have been hard on the Afghani people but especially difficult for women, young girls and children. When the Taliban seized control in Afghanistan, the plight of women, girls and children went from a crisis existence to a catastrophic one.

As noted in our bill and mentioned by my colleagues, women in Kabul, Afghanistan represented 70 percent of the teachers when the Taliban came to power. Women in Kabul represented 50 percent of the public employees and more than 40 percent of the medical professionals including doctors. Women students made up 50 percent of the student body at Kabul universities.

Throughout Afghan society women served their country, their culture and their families as scientists and professors, as members of parliament, as leaders of their communities. The Taliban changed all of that quickly and cruelly with little consideration for the rights of women or the many roles played in Afghan society by women.

The Taliban now bans women from working as teachers, doctors or for that matter, in any profession.

The Taliban closed schools to women. Not just the teachers. But to all young girls. It is against the law for a young girl to attend a school in Afghanistan. To attend school, women and young girls in Afghanistan risk floggings, death by stoning, or single shot execution.

Women cannot leave their homes without the heavy veil style clothing. They must be accompanied by a male. Women must not laugh or make noise in public. The punishment for violating Taliban law as we have now seen in several informative documentary pieces can be deadly. Many of my constituents have contacted me shocked and outraged at the video clip of the woman ushered into a soccer stadium to the jeers of a crowd. She's forced onto the playing field on her knees where she is quickly executed by a single shot from a rifle.

Women in Afghanistan, every generation now living, is suffering under the Taliban rule. Some have been forced from meaningful lives to absolute poverty. Others now see no future in Afghanistan for themselves and their children. Still others, war widows and elderly women, are forced into prostitution or forced to sell all of their possessions to feed themselves.

Yesterday, we passed the Foreign Operations Appropriations bill. I served on this subcommittee for a long time and its many programs offer hope to women in Afghanistan. The Afghan Women and Children's Relief Act notes many of these programs.

We provide assistance to help educate and immunize young girls in the world. We provide assistance in the form of maternal health care and family planning in the most needy areas of the world. We support microcredit lending, particularly to women led households, in many impoverished areas of the world.

We support international organizations from UNICEF and other UN entities to non-governmental organizations based here in the United States and throughout the world. Our bill would include Afghani women and girls in these vital programs.

As we look to aid women, young girls and children in Afghanistan, we must not assume that simply ending the Taliban rule will cure the problem. We walked away from Afghanistan when the Cold War ended, we cannot do that again when the Taliban goes. We must ensure that women and children are fully protected in the Afghan government which will eventually follow the Taliban. Women in Afghanistan must be brought back—fully brought back—into Afghani society. All of Afghanistan will be better when women are allowed again to teach, to serve publicly, and to treat illness.

Mr. President, I thank my colleagues for raising this issue. I join them as an original cosponsor of this legislation and I urge its prompt passage. Further, I call on all of our colleagues to support the appropriate funding levels which will ultimately make a great difference in the lives of Afghani women, young girls and children.

Ms. SNOWE. Mr. President, I rise today in support of a bill sponsored by Senators HUTCHISON and MIKULSKI that would authorize the use of Federal resources to increase the education, health and living standards for women and children in living in Afghanistan, and as refugees in neighboring countries. Importantly, it also specifies that this assistance is provided in a way that protects and promotes the human rights of all people in Afghanistan.

Allow me to begin by praising the work and leadership of my colleague from Texas, Senator HUTCHISON, on behalf of women both at home and abroad. This legislation is entirely consistent with her strong beliefs and leadership to extend opportunities to women throughout the world, and I am proud to join her in support of this effort.

It is simply unconscionable that we should even have to consider such a measure in this day and age. But there should be no mistake, the facts show that Congressional support for women in Afghanistan is nothing short of a moral imperative.

This issue is not simply a matter of cultural differences, of imposing a particular viewpoint on another country or people. This is a core human rights issue, and to ignore the plight of Afghan women is to turn our backs on a terrible wrong that we have the power and I would say the obligation as fellow human beings to help right.

This is a matter of basic justice, and it's basic justice denied under the current Taliban regime.

Prior to the Taliban's assent to power, Afghani women enjoyed both stature and freedom. In fact, many Americans may be unaware that Afghani women were not only well educated, they constituted 70 percent of the nation's school teachers, half of the government's civilian workers, and 40 percent of the doctors in its capital.

But that all changed, or, more accurately, came to a crashing and tragic halt, with the seizure of the Afghanistan capital in September of 1996, when the Taliban began a regime of gender-based apartheid. It's a regime, I'm sad to say, that's been enforced with the most extreme brutality.

Talk about going backwards, what's happened in Afghanistan hasn't just turned back the clock, it's turned back the centuries. While the calendars tell us it's a new millennium, you'd never know it from the graphic and disturbing footage we see from the Taliban-occupied regions of Afghanistan, which paint a very different picture of Afghanistan than even five years ago.

Today, women have been banished from the work force, flat out not allowed to work . . . to earn a living . . . or to support themselves or their family. And let's not forget that, according to an October 23 article in the Chicago Tribune, and I quote, "Tens of thousands of women were said to be widowed by Afghanistan's long-running battle against Soviet occupation in the 1980's. Many have had to turn to begging and prostitution."

Under the Taliban, girls aren't allowed to go to school. And women have been expelled from the universities. In fact, incredibly, women are prohibited from leaving their homes at all unless accompanied by a close male relative, even in the event of a medical emergency for themselves or their children. These women are under house arrest, they are prisoners of their own homes.

And if that's not bad enough, they are prisoners within themselves, with the Taliban going to great and inhumane lengths to strip Afghani women's sense of self and personhood. As the world has seen over and over again in the past five years and even more so since the start of the military campaign on October 7th, Afghani women are forced to wear a burqa, leaving only a mesh hole from which they can view the world in which they cannot participate.

And heaven help those who dare to tread upon or flout these laws. Penalties for violations of Taliban laws range from beatings to public floggings to killings, all state sanctioned. While these tragedies are not new, with the world's focus on the plight of the Afghani women, it is time for us to stand up and be counted.

For myself, I have continually supported efforts to improve the lot of women in Afghanistan, cosponsoring a resolution in the last Congress to condemn the systemic human rights abuses that are being committed against women and girls in Afghanistan, and supported a similar resolution this year that passed unanimously.

We've been a leader in assisting the people of Afghanistan, in fact, the U.S. is the largest single provider of assistance to the Afghan people, and we should continue our leadership, now more than ever, as the Taliban has brought even greater woe upon the Afghan people.

It is imperative that we distinguish between the Afghan people and the oppressive ruling Taliban that harbors terrorists within their borders. This bill highlights the ongoing plight of the Afghani women.

By authorizing the President to provide educational and health care assistance to women and children living in Afghanistan, and as refugees in neighboring countries, we recognize that women must have a future in Afghanistan. This potential for prosperity can only be realized if, as in the United States, both men and women have an opportunity to participate and contribute. That's what this bill is all about, and I hope that my colleagues will join us in supporting it.

By Mr. ROCKEFELLER:

S. 1574. A bill to ensure that hospitals that participate in the medicare program under title XVIII of the Social Security Act are able to appropriately recognize and respond to epidemics resulting from natural causes and bioterrorism; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I do not have to tell my colleagues here in the Senate that bioterrorism has become a reality. Here, and throughout the Nation, we are frightened and frustrated by the lack of clear information on what the threats are, and how we are to find the resources to protect ourselves. With this need in mind, I proudly offer the "Public Health Emergency Planning and Information Act of 2001," a bill which would provide grants to hospitals to prepare for public health emergencies, and that would fund programs to provide the public and medical providers with accurate information about potential biological attacks.

As we have seen in the past few weeks, the first line of defense against the threat of bioterrorism relies upon swift action by local health care providers and public health officials. The quick response of doctors in Florida to that first case of anthrax on October 4th gave the medical community and the public a warning of what was to come. Despite this recognition, and despite a small number of additional actual anthrax cases, we are currently struggling with how to respond, who to treat, what to expect next, and what information we can trust. We cannot simply wait to see what happens next, we must face this new and terrifying threat immediately.

Epidemics, whether natural or the result of deliberate attacks, unfold in communities, and may happen without warning. Our hospitals, and our physicians and nurses, must be prepared to detect outbreaks, diagnose diseases, treat patients, and activate state and federal response systems. They must be able to care for the public without becoming ill themselves.

These tasks will be made more challenging by the sadly diminished public health care infrastructure. The legacy of this chronic underfunding of state and local health departments has become all too obvious in the past few days. Last year, Congress passed legislation authored by my colleagues, Senators KENNEDY and FRIST, to begin supplying the Centers for Disease Control and Prevention and our State and local health departments with the funding that they so desperately need. I applaud this goal, and trust that we can continue to build on those efforts.

I remain concerned, however, about the resources available to local hospitals. Under pressures to contain the costs of health care, providers have shifted emphasis from hospital-based care to outpatient treatment over the last decade. This change, accompanied by ever shrinking staffing levels, has eroded our ability to care for a large number of patients at once. Annual epidemics of influenza already overwhelm the capacity of local health care systems, and now hospitals struggle to care for the ill while preparing for the unthinkable. Providers in small communities, particularly, have been less involved in Federal disaster training, and are most likely to lack the resources to accommodate a surge of patients during a deliberate or natural epidemic. Many caregivers from my own State of West Virginia have contacted me in recent weeks, desperate for resources to aid their preparations.

Current standards established by accrediting organizations and the Centers for Disease Control and Prevention outline basic steps in emergency preparedness that should, or must, for accreditation purposes, be undertaken by all hospitals and health care facilities. However, almost all Federal funding for medical disasters has been released in response to emergencies, rather than to prepare for them. Hospitals have seen little financial incentive for purchasing equipment or supplies that might never be used, especially in the climate of managed care.

The legislation that I introduce today would provide funding to aid these hospitals in preparing for emergencies, and to equip and train medical professionals to protect themselves and their patients during a public health crisis. My bill allows the Secretary of Health and Human Services to award grants directly to Medicare-eligible hospitals to meet emergency preparedness standards. These funds could be used to train personnel, increase communications between hospitals and local emergency response systems, and purchase necessary supplies or equipment. This bill would also protect hospitals that meet the public's need in a designated disaster area by covering the costs of replacing safety equipment and caring for the uninsured, so hospitals are not bankrupted by supporting public health.

In addition to preparing our medical professionals for the possibility of an epidemic, we must prepare ourselves. The past week has revealed a glaring flaw in our public health response: the failure to provide essential facts about the symptoms and best responses to suspected bioterrorist attacks. Even here, in the United States Senate, staff who might have been exposed to a biological threat have wrestled with a lack of information and with misinformation. Poor information about basic personal safety, and about symptoms and risk, has made a bad situation worse, and the panic has spread from the Capitol throughout the Nation.

During a public health crisis, such as a deliberate act of bioterrorism or a natural epidemic, qualified professionals should be able to deliver accurate and timely information to the public. We cannot ask individuals to make good decisions about protecting themselves and their families without helping them to understand the risks and the realities of potential outbreaks. We must act to ensure that American citizens can turn to a reliable, understandable source of information on agents such as anthrax.

My legislation would provide funding for public health crisis education and information, and would require publication of educational materials for use by medical professionals and the general public. These materials would be designed to prepare the public for the most likely foreseeable events in order to avert panic, and to promote good public health.

These programs will help hospitals and the public prepare not only for the threat of bioterrorism, but for the equally demanding tasks of controlling now-familiar epidemics of influenza and food-borne illnesses. We have been forced to confront our vulnerability to attacks that were until recently unthinkable, and to seek new ways to prepare and to protect ourselves, not only for the anthrax attack unfolding before us, but for the possible threats of the future. We must act now to prepare for whatever challenges lie ahead, as well as react to the fear at hand. I ask my colleagues to support this legislation, so that we may begin the steps necessary to protect the health of our Nation.

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BOND):

S. 1575. A bill to provide new discretionary spending limits for fiscal year 2002, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. DOMENICI. Mr. President, I rise today to introduce budget legislation to increase the discretionary spending limits for fiscal year 2002 and eliminate the current balances on the pay-go scorecard. While it is likely that this or similar language will be included in one of the remaining appropriations bills. I believe it is important to introduce this bill and have it referred to the Committee on the Budget in order to assert the committee's jurisdiction over such matters.

I ask unanimous consent that the text of the bill and a brief summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FY 2002 BUDGETARY PROVISIONS.

(a) DISCRETIONARY SPENDING LIMITS.—

(1) NEW DISCRETIONARY CAPS FOR 2002.—Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking subparagraph (A) and inserting the following:

"(A) for the discretionary category: $681,441,000,000 in new budget authority and $670,447,000,000 in outlays;".

(2) NEW ALLOCATION TO THE APPROPRIATIONS COMMITTEES.—Notwithstanding the provisions of H. Con. Res. 83, as agreed to on May 10, 2001 (107th Congress) and the joint statement of managers accompanying the conference report for the resolution, the budget authority and outlays for fiscal year 2002 allocated under section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633) to the Committees on Appropriations shall be as follows:

(In millions)

	Budget Authority	Outlays
General purpose discretionary	683.201	702.806
Memo:		
On-budget	679.622	699.281
Off-budget	3.579	3.525

(3) ENFORCEMENT OF BUDGET AGGREGATES.—Notwithstanding the provisions of H. Con. Res. 83, as agreed to on May 10, 2001 (107th Congress) and the joint statement of managers accompanying the conference report

for the resolution, for the purpose of enforcing the provisions of section 311 of the Congressional Budget Act of 1974, the recommended levels and amounts set out in sections 101(2) and 101(3) with respect to fiscal year 2002 of that resolution shall be—

(A) $1,653,193,000,000 in new budget authority; and

(B) $1,615,308,000,000 in outlays.

(4) ADJUSTMENTS FOR EMERGENCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in making any adjustments required by section 314(b)(1) of the Congressional Budget Act of 1974 and in preparing the report as required by section 254(f)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(f)(2)) with respect to fiscal year 2002, the adjustments required by section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not exceed $2,200,000,000 in budget authority and $1,030,000,000 in outlays.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to legislation that is designated by the President and Congress as providing emergency funding in response to the terrorist attacks of September 11, 2001.

(b) TREATMENT OF PAY-GO SPENDING.—In preparing the final sequestration report required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2002, in addition to the information required by that section, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal year 2002 under section 253 of that Act so as to eliminate any balances resulting from legislation enacted prior to the date of enactment of this Act. All legislation enacted subsequently shall be recorded in accordance with section 253 of that Act.

(c) REPEAL.—Section 203 of H. Con. Res. 83, agreed to May 10, 2001 (107th Congress) is repealed.

S. 1575—SUMMARY

Amends section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 to provide discretionary spending limits for fiscal year 2002 consistent with those negotiated by the Administration and Leaders of the House and Senate Committees on Appropriations.

Provides a new section 302(a) allocation to the Senate Committee on Appropriations consistent with the amended statutory limits.

Both the statutory limits and the allocation to the Committee on Appropriations in this bill are consistent with those set forth in the legislation reported on a bipartisan basis from the House Committee on the Budget, see H.R. 3084.

Provides new budget resolution aggregates with respect to new budget authority and outlays for fiscal year 2002, for enforcement of section 311 of the Budget Act.

Limits the congressional scorekeeping and statutory adjustments for emergency spending to $2.2 billion in keeping with the agreement between the Administration and the Appropriations Committees. Provides an exception for emergency spending related to the attacks of September 11, 2001.

Eliminates the balance on OMB's pay-go scorecard as of the date of enactment. Consequently requires any additional mandatory spending or revenue reductions to be either offset or designated as an emergency.

Repeals section 203 of the fiscal year 2002 budget resolution which created a mechanism for congressional implementation of a change in the statutory spending limits and a "firewall" between defense and non-defense discretionary spending.

By Mr. ROCKEFELLER:

S. 1576. A bill to amend section 1710 of title 38, United States Code, to extend the eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased today to introduce legislation that would ensure that Gulf War veterans suffering from unexplained illnesses continue to get the care that they need. If we do not act quickly, these veterans will soon lose their priority eligibility for health care through the Department of Veterans Affairs, despite the sad fact that we still do not understand the causes of their symptoms.

As many of my colleagues know, servicemembers returning from the Gulf War in 1991 began to report a range of unexplained illnesses that many believed might have resulted from their service. Investigations by Congress, the Departments of Defense and Veterans Affairs, and the Institute of Medicine showed that the men and women who served in Operation Desert Storm might have been exposed to many battlefield hazards, including smoke from oil-well fires, pesticides, organic solvents, the drug pyridostigmine bromide, numerous vaccinations, and sarin nerve gas.

Unfortunately, our efforts to determine whether any or all of these hazards might be linked to specific symptoms have been limited by poor data, a lack of research into the long-term effects of low-dose exposures, and incomplete military recordkeeping. In response to concerns about the health of Gulf War veterans, Congress passed Public Law 102-585, authorizing health examinations, tasking the National Academy of Sciences to evaluate scientific evidence regarding potential Gulf War exposures, and establishing the Gulf War Veterans Health Registry, and Public Law 102-310, authorizing VA to provide health care services on a priority basis to Gulf War veterans through December 31, 2001.

Now, more than a decade after the war, scientific research has determined neither the causes of veterans' symptoms, nor the long-term health consequences of Gulf War-era exposures. In addition, the Department of Defense recently released new estimates of the number and locations of service personnel exposed to nerve agents. To meet the medical needs of these Gulf War veterans, now and as they continue to unfold, we must extend this period for providing health care services on a priority basis. The legislation that I have introduced would extend this period for 10 more years.

I ask my colleagues in joining me to extend this critical service for the men and women who served this Nation.

By Mrs. HUTCHISON:

S. 1577. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001".

SEC. 2. ADDITIONAL PROJECT AUTHORIZATIONS.

Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106-576; 114 Stat. 3067) is amended by adding at the end the following:

"(5) In the United Irrigation District of Hidalgo County, Texas, a pipeline and pumping system, as identified in the study conducted by Sigler, Winston, Greenwood, and Associates, Inc., dated January 2001.

"(6) In the Cameron County, Texas, Irrigation District No. 2, proposed improvements to Canal C, as identified in the engineering report completed by Martin, Brown, and Perez, dated February 8, 2001.

"(7) In the Cameron County, Texas, Irrigation District No. 2, a proposed Canal C and Canal 13 Inner Connect, as identified in the engineering report completed by Martin, Brown, and Perez, dated February 12, 2001.

"(8) In Delta Lake Irrigation District of Hidalgo and Willacy Counties, Texas, proposed water conservation projects, as identified in the engineering report completed by AW Blair Engineering, dated February 13, 2001.

"(9) In the Hidalgo and Cameron County, Texas, Irrigation District No. 9, a proposed project to salvage spill water using automatic control of canal gates, as identified in the engineering report completed by AW Blair Engineering, dated February 14, 2001.

"(10) In the Brownsville Irrigation District of Cameron County, Texas, a proposed main canal replacement, as identified in the engineering report completed by Holdar-Garcia & Associates, dated February 14, 2001.

"(11) In the Hidalgo County, Texas, Irrigation District No. 16, a proposed off-district pump station project, as identified in the engineering report completed by Melden & Hunt, Inc., dated February 14, 2001.

"(12) In the Hidalgo County, Texas, Irrigation District No. 1, a proposed canal replacement of the North Branch East Main, as identified in the engineering analysis completed by Melden & Hunt, Inc., dated February 2001.

"(13) In the Donna (Texas) Irrigation District, a proposed improvement project, as identified in the engineering analysis completed by Melden & Hunt, Inc., dated February 13, 2001.

"(14) In the Hudspeth County, Texas, Conservation and Reclamation District No. 1—

"(A) the Alamo Arroyo Pumping Plant water quality project, as identified in the engineering report and drawings completed by Gebliard-Sarma and Associates, dated July 1996; and

"(B) the construction of a 1,000 acre-foot off-channel regulating reservoir for the capture and conservation of irrigation water, as identified in the engineering report by completed by AW Blair Engineering, dated March 2001.

"(15) In the El Paso County, Texas, Water Improvement District No. 1, the Riverside Canal Improvement Project Phase I, Reach A, a canal lining and water conservation project, as identified in the engineering report and drawings completed by AW Blair Engineering, dated November 1999.

"(16) In the Maverick County, Texas, Water Improvement and Control District No. 1, the concrete lining project of 12 miles of the Maverick Main Canal, as identified in the engineering report completed by AW Blair Engineering, dated March 2001.

"(17) In the Hidalgo County, Texas, Irrigation District No. 6, rehabilitation of 10.2 miles of concrete lining in the main canal between Lift Stations Nos. 2 and 3, as identified in the engineering report completed by AW Blair Engineering, dated March 2001.

"(18) In the Hidalgo County, Texas, Irrigation District No. 2, Wisconsin Canal Improvements, as identified in the engineering report completed by Sigler, Winston, Greenwood and Associates, Inc., dated February 2001.

"(19) In the Hidalgo County Irrigation District No. 2, Lateral 'A' Canal Improvements, as identified in the engineering report completed by Sigler, Winston, Greenwood and Associates, Inc., dated July 25, 2001.".

SEC. 3. ADDITIONAL AMENDMENTS.

(a) LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.—Section 3 of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3065) is amended—

(1) in the first sentence of subsection (a), by striking "The Secretary" and all that follows through "in cooperation" and inserting "The Secretary, acting through the Commissioner of Reclamation, shall carry out a program under cooperative agreements";

(2) by striking subsection (b) and inserting the following:

"(b) REVIEW AND EVALUATION.—The Secretary shall review and evaluate project proposals in accordance with the guidelines described in the document published by the Bureau of Reclamation entitled 'Guidelines for Preparing and Reviewing Proposals for Water Conservation and Improvement Projects Under Public Law 106–576', dated June 2000.";

(3) in subsection (d), by inserting before the period at the end the following: ", including operation, maintenance, repair, and replacement";

(4) in subsection (e), by striking "the criteria established pursuant to this section" and inserting "the guidelines referred to in subsection (b)";

(5) by striking subsection (f) and inserting the following:

"(f) REPORT PREPARATION; REIMBURSEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), project sponsors may choose to enter into 1 or more contracts with the Secretary under which the Secretary shall prepare the reports required under this section.

"(2) FEDERAL SHARE.—The Federal share of the cost of report preparation by the Secretary described in paragraph (1) shall not exceed 50 percent of the total cost of that preparation."; and

(6) in subsection (g), by striking "$2,000,000" and inserting "$8,000,000".

(b) LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.—Section 4 of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "costs of any construction" and inserting "total project cost of any project"; and

(B) in the last sentence, by striking "spent" and inserting "expended"; and

(2) in subsection (c), by striking "$10,000,000" and inserting "$47,000,000, as adjusted to reflect the change, relative to September 30, 2001, in the Consumer Price Index for all urban consumers published by the Department of Labor".

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. CONRAD, Mr. INOUYE, and Mr. REID):

S. 1578. A bill to preserve the continued viability of the United States travel industry; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DORGAN. Mr. President, the "Freedom to Travel" is a basic freedom. And since September 11 we have given a great deal of focus, and rightfully so, to the airline industry. But I rise today to direct my colleague's attention to the rest of the travel industry which has also been deeply affected by the events of September 11.

In the part of the country I come from, we're familiar with disasters. We know what it's like when, through no fault of your own, the world falls out from under you as a result of natural disaster. There was nothing natural about the cowardly and deadly acts of September 11, but they were certainly unpredictable, unexpected and clearly beyond the control of anyone who was affected by them.

Just as America has generously responded to natural disasters, we must now respond to this new disaster and help our fellow countrymen and women rebuild their lives and livelihood. In the aftermath of the tragedy we acted quickly, and responsibly, to stabilize the airlines with a financial package of grants and loan guarantees. And we were right to pass the aviation security bill to dramatically increase the number of sky marshals, strengthen cockpit doors and federalize the screening of passengers and luggage at our airports because we need to make sure people feel it is safe to fly.

While I supported both of those measures, we now must address the devastating impact September 11 has had on the U.S. travel and tourism industry. The network of hotels, travel agents, car rental companies, restaurants, and attractions that make up the tourism industry, has also been hard hit, and needs our support. A huge segment of our economy, the travel and tourism industry is the third largest retail industry. It generates more than $582 billion in revenue each year, and directly and indirectly employed more than 19 million people.

North Dakota is a long way from Ground Zero in New York City, from the Pentagon in Virginia, and from that lonely farm field in Pennsylvania. But the violence that took place at each of those locations continues to be felt half a continent away in my home State, in our hearts and yes, in our State's tourism industry.

Let me share just two reports from North Dakota.

Randy Hatzenbuhler, executive director of the Theodore Roosevelt Medora Foundation, writes me to say this: his "organization has great concerns about our 2002 season. We are preparing our business plans to anticipate significant decreases in visitation—10–25 percent."

Katherine Satrom, of Satrom Travel and Tour in Bismarck, ND tells the story even more starkley. She writes that "The week of September 11 and the week of September 17, our company's revenue was about 25 percent of normal at best. Following weeks have been about 50 percent of average revenue for the period." "On September 26," she continues, "our company cut all employee salaries by 10 percent and management salaries 20 percent in an effort to avoid a reduction in workforce." "We have been a viable business for 23 years, providing jobs and contributing to the economy," she concludes. "We now need some assistance to bridge this disaster-related downturn and regroup for the future."

That's a measure of just how far-reaching, broad and deep the economic disaster now ripping through the tourism industry has grown. It reaches every State. And while what's going on in my State is serious and grave, what is happening closer to the scene of the attacks is much, much worse. So today, along with Senators SPECTER, CONRAD, INOUYE, and REID, I introduce the American Tourism Stabilization Act. Our bill follows through on a suggestion that came out of a hearing that we held in the Commerce Committee on how the travel industry is dealing with the impact of September 11. What we learned was not good. Almost uniformly we heard from rental car companies, hoteliers, travel agencies, who are struggling to stay in business as they try to cope with the sudden dropoff in business since September 11. We also heard from individual hotel workers from across the country that are part of the ⅓d of the hospitality industry that is now struggling to pay their bills since being laid-off after September 11.

Out of that hearing came the suggestion, that as we did with the airline industry, we provide loan guarantees to help the U.S. tourism industry function until business returns.

So, the American Tourism Stabilization Act would provide $5 billion worth of loan guarantees for eligible travel-related businesses. Building on the airline stabilization bill the American Tourism Stabilization Act would simply have the already created, Air

Transportation Stabilization Board, process loan guarantees for eligible travel-related businesses that have been adversely affected by the government shutdown of the airline industry. Specifically the bill is intended to make loans available to travel agencies, rental car companies, airport concessionaires, and others with contractual relationships with the airlines that have been directly affected by the tragedies of September 11.

The purpose of the bill is to provide liquidity to businesses that have been hurt because of their direct ties to an air carrier such as travel agencies, and airline vendors or an airport concessionaires. It would do so by making loan guarantees available, based on the ability to repay, to help tide these businesses over until air traffic and pleasure travel returns to normal. I urge my colleagues to support our effort to help the 19 million people who work in the travel industry.

By Mr. ENZI:

S. 1579. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, I am pleased to introduce the Halloween Safety Act of 2001. The purpose of this act is to extend the end date of Daylight Saving Time from the last Sunday in October to the first Sunday in November to include the night of Halloween.

The idea of extending Daylight Saving Time was introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, WY, and her students. Ten years ago Mrs. Rasmussen's class began writing to Wyoming's representatives expressing their wish to have an extra hour of daylight on Halloween to increase the safety of small children. Each year I receive a packet of letters from Mrs. Rasmussen's class encouraging support for this reasonable proposal. Halloween is a time of great importance and excitement for youngsters throughout the United States and many celebrate by trick-or-treating door to door.

Legislation has been introduced in the past to extend Daylight Saving Time. Although many of the bills sought to change both the starting date and the ending date, the legislation I introduced today would simply extend it for one week.

The need to protect our children is apparent. According to the Insurance Institute for Highway Safety, nearly five thousand pedestrians died in 1999, that is an average of 13 deaths per day. Fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 pm. Unfortunately, these general trends are highly magnified on Halloween given the considerable increase in pedestrians, most of whom are children. A study by the National Center for Injury Prevention and Control concluded that the occurrence of pedestrian deaths for children ages 5 to 14 is four times higher on Halloween than any other night of the year. School and communities encourage children and parents to use safety measures when children venture out on Halloween and the Halloween Safety Act can further help protect our Nation's youth.

When students take an interest in improving our Nation's laws, especially when it would serve to protect other children, I believe it is our duty to pay close attention. If children are concerned about their own safety and create a reasonable approach to make their world a little bit safer, I believe that accommodating their request is not too much to ask. The fact that second and third grade students in Sheridan, WY, have been working on this legislation shows that protecting the children of our country is a primary concern of these students, and it should be for all of us as lawmakers. If one life can be saved or one accident averted by extending Daylight Saving Time, it would be worthwhile. I encourage all my colleagues to support this act for the important benefits the Halloween Safety Act of 2001 would have for children and their parents.

By Mr. MURKOWSKI:

S. 1581. A bill to amend the Internal Revenue Code of 1986 to allow a business deduction for the purchase and installation of qualifying security enhancement property; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I am today introducing legislation that reflects the changed societal dynamic that we have witnessed since the attacks of September 11. This legislation, the American Security Enhancement Act of 2001, will allow every business in America to immediately write off the cost of security enhancements needed to keep their business operating in a safe and secure manner.

All one has to do is take a walk around the Capitol to see how much extra the Congress is spending to secure our facilities. Concrete barriers, higher security visibility, closer monitoring of cars, are just a few of the many security enhancements that have become an ordinary part of life on Capitol Hill now. The Postal Service will be spending millions to enhance the security of the mail. And the same will hold true for many businesses in this country.

It is not just the extras that airlines will have to spend. Every business in America knows that it can potentially confront threats of unknown proportions. They need to protect their employees and they need to protect their customers. In order to achieve greater security, American business is going to have to spend billions in the next several years.

My legislation attempts to alleviate some of the financial costs companies will inevitably incur whether they purchase high tech electronic monitoring equipment or low tech concrete barriers. Currently, such equipment must be depreciated over periods ranging from 5 to 15 years. Under my bill all security enhancement equipment purchased after September 11 can be expensed, written off immediately.

While investments in such equipment has become a fundamental cost of doing business; such equipment does absolutely nothing to enhance a company's profitability. Quite the contrary, it represents a cost that will have to be absorbed in the ultimate product or service the company provides.

It seems to this Senator that allowing companies to write off these costs when they purchase them is the fairest thing we can do to encourage companies to secure their employees and facilities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Security Enhancement Investment Act of 2001".

SEC. 2. BUSINESS DEDUCTION FOR PURCHASE AND INSTALLATION OF QUALIFYING SECURITY ENHANCEMENT PROPERTY.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179A the following new section:

"SEC. 179B. SECURITY ENHANCEMENT PROPERTY.

"(a) ALLOWANCE OF DEDUCTION.—A taxpayer may elect to treat the cost of any qualifying security enhancement property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such device is placed in service.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING SECURITY ENHANCEMENT PROPERTY.—The term 'qualifying security enhancement property' means security enhancement property—

"(A) to which section 168 applies,

"(B) which is acquired by purchase (as defined in section 179(d)(2)), and

"(C) which is installed or placed in service in or outside of a building which is owned or occupied by the taxpayer and which is located in the United States.

"(2) SECURITY ENHANCEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'security enhancement property' means property which is specifically and primarily designed when installed in or outside of a building—

"(i) to detect or prevent the unlawful access by individuals into the building or onto its grounds, "(ii) to detect or prevent the unlawful bringing into the building or onto its grounds of weapons, explosives, hazardous materials, or other property capable of harming the occupants of the building or damaging the building, or

"(iii) to protect occupants of the building or the building from the effects of property described in clause (ii).

"(B) CERTAIN PROPERTY INCLUDED.—The term 'security enhancement property' includes—

"(i) any security device, or

"(ii) any barrier to access to the building grounds.

"(3) SECURITY DEVICE.—The term 'security device' means any of the following:

"(A) An electronic access control device or system.

"(B) Biometric identification or verification device or system.

"(C) Closed-circuit television or other surveillance and security cameras and equipment.

"(D) Locks for doors and windows, including tumbler, key, and numerical or other coded devices.

"(E) Computers and software used to combat cyberterrorism.

"(F) Electronic alarm systems to provide detection notification and off-premises transmission of an unauthorized entry, attack, or fire.

"(G) Components, wiring, system displays, terminals, auxiliary power supplies, and other equipment necessary or incidental to the operation of any item described in subparagraph (A), (B), (C), (D), (E), or (F).

"(4) BUILDING.—The term 'building' includes any structure or part of a structure used for commercial, retail, or business purposes.

"(c) SPECIAL RULES.—

"(1) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of a qualifying security device, the basis of such device shall be reduced by the amount of the deduction so allowed.

"(2) ONLY INCREMENTAL COST INCLUDED.—If qualifying security enhancement property has a use or function other than that described in subsection (b)(2), only the incremental cost of the use or function so described shall be taken into account.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3) and (4) of section 179(b), section 179(c), and paragraphs (3), (4), (8), and (10) of section 179(d), shall apply for purposes of this section."

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 263(a)(1) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by inserting after subparagraph (H) the following new subparagraph:

"(I) expenditures for which a deduction is allowed under section 179B."

(2) Section 312(k)(3)(B) of such Code is amended—

(A) by striking "or 179A" and inserting ", 179A, or 179B", and

(B) by striking "OR 179A" in the heading and inserting ", 179A, OR 179B".

(3) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by inserting after paragraph (28) the following new paragraph:

"(29) to the extent provided in section 179B(c)(1),".

(4) Section 1245(a) of such Code is amended by inserting "179B," after "179A," both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 179A the following new item:

"Sec. 179B. Security enhancement property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after September 10, 2001.

By Mr. CRAIG (for himself, Mr. BAUCUS, and Mr. COCHRAN):

S. 1584. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to correct a fundamental flaw within the North American Free Trade Agreement, NAFTA, dispute resolution mechanism, known as Chapter 19. As many of my colleagues are aware, Chapter 19 has revealed itself to be unacceptable in its current form. The Integrity of the U.S. Courts Act, that I introduce today with my colleague Mr. BAUCUS, is necessary to make certain bilateral dispute resolution decisions from the NAFTA are made pursuant to U.S. trade laws.

At present, antidumping and countervailing duty determinations made by NAFTA members are appealed to ad hoc panels of private individuals, instead of impartial courts created under national constitutions. These panels are supposed to apply the same standard of review as a U.S. court in order to determine whether a decision is supported by substantial evidence on the agency record, and is otherwise in accordance with the law. This standard requires that the agency's factual findings and legal interpretations be given significant deference. Unfortunately, in spite of the panels' mandate, they all too often depart from their directive and fail to ensure that the correct standard of review is applied.

The Integrity of the U.S. Courts Act would permit any party to a NAFTA dispute involving a U.S. agency decision to remove appellate jurisdiction from the Extraordinary Challenge Committee, ECC, to the U.S. Court of International Trade. Doing so would resolve some of the constitutional issues raised by the Chapter 19 system, expedite resolution of cases, and ensure conformity with U.S. law.

The infirmities of Chapter 19 are real, and have been problematic from the beginning. The Justice Department, the Senate Finance Committee, and other authorities are on record of having expressed serious concern about giving private panelists, sometimes a majority of whom are foreign nationals, the authority to issue decisions about U.S. domestic law that have the binding force of law. These appointed panelists, coming from different legal and cultural disciplines and serving on an ad hoc basis, do not necessarily have the interest that unbiased U.S. courts have in maintaining the efficacy of the laws, as Congress wrote them.

One of the most egregious examples of the flaws of Chapter 19 is reflected in a case from early in this process, reviewing a countervailing duty finding that Canadian lumber imports benefit from enormous subsidies. Three Canadian panelists outvoted two leading U.S. legal experts to eliminate the countervailing duty based on patently erroneous interpretations of U.S. law—interpretations that Congress had expressly rejected only two months before. Two of the Canadian panelists served despite undisclosed conflicts of interest. The matter was then argued before a Chapter 19 appeals committee, and the two committee members outvoted the one U.S. member to once again insulate the Canadian subsidies from U.S. law.

The U.S. committee member was Malcolm Wilkey, the former Chief Judge of the federal Court of Appeals for the D.C. Circuit, and one of the United States' most distinguished jurists. In his opinion, Judge Wilkey wrote that the lumber panel decision "may violate more principles of appellate review of agency action than any opinion by a reviewing body which I have ever read." Judge Wilkey and former Judge Charles Renfrew, also a Chapter 19 appeals committee member, have since expressed serious constitutional reservations about the system. While some have claimed that Chapter 19 decides many cases well, its inability to resolve appropriately large disputes, and its constitutional infirmity, demand a remedy.

It is clear that the time is long past due to remedy Chapter 19. From the outset, the NAFTA agreement contemplated that given the sensitive and unusual subject matter, signatories might have to alter their obligations under Chapter 19. The Integrity of the U.S. Courts Act is a reasonable solution to a serious problem.

I urge my colleagues to join Senators BAUCUS and COCHRAN and me in our effort to fix this problem that is unfairly harming American industry, and more important, the U.S. Constitution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1969. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1970. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1971. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, supra.

SA 1972. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, supra.

SA 1973. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, supra.

SA 1974. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, supra.

SA 1975. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, supra.

SA 1976. Mr. SMITH, of Oregon (for himself and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1977. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1978. Mr. LEVIN (for himself, Ms. Collins, Ms. Snowe, Mrs. Clinton, Mrs. Murray, Mr. Schumer, Mr. Leahy, Ms. Stabenow, Ms. Cantwell, Mr. Kennedy, Mr. Jeffords, Mr. Kerry, Mr. Edwards, and Mr. Smith, of Oregon) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra.

SA 1979. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1980. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1981. Mr. SMITH, of Oregon (for himself and Mr. Wyden) proposed an amendment to the bill H.R. 2330, supra.

SA 1982. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1983. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1984. Mr. HARKIN proposed an amendment to the bill H.R. 2330, supra.

SA 1985. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1986. Mr. STEVENS (for himself and Mr. Hollings) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1987. Mr. NELSON, of Nebraska (for himself and Mr. Miller) proposed an amendment to amendment SA 1984 proposed by Mr. Harkin to the bill (H.R. 2330) supra.

SA 1988. Mr. KOHL (for Mr. Dorgan) proposed an amendment to the bill H.R. 2330, supra.

SA 1989. Mr. KOHL (for Mrs. Lincoln) proposed an amendment to the bill H.R. 2330, supra.

SA 1990. Mr. KOHL (for Mr. Johnson) proposed an amendment to the bill H.R. 2330, supra.

SA 1991. Mr. KOHL (for Mr. Wyden (for himself and Mr. Craig)) proposed an amendment to the bill H.R. 2330, supra.

SA 1992. Mr. COCHRAN (for Mr. Stevens) proposed an amendment to the bill H.R. 2330, supra.

SA 1993. Mr. KOHL (for Ms. Landrieu) proposed an amendment to the bill H.R. 2330, supra.

SA 1994. Mr. KOHL (for Mr. Harkin) proposed an amendment to the bill H.R. 2330, supra.

SA 1995. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, supra.

SA 1996. Mr. KOHL proposed an amendment to the bill H.R. 2330, supra.

SA 1997. Mr. KOHL proposed an amendment to the bill H.R. 2330, supra.

SA 1998. Mr. KOHL (for Mr. Byrd) proposed an amendment to the bill H.R. 2330, supra.

SA 1999. Mr. COCHRAN (for Mr. Stevens) proposed an amendment to the bill H.R. 2330, supra.

SA 2000. Mr. COCHRAN (for himself, Mrs. Lincoln, Mr. Sessions, Mr. Shelby, Mr. Hutchinson, and Mr. Lott) proposed an amendment to the bill H.R. 2330, supra.

SA 2001. Mr. COCHRAN (for Mr. Stevens) proposed an amendment to the bill H.R. 2330, supra.

SA 2002. Mr. COCHRAN (for Mr. Craig) proposed an amendment to the bill H.R. 2330, supra.

SA 2003. Mr. KOHL (for Mr. Harkin) proposed an amendment to the bill H.R. 2330, supra.

SA 2004. Mr. COCHRAN (for Mr. McConnell) proposed an amendment to the bill H.R. 2330, supra.

SA 2005. Mr. KOHL (for Mr. Breaux) proposed an amendment to the bill H.R. 2330, supra.

SA 2006. Mr. KOHL (for Mr. Sarbanes (for himself and Ms. Mikulski)) proposed an amendment to the bill H.R. 2330, supra.

SA 2007. Mr. KOHL (for Mr. Graham (for himself and Mr. Nelson, of Florida)) proposed an amendment to the bill H.R. 2330, supra.

SA 2008. Mr. COCHRAN (for Mr. Bunning) proposed an amendment to the bill H.R. 2330, supra.

SA 2009. Mr. COCHRAN (for Mr. Stevens) proposed an amendment to the bill H.R. 2330, supra.

SA 2010. Mr. KOHL (for Mr. Dorgan) proposed an amendment to the bill H.R. 2330, supra.

SA 2011. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, supra.

SA 2012. Mr. COCHRAN (for Mr. McConnell) proposed an amendment to the bill H.R. 2330, supra.

SA 2013. Mr. KOHL (for Mr. Harkin (for himself and Mr. Hatch)) proposed an amendment to the bill H.R. 2330, supra.

SA 2014. Mr. COCHRAN (for Mr. Voinovich) proposed an amendment to the bill H.R. 2330, supra.

SA 2015. Mr. COCHRAN (for Ms. Collins (for himself and Mr. Nickles)) proposed an amendment to the bill H.R. 2330, supra.

SA 2016. Mr. KOHL (for Mr. Reed) proposed an amendment to the bill H.R. 2330, supra.

TEXT OF AMENDMENTS

SA 1969. Mr. KOHL (for himself and Mr. Cochran) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

Production, Processing, and Marketing

Office of the Secretary

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,992,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

Executive Operations

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,648,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,766,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,978,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,261,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,335,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $647,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $187,581,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

Hazardous Materials Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., $15,665,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

Office of the Assistant Secretary for Congressional Relations

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,684,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Office of Communications

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $32,627,000.

Office of the Under Secretary for Research, Education and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $573,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $67,200,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $113,786,000, of which up to $25,350,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

Agricultural Research Service

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,004,738,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $99,625,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $542,580,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $32,604,000, of which $998,000 shall be made available to West Virginia State College in Institute, West Virginia; for special grants for agricultural research (7 U.S.C. 450i(c)), $84,040,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,691,000; for competitive research grants (7 U.S.C. 450i(b)), $137,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $898,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), $800,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), $998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,492,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $20,568,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: *Provided*, That hereafter, any distribution of the adjusted income from the Native American Institutions Endowment Fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $434,038,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $4,700,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $1,000,000; payments for youth-at-risk programs under section 3(d) of the Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $5,000,000; payments for Indian reservation agents under section 3(d) of the Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,500,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $28,181,000, of which $998,000 shall be made available to West Virginia State College in Institute, West Virginia; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $15,021,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,350,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the national agriculture pesticide impact assessment program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $2,495,000; and payments for the organic transition program, $1,000,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $654,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329–1331) (7 U.S.C. 426–426c); and to protect the environment, as authorized by law, $602,754,000, of which $4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $79,157,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, $84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,874,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $34,000,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $715,747,000, of which no less than $608,730,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $606,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $939,030,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,993,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans; operating loans, $2,616,729,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $505,531,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $8,366,000, of which $4,500,000 shall be for guaranteed loans; operating loans, $175,780,000, of which $52,650,000 shall be for unsubsidized guaranteed loans and $68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $118,400; and for emergency insured loans, $3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $280,595,000, of which $272,595,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $74,752,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $730,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program, by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $802,454,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $8,515,000 is for snow survey and water forecasting, and not less than $9,849,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,960,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,413,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $48,048,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $7,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act, $1,004,125,000, to remain available until expended, of which $83,903,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $842,254,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $77,968,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)); $4,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)); $16,000,000 shall be available for grants for drinking water and waste disposal systems pursuant to section 306C of such Act (7 U.S.C. 1926(c)) to benefit Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program; and $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)), of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Mississippi Delta Region counties: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed $17,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones, of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression: *Provided further*, That of the amount appropriated $30,000,000 shall be to provide grants in rural communities with extremely high energy costs: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $133,722,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,233,014,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,137,968,000 shall be for unsubsidized guaranteed loans; $32,324,000 for section 504 housing repair loans; $99,770,000 for section 538 guaranteed multi-family housing loans; $114,068,000 for section 515 rental housing; $5,090,000 for section 524 site loans; $11,778,000 for credit sales of acquired property, of which up to $1,778,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,274,000 of which $40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,386,000; section 538 multi-family housing guaranteed loans, $3,921,000; section 515 rental housing, $48,274,000; section 524 site loans, $28,000; multi-family credit sales of acquired property, $750,000; and section 523 self-help housing land development loans, $254,000: *Provided*, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $422,241,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $708,504,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $38,914,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the

Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $28,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be for Federally Recognized Native American Tribes and of which $3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,171,000: *Provided further*, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,733,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, $3,616,000 shall not be obligated and $3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $8,000,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities as authorized in the Taxpayer Relief Act of 1997.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,107,000; 5 percent rural telecommunications loans, $74,827,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000 and rural telecommunications, $120,000,000; and $750,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as follows: cost of rural electric loans, $3,689,000, and the cost of telecommunication loans, $2,036,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $36,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That, $25,000,000 may be available for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106–553 for the purpose of facilitating access to signals of local television stations for households located in nonserved areas and underserved areas, $322,580,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $25,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $2,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,087,246,000, to remain available through September 30, 2003, of which $4,746,538,000 is hereby appropriated and $5,340,708,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: *Provided further*, That up to $4,507,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,247,086,000, to remain available through September 30, 2003: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate $20,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That once the amount for fiscal year 2001 carryover funds has been determined by the Secretary, any funds in excess of $110,000,000 may be transferred by the Secretary of Agriculture to the Rural Community Advancement Program and shall remain available until expended.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,091,986,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison for the FDPIR: *Provided further*, That the Secretary shall purchase such bison from Native American producers and Cooperative Organizations without competition: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than $145,000,000 made available in previous years may be obligated in fiscal year 2002: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $139,991,000, to remain available through September 30, 2003: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That $5,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $127,546,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

Foreign Agricultural Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $121,563,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $130,218,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,005,000, of which $1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $972,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,277,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $790,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,344,386,000, of which not to exceed $161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $310,926,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $350,578,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $14,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $155,431,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $81,182,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $178,761,000 shall be for the

Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $36,984,000 shall be for the National Center for Toxicological Research; (7) $31,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which $6,000,000 for costs related to occupancy of new facilities at White Oak, Maryland shall remain available until September 30, 2003; (8) $105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $93,610,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $70,400,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the local television loan guarantee program; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2002 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 725. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 726. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 727. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

SEC. 728. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 729. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 730. In addition to amounts otherwise appropriated or made available by this Act, $1,996,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 731. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 732. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 734. Notwithstanding any other provision of law, the Secretary may transfer up to $26,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary may elect to enroll no more than 340,000 acres for continuous signup, conservation reserve enhancement, or wetland pilot purposes and no acres for regular enrollment into the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, during fiscal year 2002 and any savings derived from such action may be transferred, not to exceed $18,000,000, for technical assistance to implement the Conservation Reserve Program, with funds to remain available until expended.

Sec. 735. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

Sec. 736. Eligibility of Private Organizations Under Child and Adult Care Food Program. (a) Section 17(a)2(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B) is amended by striking "2001" and inserting "2002".

Sec. 737. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of $150,000 to the Mallard Pointe project in Madison County, Mississippi.

Sec. 738. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in cooperation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: *Provided*, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: *Provided further*, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

Sec. 739. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide $450,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

Sec. 740. Notwithstanding any other provision of law, up to $3,000,000 may be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002".

SA 1970. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 5, line 16, strike "in the event an agency within the Department should require modification of space needs,".

On page 5, line 21, after "appropriation," insert "to cover the costs of new or replacement space for such agency,".

SA 1971. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 15, strike all beginning with ": *Provided*," on line 20 down through and including "purposes" on line 24.

SA 1972. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 47, after "1997" at the end of line 2, insert the following: "and Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999"

SA 1973. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 47, after "1936" on line 20, insert "(7 U.S.C. 935 and 936)".

SA 1974. Mr. KOLH (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 49, after "for" at the end of line 6, insert "the continuation of a pilot project for" and also on page 49, after "*Provided*" on line 11, insert "*further*".

SA 1975. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, after line 2, insert the following:

"Sec. . Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner."

SA 1976. Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

"In addition to amounts otherwise available, $38,000,000 from amounts pursuant to 15 U.S.C. 713a-4, for the Secretary of Agriculture to make available financial assistance to eligible producers in the Klamath Basin, as determined by the Secretary.

"$6,500,000 will be available for the acquisition of lands, interests in lands or easements in the Upper Klamath River Basin from willing sellers for the purposes of enhancing water storage or improving water quality in the Upper Basin.

"$2,500,000 will be available through the rural utilities account to fund the drilling of wells for landowners currently diverting surface water upstream of Upper Klamath Lake, Oregon.

"Funding for this program will come from the sale of Pershing Hall, a Department of Veterans' Affairs building in Paris, France."

SA 1977. Mr. BUNNING submitted a amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

"From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky."

SA 1978. Mr. LEVIN (for himself, Ms. COLLINS, Ms. SNOWE, Mrs. CLINTON, Mrs. MURRAY, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Ms. CANTWELL, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. EDWARDS, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS.

(a) Assistance Available.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation, in an amount not to exceed $150,000,000, to make payments, as soon as practicable after the date of the enactment of this Act, to apple producers to provide relief for the loss of markets during the 2000 crop year.

(b) Payment Quantity.—

(1) In general.—Subject to paragraph (2), the payment quantity of apples for which the producers on a farm are eligible for payments under this section shall be equal to the quantity of the 2000 crop of apples produced by the producers on the farm.

(2) Maximum quantity.—The payment quantity of apples for which the producers on a farm are eligible for payments under this section shall not exceed 5,000,000 pounds of apples produced on the farm.

(c) Limitations.—Subject to subsection (b)(2), the Secretary shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this section.

(d) APPLICABILITY.—This section applies only with respect to the 2000 crops of apples and producers of that crop.

SA 1979. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Flood and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CITRUS CANKER ERADICATION.

(a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a), by striking "The" and inserting "Subject to subsection (c), the"; and

(2) in subsection (c), by striking "2001" and inserting "2002".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on September 30, 2001.

SA 1980. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INCOME LIMITATION.

Notwithstanding any provision of this Act to the contrary, no funds appropriated or otherwise made available under this Act (or by any amendment made by this Act) may be used to provide a payment, loan, loan guarantee, or other financial assistance to a person with qualifying gross revenues (as defined in section 196(i)(1) of the Agriculture Market Transition Act (7 U.S.C. 7333(i)(1)) derived from for-profit farming, ranching, or forestry operations in excess of $1,000,000 during any taxable year ending on or after the date of enactment of this Act.

SA 1981. Mr. SMITH of Oregon (for himself and Mr. WYDEN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

"In addition to amounts otherwise available, $38,000,000 from amounts pursuant to 15 U.S.C. 713a–4, for the Secretary of Agriculture to make available financial assistance to eligible producers in the Klamath Basin, as determined by the Secretary.

"$6,500,000 will be available for the acquisition of lands, interests in lands or easements in the Upper Klamath River Basin from willing sellers for the purposes of enhancing water storage or improving water quality in the Upper Basin.

"$2,500,000 will be available through the rural utilities account to fund the drilling of wells for landowners currently diverting surface water upstream of Upper Klamath Lake, Oregon.

"Funding for this program will come from the sale of Pershing Hall, a Department of Veterans' Affairs building in Paris, France."

SA 1982. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 18, strike "$939,030,000" and insert "$938,720,000".

On page 13, line 21, strike "$84,040,000" and insert "$84,350,000, of which $500,000 is for the Environmental Biotechnology initiative at the University of Rhode Island".

SA 1983. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 6 and 7, insert the following:

In addition, for the Food and Drug Administration to improve imported and domestic food safety inspections to protect against bioterrorism threats and reduce the incidence of foodborne illnesses and food allergies, $100,000,000.

On page 78, between lines 2 and 3, insert the following:

SEC. 741. IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.

(a) CASEIN AND CASEIN PRODUCTS.—

(1) IN GENERAL.—The Additional U.S. notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(A) in note 1, by striking "subheading 3501.10.10" and inserting "subheadings 3501.10.05, 3501.10.15, and 3501.10.20"; and

(B) by adding at the end the following new note:

"2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 54,051,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.".

(2) RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60, inclusive, and inserting the following new subheadings with article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

"3501.10	Casein:			
	Milk protein concentrate:			
3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg
3501.10.15	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
3501.10.20	Other	$2.16/kg	Free (MX)	$2.81/kg
	Other:			
3501.10.55	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free	Free (A*, CA, E, IL, J, MX)	Free
	Other:			
3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	Free	Free (A*, CA, E, IL, J, MX)	12¢/kg
3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
3501.10.70	Other	$2.16/kg	Free (MX)	$2.81/kg
3501.90	Other:			
3501.90.05	Casein glues	6%	Free (A*, CA, E, IL, J, MX)	30%
	Other:			
3501.90.30	For industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A*, CA, E, IL, J, MX)	30%
	Other:			
3501.90.55	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12.1¢/kg
3501.90.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12.1¢/kg
3501.90.70	Other	$2.16/kg	Free (MX)	$2.81/kg".

(b) MILK PROTEIN CONCENTRATES.—

(1) IN GENERAL.—The Additional U.S. notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(A) in note 13, by striking "subheading 0404.90.10" and inserting "subheadings 0404.90.05, 0404.90.15, and 0404.90.20"; and

(B) by adding at the end the following new note:

"27. The aggregate quantity of milk protein concentrates entered under subheading 0404.90.15 in any calendar year shall not exceed 15,818,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.".

(2) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 0404.90 through 0404.90.10, inclusive, and inserting the following new subheadings with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0405.10 and the article description for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

"

0404.90	Other:			
	Milk protein concentrates:			
0404.90.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J, MX)	12¢/kg
0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, E, IL, J)	12¢/kg
0404.90.20	Other	$1.56/kg	Free (MX)	$2.02/kg

".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 15 days after the date of enactment of this Act.

SEC. 742. COMPENSATION AUTHORITY.

(a) IN GENERAL.—If the provisions of section 741 require, the President—

(1) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as the President determines to be required or appropriate to carry out any such agreement.

(b) LIMITATIONS.—

(1) IN GENERAL.—No proclamation shall be made pursuant to subsection (a) decreasing any rate of duty to a rate which is less than 70 percent of the existing rate of duty.

(2) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the rate of duty in effect at any time is an intermediate stage under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988, the proclamation made pursuant to subsection (a) may provide for the reduction of each rate of duty at each such stage proclaimed under section 1102(a) by not more than 30 percent of such rate of duty, and may provide for a final rate of duty which is not less than the 70 percent of the rate of duty proclaimed as the final stage under section 1102(a).

(3) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in paragraphs (1) and (2) by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of one percent ad valorem.

SA 1984. Mr. HARKIN proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, between lines 2 and 3, insert the following:

SEC. 7 . PATHOGEN REDUCTION PERFORMANCE STANDARDS.

(a) None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to label, mark, stamp, or tag as "inspected and passed" meat, meat food products, poultry, or poultry products under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) produced in establishments that do not meet pathogen reduction performance standards (including regulations), as determined by the Secretary in accordance with applicable rules of practice.

(b) RULEMAKING.—Not later than May 31, 2002 the Secretary shall initiate public rulemaking to ensure the scientific basis for any such pathogen reduction performance standard.

SA 1985. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Amend section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

"(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in states with more than 25 communities without dial-up internet access to establish a competively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission's determination, will result in the long-term availability to rural communities in such state of affordable broadband telecommunications services which can be used for the provision of high speed internet access.".

SA 1986. Mr. STEVENS (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . WILD SEAFOOD.—The Secretary of Commerce shall have the sole federal authority to develop, publish, and implement regulations providing for the certification and labeling of wild seafood caught in the waters of a State or of the United States, including organic wild seafood, and shall publish such final regulations within twelve months of the date of enactment of this Act. In developing these regulations, the Secretary of Commerce shall, notwithstanding any provision of law to the contrary, accommodate the nature of the commercial harvesting and processing of wild fish in the United States.

SA 1987. Mr. NELSON of Nebraska (for himself and Mr. MILLER) proposed an amendment to amendment SA 1984 proposed by Mr. HARKIN to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the word "sec" and insert the following:

None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture shall be available for application of the mark of inspection to any meat or poultry product that is shown to be adulterated: *Provided further*, That the Secretary of Agriculture shall prepare a report, which is to be submitted by May 15, 2002, to the Committee on Appropriations of the Senate and the House of Representatives, regarding the role of microbiological monitoring and standards relating to indicator organisms and pathogens in determining the effectiveness and adequacy of Food Safety and Inspection Service Hazard Analysis and Critical Control Point (HACCP) meat and poultry safety programs, including relevant points of general scientific agreement regarding such monitoring, and analysis of the microbiological data accumulated by the Secretary to identify opportunities to further enhance food safety, as well as any modification of regulations or statutory enforcement authority that may advance food safety: *Provided further*, That not later than August 1, 2002, the Secretary shall initiate public rulemaking to improve the effectiveness and adequacy of the Hazard Analysis and Critical Control Point (HAACP) System established under part 417 of title 9, Code of Federal Regulations.

SA 1988. Mr. KOHL (for Mr. DORGAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, between lines 2 and 3, insert the following:

SEC. 7 . SUGAR MARKETING ASSESSMENT.

Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SA 1989. Mr. KOHL (for Mrs. LINCOLN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2002, and for other purposes; as follows:

"SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed $0.4 million for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project."

SA 1990. Mr. KOHL (for Mr. JOHNSON), proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 740 and insert the following new section:

SEC. 740. Notwithstanding any other provision of law, $3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project."

SA 1991. Mr. KOHL (for Mr. WYDEN (for himself and Mr. CRAIG)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in Title VII, insert the following:

SEC. . (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible state or eligible county in the Forest Service document entitled "P.L. 106–393, Secure Rural Schools and Community Self-Determination Act", dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by march 1, 2002.

(c) ADDITIONAL OPT-OUT OPTION.—Notwithstanding section 102(b)(2) of P.L. 106–393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a county that has elected under section 102(a)(2) the full payment amount, then that county may revisit their election under section 102(b)(1).

(d) DEFINITIONS.—In this section, the terms "eligible State", "eligible county", "eligibility period", "25-period payment", and "safety net payments" have the meanings given such terms in section 3 of such Act.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

(f) Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence the following new sentence: "The preceeding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

SA 1992. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ALASKA PERMANENT FUND.

Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) For purposes of this title, for fiscal years 2002 and 2003 the term 'income' does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.".

SA 1993. Mr. KOHL (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 13, line 18, strike beginning with "$32,604,000" all down through and including "West Virginia" on line 20 and insert in lieu thereof "$34,604,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000".

On page 13, line 24, strike "$137,000,000" and insert "$135,492,000".

On page 17, line 13, strike beginning with "$28,181,000" all down through and including "West Virginia" on line 15 and insert in lieu thereof "$31,181,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000".

On page 17, line 22, strike "$15,021,000" and insert "$11,529,000".

SA 1994. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 16, line 11 strike "$275,940,000" and insert in lieu thereof the following: "$275,940,000, of which $3,600,000 may be used to carry out Public Law 107–19".

SA 1995. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 40, line 19, insert the following: ": *Provided further*, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress."

SA 1996. Mr. KOHL proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 52, line 17, strike "$21,091,986,000" and insert in lieu thereof "$22,991,986,000".

On page 52, line 18, strike "$100,000,000" and insert in lieu thereof "$2,000,000,000".

SA 1997. Mr. KOHL proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 727 and renumber subsequent sections as appropriate.

SA 1998. Mr. KOHL (for Mr. BYRD) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, after line 2, insert the following:

SEC. . Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: *Provided*, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SA 1999. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, line 3, insert the following:

"Sec. . Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance to the Tanana River bordering the Big Delta State Historical Park."

SA 2000. Mr. COCHRAN (for himself, Mrs. LINCOLN, Mr. SESSIONS, Mr. SHELBY, Mr. HUTCHINSON, and Mr. LOTT) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, after line 2, insert the following:

"SEC. . None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as "catfish" unless the products are taxonomically from the family Ictaluridae."

SA 2001. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to $499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SA 2002. Mr. COCHRAN (for Mr. CRAIG) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . Of funds previously appropriated to the Bureau of Land Management under the heading 'Wildland Fire Management,' up to $5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau's use of herbicides in the State of Idaho. Provided, that nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau's use of such herbicides."

SA 2003. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

(b) CONFORMING AMENDMENTS.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

SA 2004. Mr. COCHRAN (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SPECIALTY CROPS.

(a) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)"; and

(D) in subsection (c) (as so redesignated), by striking "subsection (c)" and inserting "subsection (b)".

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking "section 1236(d)" and inserting "section 1236(c)".

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term "horse breeder" means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SA 2005. Mr. KOHL (for Mr. BREAUX) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, between lines 2 and 3, insert the following:

SEC. 7 . SWEET POTATO CROP INSURANCE.

During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term "and potatoes" read as follows: ", potatoes, and sweet potatoes".

SA 2006. Mr. KOHL (for Mr. SARBANES (for himself and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7 . BELTSVILLE AGRICULTURAL RESEARCH CENTER, MARYLAND.

Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the $21.7 million in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

SA 2007. Mr. KOHL (for Mr. GRAHAM (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title VII, insert the following:

SEC. . CITRUS CANKER ERADICATION.

(a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a) by striking "The" and inserting "Subject to subsection (e), the"; and

(2) in subsection (e), by striking "2001" and inserting "2002".

(B) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SA 2008. Mr. COCHRAN (for Mr. BUNNING) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

SA 2009. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Amend section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) by adding at the end the following new subparagraph:

"(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in states with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission's determination, will result in the long-term availability to rural communities in such state of affordable broadband telecommunications services which can be used for the provision of high speed internet access.".

SA 2010. Mr. KOHL (for Mr. DORGAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 52, line 24 after the comma, strike "not to" and all through page 53, line 2 up to the colon and insert the following: "not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from producer owned cooperative organizations".

SA 2011. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 10, line 24, strike "$1,004,738,000" and insert "$999,438,000".

On page 32, line 21, strike "$802,454,000" and insert "$807,454,000".

On page 33, line 20, after "(16 U.S.C. 590e-2)" insert ": *Provided further*, That $5,000,000 shall be available to carry out a pilot program in cooperation with the Department of Interior Fish and Wildlife Service to determine migratory bird harvest, including population monitoring, harvest information, and field operations".

SA 2012. Mr. COCHRAN (for Mr. MCCONNEL) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 78, line 3, insert the following:

"SEC. . Of the funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky, $490,000, and of the funds made available for competitive research grants, $230,000, shall be made available to purchase conservation easements or other interests in land to not exceed 235 acres in Adair, Green and Taylor counties, Kentucky in accordance with the Farmland Protection Program."

On page 13, line 24, strike "$137,000,000" and insert in lieu thereof, "$136,770,000".

SA 2013. Mr. KOHL (for Mr. HARKIN (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes: as follows:

Amend page 57, line 7, by increasing the sum by $1 million and

Amend page 57, line 18, by increasing the sum by $1 million.

Amend page 60, line 22, by adding the following after the word "offices:" : *Provided further:* $1 million to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims.

Amend page 30 line 4: reduce the figure by $1 million.

SA 2014. Mr. COCHRAN (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; and follows:

On page 59, line 25, after the semicolon, insert "and of which not less than $500,000 shall be available for a generic drug public education campaign;".

SA 2015. Mr. COCHRAN (for Ms. COLLINS (for herself and Mr. NICKLES)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 13, line 21, should be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on microoptoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination);".

On page 13, line 24, decrease the amount by $500,000.

SA 2016. Mr. KOHL (for Mr. REED) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 13, line 24, decrease the amount by $500,000.

On page 13, line 21, increase the amount by $500,000 and insert "of which $500,000 is for the Environmental Biotechnology initiative at the University of Rhode Island.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 25, 2001, at 2:30 p.m., in open session to receive testimony on the role of the Department of Defense in homeland security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 25, 2001, for the purpose of holding a hearing on terrorism insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 25, 2001, at 2 p.m., to hold a hearing titled, "The International Campaign Against Terrorism".

Witness: The Honorable Colin Powell, Secretary of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 25, 2001, at a time to be determined to hold a business meeting.

Agenda

The Committee will consider and vote on the following nominations: Mr. Brian Carlson, of Virginia, to be Ambassador to the Republic of Latvia; Mr. Joseph DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia; Mr. Edward Fox, of Ohio, to be an Assistant Administrator (Legislative and Public Affairs) of the United States Agency for International Development; Mr. Kent Hill, of Massachusetts, to be an Assistant Administrator (for Europe and Eurasia) of the United States Agency for International Development; Mr. Cameron Hume, of New York, to be Ambassador to the Republic of South Africa; Ms. Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Finland; Ms. Margaret McMillion, of the District of Columbia, to be Ambassador to the Republic of Rwanda; Ms. Wanda Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Madagascar; Mr. John Ordway, of California, to be Ambassador to the Republic of Armenia; Mr. John Palmer, of Mississippi, to be Ambassador to the Republic of Portugal; Ms. Anne Peterson, of Virginia, to be an Assistant Administrator (Global Health) of the United States Agency for International Development; Mr. Robert Royall, of South Carolina, to be Ambassador to the United Republic of Tanzania; Mr. Clifford Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands; and Mr. John Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a hearing on nominations on Thursday, October 25, 2001, at 2 p.m., in room 385 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Select Committee On Intelligence be authorized to hold a closed hearing on intelligence matters on Thursday, October 25, 2001, at 2:30 p.m., in room S–407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 25, 2001, at 10 a.m., in closed and open session to receive testimony on the dark winter scenario and bioterrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT AND MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Committee on Governmental Affairs be authorized to meet on Thursday, October 25, 2001, at 9:30 a.m., for a hearing entitled 'Promoting the Best Interests of Children: Proposals to Establish a Family Court in the District of Columbia Superior Court."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Jimmy Keenan, a fellow in my office, be granted floor privileges during morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that David James and John Elliff, both valued members of the Judiciary Committee staff, who have contributed to this measure, be granted floor privileges throughout Senate consideration of and voting on H.R. 3162.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Vermont is so ordered.

Mr. SARBANES. Mr. President, I ask unanimous consent that Vince Meehan of my staff have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members be granted floor privileges during consideration of the fiscal year 2002 Agriculture Appropriations bill and any votes that may occur in relation thereto: Jessica Arden, Dan Dagger, Rebecca Davies, Galen Fountain, Martha Scott Poindexter, Rachelle Schroeder, and Les Spivey.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JOHNSON. Mr. President, I ask unanimous consent that Katy Ziegler of my staff be granted floor privileges during the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

On October 24, 2001, the Senate passed H.R. 2506, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2506) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September

30, 2002, and for other purposes.", do pass with the following amendment:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $727,323,000 to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $64,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,608,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,024,000, to remain available until September 30, 2003.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, family planning/reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $1,510,500,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $325,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $450,000,000 for HIV/AIDS including $90,000,000 which may be made available, notwithstanding any other provision of law, for a United States contribution to a global fund to combat HIV/AIDS, malaria, and tuberculosis, and not less than $15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases, of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis, and of which not less than $65,000,000 should be made available to combat malaria; $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this Act, not less than $450,000,000 shall be made available to carry out the purposes of section 104(b) of the Foreign Assistance Act of 1961, including in areas where population growth threatens biodiversity or endangered species, of which not less than $395,000,000 shall be made available from funds appropriated under this heading and not less than $55,000,000 shall be made available from funds appropriated under other headings in this title: Provided further, That of the funds appropriated under this heading, up to $50,500,000 may be made available for a United States contribution to The Vaccine Fund, and up to $10,000,000 may be made available for the International AIDS Vaccine Initiative: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States

Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,245,000,000, to remain available until September 30, 2003: Provided, That $135,000,000 should be allocated for children's basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $35,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That, of the funds appropriated under this heading, up to $100,000 should be made available for an assessment of the causes of the flooding along the Volta River in Accra, Ghana, and to make recommendations for solving the problem: Provided further, That, of the funds appropriated under this heading or under "Child Survival and Health Programs Fund", $5,000,000 should be made available for activities in South and Central Asia aimed at reintegrating "child soldiers" and other war-affected youth.

ENVIRONMENT, CLEAN ENERGY, AND ENERGY CONSERVATION PROGRAMS FUND

Of the funds appropriated under the heading "Development Assistance", not less than $295,000,000 should be made available for programs and activities which directly protect tropical forests, biodiversity and endangered species, promote the sustainable use of natural resources, and promote a wide range of clean energy and energy conservation activities, including the transfer of cleaner and environmentally sustainable energy technologies, and related activities: Provided, That of the funds appropriated by this Act, not less than $175,000,000 should be made available to support policies and actions in developing countries and countries in transition that measure, monitor, report, verify, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

CYPRUS

Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the heading "Economic Support Fund", not less than $35,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That, notwithstanding section 534(a) of this Act, none of the funds appropriated under the heading "Economic Support Fund" may be made available for assistance for the Central Government of Lebanon until the Secretary of State determines and certifies to the Committees on Appropriations that the Government of Lebanon has enforced the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund", "Child Survival and Health Programs Fund" and "Development Assistance", not less than $135,000,000 should be made available for Indonesia: Provided, That not less than $10,000,000 should be made available for humanitarian, economic rehabilitation, and reconstruction, political reconciliation, and related activities in Aceh, Papua, West Timor, and Malukus: Provided further, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives.

BURMA

Of the funds appropriated under the heading "Economic Support Fund", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That none of the funds appropriated by this Act may be used to provide humanitarian assistance inside Burma by any individual, group, or association unless the Secretary of State certifies and reports to the Committees on Appropriations that the provision of such assistance includes the direct involvement of the democratically elected National League for Democracy: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by section 101(a) of Public Law 106–429, is amended, under the heading "Burma", by inserting ", 'Child Survival and Disease Programs Fund'," after "Fund".

LAOS

Of the funds appropriated under the headings "Child Survival and Health Programs Fund" and "Development Assistance", $5,000,000 should be made available for Laos: Provided, That funds made available under this heading should be made available only through nongovernmental organizations.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $245,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $52,500,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, up to $25,000,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading "Assistance for Eastern Europe and the Baltic States": Provided further, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,880,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $549,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report *submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may remain available until expended for overseas facilities construction, leasing, and other security-related costs.*

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $32,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,239,500,000, to remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, not less than $720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That not less than $655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $160,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, $150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for Mongolia: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $250,000 should be made available for assistance for the Documentation Center of Cambodia: Provided further, That not later than 60 days after the enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on a 3-year funding strategy for the Documentation Center of Cambodia.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $615,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States, of which not to exceed $28,000,000 shall be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for the Federal Republic of Yugoslavia: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $795,500,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East.

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $35,000,000 should be made available for nuclear reactor safety initiatives: Provided further, That not later than 60 days after the date of enactment of this Act, and 120 days thereafter, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia: Provided, That of this amount, not less than $5,000,000 shall be made available to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Georgia, of which not less than $3,000,000 should be made available for a small business development project.

(e) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(f)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Ghechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechyna.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(g) Of the funds appropriated under this heading, not less than $45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

INDEPENDENT AGENCIES

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $13,106,950.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $16,542,000: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $16,660,000 shall be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $547,000,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not less than $101,000,000 shall be made available for Bolivia, and not less than $35,000,000 shall be made available for Ecuador: Provided further, That of the amount appropriated under this heading, not less than $200,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That of the amount appropriated under this heading, up to $2,000,000 should be made available to support democracy-building activities in Venezuela: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals for aerial coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency and the Director of the Centers for Disease Control and Prevention, determines and reports to the Committees on Appropriations that (1) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose an undue risk to human health or safety; (2) that aerial coca fumigation is being carried out in accordance with Colombian laws and regulations, and health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals; (3) effective mechanisms are being utilized to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and to provide fair compensation for meritorious claims; and (4) within 6 months of the date of enactment of this Act alternative development programs have been developed, in consultation with communities and local authorities in the departments in which such aerial coca fumigation is planned, and in the departments in which such aerial coca fumigation has been conducted, such programs are being implemented within 6 months of the date of enactment of this Act: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That section 3204(b) of the Emergency Supplemental Act, 2000 (Public Law 106–246) shall be applicable to funds appropriated by this Act: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That, in addition to funds otherwise available for such purposes, of the funds appropriated under this heading, not more than $14,240,000 shall be available for administrative expenses of the Department of State, and not more than $4,500,000 shall be available for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $735,000,000, which shall remain available until expended: Provided, That not more than $16,000,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $318,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 10 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress:

Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That of the funds appropriated under this heading, $3,500,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $235,000,000, to remain available until expended: Provided, That not less than $11,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to $14,000,000 of unobligated balance of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $75,000,000, of which up to $5,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Zimbabwe, Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Zimbabwe, Cote D'Ivoire, The Gambia, the Democratic Republic of the Congo, Algeria, Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated by this paragraph, not less than $600,000 shall be made available for assistance for Armenia.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,674,000,000: Provided, That of the funds appropriated under this heading, not less than $2,040,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: Provided further, That of the funds appropriated by this paragraph, not less than $2,300,000 shall be made available for assistance for Thailand: Provided further, That of the funds appropriated by this paragraph, not less than $4,000,000 shall be made available for assistance for Armenia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later: Provided further, That the ninth proviso under the heading "Foreign Military Financing Program" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106–429, is amended by inserting "or 2002" after "2001".

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $140,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $109,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative: Provided further, That the Secretary of the Treasury shall instruct the United States executive director to the International Bank for Reconstruction and Development to vote against any water or sewage project in India that does not prohibit the use of scavenger labor.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $20,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $103,017,050, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States' share of such capital stock in an amount not to exceed $79,991,500.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $218,000,000: Provided, That not less than a total of $18,000,000 should be made available for the International Panel on Climate Change, the United Nations Framework Convention on Climate Change, the World Conservation Union, the International Tropical Timber Organization, the Convention on International Trade in Endangered Species, the Ramsar Convention on Wetlands, the Convention to Combat Desertification, the United Nations Forum on Forests, and the Montreal Process on Criteria and Indicators for Sustainable Forest Management: Provided further, That not less than $6,000,000 should be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign

Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $100,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria, or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to *such a waiver shall contain an explanation of the emergency circumstances.*

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 518. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls on the export and import of rough diamonds that—

(1) is consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000.

(2) the President determines to be functionally equivalent to the system of controls specified in subparagraph (1); or

(3) meets the requirements of an international agreement which requires controls specified in subparagraph (1) and to which the United States is a party.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2002, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Burma, Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of *appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.*

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Peace Corps" and "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation: Provided, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for assistance for the People's Republic of China for activities to support democracy, human rights, and the rule of law in that country, of which not less than $5,000,000 should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities, and of which not to exceed $2,500,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That notwithstanding any other provision of law or regulation, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are available for the United States-Asia Environmental Partnership, may be made available for activities in the People's Republic of China: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURE DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act *or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.*

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agriculture Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; the Bureau for Asia and the Near East; and for the Global Development Alliance initiative: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SPECIAL AUTHORITY.—During fiscal year 2002, the President may use up to $35,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $35,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking "During the 11-year period beginning on October 23, 1992" and inserting "During the 16-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

HAITI COAST GUARD

SEC. 553. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 554. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 555. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

GREENHOUSE GAS EMISSIONS REPORT

SEC. 556. Not later than the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2002, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix;

(2) all fiscal year 2001 expenditures and fiscal year 2002 projected expenditures by the United States Agency for International Development to assist developing countries and countries in transition in adopting and implementing policies to measure, monitor, report, verify, and reduce greenhouse gas emissions, and to meet their responsibilities under the Framework Convention on Climate Change;

(3) all funds requested for fiscal year 2003 by the United States Agency for International Development to promote the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions reductions, to promote the transfer and deployment of United States clean energy technologies and carbon capture and sequestration measures, and to develop assessments of the vulnerability to impacts of climate change and response strategies; and

(4) all fiscal year 2002 obligations and expenditures by the United States Agency for International Development for climate change programs and activities by country or central program and activity.

ZIMBABWE

SEC. 557. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 558. Funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available to the Comptroller General to monitor earthquake relief and reconstruction efforts in El Salvador.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia unless the

Secretary of State determines and reports to the Committees on Appropriations that the Central Government of Cambodia—

(A) is making significant progress in resolving outstanding human rights cases, including the 1994 grenade attack against the Buddhist Liberal Democratic Party, and the 1997 grenade attack against the Khmer Nation Party;

(B) has held local elections that are deemed free and fair by international and local election monitors; and

(C) is making significant progress in the protection, management, and conservation of the environment and natural resources, including in the promulgation and enforcement of laws and policies to protect forest resources.

(2) A determination by the Secretary of State under paragraph (1) shall cease to be effective if it becomes known to the Secretary that the Central Government of Cambodia is no longer making significant progress under subparagraph (A) or (C).

(3) In the event the Secretary of State makes the determination under paragraph (1), assistance may be made available to the Central Government of Cambodia only through the regular notification procedures of the Committees on Appropriations.

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 15 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading "International Organizations and Programs" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces only if the Secretary of State has made the determination and certification contained in subsection (b).

(b) DETERMINATION AND CERTIFICATION.—The determination and certification referred to in subsection (a) is a determination by the Secretary of State and a certification to the appropriate congressional committees that—

(1) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and is providing to civilian prosecutors and judicial authorities requested information, including the identity of the person suspended and the nature and cause of the suspension;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing unimpeded access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding arrest warrants for members of such groups.

(c) CONSULTATIVE PROCESS.—Ten days prior to making the determination and certification required by this section, and every 120 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (b).

(d) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subparagraphs (b)(1) through (3); and

(e) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefitting the Iraqi people and to support efforts to bring about a democratic transition in Iraq: Provided, That not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: Provided further, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: Provided further, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings "International Military

Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Indonesian Ministry of Defense or military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia, including imposing just punishment for those involved in the murders of American citizen Carlos Caceres and two other United Nations humanitarian workers in West Timor on September 6, 2000;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(7) demonstrating a commitment to civilian control of the armed forces by reporting to civilian authorities audits of receipts and expenditures of the armed forces;

(8) allowing United Nations and other international humanitarian and human rights workers and observers unimpeded access to West Timor, Aceh, West Papua, and Maluka; and

(9) releasing political detainees.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), Liberian Armed Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment to the RUF, Liberian security forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(d) Whenever the prohibition on assistance required under subsection (a), (b) or (c) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking "December 31, 2001" and inserting in lieu thereof "December 31, 2002".

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 571. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 572. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: *Provided*, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to a specific project within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal and to provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

FUNDING FOR SERBIA

SEC. 575. (a) Of funds made available in this Act, up to $115,000,000 may be made available for assistance for Serbia: *Provided*, That none of these funds may be made available for assistance for Serbia after March 31, 2002, unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by *the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—*

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps, additional to those undertaken in fiscal year 2001, that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps, additional to those undertaken in fiscal year 2001, to implement policies which reflect a respect for minority rights and the rule of law, including the release of all political prisoners from Serbian jails and prisons.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

USER FEES

SEC. 576. The Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of such institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs, and to oppose the approval or endorsement of such user fees or service charges in connection with any structural adjustment scheme or debt relief action, including any Poverty Reduction Strategy Paper.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 577. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429) is amended by striking "$435,000,000" and inserting "$600,000,000".

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 578. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 579. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

CUBA

SEC. 580. (a) AMOUNTS FOR COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS.—Subject to subsection (b), of the amounts appropriated or otherwise made available by this Act, $1,500,000 shall be available for purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Cuba Government on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) LIMITATION.—The amount in subsection (a) shall not be available under that subsection until the President certifies to Congress the following:

(1) That Cuba has in place appropriate procedures to protect against loss of innocent life in the air and on the ground in connection with the interdiction of illicit drugs.

(2) That there is no evidence of the involvement of the Government of Cuba in drug trafficking.

REPORTS ON CONDITIONS IN HONG KONG

SEC. 581. (a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking "and March 31, 2000," and inserting: "March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006".

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

DISABILITY ACCESS

SEC. 582. Housing that is constructed with funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and to carry out the provisions of the Support for East European Democracy (SEED) Act of 1989, shall to the maximum extent feasible, be wheelchair accessible.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 583. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through the promotion of civilian police roles that support democratic governance including programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—Twelve months after the initial obligation of funds for Jamaica for activities authorized under subsection (a), the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees describing the progress the program is making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

SEPTEMBER 11 DEMOCRACY AND HUMAN RIGHTS PROGRAMS

SEC. 584. Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds appropriated under this section should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than $2,000,000 of such funds shall be made available for programs and activities that train emerging Afghan women leaders in civil society development and democracy building: Provided further, That not less than $10,000,000 of such funds shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy Human Rights and Labor, Department of State, for such activities: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

UZBEKISTAN

SEC. 585. Not later than three months after the date of the enactment of this Act, and six months thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending on the date of such report.

(2) The use during such period of defense articles and defense services provided by the United States by units of the Uzbek armed forces, border guards, Ministry of National Security, or Ministry of Internal Affairs.

(3) The extent to which any units referred to in paragraph (2) engaged in human rights violations, or violations of international law, during such period.

HUMANITARIAN ASSISTANCE FOR AFGHANISTAN

SEC. 586. It is the sense of the Senate that—

(1) Afghanistan's neighbors should reopen their borders to allow for the safe passage of refugees, and the international community must be prepared to contribute to the economic costs incurred by the flight of desperate Afghan civilians;

(2) as the United States engages in military action in Afghanistan, it must work to deliver assistance, particularly through overland truck convoys, and safe humanitarian access to affected populations, in partnership with humanitarian agencies in quantities sufficient to alleviate a large scale humanitarian catastrophe; and

(3) the United States should contribute to efforts by the international community to provide long-term, sustainable reconstruction and development assistance for the people of Afghanistan, including efforts to protect the basic human rights of women and children.

AUTHORIZATIONS

SEC. 587. The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the seventh replenishment of the resources of the Asian Development Fund, a special fund of the Asian

Development Bank, and to the fifth replenishment of the resources of the International Fund for Agricultural Development. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $412,000,000 for the Asian Development Fund and $30,000,000 for the International Fund for Agricultural Development.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 588. None of the funds appropriated or otherwise made available by this Act may be made available for the Government of the Russian Federation after the date that is 180 days after the date of the enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

SENSE OF THE SENATE REGARDING THE IMPORTANT ROLE OF WOMEN IN THE FUTURE RECONSTRUCTION OF AFGHANISTAN

SEC. 589. (a) FINDINGS.—The Senate finds that:

(1) Prior to the rise of the Taliban in 1996, women throughout Afghanistan enjoyed greater freedoms, comprising 70 percent of school teachers, 50 percent of civilian government workers, and 40 percent of doctors in Kabul.

(2) In Taliban-controlled areas of Afghanistan, women have been banished from the work force, schools have been closed to girls and women expelled from universities, women have been prohibited from leaving their homes unless accompanied by a close male relative, and publicly visible windows of women's houses have been ordered to be painted black.

(3) In Taliban-controlled areas of Afghanistan, women have been forced to wear the burqa (or chadari)—which completely shrouds the body, leaving only a small mesh-covered opening through which to see.

(4) In Taliban-controlled areas of Afghanistan, women and girls have been prohibited from being examined by male physicians while at the same time, most female doctors and nurses have been prohibited from working.

(5) In Taliban-controlled areas of Afghanistan, women have been brutally beaten, publicly flogged, and killed for violating Taliban decrees.

(6) The United States and the United Nations have never recognized the Taliban as the legitimate government of Afghanistan, in part, because of their horrific treatment of women and girls.

(7) Afghan women and children now make up 75 percent of the millions of Afghan refugees living in neighboring countries in substandard conditions with little food and virtually no clean water or sanitation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Afghan women organizations must be included in planning the future reconstruction of Afghanistan.

(2) Future governments in Afghanistan should work to achieve the following goals:

(A) The effective participation of women in all civil, economic, and social life.

(B) The right of women to work.

(C) The right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education.

(D) The freedom of movement of women and girls.

(E) Equal access of women and girls to health facilities.

SENSE OF THE SENATE CONDEMNING SUICIDE BOMBINGS AS A TERRORIST ACT

SEC. 590. (a) FINDINGS.—The Senate finds that:

(1) Suicide bombings have killed and injured countless people throughout the world.

(2) Suicide bombings and the resulting death and injury demean the importance of human life.

(3) There are no circumstances under which suicide bombings can be justified, including considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

(4) Religious leaders, including the highest Muslim authority in Saudi Arabia, the Grand Mufti, have spoken out against suicide bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Suicide bombings are a horrific form of terrorism that must be universally condemned.

(2) The United Nations should specifically condemn all suicide bombings by resolution.

RESTRICTION ON FUNDING FOR CAMBODIAN GENOCIDE TRIBUNAL

SEC. 591. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to any tribunal established by the Government of Cambodia pursuant to a memorandum of understanding with the United Nations unless the President determines and certifies to Congress that the tribunal is capable of delivering justice for crimes against humanity and genocide in an impartial and credible manner.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 592. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: Provided, That section 105 of Public Law 104–164 is amended by striking "2000 and 2001" and inserting "2002 and 2003".

INCREASED PEACE CORPS PRESENCE IN MUSLIM COUNTRIES

SEC. 593.(a) FINDINGS.—Congress makes the following findings:

(1) In the aftermath of the terrorist attacks of September 11, 2001, it is more important than ever to foster peaceful relationships with citizens of predominantly Muslim countries.

(2) One way to foster understanding between citizens of predominantly Muslim countries and the United States is to send United States citizens to work with citizens of Muslim countries on constructive projects in their home countries.

(3) The Peace Corps mission as stated by Congress in the Peace Corps Act is to promote world peace and friendship.

(4) Within that mission, the Peace Corps has three goals:

(A) To assist the people of interested countries in meeting the need of those countries for trained men and women.

(B) To assist in promoting a better understanding of Americans on the part of the peoples served.

(C) To assist in promoting a better understanding of other peoples on the part of Americans.

(5) The Peace Corps has had significant success in meeting these goals in the countries in which the Peace Corps operates, and has already established mechanisms to put volunteers in place and sustain them abroad.

(6) The Peace Corps currently operates in very few predominantly Muslim countries.

(7) An increased number of Peace Corps volunteers in Muslim countries would assist in promoting peace and understanding between Americans and Muslims abroad.

(b) STUDY.—The Director of the Peace Corps shall undertake a study to determine—

(1) the feasibility of increasing the number of Peace Corps volunteers in countries that have a majority Muslim population;

(2) the manner in which the Peace Corps may target the recruitment of Peace Corps volunteers from among United States citizens who have an interest in those countries or who speak Arabic;

(3) appropriate mechanisms to ensure the safety of Peace Corps volunteers in countries that have a majority Muslim population; and

(4) the estimated increase in funding that will be necessary for the Peace Corps to implement any recommendation resulting from the study of the matters described in paragraphs (1) through (3).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report containing the findings of the study conducted under subsection (b).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

MACHINE READABLE PASSPORTS.

SEC. 594. (a) AUDITS.—The Secretary of State shall—

(1) perform annual audits of the implementation of section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B));

(2) check for the implementation of precautionary measures to prevent the counterfeiting and theft of passports; and

(3) ascertain that countries designated under the visa waiver program have established a program to develop tamper-resistant passports.

(b) PERIODIC REPORTS.—Beginning one year after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit a report to Congress setting forth the findings of the most recent audit conducted under subsection (a)(1).

(c) ADVANCING DEADLINE FOR SATISFACTION OF REQUIREMENT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended by striking "2007" and inserting "2003".

(d) WAIVER.— Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended—

(1) by striking "On or after" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), on or after"; and

(2) by adding at the end the following:

"(B) LIMITED WAIVER AUTHORITY.—During the period beginning October 1, 2003, and ending September 30, 2007, the Secretary of State may waive the requirement of subparagraph (A) with respect to nationals of a program country (as designated under subsection (c)), if the Secretary of State finds that the program country—

"(i) is making progress toward ensuring that passports meeting the requirement of subparagraph (A) are generally available to its nationals; and

"(ii) has taken appropriate measures to protect against misuse of passports the country has issued that do not meet the requirement of subparagraph (A).".

SUDAN

SEC. 595. (a) FINDINGS REGARDING THE NEED FOR HUMANITARIAN ASSISTANCE.—The Senate makes the following findings:

(1) The war in Sudan has cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) The victims of this 18-year war are not confined to one ethnic group or religion as moderate Moslems in eastern and western Sudan suffer greatly, as do Christians and animists in southern Sudan.

(3) Humanitarian assistance to the Sudanese is a cornerstone of United States foreign assistance policy and efforts to end the war in Sudan.

(4) The United States Government has been the largest single provider of humanitarian assistance to the Sudanese people, providing $1,200,000,000 in humanitarian assistance to war victims during the past 10 years, including $161,400,000 during fiscal year 2000 alone.

(5) Continued strengthening of United States assistance efforts and international humanitarian relief operations in Sudan are essential to bringing an end to the war.

(b) FINDINGS REGARDING THE NIF GOVERNMENT.—In addition to the findings under subsection (a), the Senate makes the following findings:

(1) The people of the United States will not abandon the people of Sudan, who have suffered under the National Islamic Front (NIF) government.

(2) For more than a decade, the NIF government has provided safe haven for well-known terrorist organizations, including to Osama bin Laden's al-Qaeda and the Egyptian Islamic Jihad.

(3) The NIF government has been engaged, and continues to engage, in gross human rights violations against the civilian population of Sudan, including the enslavement of women and children, the bombardment of civilian targets, and the scorched-earth destruction of villages in the oil fields of Sudan.

(c) SENSE OF THE SENATE.—In recognition of the sustained struggle for self-determination and dignity by the Sudanese people, as embodied in the Inter-Governmental Authority on Development (IGAD) Declaration of Principles, and the statement adopted by the United States Commission on International Religious Freedom on October 2, 2001, it is the sense of the Senate that—

(1) the National Islamic Front (NIF) government of Sudan should—

(A) establish an internationally supervised trust fund that will manage and equitably disburse oil revenues;

(B) remove all bans on relief flights and provide unfettered access to all affected areas, including the Nuba Mountains;

(C) end slavery and punish those responsible for this crime against humanity;

(D) end civilian bombing and the destruction of communities in the oil fields;

(E) honor the universally recognized right of religious freedom, including freedom from coercive religious conversions;

(F) seriously engage in an internationally sanctioned peace process based on the already adopted Declaration of Principles; and

(G) commit to a viable cease-fire agreement based on a comprehensive settlement of the political problems; and

(2) the President should continue to provide generous levels of humanitarian, development, and other assistance in war-affected areas of Sudan, and to refugees in neighboring countries, with an increased emphasis on moderate Moslem populations who have been brutalized by the Sudanese government throughout the 18-year conflict.

MODIFICATION TO THE ANNUAL DRUG CERTIFICATION PROCEDURES WITH RESPECT TO COUNTRIES IN THE WESTERN HEMISPHERE

SEC. 596. During fiscal year 2002 funds in this Act that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 with respect to countries in the Western Hemisphere may be obligated or expended provided that:

(1) REPORT.—Not later than November 30, 2001 the President has submitted to the appropriate congressional committees a report identifying each country in the Western Hemisphere determined by the President to be a major drug-transit country or major illicit drug producing country.

(2) DESIGNATION AND JUSTIFICATION.—In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961; and

(B) include a justification for each country so designated.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report for fiscal year 2002 under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided under this Act to such country in fiscal year 2002 only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) commencing at any time after November 30, 2001, the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(4) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term "international counternarcotics agreement" means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs,

(ii) demand reduction,

(iii) the activities of criminal organizations,

(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence),

(v) the extradition of nationals and individuals involved in drug-related criminal activity,

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity,

(vii) border security,

(viii) money laundering,

(ix) illicit firearms trafficking,

(x) cofruption,

(xi) control of precursor chemicals,

(xii) asset forfeiture, and

(xiii) related training and technical assistance;

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) APPLICATION.—Section 490 (b)–(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) shall not apply during fiscal year 2002 with respect to any country in the Western Hemisphere identified in paragraph (1) of this section.

(6) STATUTORY CONSTRUCTION.—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Control Strategy Report) for the transmittal of a report not later than March 1, 2002 under that section.–

(7) SENSE OF CONGRESS ON ENHANCED INTERNATIONAL NARCOTICS CONTROL.—It is the sense of Congress that—

(A) many governments are extremely concerned by the national security threat posed by illicit drug production, distribution, and consumption, and crimes related thereto, particularly those in the Western Hemisphere;

(B) an enhanced multilateral strategy should be developed among drug producing, transit, and consuming nations designed to improve cooperation with respect to the investigation and prosecution of drug related crimes, and to make available information on effective drug education and drug treatment;

(C) the United States should at the earliest feasible date convene a conference of representatives of major illicit drug producing countries, major drug transit countries, and major money laundering countries to present and review country by country drug reduction and prevention strategies relevant to the specific circumstances of each country, and agree to a program and timetable for implementation of such strategies; and

(D) not later than one year after the date of the enactment of this Act, the President should transmit to Congress any legislation necessary to implement a proposed multilateral strategy to achieve the goals referred to in subparagraph (B), including any amendments to existing law that may be required to implement that strategy.

CENTRAL AMERICA DISASTER RELIEF

SEC. 597. Of the funds appropriated under the headings "International Disaster Assistance", "Development Assistance", and "Economic Support Fund", not less than $35,000,000 should be made available for relief and reconstruction assistance for victims of earthquakes and drought in El Salvador and elsewhere in Central America.

PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

SEC. 598. The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) IDENTIFICATION OF PROJECTS.—

"(1) ESTIMATED NUMBER.—Not later than December 1, 2001, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) IDENTIFIED PROJECTS.—The Foundation shall identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation shall name each identified project in honor of a victim described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, or a nonprofit organization (which may be a religious organization, such as a Christian, Jewish, or Muslim organization).

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of this section, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.".

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

SEC. 599. (a) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(b) The President may waive section 907 of the FREEDOM Support Act if he determines and certifies to the Committees on Appropriations that to do so—

(1) is necessary to support United States efforts to counter terrorism; or

(2) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter terrorism; or

(3) is important to Azerbaijan's border security; and

(4) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

(c) The authority of subsection (b) may only be exercised through December 31, 2002.

(d) The President may extend the waiver authority provided in subsection (b) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of subsection (b).

(e) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to subsection (b).

(f) Within 60 days of any exercise of the authority under subsection (b) the President shall send a report to the appropriate congressional committees specifying in detail the following—

(1) the nature and quantity of all training and assistance provided to the Government of Azerbaijan pursuant to subsection (b);

(2) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and

(3) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.

FEDERAL INVESTIGATION ENHANCEMENT ACT OF 2001

SEC. 599A. (a) SHORT TITLE.—This section may be cited as the "Federal Investigation Enhancement Act of 2001".

(b) UNDERCOVER INVESTIGATIVE PRACTICES CONDUCTED BY FEDERAL ATTORNEYS.—Section 530B(a) of title 28, United States Code, is amended by inserting after the first sentence, "Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.".

KENNETH M. LUDDEN

SEC. 599B. This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002".

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND DISCHARGE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 437, Benigno Reyna, to be Director of the United States Marshals Service, and that the HELP Committee be discharged from further consideration of the nomination of Charles Curie, to be Administrator of the Substance Abuse and Mental Health Services Administration; that the nominations be considered and confirmed en bloc, the motion to reconsider be laid upon the table en bloc, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Benigno G. Reyna, of Texas, to be Director of the United States Marshals Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charles Curie, of Pennsylvania to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MAKING FURTHER CONTINUING APPROPRIATIONS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 70, just received from the House and which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 70) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Madam President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 70) was read the third time and passed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H.R. 2299, the Department of Transportation appropriations bill, that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. LEAHY, Mr. INOUYE, Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, and Mr. STEVENS conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—H.R. 1552

Mr. REID. Madam President, I understand that H.R. 1552, which was just received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

Mr. REID. Madam President, I ask for its second reading and object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

ORDERS FOR FRIDAY, OCTOBER 26, 2001 AND TUESDAY, OCTOBER 30, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Friday, October 26, for a pro forma session only; that following the Friday pro forma session, the Senate stand in adjournment until Tuesday, October 30, at 10 a.m.; immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of Calendar No. 197, H.R. 3061, the Labor-HHS Appropriations Act; further that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the majority leader has asked me to announce to the Senate that there will be no rollcall votes prior to 2:15 p.m. on Tuesday.

ADJOURNMENT UNTIL 10:30 A.M., FRIDAY, OCTOBER 26, 2001

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:37 p.m., adjourned until Friday, October 26, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 25, 2001:

DEPARTMENT OF STATE

EARL NORFLEET PHILLIPS, JR., OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

DEPARTMENT OF JUSTICE

JAMES A. MCDEVITT, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON, FOR THE TERM OF FOUR YEARS, VICE JAMES PATRICK CONNELLY, RESIGNED.

JOHNNY KEANE SUTTON, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS, FOR THE TERM OF FOUR YEARS, VICE JAMES WILLIAM BLAGG, RESIGNED.

RICHARD S. THOMPSON, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA, FOR THE TERM OF FOUR YEARS, VICE HARRY DONIVAL DIXON, JR., RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT A. JOHNSON, 4214
JEFFREY D. PAULSON, 2293
TERRANCE L. STRATTON, 4414
JOHN T. WASHINGTON III, 2677

CONFIRMATIONS

Executive nominations confirmed by the Senate October 25, 2001:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES CURIE, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF JUSTICE

BENIGNO G. REYNA, OF TEXAS, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 25, 2001, withdrawing from further Senate consideration the following nomination:

MICHELLE VAN CLEAVE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 21, 2001.

EXTENSIONS OF REMARKS

TRIBUTE TO WANDA ANITA GREEN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Ms. LEE. Mr. Speaker, I rise today to honor the life of and to offer tribute to Wanda Anita Green, one of the many heroes on board United Airlines Flight 93, which was hijacked on September 11, 2001.

Wanda's parents, Francis and Aserene Smith, my constituents, moved to Oakland from Oceanside, California within the year of her birth on August 22, 1952. Wanda, her identical twin sister Sandra, and brother Tommy were raised in West and North Oakland California. Wanda's sister Sandra Jamerson now lives in Antioch, California and Wanda's parents and brother Tommy Smith still live in Oakland, California.

Wanda was loved and will be deeply missed by her daughter Jennifer R. Green, (age 21 years) and son Joe B. Green II, (age 18 years) of Linden, New Jersey, and many other family and ftiends. Wanda's family deeply appreciates the expressions of love from the people of our nation and the comforting words of support from President George W. Bush as he personally received the family at the White House recently.

For 28 years, Wanda was living her childhood dream of earning her wings and working as a Senior Flight Attendant for United Airlines. The family has received communications from passengers that flew with Wanda earlier this year and they remember her as watching after them because "she cared, not because it was her job." Wanda loved to travel, she enjoyed meeting new people, and she had a great affection for exploring different cultures.

In celebration of Wanda's life, the family has formed the Wanda Anita Green Foundation in her honor that will assist urban youth in reaching their dreams by providing scholarships to support their education and career goals. Wanda loved children and was very active in her own children's lives. One of Wanda's most memorable volunteer jobs was when she served as President of her local P.T.A.

September 11, 2001 was a tragic day in the history of the world. Wanda, members of the crew, and passengers aboard United Airline Flight 93 gave their lives to save others and for that they are true American heros and must be honored as such.

Mr. Speaker, I am proud to stand before Congress on behalf of her family, friends and colleagues to honor the courage, spirit and legacy of this American Hero, Wanda Anita Green.

TRIBUTE TO HIS EXCELLENCY LKHAMSUREN ENEBISH

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. PITTS. Mr. Speaker, I wish to bring to the attention of my colleagues the sudden death of His Excellency Lkhamsuren Enebish, Chairman of the State Great Hural of Mongolia. He was, in effect, the Speaker of the Mongolian Parliament and Secretary General of the ruling Mongolian People's Revolutionary Party. He was considered one of the most significant leaders of modem Mongolia.

I know my colleagues will join me in expressing our condolences to President Natsagiin Bagabandi, Prime Minister Nambar Enkhbayar, and the people of Mongolia.

Mr. Speaker, I had the privilege of meeting Mr. Enebish and knew personally of his commitment to strengthening U.S.-Mongolian relations. Indeed he was in Washington, D.C. only a few months ago with Prime Minister Enkhbayar and other officials to engage U.S. officials on a range of bilateral issues.

Mr. Enebish had a distinguished career in public service, beginning in the early 1970s as an engineer and director at the Architecture Bureau in Ulaanbaatar. He served in many capacities in city government until he was elected Mayor of the capital city Ulaanbaatar in 1990. He also held the positions of Deputy Prime Minister, First Deputy Prime Minister and Head of the Government Privatization Commission.

We all recognize what a great loss this is to Mongolia and wish to extend our sympathy and best wishes.

* * *

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mrs. WILSON. Mr. Speaker, "let's get to work . . ."

I believe that the Economic Security and Recovery Act of 2001 is a growth package that will help put Americans and New Mexicans back to work, and it's what we need today. We need to provide help to individuals who are feeling the crunch and we need to help the businesses who employ them get back on their feet.

People in New Mexico have felt the effects of our continued economic slowdown. At least two of the phone company call centers in Albuquerque have laid off good, solid employees, and southern New Mexico lost 650 jobs in the mining industry just today. EMCORE Corp., a high-tech manufacturing company, also announced layoffs earlier this week. The travel and hospitality industries say they've seen a decline in people traveling and eating out.

Our economy has been drastically impacted by the evil that struck America on September 11. Both the people who create jobs, and the individuals who form the backbone of our economy, have been affected. And they will continue to feel the pain of a slowed economy if the Congress doesn't act quickly. We need to do everything we can to keep our economy strong and help middle America, and this stimulus package does that. This bill addresses the very human needs we have in New Mexico, in New York, and throughout our country.

Working families will get immediate help by advancing the effective date of the 25 percent marginal rate cut from last spring's relief bill.

Individuals who received a partial rebate will have their payments topped off to $300 for individuals and $600 for couples. People who filed a tax return in 2000 but weren't eligible for a rebate will now get a payment.

And there will be help for people who have lost their jobs in the wake of the September 11th attacks. States with a spike in unemployment rates will be given the flexibility to supplement current unemployment and health benefits. We'll channel $3 billion for health benefits, and $9 billion for cash benefits for people who lose their jobs.

It's estimated that my home state of New Mexico will receive $45 million in unemployment cash assistance for people hurt by today's lagging economy, and our state will have the flexibility to decide exactly how to use these dollars to really help New Mexicans.

Nineteen million dollars for New Mexico will help with health insurance needs for people who lose their jobs. This could include things like paying Cobra premiums or expanding Medicaid.

We also offer incentives for employers to create jobs, spur innovation, and invest in our country's future.

While this bill doesn't contain everything that I would like to see, and contains some things that I question, I think it is important to move it forward. There are some elements of the companion legislation that the Senate is working on that I am hopeful will be included in a conference on this economic stimulus package. I would like to see the final bill that we send to the President focused more on displaced workers, and the needs of their families, including health care.

From my perspective, the House bill is tilted toward large corporations and I would like to see the final bill we pass and send to the President address the issues faced by small and mid-sized businesses who provide the bulk of the jobs in New Mexico and this country.

The entire focus of the final bill we send to the President must be helping people who

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have been hurt by the slowdown and providing a spark to get us back to growth. Now, more than ever, America's economy needs a boost. Let's get to work.

CONGRATULATING DIANA CONNOLLY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. HORN. Mr. Speaker, I rise today to salute the public service career of Diana Connolly. Diana is retiring from her astonishing 42-year career at the Port of Long Beach, California, in the 38th Congressional District. In no small way, Diana helped to make Long Beach America's busiest port over those 42 years.

Mr. Speaker, what may be most astonishing is that during her tenure, after her long days of service at the Port, she went to school earning a degree at Long Beach City College at night, then a Bachelor of Arts degree and finally a Masters at California State University, Long Beach where I had the privilege of serving as President for many years.

In all of this, it is said that Diana Connolly has been the wheel-horse of the executive staff at the Port. It is no secret that one can phone the Port at 10 a.m. from the nation's capital, which is 7 a.m. at the Port, to find Diana answering the phone. And again, many of us know she is still answering phones long after the Port's traditional quitting time.

Mr. Speaker, I know that such public service dedication can be an important example to young people beginning careers today, and I cannot think of a finer example.

For Diana, her long work hours and always-dependable delivery of results appear at times almost effortless. Certainly Diana has used her fine education record, her hard earned experience, and her dedication to make a difference in the lives of many Southern Californians.

Mr. Speaker, I join Diana's colleagues who will be celebrating her career today in Long Beach. Those of us here in Washington who have known and worked with Diana wish her a well-deserved retirement. We certainly admire her steadfast dedication, her unequaled 42 years of service at the Port and wish her well on what I am sure will be yet another kind of career, which she may now choose to begin.

Congratulations Diana!

CHARTER OF PRIVILEGES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. PITTS. Mr. Speaker, today I am introducing a resolution commending the life and work of William Penn—particularly his foundational document, the Charter of Privileges—and celebrating the anniversary of the Liberty Bell and the first public reading of the Declaration of Independence.

William Penn was a distinguished statesman and a principled fighter for religious freedom. Penn was ahead of his time in his thinking about religious freedom and Native American rights and his commitment to republican principles. Revolutionary for its time, Penn's Charter is considered by some to be the Magna Carta of American religious liberty.

Mr. Speaker, the events of September 11 are an eloquent reminder that liberty is not something that we should take for granted. Many people around the world are denied the right to worship freely and to have basic human rights—such as the freedom of assembly and the freedom of association.

We must remember that it was not long ago, in the history of our own nation, that religious freedom and human rights were reserved for a privileged group. When Penn wrote his Charter of Privileges, in Penn's own hometown of Philadelphia, slavery was legal and Roman Catholic worship was illegal. It was in this crucible of prejudice that Penn sought to create a new society—one that would embrace the tenets of individual dignity and freedom of conscience.

In the Charter, Penn ensured that no citizen would be discriminated against because of his or her faith, nor would any citizen be denied a role in civil government because of the expression of his or her faith. Penn recognized the role of religion in public life and affirmed its importance.

Penn's vision of a free society with freedom of religious conscience was conceived in the Tower of London where he was imprisoned for his Quaker convictions. Penn's radical dream that Philadelphia would be a city of brotherly love—where liberties entirely unknown elsewhere in the world would be legislated and practiced—set a new standard for religious liberty that profoundly impacted American history.

Many people are unaware that the Liberty Bell was made in order to commemorate the 50th anniversary of Penn's Charter of Privileges. With the Liberty Bell as its inspiration, abolitionists in Pennsylvania moved swiftly to make Pennsylvania one of the first colonies to work toward the abolition of slavery. In addition, the Liberty Bell was tolled to summon the citizenry to the first public reading of the Declaration of Independence on July 8, 1776.

Under William Penn's leadership, an atmosphere of liberty and religious tolerance was cultivated that had a large impact on the intellectual and commercial life of Pennsylvania, particularly Philadelphia. Some of our nation's founding documents, including the Declaration of Independence and the Constitution, were crafted in Philadelphia during this time of extraordinary commitment to individual liberty.

Mr. Speaker, throughout our nation's history, we have been fortunate to have men and women of strong character and firm convictions who have led our country to greater heights and a purer vision for our nation. William Penn was such an individual, and it is my privilege to honor him today by introducing this resolution.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Ms. LEE. Mr. Speaker, I rise today in strong opposition to the Republican economic stimulus plan and in favor of the Democratic substitute, which will truly help those workers affected by this recession.

September 11th changed the world. As we respond to the economic uncertainty, there is no way that we should allow special interests to use this moment to push and solidify their corporate welfare agenda. Paying off special interest contributors does not stimulate the economy and does not ensure the safety of our country.

An economic stimulus plan should target those who need it the most. Creating jobs, creating economic development activities stimulates the economy. Providing fair unemployment and health care benefits to those who have lost their jobs creates economic stability and is the right thing to do. The wrong thing to do is to provide $70 billion in corporate tax cuts and only $2 billion in benefits to workers who have lost their jobs and their health care, which is what the GOP economic stimulus package does. In fact, a full two-thirds of the GOP economic stimulus bill goes to profitable businesses and not to workers affected by the recession.

Let me give just a few examples of the huge corporate tax breaks in this bill. The repeal of the alternative minimum tax for businesses, which was passed in 1986 to ensure that companies could not get out of paying income taxes by using deductions, is not only repealed in the GOP economic stimulus bill, but it is retroactive, allowing businesses to deduct this tax all the way back to 1986! This ridiculous repeal would cost over $25 billion, with huge amounts of this benefit going to a select few corporations. For example, IBM would get over $1 billion in tax breaks just from this provision. General Motors and General Electric would each get hundreds of millions of dollars in tax breaks.

At the same time, the GOP barely spends any money at all on unemployment assistance. The amount that IBM would receive through the AMT tax break is the same amount that the GOP would spend on unemployment assistance for laid-off workers. So one corporation benefits the same as all the millions of workers who have lost their jobs? This makes no sense.

So today, I join with my colleagues to oppose this irresponsible tax cut, the so-called "economic stimulus" bill, and to support a real, responsible economic stimulus plan offered by the Democrats.

TRIBUTE TO SYRACUSE'S MILTON J. RUBENSTEIN MUSEUM OF SCIENCE & TECHNOLOGY ON OCCASION OF ITS 20TH ANNIVERSARY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Milton J. Rubenstein Museum of Science & Technology (MOST) in Syracuse, New York.

What began as a vision of the National Council of Jewish Women Greater Syracuse Section, the Junior League of Syracuse, and the Technology Club, now exists as a permanent fixture for all to visit and enjoy. Dedicated to the exploration of science and technology through hands on participation, the MOST today boasts hundreds of exhibits, a domed IMAX theater, and a planetarium.

During the past twenty years, the museum has welcomed more than two million visitors, provided educational programming for thousands of children, and encouraged individuals to pursue careers in science and technological fields. The MOST has enabled the Central New York community to embrace learning through its innovative science fairs, educational workshops, and collaborative efforts.

Residents of Central New York and beyond can rest assured that by supporting the MOST, its vision to dispense knowledge and understanding will continue well into the future.

On the occasion of its 20th anniversary to be celebrated on Thursday, November 15th, it is my honor to recognize the Milton J. Rubenstein Museum of Science and Technology and extend best wishes for many more successful years of providing knowledge to the youth and families of Central New York. Congratulations.

HONORING PHILIP RUBENSTEIN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. SAXTON. Mr. Speaker, I rise today to recognize Philip Rubenstein for his 57 years of government service, including 27 years as Director of the Ocean County Office of Senior Services.

During his long and distinguished career Phil has received numerous awards. In particular, he has received three Distinguished Federal Service Awards, as well as a Distinguished Award from the Ocean County Board of Chosen Freeholders.

A dedicated leader of Ocean County's senior community, Phil Rubenstein has served selflessly and implemented many programs of benefit to Ocean County's seniors.

Mr. Rubenstein originated the transportation system for dialysis and chemotherapy patients in Ocean County. His original concept has grown into the County's transportation system which today services seniors and the disabled. In addition, he initiated prostate and mammogram screening programs for the County's older adults prior to their inclusion under the Medicare program.

Phil has also been committed to funding the Interfaith Volunteer Caregiver program, which has grown under his leadership to four individual service groups.

It is a privilege to honor Philip Rubenstein for his many years of community service. He is truly a devoted ombudsman for Ocean County's elderly.

TRIBUTE TO UNITED STATES NAVY COMMANDER TIMOTHY ATKINSON

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor Commander Timothy Atkinson of the United States Navy as he prepares to assume command of the Surface Combat Systems Center in Wallops Island, Virginia this October.

Commander Atkinson, a native of Newport, Rhode Island, received a Bachelor of Electrical Engineering from Auburn University and a Master of Science in Electrical Engineering from the Naval Postgraduate School in Monterey, California.

Commander Atkinson has enjoyed a successful naval career. He served as the Combat Information Center Officer and made a Western Pacific deployment during his time aboard the USS *California* from 1984 to 1986. In 1987, he was assigned to the Coastal Systems Center in Panama City, Florida, where he worked on the combat systems testing aboard amphibious ships and the research and development of Landing Craft Air Cushion, the Navy's hovercraft.

From 1991 to 1993, Commander Atkinson repaired and maintained forward-deployed ships at the Ship Repair Facility in Guam. Following his assignment in Guam, Atkinson reported to the Space and Naval Warfare Systems Command in Arlington, Virginia, where he managed command, control, communication, computer, and intelligence systems aboard Aegis-class destroyers and cruisers.

Atkinson became a member of the Navy's Acquisition Professional Community after completing the Department of Defense's Program Management course at the Defense Systems Management College in Fort Belvoir, Virginia.

In 1996, Commander Atkinson transferred to Arlington, Virginia, to lead the implementation of combat systems and C41 systems aboard surface combatant ships at the Program Executive Office for Theater Surface Combatants. Most recently, Commander Atkinson completed a two-year tour in Millington, Tennessee, where he was the Engineering Duty community's job assignment officer at the Navy Personnel Command.

TRIBUTE TO NEIGHBORHOODS INCORPORATED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. VISCLOSKY. Mr. Speaker, it gives me great honor to pay tribute to Neighborhoods Incorporated, a nonprofit organization that promotes and enhances neighborhoods through resident training, innovative lending programs and other community sponsored activities in Hammond, Indiana.

Through the efforts of Neighborhoods Incorporated and its executive director, Keith Speaks, Indiana's First Congressional District, and Hammond in particular has worked to improve their neighborhoods. Communities are transforming in Northwest Indiana due to an organized campaign to help revitalize neighborhoods and businesses along the Indiana and Illinois State Line.

The Neighborhood of Lights program is an example of how neighbors are actively working together to take their neighborhoods back. This program is a grassroots coalition of neighbors and businesses from Hammond and Calumet City working together to improve the quality of life in the State Line corridor. The purpose of the Neighborhood of Lights program is to unite the communities and to beautify the area. These goals are achieved by improving properties, promoting security measures, and most importantly by empowering neighbors and businesses to take an active role in their neighborhood. Businesses on both sides of the State Line are effected by what is happening in these neighborhoods just as much as the residents. Creating partnerships between the residents and businesses in the neighborhood truly creates a formidable force, which is effective in creating an improved atmosphere for both families and businesses to prosper.

Through the work of organizations like Neighborhood Incorporated, communities and lives are being transformed. Neighborhood Incorporated works to promote home ownership and to strengthen neighborhoods by helping to deliver improved affordable housing. Additionally, they offer a variety of services designed to address the demand of the local neighborhood. For example, they support the growth and development of resident leadership, rehabilitate homes, and collaborate with other organizations to improve the neighborhood image and restore pride and hope in the community.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Mr. Speaks for his tireless dedication to improving the quality of life in Indiana's First Congressional District. Through the efforts of Neighborhoods Incorporated, individuals have come together at all levels to help their neighbors, their neighborhood schools, churches, block clubs, and their own families for the generations to come.

NEW YORK'S CREDIT UNIONS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. NADLER. Mr. Speaker, I rise today to speak about credit unions. Representatives of New York City credit unions and the New York State Credit Union League visited my Washington office to explain the response of the credit union community in the wake of September 11th. The trip had been planned for quite some time and they thought about canceling their visit out of respect for the larger issues before Congress. Instead, they came with a message that has defined credit unions since their inception—one of cooperation and a "people-helping-people" service to their membership.

Branches of three credit unions, Excel Federal Credit Union, US Alliance Federal Credit Union and FAA Regional Federal Credit Union, were lost in the collapse of the World Trade Center towers. Municipal Credit Union—which serves predominantly emergency service personnel and city employees—had its main office and a branch office severely damaged. All employees were fortunate to escape, but hundreds of members undoubtedly perished. The New York State Credit Union League opened a "command center" to channel information to distressed credit unions and assist in their recovery. The New York State Credit Union Foundation created a disaster relief fund that has raised nearly $500,000 from credit unions throughout the country and the world to assist families and help rebuild community programs in Manhattan. Fire and police credit unions in Syracuse, NY raised $150,000 in a single weekend. Empire Corporate FCU, located in Albany, NY has created a $2 million "interest free" loan fund for credit unions in Manhattan to assist their members or help rebuild their infrastructure. The National Credit Union Foundation, operated by the Credit Union National Association on behalf of 80 million credit union members, has raised $250,000 through its Credit Unions Rebuild America. In addition to providing operational and financial assistance, credit unions are extending special services to surviving members in the form of lower loan rates, deferred payments on credit, longer grace periods and fee waivers.

As owners of their cooperative financial institution, credit union members feel a sense of community, which is especially apparent during periods of financial hardship. I urge my colleagues to speak with the credit unions in their districts and to encourage their constituents to turn to credit unions for help. The New York credit unions have demonstrated to me their willingness to reach out during this time of extraordinary need to help our communities. Their cooperative spirit will not only see their members through these trying times, but will make us stronger as a Nation in the end.

TRIBUTE TO LATSON ROAD ELEMENTARY SCHOOL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the outstanding achievement of Latson Road Elementary School from Howell, Michigan, in receiving a Blue Ribbon Award. Recipients of the Blue Ribbon Award must meet rigorous standards and criteria including: attention to student support, fostering student culture, building community partnerships, meeting challenging standards, and ensuring the quality of their teachers. Furthermore, the process to be recognized at the national level is long and arduous with first being selected by the state department of education to a site visit by a national panel of reviewers to being nominated by the U.S. Secretary of Education. The final step includes the presentation of the awards given tonight at a prestigious banquet in honor of Michigan's top schools.

The Blue Ribbon Award is the hallmark in achieving academic excellence for a school. But a school is a great deal more than a building with chalkboards. A successful school is only as good as the people behind it. Therefore, I wish to wholeheartedly commend the principal, teachers, parents and students that dedicated their time and efforts into making this award possible. I am proud to represent Latson Road Elementary School, a shining example of excellence in education.

ENDORSE THE MITCHELL COMMITTEE REPORT RESOLUTION: SUPPORT AMERICAN INTERESTS BY WORKING TOWARD A JUST, LASTING PEACE BETWEEN ISRAELIS AND PALESTINIANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. DINGELL. Mr. Speaker, on behalf of myself and the 29 colleagues who have joined me as original cosponsors, I rise today to announce the introduction of an important concurrent resolution pertaining to the ongoing violence in Israel, the West Bank, and the Gaza Strip. As we all know, this violence not only endangers Israelis, Palestinians, and their neighbors, but it threatens the interests of the United States at this most critical time.

In introducing this resolution—which is strongly supported by the Administration—my colleagues and I are sending a clear message that violence in this troubled region is unacceptable and serves no one's long-term interests. It stresses that the Mitchell Committee Report offers the best road map toward ending the current cycle of violence and restarting the peace process in the Middle East. It notes that U.S. leadership is vital to creating and implementing a just and lasting peace. Finally, it highlights the fact that peace between Israel and the Palestinian Authority is America's best interest now and in the future.

In the past week we have seen violence beget violence. Assassinations do not serve the interests of the Palestinians. Unjust, aggressive acts do not serve the interests of Israel. Most importantly these acts do not serve American interests, particularly at a time when we are engaged in war and the delicate diplomacy of coalition building. These acts harm our ability to effectively meet and beat the forces of evil that we are fighting in Afghanistan.

I would note that while neither party is beyond reproach, I am troubled by what is taking place in Bethlehem, Beit Rima, and elsewhere. I am deeply troubled that when we shared our concerns with the Government of Israel and asked that they refrain from escalating violence by occupying additional Palestinian lands, they refused.

Mr. Speaker, as we wage war on terrorism, we must be careful to remember that while we have many allies, we must not allow any single country to use this conflict to justify any and all actions they take in their national interest. American interests overlap with the interests of other countries on many points, but they are not identical. American interests must be our priority and must prevail.

The Israel-Palestinian conflict has left thousands dead since 1948, and hundreds dead in the last year. This conflict must be resolved. Both sides have suffered, are suffering, and will continue to suffer if nothing is done. It is in the interest of our nation to encourage these parties to halt the violence and make peace.

The Mitchell Committee was created by the mutual agreement of the United States, Israel, the Palestinian Authority, Egypt, Jordan, the United Nations, and the European Union at the conclusion of the Sharm el-Sheik Middle East Peace Summit on October 17, 2000. The Mitchell Committee studied the ongoing violence over a period of months, and the report they submitted included objective findings and constructive recommendations as to how to end the violence and rebuild confidence that will enable the parties to return to the negotiating table.

The United States, the UN, Israel, and the Palestinian Authority endorsed the Mitchell Committee Report because it is the best blueprint as to how to get the peace process back on track. It was accepted because it is a fair and balanced report that highlights the fact that both parties are responsible for the starting and perpetuating violence, and both parties are responsible for stopping it.

Mr. Speaker, the resolution I have introduced is balanced and fair, and merely expresses this body's support for the Mitchell Committee Report. Passing this resolution will send a message to both Israelis and Palestinians that the United States is a true partner for peace, and will work toward creating a just, lasting peace that will protect the interests of all parties.

This resolution enjoys the strong support of the Bush Administration, and I submit a copy of an October 5, 2001, letter of support from the State Department. This letter notes the following:

> Passage of this resolution, without amendment, would make a positive and welcome contribution to the Administration's work

with the parties to end the violence, implement the Mitchell Committee recommendations, and return to substantive negotiations.

Mr. Speaker, violence between the Israelis and Palestinians only begets more violence. This needless bloodshed runs counter to the interests of all parties, including the United States. I urge my colleagues to support this resolution and demonstrate their support for peace and the Administration's efforts to resolve the Israeli-Palestinians conflict in a just, balanced manner.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC, October 5, 2001.

DEAR MR. DINGELL: Thank you very much for your letter to Secretary Powell and for sharing with us the text of your Concurrent Resolution. Passage of this resolution, without amendment, would make a positive and welcome contribution to the Administration's work with the parties to end the violence, implement the Mitchell Committee recommendations, and return to substantive negotiations. We appreciate very much your support.

As you point out, the Mitchell Committee recommendations represent a practical path back to productive negotiations between the parties. Before negotiations can begin, however, it is essential that the violence end and that both sides do everything possible to restore an atmosphere of calm. The meeting between Israeli Foreign Minister Peres and Chairman Arafat and the renewed security coordination which followed that meeting are important steps in this direction.

It is important that both Palestinians and Israelis avoid actions that jeopardize this renewed dialogue. Both sides must engage in the fullest possible coordination on security issues to help ensure a lasting halt to violence and terror. The Israelis should refrain from provocative acts that can only escalate tensions and undermine efforts to bring about a lasting halt to violence. For their part, the Palestinian authority must take sustained and effective steps to preempt violence and arrest those responsible for planning and conducting acts of violence and terror.

Further progress will not be possible without a significant reduction in the level of violence.

Both sides now have an important opportunity to break from the events of the past year to begin to build a new relationship. Both sides must follow through on their commitments to fully implement the Mitchell Committee recommendations.

The President and the Secretary have been deeply engaged and will continue to do everything possible to help the two sides end the violence and encourage the resumption of a meaningful political dialogue. Thank you again for your support.

Sincerely,

PAUL V. KELLY,
ASSISTANT SECRETARY,
Legislative Affairs.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Ms. KILPATRICK. Mr. Speaker, recently the House considered its version of the Counter Terrorism bill H.R. 2975. I voted against that measure. I voted against that bill for many of the very same provisions in H.R. 3162, the anti-terrorism measure before us today. As such, I must also vote against H.R. 3162. I would, first, like to commend the work of Mr. Conyers. He has stood steadfast and vigilant in attempt to protect the civil liberties of our nation's citizens. I, like many in this body, fear that our nation's tradition of civil liberties will be sacrificed at the alter of our war on terrorism. Do not be mistaken, for I realize that terrorism is a clear and present evil that our country faces—worthy of vigorous combat to defeat it. However, if, in our effort to stamp out terrorism, we stamp out the very freedoms that make us Americans, we will have made a grave mistake.

I will vote against this bill and express my opinion that vigilance must abide to ensure that our nation does not succumb to terrorism from beyond, but also to ensure that we do not succumb to tyranny from within as well. I raise my voice to state forthrightly that I will be vigilante of all of those who seek to take advantage of the predicament that our new war on terrorism presents. This measure grants our nation's legal apparatus new and unprecedented powers. Power that, if unchecked, could easily be used to trample over our hard won liberties.

It is true that many objectionable measures have been eliminated from the bill. No longer does the bill allow the indefinite detention of aliens prior to trial. I am particularly pleased that the measure provides for a new Inspector General in the Civil Rights Division of the Department of Justice to ensure that these laws are not used to trample our freedoms. It is also good to know that a person cannot be convicted of evidence from a foreign country that would not be admissible in U.S. courts.

Although these important changes have been made, the measure still raises significant concerns. The bill contains language sunsetting its provisions in a 4-year period. While this is better than nothing I have no doubt that we should revisit these laws in two years time to assess the government's administration of them. This bill allows the use of roving wiretaps. This means one judge can issue an order that allows the authorities to listen to any phone that a suspect may potentially use. Here, I fear any shaky justification given by authorities can be used to order wiretaps on a broad and sweeping level, possibly leading to tapping the lines of many who are not at all related to the neither a terrorist, nor criminal plot.

The bill also expands the authority of the government to conduct so-called sneak and peak searches. Imagine your house was wiretapped based inadequate suspicion giving rise to the authorization of a roving wiretap of a third-party suspected terrorist. Imagine further that based on evidence from this roving wiretap, the police are authorized to come in and search your home and personal belongings without notifying you. Surely these powers should be reviewed at least within a two-year period.

These scenarios could play out in infinite ways. There are unforeseen variables that we just cannot quantify that may allow authorities to abuse the rights of our citizens. If we had truly been given the opportunity to debate these issues in their entirety on the floor of the House, we probably could have resolved them in a way that sufficiently balanced our security needs against our civil rights. After all, following vigorous debate, the measure presented by the House Committee on the Judiciary passed with unanimous support. It was my desire to see vigorous debate on the floor of the House so that at Conference a measure could be crafted that would have received the unanimous vote of both the House and Senate and the support of the White House. Unfortunately, the Republican Majority and the White House had alternative plans.

It is unfortunate that my only hope is that the new Inspector General will be vigorous in its assessment of the government's activity. The Inspector General will need to act decisively and with authority given the unprecedented authority we bestow on the government today.

In light of this, I urge my colleagues to vote against this measure.

TRIBUTE TO ALLENE MITCHELL PENROD

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. LARGENT. Mr. Speaker, Allene Mitchell Penrod was born September 3, 1911, weighing in at a mere two pounds, and as she celebrates her 90th year, continues to be active both mentally and physically. She has been a wife, is a mother, a career woman, and since 1985, a breast cancer survivor.

Allene is a very talented seamstress who discovered her talent for sewing skills at an early age, making rag dolls, doll clothes, and toys with which to play. Later, she honed her skills by taking sewing classes in school. From that time on, she made her own clothes, clothes for her children, and even made her first bra at age 20. Perhaps her abilities can best be described by the following article that was published in The Daily Oklahoman, This article appeared in the Women's Section on July 15, 1984, when Allene was awarded the "Oklahoma Golden Thimble Award", an honor bestowed on expert seamstresses in the state.

GRANDMA TEACHES KIN TO LOVE STITCH PROJECTS

"Love what you are doing," is the advice Allene Penrod of Roosevelt gives beginning seamstresses. But this advice is not always necessary. Granddaughter Krystal Mahoney sews and learns from her. Allene see that

Krystal studies patterns and follows instructions.

"Mother is a unique woman," Krystal's mother, Beth Mahoney, wrote as she nominated Allene for the Golden Thimble award. "She has the ability to make that sewing machine create anything. "Taking advantage of her skills, I never learned to sew. She has taken on the task of teaching my 11-year-old daughter to sew. Mother's patience has paid off. Krystal has won blue ribbons on her blouse, skirt, and other 4–H projects. For her grandchildren, Mother has designed and made costumes, doll clothes, and even sheep blankets for their show animals. For the community's haunted house, she made a gorilla suit and a werewolf costume and others."

"I have three chairs in my living room that she upholstered for me. She also knits and crochets afghans, stocking caps, doll clothes, stuffed animals, and Christmas stockings. We are very proud of the handmade tablecloths and quilts she has made us. In addition to the fun things, she even does my patching, and when patches are not available, she reweaves wool garments. This 72-year-old is a quiet, sweet lady, and I love her dearly."

Allene remade countless sports uniforms so that her grandsons would look neat on the field and court. She continues to make prom dresses for her daughter, Beth, who is no longer a student, but attends school proms with her husband, who is a school board member. A Roosevelt Roughrider pillow, an afghan, and window shades personalize grandson Jeff's room. Other grandsons have received crocheted tablecloths, place mats, and afghans. Each of her three children, seven grandchildren, and two great-grandchildren has one or more treasures made by Allene. Her family treasures a flower garden quilt Allene made in 1934.

Beth describes Allene as a perfectionist who usually has two projects going simultaneously—while she attends basketball and baseball games and sheep shows.

Allene is a devout Christian who is much loved by her family. We wish her the best for her 90th birthday with many more to come.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise to express my support for enacting an economic stimulus package, and to voice my opposition to H.R. 3090, the Economic Stimulus and Recovery Act in its current form.

A more fiscally responsible approach to induce economic growth would combine tax cuts and increased spending within the confines of Federal Reserve Chairman Greenspan's cost recommendations. Mr. Greenspan recommended a total package not to exceed 1 percent of GDP or $100 billion including the relief measures already enacted by Congress. The tax cuts must contain taxpayer rebate checks for those who did not receive them last summer, enhanced expensing for business capital purchases, and marginal tax rate adjustments to foster spending. The elements of the package should be limited to those projects which will provide immediate economic impact, such as extended unemployment benefits, health care coverage for furloughed workers, and increased security measures. In order to continue bipartisanship in our Congress, Democrats and Republicans should work together to enact a measure containing these provisions.

An effective plan must focus on the people most impacted by the economic downturn. Immediate relief and direct payments through rebate checks for the 30 million Americans who were omitted from the tax relief provided earlier this year must be an integral part of the stimulus package. These individuals are most in need and most likely to spend their rebates, making both common sense and economic sense.

Tax cuts should be temporarily targeted to induce investment and encourage cash flow in the economy. The temporary nature encourages individuals and business to immediately take advantage of proposals rather than wait several years to invest in new infrastructure or capital markets. Changes in expensing and capital loss will meet these goals by proving short term investment incentives to businesses and individuals. H.R. 3090 contains many unnecessary provisions, such as the repeat of the corporate alternative minimum tax retroactive to 1986. This will give 50 of the wealthiest corporations $20 billion in refunds.

Sufficient funds should be available to ensure continued health coverage and unemployment benefits in the case of a prolonged recession. Providing COBRA health—insurance should be a top priority to guarantee the continued health for those unable to purchase their own coverage, such as victims and their families or displaced workers. H.R. 3090 is inadequate to address the nation's needs in these areas. We must increase security infrastructure spending. We should also include additional investments, such as those contained in the Bioterrorism Protection Act of 2001, in our nation's public health system to better respond to bioterrorism threats. Not only does this protect our country from future attacks, it provides jobs and cash flow into the economy. Irresponsibly spending too much without offsetting the cost will lead to future long term budget deficits and interest rate increases.

Mr. Speaker, I support a bipartisan economic stimulus package that will effectively and responsibly improve our economy and win the war on terrorism without raiding Social Security and Medicare.

WORKING WITH REPRESSIVE REGIMES IN CENTRAL ASIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. ENGEL. Mr. Speaker, I rise to express my support for United States policy in our war on terrorism. The President has my full backing in what will clearly be a long and arduous battle to track down and stamp out terrorist organizations. In the end, I am confident that we will prevail over these forces of evil and barbarism.

At the same time, we must strike a balance between our need for allies in the region and our commitment to advancing the cause of freedom and human rights. In Central Asia, for example, I support our efforts to work closely with Uzbekistan and appreciate that the fact that we have received permission from that nation to use its military bases. However, Uzbekistan is an authoritarian state which has also reportedly imprisoned over 7,000 political prisoners in poor conditions. Next door, in Kazakhstan, the repressive and corrupt regime of Nursultan Nazarbayev has also offered to provide as yet unspecified assistance to the coalition.

All of us welcome support from the nations of Central Asia and hope to welcome them someday into the family of democracies, but I am concerned that there may be an implicit quid pro quo in such assistance. I hope that these countries do not expect the U.S. to ease the pressure to end human rights abuses and to promote democratic reform. In this connection, both the Financial Times and the Washington Post have recently printed editorials warning about the pitfalls of cooperation with repressive regimes in Central Asia and elsewhere.

The Financial Times, for example stated on September 17 that "the US must be careful not to align itself too closely with authoritarian regimes that have dreadful records of suppressing minority groups. An anti-terrorist campaign must never be used as a convenient excuse for repressing political opponents . . ."

Similarly, a Washington Post editorial of September 24 warned that "In forming tactical bonds with such nations, America must not forget what it is fighting for as well as what it is fighting against." The editorial goes on to say that "in the long run, democracy will be the best antidote to religious extremism." In this connection, it is important for the U.S. to be seen as clearly promoting the freedoms that President Bush championed in his address to Congress on September 20: "our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other."

I believe that as we work with the governments of Central Asia to destroy the al-Qaeda terrorist network, we should also caution that repression and corruption are creating ideal conditions for Islamic extremism to flourish within their borders. Islamic extremist groups will never run out of recruits as long as the Soviet era dictators in Central Asia continue their repressive and corrupt ways. In this regard, I am particularly concerned about Kazakhstan, which is the crown jewel of the region because of its oil, gas and mineral wealth. I shudder to think what an Islamic extremist government would do with that country's wealth.

As we have done in other regions of importance to the United States, we must expand our efforts to promote pluralism, tolerance, and openness in Central Asia. The people of these nations deserve a political avenue to express their opinions and grievances. Extremist

Islam must not be the only outlet for Uzbeks, Turkmen, Tajiks, and other Central Asians as it unfortunately has become for so many other people in the region.

Mr. Speaker, I ask unanimous consent that the full texts of the Financial Times and Washington Post editorials be printed at this point in the Record.

[From the Financial Times, Mon., Sept. 17, 2001]

DOUBTFUL ALLIES IN CENTRAL ASIA

Colin Powell, the US secretary of state, has said that the terrorist attacks in New York and Washington create a new benchmark by which the US will measure its allies. Just as Washington's relations with other states during the cold war were determined by their alignment towards the Soviet Union, so the US will now judge nations by how fiercely they oppose international terrorism. This tilt of the prism could lead to some surprising—and potentially disturbing—new alignments.

So far, the US has done an impressive job in marshalling international support. It is now trying to court the countries near Afghanistan, including Pakistan, Russia, and China, which Washington has previously accused of giving succour to rogue states. The US is also trying to win support from the five former Soviet central Asian states. All these countries realise that they have a common interest in pre-empting terrorism in a world in which every commercial airliner has been turned into a potential bomb. But some may also see domestic tactical advantages in backing any forthcoming US offensive.

In prosecuting its new war against terrorism the US must therefore be careful not to align itself too closely with authoritarian regimes that have dreadful records of suppressing minority groups. An anti-terrorist campaign must never be used as a convenient excuse for repressing political opponents or turned into an anti-Muslim crusade.

FOCUS ON PAKISTAN

The immediate focus is on Pakistan, which is one of the few countries to recognize the Taliban leadership in neighbouring Afghanistan. As it shelters an estimated 2m Afghan refugees, Pakistan well knows the tragedies of its troubled neighbour. The US provided strong support to Pakistan during the Soviet occupation of Afghanistan but has since distanced itself from the military regime of General Pervez Musharraf. Washington continues to uphold sanctions against Pakistan first imposed after Islamabad exploded a nuclear bomb. It has also expressed concern that Pakistan supports militants in Kashmir.

CO-OPERATION WITH US

In spite of the presence of Muslim extremists within Pakistan, Gen Musharraf can doubtless see the advantages of co-operating with the US. But he will, in turn, surely expect the US to legitimise his regime and help persuade the International Monetary Fund to release fresh funds for Pakistan. He may also want foreign powers to tone down their criticisms of his military rule and quietly forget about his promises to restore democracy by October 2002. Washington should resist making such explicit trade-offs.

The US may also see the Shanghai grouping of central Asian states—including China, Russia, Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan—as natural allies in its war against Muslim terrorists. This grouping is already swapping intelligence and considering security arrangements to combat extremism.

China fears that Muslim extremism could infect its western province of Xinjiang. Russia is fighting Muslim opponents in Chechnya and Tajikistan. To varying degrees, the central Asian states are all concerned that Muslim militants could undermine their own regimes. But many of these countries are characterised by blatant abuse of minority rights and hostility towards the Muslim opposition.

President George W. Bush has made a commendably forthright defence of Arab Americans. He should be equally strong in support of peacefully oriented Muslims throughout central Asia. In a traditional war the enemies of your enemies may be counted as your friends. But Mr. Bush has launched a new kind of war for justice that ultimately can only succeed by winning over hearts and minds.

The US should be as steadfast in its defence of Muslim moderates as it is ferocious in attacking terrorism. The natural allies of the US in central Asia may be counted more among its peoples rather than its regimes.

[From the Washington Post, Mon., Sept. 24, 2001]

WHAT TO FIGHT FOR

In explaining to Americans the war he would lead against terrorism, President Bush on Thursday described the enemy as heir to the "murderous ideologies" against which this country fought for most of the last century: fascism, Nazism and totalitarianism. As with those ideologies, he said, the terrorists responsible for the Sept. 11 attack sacrifice human life to their radical vision of the world and respect no value but the "will to power."

The analogy is powerful in many ways. It reinforces Mr. Bush's message that the struggle will be long; the United States fought communist totalitarianism for many decades. It bolsters also the message that the struggle will be fought on many fronts—not just military but, as in the Cold War, economic, political, propaganda and more. Above all it elevates the struggle to a seriousness that cannot be slighted, by this or future administrations; if the enemy is aiming for the destruction of civilization, no priority could be more important than that enemy's destruction. As during the Cold War, the United States might take on other tasks and causes but most never forget the long-term ideological struggle.

But precisely for that reason—because Mr. Bush has put this war at the very forefront of the nation's agenda—it is important to be careful and precise in measuring the foe and setting the goals. Is it the entire story, for example, that the terrorists target America because they hate its open society? Mr. Bush described a fight between freedom and fear, and that is part of it. But then why do the terrorists also target authoritarian regimes such as those of Uzbekistan or Saudi Arabia? It's important to recognize distinctions where they exist—among different terrorist organizations and among varying goals even within organizations. And it's important to think about the ways in which "a fringe form of Islamic extremism," as Mr. Bush described the ideology of the foe, also might differ from the hostile ideologies of the past century in tactics, goals and sweep.

As in the Cold War, the new struggle will put the United States in league with allies of convenience, unsavory ones at times. Already, to root out the terrorists in Afghanistan, the United States finds itself pondering cooperation with the despotic regime of Central Asia's Uzbekistan. Saudi Arabia, an intolerant monarchy, is sought as a partner. China, the largest remaining outpost of communism, now is suggested as an ally in the war against terrorism. Such regimes may work with the United States because they also fear the Islamic extremists, but not in defense of freedom. To the dictators of China and Central Asia, the terrorists may represent chaos, a challenge to state authority; but no one running those countries views democracy as the alternative to Islamic extremism.

In forming tactical bonds with such nations America must not forget what it is fighting for as well as what it is fighting against. In the struggles against Nazism and communism the United States allied with repressive regimes, sometimes wisely, sometimes to its detriment. In the long run, democracy will be the best antidote to religious extremism. And just as in its past struggles, the U.S. fight against this latest foe will succeed best if the country is seen to be promoting the freedoms Mr. Bush championed Thursday night: "our freedom of religion, or freedom of speech, our freedom to vote and assemble and disagree with each other."

IN HONOR OF THE FRIENDS OF DAG HAMMARSKOLD PLAZA AND TURTLE BAY ASSOCIATION'S NIGHT OF REMEMBRANCE FOR THE EIGHTH BATTALION ENGINE EIGHT AND LADDER TWO OF THE NEW YORK CITY FIRE DEPARTMENT AND THE SEVENTEENTH POLICE PRECINCT OF THE NEW YORK CITY POLICE DEPARTMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mrs. MALONEY of New York. Mr. Speaker, New York City was forever changed by the terrorist attacks on the World Trade Center on September 11, 2001. Our bonds with each other as New Yorkers and Americans are stronger now than ever before. As our compassion for our fellow New Yorkers has grown, so has our respect and admiration for New York City's firefighters and police officers. Our sense of gratitude cannot be fully expressed in words.

This crisis has touched the heart of the nation. It has engendered unprecedented acts of altruism and a remarkable outpouring of support and coordination to assist the city of New York.

The heroic men and women of the New York City Fire Department and New York City Police Department must be commended for their tireless and heroic rescue and recovery efforts. Each firefighter and police officer in their own way, acted quickly and decisively, saving thousands of lives in the face of extreme danger on September 11, 2001.

Every fire station and police precinct in New York City contributed to the rescue work. Most lost friends, partners, and colleagues. New

York's Bravest and Finest from the Eighth Battalion, Engine Eight and Ladder Two, of the New York City Fire Department and the Seventeenth Police Precinct of New York City were among those who responded to this terrorist attack without hesitation; risking and, in too many tragic instances, sacrificing their own lives to save the lives of others.

I ask my colleagues in the House of Representatives to join me in honoring the men and women of the Eighth Battalion, Engine Eight and Ladder Two, of the New York City Fire Department and the Seventeenth Police Precinct of New York City, for their great courage, sacrifice, and enduring spirit in this time of crisis; for risking their lives every day as part of their jobs; for going beyond the call of duty through acts of tremendous and unparalleled heroism on September 11, 2001, and for selflessly continuing to protect New York and its residents from danger in the wake of the worst attack against the United States in the nation's history.

Please join me in extending heartfelt sympathies to the families of all those lost in the tragedy. I also want to honor with our thoughts and prayers those men from the Eighth Battalion, Engine Eight and Ladder Two, of the New York City Fire Department who sacrificed their lives on September 11, 2001: Chief Thomas D'Angelis, Captain Frederick III, Firefighters Michael Clarke, George DiPasquale, Dennis Germain, Daniel Harlin, Thomas McCann, Carl Molinaro, Dennis Mulligan, and Robert Parro. We will never forget.

Let us today reaffirm our support and commitment to all of the Nation's law enforcement officers, firefighters, and emergency medical technicians as they selflessly serve their communities.

IN RECOGNITION OF FRANK P. PERRUCCI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to Frank Perrucci. On Saturday, October 27, 2001, the Sicilian Citizen's Club will honor Mr. Perrucci at its 74th Annual Dinner Dance at the Villa Nova in Bayonne, New Jersey.

Frank Perrucci, a native of Bayonne, attended Jersey City State College and Saint Peter's College. A distinguished World War II veteran, he joined the U.S. Maritime Service in 1994 at the age of seventeen. In addition, he honorably served in the U.S. Army from 1945 until 1947.

Throughout his extensive career, Frank Perrucci served and represented the residents of Hudson County, New Jersey. From 1979 until 1984, he was Director of Community Development for the City of Bayonne. In 1984, he served as Secretary to the Warden of the Hudson County Jail. He currently serves as the Secretary to the Register of Hudson County.

In addition to this civic responsibilities, Frank Perrucci has vigorously advocated for the fair and equal treatment of employees working in Hudson County. For 12 years, he served as President of the Laborer's International Union of North America Local 202. Furthermore, for 20 years, he served as a Trustee of the Board for the Agents Trade Union Council of Hudson County and the Hudson County Laborer's Pension, Welfare, and Vacation Fund.

Frank Perrucci and his wife Jean are the proud parents and grandparents of four children and seven grandchildren.

Today, I ask my collegues to join me in honoring Frank Perrucci for his selfless work on behalf of the residents of Hudson County, New Jersey.

THE INTELLIGENCE COMMUNITY UNTOUCHABLES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2001

Mr. OWENS. Mr. Speaker, recent admissions by the CIA and the FBI that they are in need of personnel fluent in Arabic and other Middle Eastern languages constitute a shocking revelation. On a matter so very basic as the capacity to translate and analyze enemy communications every citizen has a right to expect these vital agencies to be prepared. Arabs have been clearly identified as the perpetrators from the bombing of the barracks in Beirut during Reagan's presidency; through the barrack bombing in Saudi Arabia; the bombing of the embassies in Kenya and Tanzania; the 1993 bombing of the World Trade Center; the bombing of the warship, Coles in Yemen.

It is inconceivable that over this long period of tragedies, the CIA with a more then thirty billion dollar budget has not developed an efficient and effective operation for the translation and analysis of communications in Arabic. When this basic shortcoming is viewed against the blockbuster blunders exposed via the CIA's Aldridge Ames case and the FBI's Robert Hansen case, there is good reason to believe that incompetence is out of control in a sector where American lives are directly dependent on a high level of performance. Despite its shabby history, the CIA reauthorization was passed last week by voice vote in the House of Representatives amid the loud praises of a Member of Congress who is an ex-employee of the CIA. While exonerating the CIA, the same advocate said that blame for intelligence blunders and lapses must rest on the shoulders of the entire Government. This is a profound partial truth. Every government official must bear the burden of guilt for not being more critical of operations we could see were spinning out of control. We have treated members of the "Intelligence Community;" as if they were untouchables. For the new era after September 11th, every Member of Congress and every American citizen must insist that national security is everybody's business and the public scrutiny of intelligence and law enforcement agencies is our sacred duty. Smugness and slovenliness must not be allowed to jeopardize our economy and welfare. The present peril must not be allowed to continue.

BLAME GAMES ARE FORBIDDEN

Smug American men
Ignoring CIA sin
Yawning when
The FBI blunders again.

Onward the peril goes.
Incompetence that everybody
And the enemy knows.
Huge security holes.

Haughty airline CEO's
Crushing reform foes,
Misplaced profit and safety roles.

Smug American men,
Incest is your secret sin;
Where have all
Your translators been?

No blame games
With Aldrich Ames;
Intelligence fraternal cronies
Well dressed patriotic phonies:

Robert Hansen still
In a suite alive,
Death penalties only
For bums with no information
To trade and survive.

Incompetence that everybody
And the enemy knows,
Misplaced safety roles,
Huge security holes,
Onward the peril goes.

Smug American men
Where have all
Your translators been?

Smug American men
Intelligence family incest
Is your deadly secret sin.
Onward the peril goes.

SENATE—*Friday, October 26, 2001*

The Senate met at 10:30 and 3 seconds a.m., and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 26, 2001.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, OCTOBER 30, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand adjourned until 10 a.m., Tuesday, October 30, 2001.

Thereupon, the Senate, at 10:30 and 42 seconds a.m., adjourned until Tuesday, October 30, 2001, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 29, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 29, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Divine Maker, in and through Your Word, all comes into being. Fragile as the autumn leaf in the wind, faith carries us as individuals and a Nation.

Every breath of life is dependent upon You and the air we breathe in as our very own.

Free us, Lord, from the dread of anthrax and other biological evil.

Lift the cloud of anxiety from this city and the Nation, that we may again breathe in deeply a sense of Your spirit guiding us from within.

Let us exhale all sins of the past and all our burdens, purifying our souls until we are thoroughly recreated for Your service.

Lord, grant the Members of this House and all the American people a sense of gratitude for our brothers and sisters who serve on this hill and across this Nation as postal workers. May we never take them or their service to this country for granted.

With them and their families we mourn the loss of their companions, faithful servants of Yours, who now approach You for their service rendered and a just reward. May their lives and sacrificial deaths bring all of us a deeper sense of civic pride in daily work, a renewed commitment to a safer work environment and a bright promise of peace which overcomes the darkness of terror now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 2299) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. LEAHY, Mr. INOUYE, Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, and Mr. STEVENS, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2506) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, and Mr. STEVENS, to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 25, 2001 at 2:26 p.m.: That the Senate passed without amendment H.R. 3162.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, October 25, 2001:

H.R. 3162, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 26, 2001 at 9:57 a.m.: That the Senate passed without amendment H.J. Res. 70.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House on October 25, 2001 at 3:36 p.m. and said to contain messages from the President whereby he transmits U.S.-Morocco Nuclear Agreement and Anti-Terror Draft Legislation.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

Attachment.

U.S.-MOROCCO NUCLEAR AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-138)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Protocol Amending the Agreement for Cooperation between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy signed at Washington on May 30, 1980. I am also pleased to transmit my written approval, authorization, and determination concerning the Protocol, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Protocol. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified Annex to the NPAS, prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information, will be submitted to the Congress separately) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commissions stating the views of the Commission are also enclosed.

I am informed that the proposed Protocol has been negotiated to be in accordance with the Act and other applicable law, to meet all statutory requirements, and to advance the nonproliferation and other foreign policy interests of the United States.

The Protocol amends the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Morocco Concerning Peaceful Uses of Nuclear Energy in two respects:

1. It extends the Agreement, which expired by its terms on May 16, 2001, for an additional period of 20 years, with a provision for automatic extensions thereafter in increments of 5 years each unless either Party gives timely notice to terminate the Agreement; and

2. It updates certain provisions of the Agreement relating to the physical protection of nuclear material subject to the Agreement.

As amended by the proposed Protocol, I am informed that the Agreement will continue to meet all requirements of U.S. law.

Morocco is in the early stages of developing a nuclear research program, with support from the United States and the International Atomic Energy Agency (IAEA). The United States firm, General Atomics, is currently building the country's first reactor, a small (2 megawatt) TRIGA Mark II research reactor that will use low-enriched uranium fuel. General Atomics' completion of the project cannot occur without an Agreement for Cooperation in force.

Morocco is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Morocco is a signatory to (but has not yet ratified) the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the storage and transport of nuclear material.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Protocol and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Protocol and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House International Relations Committee as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 24, 2001.*

ANTI-TERROR DRAFT LEGISLATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-139)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Enclosed for the consideration of the Congress is a legislative proposal to implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Also enclosed is a detailed explanation of the bill's provisions.

Title I of the bill is entitled the "Terrorist Bombings Convention Implementation Act of 2001." It would implement the International Convention for the Suppression of Terrorist Bombings, which was signed by the United States on January 12, 1998, and which was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. In essence, the Convention imposes binding legal obligations upon State Parties either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and intentionally delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility. A State Party is subject to these obligations without regard to the place where the alleged act covered by the Convention took place. Twenty-eight States are currently party to the Convention, which entered into force internationally on May 23, 2001.

Title II of the bill is entitled the "Suppression of the Financing of Terrorism Convention Implementation Act of 2001." It would implement the International Convention for the Suppression of the Financing of Terrorism, which was signed by the United States on January 10, 2000, and which was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. The Convention imposes binding legal obligations upon State Parties either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and wilfully provides or collects funds with the intention that they should be used to carry out various terrorist activities. A State Party is subject to these obligations without regard to the place where the alleged act covered by the Convention took place. The Convention is not yet in force internationally, but will enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval, or accession with the Secretary General of the United Nations.

I urge the prompt and favorable consideration of this proposal.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 25, 2001.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC AID FOR THE SOUTHERN BORDER STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to make sure all of my colleagues understand the economic crisis that is occurring at the U.S.-Mexico border from San Diego, California, which I represent, all the way east of Brownsville, Texas. These border communities are in an economic crisis and need immediate help.

After September 11 this country took all sorts of security measures designed to prevent terrorist acts again. All those measures were extremely necessary, important and supported by this body and by the American people. Yet some of those measures that we took had economic consequences which we did not foresee and which have to be taken care of in the months following September 11. For example, we grounded all general aviation. Many businesses went out of business in that sector of the economy. Now they are trying to get back on their feet.

The border communities had been neglected in looking at the aftermath of September 11. We heightened security at the southern border, appropriately so. We started what is called a level one alert, to make sure no further terrorists could get into our country. That level one alert required much more search of cars, much more questioning of individuals, checking of IDs, all of which the American people support; but we did not add increased resources at the southern border to handle this increased level of security.

So the waits at the border for legal crossers, those who are doing business, those who are going to school, those that live in this country and are U.S. citizens, perhaps, but live for whatever reason in Mexico, people who shop, people who work legally, the wait at the borders have been at least several hours, up to 4, sometimes up to 7 or 8 hours. The border wait can be 2 hours one day, 8 hours next day, an hour the next day.

It is the uncertainty that prevents people who legally want to cross our southern borders, work here, shop here, they are prevented from doing so. In fact, in the biggest border crossing in the world, which is in my congressional district in San Ysidro, California, businesses have dropped anywhere from 50 to 90 percent. Many have gone out of business. Others are facing bankruptcy.

If you go across the border to Calexico, California, or Nogales, Arizona, or El Paso, Texas, or Laredo or Brownsville, the situation is the same. The dropping of business is anywhere from 50 to 90 percent. These are small businesses. They cannot sustain this level of activity before they go out of business.

We can cure this, Mr. Speaker. We can cure this with more resources. I have asked the Governor of California, my colleagues have asked their Governors, we asked the President of the United States to declare an economic state of emergency along the border so we can get in low-interest loans and economic help for these small businesses; but more important, we need to keep the lanes of traffic flowing and open.

The district director in San Diego told me that if she had 20 more positions per shift, or a hundred more new positions, she could keep all 24 lanes of San Ysidro open 24 hours a day. What would that require? It would require $6 million, Mr. Speaker, $6 million. If that is multiplied out across the border, we mean maybe 20 to $25 million to make sure we kept the level one security and we keep that flow of legal traffic moving swiftly across the border.

We need to put that 20 to $25 million in any supplemental bill that comes through this House, Mr. Speaker. We need to make sure that we can assure Americans that our borders are safe, that we do not put out of business all of the communities that live on that crossborder's legal trade.

☐ 1415

So, Mr. Speaker, I ask the Governors of the border States, and I ask the President of the United States to declare an economic state of emergency, and I ask this House to appropriate $20 million to $25 million for full staffing of the southern border checkpoints so that we can have both security and commerce.

CONFERENCE REPORT ON H.R. 2590

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 2590) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes":

CONFERENCE REPORT (H. REPT. 107-253)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $177,142,000: Provided, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts $2,000,000 shall be available for a grant associated with research on transfer pricing, and that such sum shall be transferred within 90 days of enactment of this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,424,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,746,000.

Treasury Building and Annex Repair and Restoration

For the repair, alteration, and improvement of the Treasury Building and Annex, $28,932,000, to remain available until expended.

Expanded Access to Financial Services

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $45,837,000, of which not to exceed $3,400,000 shall remain available until September 30, 2004; and of which $7,790,000 shall remain available until September 30, 2003: Provided, That funds appropriated in this account may be used to procure personal services contracts.

Counterterrorism Fund

For necessary expenses, as determined by the Secretary, $40,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That use of such funds shall be subject to prior notification of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $105,680,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $18,892,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004, and of which up to 20 percent of the $18,892,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $33,434,000, to remain available until expended.

Interagency Law Enforcement

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000, of which $7,827,000 shall remain available until expended.

Financial Management Service

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $212,850,000, of which not to exceed $9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $823,316,000, of which $3,500,000 shall be available for retrofitting and upgrades of the National Tracing Center Facility in Martinsburg, West Virginia; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms, and of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,235 motor vehicles of which 550 are for replacement only and of which 1,215 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,079,357,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not less than $1,000,000 shall be provided to develop a curriculum for the training of law enforcement dogs to combat and respond to terrorist activities specifically related to chemical and biological threats; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; not to exceed $33,151,000 shall be available until expended for the procurement and deployment of non-intrusive inspection technology; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That of the total amount of funds made available for forced child labor activities in fiscal year 2002, not to exceed $4,400,000 shall remain available until expended for operations and support of such activities: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $177,860,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $427,832,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $300,000,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2002 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $43,000,000. From amounts in the United States Mint Public Enterprise Fund, the Secretary of the Treasury shall pay to the Comptroller General an amount not to exceed $250,000 to reimburse the Comptroller General for the cost of a study to be conducted by the Comptroller General on any changes necessary to maximize public interest and acceptance and to achieve a better balance in the numbers of coins of different denominations in circulation, with particular attention to increasing the number of $1 coins in circulation.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $191,353,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at $186,953,000. In addition, $40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,797,890,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,538,347,000, of which not to exceed $1,000,000 shall remain available until September 30, 2004, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,563,249,000, which shall remain available until September 30, 2003.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $391,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 1,149 vehicles for police-type use, of which 945 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $920,615,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $3,009,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2003.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,457,000, to remain available until expended.

General Provisions—Department of the Treasury

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act, made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 120. Section 122 of Public Law 105–119 (5 U.S.C. 3104 note), as amended by Public Law 105–277, is further amended in subsection (g)(1), by striking "3 years" and inserting "4 years"; and by striking ", the United States Customs Service, and the United States Secret Service".

SEC. 121. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 122. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 123. In addition to any other transfer authority in this Act and upon approval of the Committees on Appropriations, the Secretary of the Treasury may transfer out of any appropriations available in this title such sums as are necessary to meet financial statement audit requirements of the United States Customs Service and the Financial Management Service, not to exceed a total of $3,000,000.

This title may be cited as the "Treasury Department Appropriations Act, 2002".

TITLE II—POSTAL SERVICE

Payment to the Postal Service Fund

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $76,619,000, of which $47,619,000 shall not be available for obligation until October 1, 2002: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the "Postal Service Appropriations Act, 2002".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President and the White House Office

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $54,651,000: Provided, That $10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $11,695,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $8,625,000, to remain available until expended, of which $1,306,000 is for six projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which $7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the United States Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,925,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $318,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,211,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,142,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,494,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $46,955,000, of which $11,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That $4,475,000 of the Capital Investment Plan funds may not be obligated until the Executive Office of the President has submitted a report to the Committees on Appropriations that (1) includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2002, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees: Provided further, That of the amounts appropriated, not to exceed $6,331,000 shall be available to the Office of Information and Regulatory Affairs, of which $1,582,750 shall not be obligated until the Office of Management and Budget submits a report to the Committees on Appropriations that provides an assessment of the total costs and benefits of implementing Executive Order No. 13166: Provided further, That such assessment shall be submitted no later than 120 days after enactment of this Act.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,263,000; of which $2,350,000 shall remain available until expended, consisting of

$1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $42,300,000, which shall remain available until expended, consisting of $20,064,000 for counternarcotics research and development projects, and $22,236,000 for the continued operation of the technology transfer program: Provided, That the $20,064,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, not less than $2,100,000 shall be used for auditing services and activities: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2001, shall be funded at no less than fiscal year 2001 levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by 21 U.S.C. 1701 et seq., $239,400,000, to remain available until expended, of which $180,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998, of which $4,800,000 shall be made available no later than 30 days after the enactment of this Act to the United States Anti-Doping Agency for their anti-doping efforts; of which $50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; of which $1,000,000 shall be available to the National Drug Court Institute; and of which $3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2002".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $43,689,000, of which no less than $5,128,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $26,524,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $8,000,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,100,382,000, of which (1) $386,280,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Alabama:
Mobile, United States Courthouse, $11,290,000
Arkansas:
Little Rock, United States Courthouse Annex, $5,022,000
California:
Fresno, United States Courthouse, $121,225,000
District of Columbia:
Washington, United States Courthouse Annex, $6,595,000
Washington, Southeast Federal Center Site Remediation, $5,000,000
Florida:
Ft. Pierce, United States Courthouse, $2,269,000
Miami, United States Courthouse, $15,000,000
Orlando, United States Courthouse, $4,000,000
Illinois:
Rockford, United States Courthouse, $4,933,000
Iowa:
Cedar Rapids, United States Courthouse, $9,785,000
Maine:
Jackman, Border Station, $868,000
Maryland:
Montgomery County, FDA Consolidation, $19,060,000
Prince Georges County, National Center for Environmental Prediction, $3,000,000
Suitland, United States Census Bureau, $2,813,000
Suitland, National Oceanic and Atmospheric Administration II, $34,083,000
Massachusetts:
Springfield, United States Courthouse, $6,473,000
Michigan:
Detroit, Ambassador Bridge Border Station, $9,470,000
Mississippi:
Gulfport, United States Courthouse, $3,000,000
Jackson, United States Courthouse, $6,710,000
Montana:
Raymond, Border Station, $693,000
New Mexico:
Las Cruces, United States Courthouse, $4,110,000
New York:
Brooklyn, United States Courthouse Annex—GPO, $3,361,000
Buffalo, United States Courthouse Annex, $716,000
Champlain, Border Station, $500,000
New York, United States Mission to the United Nations, $4,617,000
Oklahoma:
Norman, NOAA Norman Consolidation Project, $8,000,000, to be directly transferred to the National Oceanic and Atmospheric Administration
Oregon:
Eugene, United States Courthouse, $4,470,000
Pennsylvania:
Erie, United States Courthouse Annex, $30,739,000
Tennessee:
Nashville, United States Courthouse, $14,700,000
Texas:
Del Rio III, Border Station, $1,869,000
Eagle Pass, Border Station, $2,256,000
El Paso, United States Courthouse, $11,193,000
Fort Hancock, Border Station, $2,183,000
Houston, Federal Bureau of Investigation, $6,268,000

Utah:

Salt Lake City, United States Courthouse, $3,000,000

Virginia:

Norfolk, United States Courthouse Annex, $11,609,000

Nationwide:

Non-prospectus construction, $5,400,000: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $826,676,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

Alabama:

Montgomery, Frank M. Johnson, Jr. Federal Building—United States Courthouse, $4,000,000

California:

Laguna Niguel, Chet Holifield Federal Building, $11,711,000

San Diego, Edward J. Schwartz Federal Building, United States Courthouse, $13,070,000

Colorado:

Lakewood, Denver Federal Center, Building 67, $8,484,000

District of Columbia:

Washington, 320 First Street, Federal Building, $8,260,000

Washington, Internal Revenue Service Main Building, Phase 2, $20,391,000

Washington, Main Interior Building, $22,739,000

Washington, Main Justice Building, Phase 3, $45,974,000

Florida:

Jacksonville, Charles E. Bennett Federal Building, $23,552,000

Tallahassee, United States Courthouse, $4,894,000

Illinois:

Chicago, Federal Building, 536 South Clark Street, $60,073,000

Chicago, Harold Washington Social Security Center, $13,692,000

Chicago, John C. Kluczynski Federal Building, $12,725,000

Iowa:

Des Moines, 210 Walnut Street, Federal Building, $11,992,000

Missouri:

Kansas City, Federal Building, 811 Grand Boulevard, $1,604,000

St. Louis, Federal Building, 104/105 Goodfellow, $20,212,000

New Jersey:

Newark, Peter W. Rodino Federal Building, $5,295,000

Nevada:

Las Vegas, Foley Federal Building—United States Courthouse, $26,978,000

Ohio:

Cleveland, Anthony J. Celebrezze Federal Building, $22,986,000

Cleveland, Howard M. Metzenbaum United States Courthouse, $27,856,000

Oklahoma:

Muskogee, Federal Building—United States Courthouse, $8,214,000

Oregon:

Portland, Pioneer Courthouse, $16,629,000

Pennsylvania:

Pittsburgh, United States Post Office and Courthouse, $12,600,000

Rhode Island:

Providence, United States Federal Building and Courthouse, $5,039,000

Wisconsin:

Milwaukee, Federal Building—United States Courthouse, $10,015,000

Nationwide:

Design Program, $33,657,000

Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000

Transformers—Varibus Buildings, $15,588,000

Basic Repairs and Alterations, $351,796,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,952,050,000 for rental of space which shall remain available until expended; and (5) $1,748,949,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,100,382,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $143,139,000, of which $25,887,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $36,346,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000 to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,196,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. The amount expended by the General Services Administration during fiscal year 2002 for the purchase of alternative fuel vehicles shall be at least $5,000,000 more than the amount expended during fiscal year 2001 for such purpose.

SEC. 409. Notwithstanding any other provision of law, the General Services Administration is directed to maintain the vehicle rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian Affairs that were in effect on April 30, 2001 until such time as appropriations to the Bureau of Indian Affairs funding for the Student Transportation Program for schools and dormitories funded by the Bureau of Indian Affairs equals or exceeds $3 per mile.

SEC. 410. DESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 100 1st Street, SW, Minot, North Dakota, shall be known and designated as the "Judge Bruce M. Van Sickle Federal Building and United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section (a) shall be deemed to be a reference to the Judge Bruce M. Van Sickle Federal Building and United States Courthouse.

SEC. 411. Section 410 of Appendix C of Public Law 106–554 (114 Stat. 2763A–146) is amended—

(1) by striking "a 125 foot wide right-of-way" and inserting "up to a 125 foot wide right-of-way";

(2) by striking "northeast corner of the existing port" and inserting "southeast corner of the existing port";

(3) striking "approximately 4,750 feet" and inserting "and then west to a connection with State Highway 11 between approximately 5,000 and 7,000 feet";

(4) by striking "a road to be built by the County of Luna, New Mexico to connect to";

(5) by striking "Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration:"; and

(6) by striking "consisting of approximately 12 acres" and inserting "consisting of approximately 10.22 acres".

SEC. 412. Notwithstanding any other provision of law, the United States Government is directed to deed block four (4) of the LOCH HAVEN REPLAT, as recorded in Plat Book "Q", Page 9, Public Records of Orange County, Florida, back to the City of Orlando, Florida, for park and recreation purposes, under the same terms that the land was deeded to the United States Government by the City of Orlando in the recorded deed from the City dated September 20, 1951.

SEC. 413. DESIGNATION OF G. ROSS ANDERSON, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the "G. Ross Anderson, Jr. Federal Building and United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in subsection (a) shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $30,555,000 together with not to exceed $2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: Provided further, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the Committees on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $244,247,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds made available, $22,302,000 is for the electronic records archive, $16,337,000 of which shall be available until September 30, 2004.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $39,143,000, to remain available until expended: Provided, That the Archivist of the United States is authorized, pursuant to 44 U.S.C. 2903, to construct a new Southeast Regional Archives on land to be acquired (Federal site), by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, and abut land designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. Of the funds provided in this account, $28,500,000 shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,436,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,117,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $99,636,000, of which $3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000; and in addition, not to exceed $10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $11,891,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2002".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 515. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this

section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of *any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.*

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. (a) IN GENERAL.—Hereafter, in accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 631. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 632. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 633. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 634. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

SEC. 635. Section 3 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting ", utilities (including electrical) for," after "military staffing".

SEC. 636. Section 6 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting ", or for use at official functions in or about," after "about".

SEC. 637. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branck of the Federal Government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available in law.

SEC. 638. Each Executive agency covered by section 630 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105-277) shall submit a report 60 days after the close of fiscal year 2001 to the Office of Personnel Management regarding its efforts to implement the intent of such section 630. The Office of Personnel Management shall prepare a summary of the information received and shall submit the summary report to the House Committee on Appropriations 90 days after the close of fiscal year 2001.

SEC. 639. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 640. (a) Section 8335(a) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting: "or completes the age and service requirements for an annuity under section 8336, whichever occurs later.".

(b) The amendment made by subsection (a) takes effect on the date of enactment with regard to any individual subject to chapter 83 of title 5, United States Code, who is employed as an air traffic controller on that date.

SEC. 641. (a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 4507 the following:

"§4507a. Awarding of ranks to other senior career employees

"(a) For the purpose of this section, the term 'senior career employee' means an individual appointed to a position classified above GS-15 and paid under section 5376 who is not serving—

"(1) under a time-limited appointment; or

"(2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

"(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional

or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

"(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507.".

(b) REGULATIONS.—Section 4506 of title 5, United States Code, is amended by striking "the agency awards program" and inserting "the awards programs".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4507a. Awarding of ranks to other senior career employees.".

(d) The amendments made by this section shall take effect for awards granted in 2003.

SEC. 642. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note) is amended by striking "violations occurring between January 1, 2000 and December 31, 2001" and inserting "violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2003".

SEC. 643. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 644. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 645. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398) is amended by adding at the end the following: "The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.".

(b) The amendment made by this section shall take effect on January 3, 2001.

SEC. 646. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

SEC. 647. Not later than six months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 648. DEADLINE FOR SUBMISSION OF ANNUAL REPORTS BY UNITED STATES-CHINA SECURITY REVIEW COMMISSION.—Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by section 1 of Public Law 106–398) is amended by striking "March" and inserting "June".

SEC. 649. Subsection (a) of section 2105 of title 44, United States Code, is amended to read as follows:

"(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

"(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this title, a director at each Presidential archival depository established under section 2112 of this title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify.".

SEC. 650. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP. (a) SHORT TITLE.—This section may be cited as the "Breast Cancer Research Stamp Act of 2001".

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

"(h) This section shall cease to be effective after December 31, 2003.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.".

SEC. 651. AMENDMENT TO TITLE 39. Section 5402(d) of title 39, United States Code, is amended by—

(1) inserting "(1)" after "(d)"; and

(2) inserting at the end the following:

"(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

"(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

"(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending June 30, 2002.".

SEC. 652. THE 9/11 HEROES STAMP OF 2001. (a) SHORT TITLE.—This section may be cited as the "9/11 Heroes Stamp Act of 2001".

(b) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

(c) REQUIREMENTS.—The provisions of section 416(a), (c), (d), and (f) of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

(1) RATE OF POSTAGE.—Section 414(c) of title 39, United States Code, is amended—

(A) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(B) by adding after the sentence following paragraph (2) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.".

(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2004.

(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

(e) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

(f) DEFINITIONS.—For purposes of this section—

(1) the term "emergency relief personnel" means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term "semipostal" has the meaning given such term by section 416 of title 39, United States Code.

SEC. 653. DOMESTIC VIOLENCE SEMIPOSTAL STAMP.

(a) SHORT TITLE.—This section may be cited as the "Stamp Out Domestic Violence Act of 2001".

(b) IN GENERAL.—In order to afford the public a direct and tangible way to contribute to funding for domestic violence programs, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

(c) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

(1) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Department of Health and Human Services under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

(2) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable, but not later than January 1, 2004; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2006.

(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

(e) DEFINITION.—For purposes of this section the term "semipostal" has the meaning given such term by section 416 of title 39, United States Code.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2002".

And the Senate agree to the same.

ERNEST J. ISTOOK, Jr.,
FRANK R. WOLF,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
JOHN E. PETERSON,
TODD TIAHRT,
JOHN E. SWEENEY,
DON SHERWOOD,
C.W. BILL YOUNG,
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
PETER J. VISCLOSKY,
STEVEN R. ROTHMAN,
DAVID R. OBEY,
Managers on the Part of the House.

BYRON L. DORGAN,
BARBARA A. MIKULSKI,
MARY L. LANDRIEU,
JACK REED,
ROBERT C. BYRD,
BEN NIGHTHORSE CAMPBELL,
RICHARD C. SHELBY,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury and General Government Appropriations Act, 2002, incorporates some of the language and allocations set forth in House Report 107-152 and Senate Report 107-57. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

In a number of instances, House Report 107-152 and Senate Report 107-57 direct agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the House and Senate Committees on Appropriations no later than January 2, 2002.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

The conference agreement includes the following reprogramming guidelines which shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2002:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TERRORIST ACTS OF SEPTEMBER 11, 2001

The conferees condemn the terrorist attacks against the United States on September 11, 2001, and express profound sorrow for the victims and their families. These attacks underscore the need to ensure that the resources necessary to keep our society safe are available. The conferees are dedicated to ensuring that sufficient resources are available to respond to this crisis and are committed to working with all the agencies under the jurisdiction of this bill, including the Office of Homeland Security, to ensure the safety of our Nation.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees agree to provide $177,142,000 instead of $174,219,000 as proposed by the House and $187,322,000 as proposed by the Senate. The conferees have included $677,000 for non-pay inflation, an additional $763,000 for the anticipated pay adjustment, $3,356,000 for initiatives proposed by the Administration, $1,600,000 as a grant for local law enforcement support in Hawaii, and $2,000,000 as a grant to Florida International University for transfer pricing research. The conferees agree with the direction provided by the House with respect to e-learning for employees.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $68,828,000 as proposed by the House instead of $69,028,000 as proposed by the Senate. Within this amount, the conferees direct that not less than $7,993,000 be spent on the Treasury-wide Critical Infrastructure project.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conferees agree to provide $35,424,000 instead of $35,508,000 as proposed by the House and $35,150,000 as proposed by the Senate. Included in this amount are increases of $84,000 for non-pay inflation and an additional $190,000 for the anticipated pay adjustment. The conferees fully concur with the Senate report language regarding the Inspector General's mid-year alteration of performing certain financial audits. The conferees also concur with the Senate report language on the movement of staff resources from performing financial audits to conducting investigations.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $123,746,000 instead of $123,474,000 as proposed by the

House and $123,799,000 as proposed by the Senate. Included in this amount are increases of $229,000 for non-pay inflation, an additional $675,000 for an anticipated pay adjustment, and $500,000 for bimonthly audits of IRS taxpayer assistance centers.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

The conferees agree to provide $28,932,000 instead of $30,932,000 as proposed by the House and $32,932,000 as proposed by the Senate.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $2,000,000 instead of $10,000,000 as proposed by the House and a rescission of $8,000,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

The conferees agree to provide $45,837,000 as proposed by the House instead of $45,702,000 as proposed by the Senate.

FINCEN LEASE RENEGOTIATION

The conferees are aware that the present lease arrangement for the Financial Crimes Enforcement Network (FinCEN) expires in fiscal year 2003, and recognize that FinCEN has special needs for space and facilities, both to address growing demands on its resources by customer agencies and in light of new requirements arising after the September 11th terrorist attack. The conferees therefore encourage FinCEN, working with the Department of the Treasury, to ensure that its decisions on office space facilitate the best use of FinCEN resources by joint investigations and task forces, especially where co-location is required and enhanced building security is a necessity.

COUNTERTERRORISM FUND

The conferees agree to provide $40,000,000 for the Counterterrorism Fund instead of $36,879,000 as proposed by the House and $44,879,000 as proposed by the Senate. The conferees agree that such funding is available to counter, investigate or prosecute unexpected threats or acts of terrorism, subject to prior notification of the Committees in accordance with reprogramming and transfer guidelines.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $105,680,000 instead of $102,132,000 as proposed by the House and $106,317,000 as proposed by the Senate. Included in this amount is $3,298,000 to cover additional training costs associated with the U.S. Secret Service rebalancing initiative and the U.S. Customs Service Northern Border initiative, $363,000 for the anticipated pay adjustment, as well as $1,250,000 to continue and expand the rural law enforcement education collaboration of the National Center for State and Local Training.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $33,434,000 as proposed by the Senate instead of $27,534,000 as proposed by the House.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $107,576,000 as proposed by the House instead of $106,965,000 as proposed by the Senate.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $212,850,000 instead of $213,211,000 as proposed by the House and $212,316,000 as proposed by the Senate. Included in this amount are increases of $361,000 for non-pay inflation and an additional $895,000 for the anticipated pay adjustment.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide $823,316,000 instead of $816,816,000 as proposed by the House and $821,421,000 as proposed by the Senate. The conferees include $9,655,000 for non-pay inflation, an additional $3,140,000 for the anticipated pay adjustment, $500,000 to improve firearms licensing and regulatory operations, $3,000,000 to expand the Integrated Violence Reduction Strategy, and $3,500,000 to upgrade the National Tracing Center. The conferees also provide that $13,000,000 shall remain available until expended for grants, cooperative agreements or contracts to local governments for the Gang Resistance Education and Training program, as proposed by the Senate.

ATF AUTOMATION

The Bureau of Alcohol, Tobacco and Firearm's (ATF) continued leadership in alcohol beverage regulation is particularly important because the 21st Amendment prohibits the transportation or importation of alcohol beverages for delivery or use within a State in violation of the laws of such State. States have worked with ATF to develop complementary enforcement mechanisms. For example, alcohol beverages can be sold in most States upon submission to the State of the ATF-issued Certificate of Label Approval. As Congress has mandated individual label review, and a government warning on all labels, ATF's efforts to carry out those laws are essential. However, ATF's existing paper-intensive label approval system creates a crushing workload, leading to employee turnover, frustration, and delays in processing applications.

ATF officials identified funds in fiscal year 2001 to upgrade the label approval process. The agency has also begun working with the Financial Management Service in an effort to automate industry production reports, which are required to support tax audits and other regulatory activities. The conferees encourage ATF to sustain efforts to automate routine compliance measures mandated by the Federal Alcohol Administration Act, and to implement new initiatives in cooperation with State officials and industry members.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $2,079,357,000, instead of $2,056,604,000 as proposed by the House and $2,022,453,000 as proposed by the Senate. Included in this amount are $33,476,000 for non-pay inflation and $9,247,000 for the anticipated pay adjustment; $800,000 for tobacco smuggling task forces, $1,317,000 as authorized by the African Growth and Opportunity Act, $5,000,000 for the Intellectual Property Rights Center and investigations initiative, $33,151,000 for non-intrusive inspection technology, $28,152,000 for a Northern Border hiring initiative, $750,000 for agricultural trade research, $250,000 for a Vermont Trade Center, and $450,000 for screening scrap metal. The conferees direct that not less than $1,000,000 of available funds shall be used to develop a canine training curriculum to combat and respond to terrorist activities related to chemical and biological weapons threats.

BORDER PORTS OF ENTRY ORGANIZATION

The conferees are interested in the continuing growth in commercial and passenger traffic along the U.S. border ports of entry. Given the events surrounding the terrorist attacks on September 11, 2001, the conferees are also concerned about the heightened security requirements at all ports of entry. Growth in traffic and concurrent security requirements demand that resources be allocated expeditiously to secure our borders while facilitating the free flow of trade. Therefore, the conferees are closely following the infrastructure improvements for the Southern and Northern ports identified in the U.S. Port of Entry Infrastructure Study 2000, and look forward to the recommendations of the Border Station Partnership Council. Given the potential infrastructure enhancements, along with highway improvements on both sides of the border, airport improvements, security enhancements, as well as increased NAFTA activity, the conferees request that Customs submit a report to the Committees on Appropriations on how it plans to change existing port or border infrastructure, including any concomitant changes in the size or organization of Customs Service border operations.

INTELLECTUAL PROPERTY RIGHTS INITIATIVE

The conferees have agreed to provide $5,000,000 for the investigative efforts of the Intellectual Property Rights Center (IPR Center) to combat cyberpiracy and counterfeiting, such as software counterfeiting, as proposed in the Senate bill. The conference agreement assumes that this funding will be used for the hiring and strategic placement of additional Customs Special Agents in domestic and overseas offices to enhance enforcement of U.S. intellectual property laws, as well as to support and enhance the operation of the IPR Center to combat intellectual property rights violations. The conferees direct the Customs Service to notify the Committees on Appropriations on its spending plan prior to obligating these funds, and also to provide a status report on the initiative to the Committees not later than July 31, 2002.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $3,000,000 as proposed by the Senate, instead of $2,993,000 as proposed by the House.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $177,860,000 instead of $181,860,000 as proposed by the House and $172,637,000 as proposed by the Senate. This amount includes funding for non-pay inflation; $7,000,000 for the Training Standardization Branch; $4,200,000 for electro-optical and infrared imaging systems; and $2,938,000 for additional marine interceptor craft and safety equipment.

AUTOMATION MODERNIZATION

The conferees agree to provide $427,832,000 as proposed by the House instead of $357,832,000 as proposed by the Senate.

AUTOMATED COMMERCIAL ENVIRONMENT

The conferees strongly believe that continued oversight of the Automated Commercial Environment (ACE) program by GAO and Treasury is critical to successful adherence to the ACE expenditure plan. Periodic review of investment increments allows for oversight of the capital planning and architecture development, and is consistent with best practices. The conferees direct that regular quarterly reports continue to be provided until ACE becomes functional.

Additionally, the conferees direct Customs to submit requests for release of funds, including a cost-benefit analysis, in a timely manner, but in no case less than 30 days before the anticipated need for the funds.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

The conferees agree to include new bill language establishing a spending level for capital investments by the U.S. Mint for circulating coinage and protective services of $43,000,000. The conferees also agree to include a requirement that the United States Mint Public Enterprise Fund pay $250,000 for a study by the General Accounting Office on public interest and acceptance of circulating coinage.

The conferees recognize the initial steps the Director has taken to investigate and remedy many of the ongoing problems and concerns raised by the House and Senate Appropriations Committees. The conferees are aware of the challenges facing the U.S. Mint and look forward to a close working relationship with its new Director.

The conferees are concerned with the direction of the marketing campaigns that the U.S. Mint is using to promote the Golden Dollar coin and the circulating commemorative quarters authorized under P.L. 105–124. The conferees are also concerned with the lack of information regarding the nature and extent to which the Golden Dollar coin is being used in commerce as contained within the report, Report to Congress on the Marketing of the Golden Dollar, submitted to the Congress by the U.S. Mint. The conferees are especially concerned with the lack of consultation by the Mint with the Congress on these promotional efforts. Therefore, the U.S. Mint shall not draw funds from the United States Mint Public Enterprise Fund to further promote the Golden Dollar coin or the circulating commemorative quarters until the Director submits and the Committees on Appropriations approve a marketing plan for such promotional efforts. This requirement shall not be construed to limit the sales or marketing of either of these coins for sale directly to the public through the U.S. Mint's traditional numismatic sales channels.

The conferees remain concerned with the amount of travel outside the continental United States that is being conducted by the U.S. Mint. Therefore, the conferees direct the U.S. Mint not to draw funds from the United States Mint Public Enterprise Fund for travel outside the continental United States without specific approval of the Director of the Mint. The Director shall submit a report on the cost of such travel occurring during fiscal year 2002 to the Committees on Appropriations no later than October 31, 2002.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $186,953,000 instead of $187,927,000 as proposed by the House and $187,318,000 as proposed by the Senate. Included in this amount are increases of $974,000 for non-pay inflation and an additional $609,000 for the anticipated pay adjustment. Within these funds, the conferees have provided sufficient amounts to pay for administrative services by the Bureau of the Public Debt in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,797,890,000 instead of $3,808,434,000 as proposed by the House and $3,786,347,000 as proposed by the Senate. Included in this amount are increases of $12,543,000 for non-pay inflation, $1,000,000 for low-income taxpayer clinics, and $1,000,000 for volunteer income tax assistance.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,538,347,000 as proposed by the House instead of $3,535,198,000 as proposed by the Senate.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

The conferees agree to provide $146,000,000 as proposed by the House and the Senate.

INFORMATION SYSTEMS

The conferees agree to provide $1,563,249,000 as proposed by the Senate instead of $1,573,065,000 as proposed by the House. The conferees are concerned about the degree to which development-related investments funded in this account are coordinated and integrated with the information technology improvements funded in the business systems modernization account. The conferees further believe that the development-related activities funded under this account should be managed with careful diligence and appropriate centralized control.

BUSINESS SYSTEMS MODERNIZATION

The conferees agree to provide $391,593,000 as proposed by the House instead of $419,593,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conferees agree to continue a provision which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conferees agree to continue a provision which requires the IRS to maintain a training program in taxpayers' rights, dealing courteously with taxpayers, and cross-cultural relations.

Section 103. The conferees agree to continue a provision which requires the IRS to institute and enforce policies and practices that will safeguard the confidentially of taxpayer information.

Section 104. The conferees agree to continue a provision with respect to the IRS 1–800 help line service.

United States Secret Service

SALARIES AND EXPENSES

The conferees agree to provide $920,615,000 instead of $920,112,000 as proposed by the House and $899,615,000 as proposed by the Senate. This includes the costs of non-pay inflation and the anticipated pay adjustment. The conferees also provide $1,633,000 for forensic support to the National Center for Missing and Exploited Children (NCMEC), and $3,009,000 for grants to NCMEC.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $3,457,000 as proposed by the House instead of $3,352,000 as proposed by the Senate.

General Provisions—Department of the Treasury

Section 110. The conferees agree to continue a provision that requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities.

Section 111. The conferees agree to continue a provision that allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for health and medical services for Treasury employees in overseas locations.

Section 112. The conferees agree to continue a provision that requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conferees agree to continue a provision that authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conferees agree to continue a provision that authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of Public Debt appropriations under certain circumstances.

Section 115. The conferees agree to continue a provision that authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 116. The conferees agree to continue a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees agree to continue a provision proposed by the House that prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue a provision that provides for transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 119. The conferees agree to include a new provision authorizing the transfer of funds for intelligence and intelligence-related activities.

Section 120. The conferees agree to include a new provision that extends the pilot project for designated critical occupations for one additional year.

Section 121. The conferees agree to include a new provision as proposed by the Senate that requires the approval of the authorizing committees for the construction and operation of any museum by the U.S. Mint.

Section 122. The conferees agree to include a new provision as proposed by the Senate limiting the use of funds for the production of Customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

Section 123. The conferees agree to include a new provision that authorizes the Secretary of the Treasury to transfer, upon the advance approval of the Committees on Appropriation, a total of up to $3,000,000 to the U.S. Customs Service and the Financial Management Service for the purposes of financial audits.

TITLE II—POSTAL SERVICE

Payment to the Postal Service Fund

The conferees agree to provide $143,712,000. as proposed by the House and Senate. Of this amount $47,619,000 is provided as an advance appropriation for free mail to the blind and overseas voters, as proposed by the House. The conferees include an additional $29,000,000 for prior year reimbursement shortfalls, as proposed by the House and Senate. Additional funds of $67,093,000 reflect the advance appropriation provided in the fiscal year 2001 appropriations bill.

Mail Sorting Practices in Hawaii

The conferees are aware that Hawaii has only one mail sorting station, on the island of Oahu. Standard practice dictates that mail sent within Hawaii be sent to Oahu for sorting and delivery, even mail sent within a given island. In light of the disruption of the Nation's air transportation and mail delivery system caused by the recent terrorist attacks, the conferees urge the Postal Service to develop a procedure by which mail that originates on the same island to which it is addressed can be kept and sorted on that island. The conferees agree that the Postal Service should examine the feasibility of implementing procedures that take into account Hawaii's unique geography.

POSTAL SERVICE AUTHORITIES

The conferees direct both the United States Postal Service and the Postal Rate Commission to independently report, 90 days after enactment of this Act, on the scope of existing authority of the US Postal Service, under title 39, United States Code, and title 39, Code of Federal Regulations, to introduce and provide new products and services (including the introduction and provision of new products and services on an experimental or market test basis) and to enter into negotiated service agreements with individual customers or groups of customers. Such reports shall include background on the use of such authority within the past 24 months and shall be provided to the Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform.

SEMI-POSTAL STAMPS

The conferees have included and modified a Senate provision reauthorizing the Breast Cancer Research Special Postage Stamp, included and modified a Senate provision authorizing the 9/11 Heroes Stamp Act of 2001, and included a new provision authorizing the Stamp Out Domestic Violence Act of 2001. The conferees agree that each of these causes are in the national public interest and are appropriate at this time. The conferees expect that any future candidates for semi-postal stamps will be selected by the Postal Service through the congressionally-authorized process.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND. FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conferees agree to provide $54,651,000 as proposed by the House instead of $54,165,000 as proposed by the Senate.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conferees agree to provide $11,695,000 as proposed by the House instead of $11,914,000 as proposed by the Senate.

WHITE HOUSE REPAIR AND RESTORATION

The conferees agree to provide $8,625,000 as proposed by the House and Senate for 9 separate construction projects. For each project in excess of $100,000, with the exception of computer upgrades and software development, and prior to the obligation of funds, the conferees direct the National Park Service to submit to the Committees on Appropriations a prospectus that includes, at minimum, a complete description of the project's scope and design, major work items to be completed, estimated total obligations by activity (construction cost, design and review cost, management and inspection), estimated construction schedules including start and completion dates for both design and construction, and estimated construction cost by major work item.

SPECIAL ASSISTANCE TO THE PRESIDENT AND OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

The conferees agree to provide $3,925,000 as proposed by the House instead of $3,896,000 as proposed by the Senate.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $318,000 as proposed by the House instead of $314,000 as proposed by the Senate.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

The conferees agree to provide $4,211,000 as proposed by the House instead of $4,192,000 as proposed by the Senate.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

The conferees agree to provide $4,142,000 as proposed by the House instead of $4,119,000 as proposed by the Senate.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

The conferees agree to provide $7,494,000 as proposed by the House instead of $7,447,000 as proposed by the Senate.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $46,955,000 as proposed by the House instead of $46,032,000 as proposed by the Senate. The conferees agree to include bill language withholding a portion of the funds appropriated for the Capital Investment Plan pending the submission of a report, as proposed by the House.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees agree to provide $70,752,000 as proposed by the House instead of $70,519,000 as proposed by the Senate. The conferees modify a provision proposed by the House related to a cost and benefit assessment of Executive Order 13166 and agree to delete a provision related to subsidy estimates of certain loans.

SBA LOAN PROGRAMS

The conferees are concerned that since the enactment of the Federal Credit Reform Act of 1990, the subsidy rate for the Small Business Administration's 7(a) and 504 loan programs has been reestimated downwards, and that borrowers and lenders in both programs have been paying higher than necessary fees to participate in the programs. This is a direct result of the fact that the subsidy rate model developed to determine a program's subsidy rate uses default assumptions that do not reflect recent program performance of either the 7(a) program or the 504 program, or the legislative and administrative changes made to these programs in the 1990's. The conferees also note that although the Administration reports it has begun to update the 7(a) program's subsidy rate model, which is welcome, no written verification has been given that they have begun to address the 504 program's subsidy rate calculation issue.

Finally, the conferees understand that the Small Business Administration has submitted to the Office of Management and Budget for review new subsidy rate estimates for inclusion in the President's budget submission for FY 2003. The conferees direct that, within 30 days after enactment of this act, the Office of Management and Budget and the Small Business Administration submit a progress report to the House and Senate Committees on Small Business, the Committees on Appropriations, and the Committees on the Budget on this subject.

INTERNATIONAL FOOD ASSISTANCE

The House bill contained a provision based upon concerns of the proper role for the Office of Management and Budget in the administration of international food assistance programs. In lieu of the House bill language, the conferees direct the Office of Management and Budget to work closely with USDA and AID, as well as other appropriate Federal departments and agencies, with the expectations that agencies will work together to standardize eligibility standards and deadlines for aid; define program goals with measurable standards of performance; ensure that performance is appropriately measured and evaluated; and fully utilize all Federal expertise to ensure that the best possible assistance is being provided to the private voluntary organizations operating the programs. The Office of Management and Budget is also expected to keep the Committees on Appropriations fully apprised of on-going action with respect to this multi-agency effort.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $25,263,000 instead of $25,267,000 as proposed by the House and $25,096,000 as proposed by the Senate. This includes $167,000 for non-pay inflation.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $42,300,000 instead of $42,000,000 as proposed by the Senate and $40,000,000 as proposed by the House. Of this funding, $20,064,000 is for the basic research and development program and $22,236,000 is for continuation of the technology transfer program.

The conferees include $2,000,000 to provide neuroimaging technology to an institution that can conduct substance abuse research and train Native American physicians in substance abuse research as described in the Senate report, and $300,000 to support research into the relationship between genetic factors leading to conditions such as Alzheimer's Disease and environmental factors, particularly substance abuse.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $226,350,000 as proposed by the Senate instead of $233,882,000 as proposed by the House. The conferees fully fund the Administration's request, and include an additional $20,000,000 to increase funding for or expand existing High Intensity Drug Trafficking Areas (HIDTAs), or to fund newly designated HIDTAs. The conferees provide that existing HIDTAs shall be funded at no less than fiscal year 2001 levels unless the Office of National Drug Control Policy (ONDCP) Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness. Similarly, while the conferees provide additional funding that may be used for newly designated HIDTAs, they direct that no funds may be obligated for such purposes until similar justification is provided to the Committees for approval.

The ability to evaluate effectiveness of individual HIDTAs, and to match funding needs against budgets, depends on reliable and consistent methodology for performance measurement and management. This is particularly important given the key role HIDTAs play in bringing together many divergent counterdrug agencies and cross-cutting programs—which also exacerbates the problem of isolating the impact of HIDTAs. The conferees direct that the HIDTA program shall employ the performance measurement methodology and data collection identified by the HIDTA Performance Management Working Group in 1999. These would emphasize three main areas: increasing compliance with HIDTA developmental standards; dismantling or disabling at least 5 percent of targeted drug trafficking organizations; and reducing specific types of violent crime. The conferees support, and include funding for, ONDCP validation and verification of HIDTA management and performance, including the use of on-site reviews and external financial evaluations.

As ONDCP reviews proposals for the increased HIDTA funding provided, the conferees direct it to consider the following: increases for Central Florida, Rocky Mountain, Midwest (for Missouri, Iowa and North Dakota), Chicago, Southwest Border (for Arizona, New Mexico and West Texas), Southeast Michigan, Appalachian, Lake County, Gulf Coast, Hawaii, Philadelphia/Camden, Oregon, and Milwaukee HIDTAs; and funding for expansion of HIDTAs in North Texas (to Oklahoma counties), and the Northwest (to counties in southwest and eastern Washington); and possible designation of Arkansas and North Carolina, which have sought designation in recent years.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $239,400,000 instead of $238,600,000 as proposed by the House and $249,400,000 as proposed by the Senate. This includes $180,000,000 for the National Youth Anti-Drug Media Campaign, of which $5,000,000 shall be spent on purchasing advertising time and space specifically targeted at combating the drug Ecstasy. It also includes $50,600,000 for the Drug-Free Communities Act program, $4,800,000 for the U.S. Anti-Doping Agency, $1,000,000 for the National Drug Courts Institute, and $3,000,000 for the Counterdrug Intelligence Executive Secretariat.

DRUG-FREE COMMUNITIES ACT EVALUATION

The conferees recognize the importance of evaluating performance of the Drug-Free Communities Program, and expect that ONDCP will utilize up to $750,000 of total funding provided for this purpose. The conferees direct ONDCP to work with the authorizing committees of jurisdiction to ensure authorization for such funding is included in forthcoming ONDCP reauthorization legislation.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

The conferees agree to provide $4,629,000 as proposed by the House instead of $4,498,000 as proposed by the Senate.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $43,689,000 as proposed by the House instead of $43,993,000 as proposed by the Senate.

ELECTION ADMINISTRATION REFORM

The conferees support efforts to achieve election administration reform and are aware of several legislative initiatives currently being considered in both the Senate and the House. The conferees support bipartisan efforts to produce legislation that assists State and local governments while respecting their primacy in the conduct of elections. The conferees will consider appropriations for election administration reform when such reform measures become authorized.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

The conferees agree to provide $26,524,000 as proposed by the House instead of $26,378,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $6,100,382,000 in new obligational authority instead of $6,072,138,000 as proposed by the House and $6,217,350,000 as proposed by the Senate. The conferees directly appropriate $8,000,000 into the Fund to cover a portion of the new obligational needs of the Fund.

CONSTRUCTION AND ACQUISITION

The conferees agree to provide $386,280,000 instead of $348,816,000 as proposed by the House and $477,544,000 as proposed by the Senate.

ORLANDO, FLORIDA, COURTHOUSE

The conferees agree to provide $4,000,000 for additional design of the Orlando, Florida, courthouse. These additional design funds, subject to House and Senate authorization, are being provided to ensure that the new Orlando courthouse will meet the security, community, and space needs of the judiciary. Subject to the required authorizations, the conferees expect the General Services Administration (GSA) to move forward with obligation of these funds and incorporation of the GSA and judiciary agreed upon design elements.

PORT OF ENTRY INFRASTRUCTURE

The conferees strongly concur with the port of entry infrastructure language contained in Senate Report 107–57. The conferees agree that GSA, in conjunction with the Office of Management and Budget, the Customs Service and the Immigration and Naturalization Service, should develop a multi-year plan to address the growing facilities construction backlog, starting with the fiscal year 2003 budget submission.

REPAIRS AND ALTERATIONS

The conferees agree to provide $826,676,000, the level proposed by the House instead of $844,880,000 as proposed by the Senate.

RENTAL OF SPACE

The conferees agree to provide $2,952,050,000 instead of $2,959,550,000 as proposed by the House and the Senate.

BUILDING OPERATIONS

The conferees agree to provide $1,748,949,000 as proposed by the Senate instead of $1,750,669,000 as proposed by the House. Within this amount the conferees direct that GSA conduct a study of hurricane vulnerabilities and risk mitigation strategies, including perforated metal technology applications, for Federal buildings in the southeastern United States as proposed by the House. Also within this amount the conferees direct that GSA provide $1,000,000 for an automated external defibrillator pilot program in buildings within its jurisdiction in accordance with guidelines developed in partnership with the Department of Health and Human Services as proposed by the Senate. The conferees further direct GSA to submit a report to the Committees on Appropriations no later than June 1, 2002, on the steps it has taken to meet the goals of the pilot program as expressed in Senate Report 107–57.

POLICY AND OPERATIONS

The conferees agree to provide $143,139,000 instead of $137,947,000 as proposed by the House and $145,749,000 as proposed by the Senate. The conferees have included $9,982,000 for the Federal computer incident response capability, $3,822,000 for activities associated with the Lorton complex, $8,582,000 for activities associated with Governor's Island, $758,000 for non-pay inflation, an additional $432,000 for the anticipated pay adjustment, $250,000 for the virtual archive storage terminal, $1,000,000 for digital learning technologies, $750,000 for the government services rural outreach initiative, $1,700,000 for a grant to the Oklahoma Centennial Commission, and $1,750,000 for a one-time grant to the Dwight D. Eisenhower Memorial Commission.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $36,346,000 instead of $36,478,000 as proposed by the House and $36,025,000 as proposed by the Senate. Included in this amount are increases of $133,000 for non-pay inflation and an additional $188,000 for the anticipated pay adjustment.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $5,000,000 as proposed by the House and the Senate. The conferees support, in general, the purpose of the fund and recommend the Administration work with the House Committee on Government Reform and the Senate Committee on Governmental Affairs to clarify the status of its authorization. The conferees encourage the use of these funds for interagency electronic government projects for which matching funds are provided. The conferees are aware of interagency groups, such as the Chief Information Officer Council chaired by the Office of Management and Budget, that have wide experience and expertise in electronic government and information technology and suggest that these groups could make key contributions in the review and selection of projects.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $3,196,000 as proposed by the House instead of $3,376,000 as proposed by the Senate.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 401. The conferees agree to continue a provision that provides that accounts available to GSA shall be credited with certain funds received from government corporations.

Section 402. The conferees agree to continue a provision that provides that funds available to GSA shall be available for the hire of passenger motor vehicles.

Section 403. The conferees agree to continue a provision that authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.

Section 404. The conferees agree to continue a provision that prohibits the use of funds to submit a fiscal year 2003 budget request for courthouse construction projects that does not meet design guide criteria, does not reflect the priorities of the Judicial Conference of the United States, and is not accompanied by a standardized courtroom utilization study.

Section 405. The conferees agree to continue a provision that provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

Section 406. The conferees agree to continue a provision that provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.

Section 407. The conferees agree to continue a provision that permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings.

Section 408. The conferees agree to include a new provision requiring GSA to increase its fiscal year 2002 expenditures for purchasing alternative fuel vehicles by $5,000,000 above its fiscal year 2001 expenditures, as proposed by the House.

Section 409. The conferees agree to include a new provision directing GSA to maintain the vehicle rates and per mile rates charged for buses leased by schools and dormitories funded by the Bureau of Indian Affairs, as proposed by the Senate.

Section 410. The conferees agree to include a new provision naming a Federal building and courthouse in Minot, North Dakota, as proposed by the Senate.

Section 411. The conferees agree to include a new provision modifying section 410 of Appendix C of Public Law 106–554 concerning the construction of a road in New Mexico, as proposed by the Senate.

Section 412. The conferees agree to include and modify a new provision proposed by the Senate to transfer property in Orlando, Florida.

Section 413. The conferees agree to include a new provision naming a Federal building in Anderson, South Carolina, as proposed by the Senate.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $30,555,000 as proposed by the House instead of $30,375,000 as proposed by the Senate.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

The conferees agree to provide $1,996,000 as proposed by the Senate instead of $2,500,000 as proposed by the House.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conferees agree to provide $244,247,000 as proposed by the House and by the Senate. The conferees agree with the direction provided by the House.

REPAIRS AND RESTORATION

The conferees agree to provide $39,143,000 instead of $24,643,000 as proposed by the House and $41,143,000 as proposed by the Senate. Included in this amount is $28,500,000 for a new Southeast Regional archives facility.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

The conferees agree to provide $6,436,000 as proposed by the Senate instead of $10,000,000 as proposed by the House. The conferees are aware of a grant application being made by Jefferson Parish, Louisiana, regarding historical documents and urge that this application be given due consideration.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

The conferees agree to provide $10,117,000 as proposed by the House instead of $10,060,000 as proposed by the Senate.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

The conferees agree to provide $99,636,000 as proposed by the House instead of $99,036,000 as proposed by the Senate.

FEDERAL WAGE GRADE SYSTEM FOR BUREAU OF PRISONS

The conferees are concerned that the wage surveys utilized in determining the cost of labor for Federal wage grade positions are inadequate with respect to Bureau of Prisons employees. Wage grade employees in the Bureau of Prisons are often in "mixed jobs" that have no private sector equivalent. These employees are hired for one primary skill, but they also are trained as security officers and perform security functions in conjunction with their other duties. The conferees direct the Office of Personal Management to review and report to the Committees on Appropriations on how the current survey instrument quantifies the cost of labor with respect to mixed wage grade jobs at the Bureau of Prisons. The report should include a comparison of the average wage rates for employees at each Federal prison facility, a review of any differences in how the surveys are conducted in different wage areas, and a set of recommendations for determining how to quantify the cost of labor in a given wage area if there are no private sector comparables. The report is due no later than 90 days after the date of enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

The conferees agree to provide $1,498,000 as proposed by the House instead of $1,398,000 as proposed by the Senate.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

The conferees agree to provide $11,891,000 as proposed by the House instead of $11,784,000 as proposed by the Senate.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conferees agree to provide $37,305,000 as proposed by the Senate instead of $37,809,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

THIS ACT

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 504. The conferees agree to continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center out of the Department of the Treasury.

Section 505. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 506. The conferees agree to continue the provision that requires compliance with the Buy American Act.

Section 507. The conferees agree to continue the provision concerning prohibition of contracts that use certain goods not made in America.

Section 508. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Section 509. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the FEHBP, as proposed by the House.

Section 510. The conferees agree to continue the provision that would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest, as proposed by the House.

Section 511. The conferees agree to continue the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 512. The conferees agree to continue the provision restricting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Section 513. The conferees agree to continue the provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the FEHBP.

Section 514. The conferees agree to continue a provision regarding non-foreign area cost of living adjustments.

Section 515. The conferees agree to include a new provision prohibiting the use of funds to any person or entity convicted of violating the Buy American Act, as proposed by the House.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Federal Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental United States.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used by certain groups to pay rent and other service costs in the District of Columbia.

Section 609. The conferees agree to continue the provision prohibiting the use of funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the United States.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to modify and continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 621. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 622. The conferees agree to continue the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 623. The conferees agree to continue the provision prohibiting use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 624. The conferees agree to continue the provision prohibiting any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 625. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the Federal Government without the approval of the Committees on Appropriations.

Section 626. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 627. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 628. The conferees agree to continue the provision authorizing the use of funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 629. The conferees agree to continue the provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 630. The conferees agree to continue and make permanent the provision authorizing agencies to provide childcare in Federal facilities.

Section 631. The conferees agree to continue the provision authorizing breastfeeding at any location in a Federal building or on Federal property.

Section 632. The conferees agree to continue the provision that permits interagency funding of the National Science and Technology Council and provides for a report on the budget and resources of the National Science and Technology Council.

Section 633. The conferees agree to continue the provision requiring that any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Section 634. The conferees agree to include a new provision to extend the authorization for franchise fund pilots for one year, as proposed by the House and Senate.

Section 635. The conferees agree to include a new provision to clarify that the Department of the Navy will provide and pay for utilities for the official residence of the Vice President without reimbursement, as proposed by the House and Senate.

Section 636. The conferees agree to include a new provision authorizing the Secretary of the Navy to accept gifts of consumable items, or funds for them, to be accepted for use at official functions at the Vice President's residence, including the hosting of foreign dignitaries, as proposed by the House and Senate.

Section 637. The conferees agree to include a new provision clarifying that certain title 5 authorities are available with respect to civilian personnel of the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Domestic Policy Council, and the Office of Administration, as proposed by the House and Senate.

Section 638. The conferees agree to include a new provision requiring the Office of Personnel Management to submit a report regarding telecommuting centers, as proposed by the House.

Section 639. The conferees agree to continue and modify a provision prohibiting the use of funds to monitor personal information relating to the use of Federal internet sites; the conferees apply this provision government-wide.

Section 640. The conferees agree to include a new provision amending title 5 to clarify retirement benefits for air traffic controllers, as proposed by the House.

Section 641. The conferees agree to include and modify a new provision as proposed by the House and Senate amending title 5 that would make Federal employees in service technical positions eligible for Presidential rank awards.

Section 642. The conferees agree to include a new provision extending authority for the Federal Election Commission to assess administrative fines for straightforward violations of reporting deadlines from December 31, 2001 to December 31, 2003, as proposed by the House.

Section 643. The conferees agree to continue, with a technical modification, the provision addressing contraceptive coverage in health plans participating in the FEHBP.

Section 644. The conferees agree to include a new provision clarifying that the U.S. Anti-Doping Agency is the official anti-doping agency for Olympic games, as proposed by the Senate.

Section 645. The conferees agree to include a new provision clarifying the status of certain employees of the United States-China Security Review Commission, as proposed by the Senate.

Section 646. The conferees agree to continue and modify a provision regarding pay for Federal employees.

Section 647. The conferees agree to include a new provision directing departments and agencies to comply with the Rural Development Act of 1972, as proposed by the Senate.

Section 648. The conferees agree to include and modify a new provision extending the deadline for the submission of annual reports by the United States-China Security Review Commission, as proposed by the Senate.

Section 649. The conferees agree to include a new provision allowing the National Archives to establish SES positions at Presidential Libraries.

Section 650. The conferees agree to include and modify a new provision extending authorization of the "Breast Cancer Research Stamp", as proposed by the Senate.

Section 651. The conferees agree to include and modify a new provision regarding the transportation of day-old poultry, as proposed by the Senate.

Section 652. The conferees agree to include and modify a new provision authorizing the "9/11 Heroes Stamp", as proposed by the Senate.

Section 653. The conferees agree to include a new provision authorizing the "Stamp Out Domestic Violence" Stamp.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$30,574,722
Budget estimates of new (obligational) authority, fiscal year 2002	32,035,351
House bill, fiscal year 2002	32,464,769
Senate bill, fiscal year 2002	32,363,450
Conference agreement, fiscal year 2002	32,493,069

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+1,918,347
Budget estimates of new (obligational) authority, fiscal year 2002	+457,718
House bill, fiscal year 2002	+28,300
Senate bill, fiscal year 2002	+129,619

ERNEST J. ISTOOK, Jr.,
FRANK R. WOLF,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
JOHN E. PETERSON,
TODD TIAHRT,
JOHN E. SWEENEY,
DON SHERWOOD,
C.W. BILL YOUNG,
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
PETER J. VISCLOSKY,
STEVEN R. ROTHMAN,
DAVID R. OBEY,
Managers on the Part of the House.

BYRON L. DORGAN,
BARBARA A. MIKULSKI,
MARY L. LANDRIEU,
JACK REED,
ROBERT C. BYRD,
BEN NIGHTHORSE CAMPBELL,
RICHARD C. SHELBY,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of MR. FILNER) to revise and extend his remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3162. An act to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes..

H.J. Res. 70. Joint resolution making further continuing appropriations for the fiscal year 2002, and for otehr purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 25, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 146. To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 182. To amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 1000. To adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

H.R. 1161. To authorize the Government of the Czech Republic to establish a memorial to honor Thomas G. Masaryk in the District of Columbia.

H.R. 1668. To authorize the Adams Memorial Foundation to establish a commemorative work on Federal Land in the District of Columbia and its environs to honor former President John Adams and his legacy.

H.R. 2217. Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2904. Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 3162. To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 30, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4398. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—A New Regulatory Framework for Clearing Organizations (RIN: 3038-AB66) received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4399. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Tolerances for Emergency Exemptions [OPP-301181; FRL-6804-3] (RIN: 2070-AB78) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4400. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "Secretary of Defense Authority to Delegate"; to the Committee on Armed Services.

4401. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Customary Progress Payment Rate for Large Business Concerns [DFARS Case 2001-D012] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4402. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the Interim Progress Report by the White House Commission on Complementary and Alternative Medicine Policy; to the Committee on Energy and Commerce.

4403. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Ohama, Nebraska [FRL-7071-5] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4404. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District [CA242-0291a; FRL-7058-9] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4405. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; State of Florida [FL-T5-2001-02; FRL-7068-5] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4406. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program In Idaho [FRL-7072-1] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4407. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program and Approval and Promulgation of Implementation Plans; State of Arkansas; New Source Review [AR-13-1-7526a; FRL-7072-2] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4408. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Conditional Approval Implementation Plans; Ohio [OH118-2; FRL-7062-5] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4409. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Pittsburg, Kansas) [MM Docket No. 01-127; RM-10132] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4410. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Spokane, Washington) [MM Docket

No. 99-262; RM-9659] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4411. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Reno, Nevada) [MM Docket No. 00-137; RM-9917; RM-10161] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4412. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Corinth, Scotia and Hudson Falls, New York) [MM Docket No. 01-94; RM-10086] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4413. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)—received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4414. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—India and Pakistan: Lifting of Sanctions, Removal of Indian and Pakistani Entities and Revision in License Review Policy [Docket No. 010927238-1238-01] (RIN: 0694-AC50) received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4415. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations; Country Group E:1; License Exception TMP [Docket No. 0107101066-1166-01] (RIN: 0694-AB76) received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4416. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4417. A letter from the Acting General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4418. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of the Authority's resolutions and orders; to the Committee on Government Reform.

4419. A letter from the Chairman, United States International Trade Commission, transmitting a report on the Strategic Plan for FY 2001 through FY 2006; to the Committee on Government Reform.

4420. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2001, through September 30, 2001 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 107-137); to the Committee on House Administration and ordered to be printed.

4421. A letter from the Secretary, Department of the Interior, transmitting a report pursuant to Public Law 106-113; to the Committee on Resources.

4422. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of the Bureau of Justice Assistance Fiscal Year 2000 Annual Report to Congress entitled, "Creating a Safer America," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

4423. A letter from the Chairman, Federal Maritime Commission, transmitting a report concerning the impact of the Ocean Shipping Reform Act of 1998; to the Committee on Transportation and Infrastructure.

4424. A letter from the Chairman, United States International Trade Commission, transmitting the fifteenth report in a series on The Impact of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISTOOK: Committee of Conference. Conference report on H.R. 2590. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-253). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1840. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; with an amendment (Rept. 107-254). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey:

H.R. 3175. A bill to prohibit creditors from imposing late fees, increasing interest rates, or submitting adverse credit information with regard to the account of a consumer whose mail service has been disrupted due to a biological, chemical, or radiological attack, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey:

H.R. 3176. A bill to provide for the development of protocols for uniform national responses to public health emergencies involving dangerous biological agents or dangerous chemicals; to the Committee on Energy and Commerce.

By Mr. HEFLEY:

H.R. 3177. A bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial in the District of Columbia; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

199. The SPEAKER presented a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution No. 145 memorializing the United States Congress to immediately enact appropriate laws which will result in reducing terrorist threats within our borders; jointly to the Committees on the Judiciary, International Relations, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1205: Ms. Brown of Florida.

H.R. 2235: Mr. Wicker and Mr. Thornberry.

H.R. 2535: Mr. Tom Davis of Virginia.

H.R. 2638: Ms. Harman.

H.R. 2764: Mr. Gary G. Miller of California and Mr. Tancredo.

H.R. 2945: Mrs. Mink of Hawaii and Ms. Solis.

H.R. 3013: Mr. Hastings of Florida, Mr. Ford, Mr. Lipinski, and Mr. Davis of Florida.

H.R. 3029: Mr. Wexler.

H.R. 3074: Mr. Burton of Indiana and Mr. Rohrabacher.

H.R. 3076: Mr. Burton of Indiana and Mr. Rohrabacher.

H.R. 3110: Ms. Lowey, Mr. Langevin, Mr. LaFalce, Mr. Larson of Connecticut, Ms. McCarthy of Missouri, Ms. McKinney, Mrs. Maloney of New York, Mr. Obey, Mr. Olver, Mr. Pallone, Mr. Deutsch, Mr. Dicks, Mr. Hastings of Florida, Mr. Hinchey, Ms. Lee, Mr. Jefferson, Mr. Gordon, Mr. Pomeroy, Mrs. Thurman, Mr. Visclosky, Mrs. McCarthy of New York, Mr. Mollohan, Mr. Wexler, Mr. Etheridge, Mr. Scott, Ms. Roybal-Allard, Mr. Doyle, Mr. Ross, Mr. McDermott, Mr. Matsui, Ms. Velázquez, Ms. Carson of Indiana, Mr. Blagojevich, and Mr. Lynch.

H. Con. Res. 197: Mr. DeFazio.

H. Res. 235: Ms. Kilpatrick and Mr. Crane.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

38. The SPEAKER presented a petition of the Municipal Assembly of San Juan, Puerto Rico, relative to Resolution No. 32 petitioning the United States Congress to express our most forceful rejection and disgust for the shameful words written by Mrs. Celeste Benitez on her opinion column titled, "Welcome to the 21st Century," published on a local newspaper on Friday, September 14, 2001, in regard to the terrorist attack against our nation on Tuesday, September 14, 2001; to the Committee on International Relations.

39. Also,a petition of the Municipal Assembly of San Juan, Puerto Rico, relative to Resolution No. 29 petitioning the United States Congress to express the condolences of the Government and Citizens of San Juan, Puerto Rico, to the President and Government of the United States for the tragic developments at the World Trade Center in New York City and in Washington, D.C.; and to express our most emphatic repudiation to those acts; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

HONORING THE HONORABLE BRETT DORIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor and pay tribute to Brent Dorian for his years of dedicated public service as a U.S. Bankruptcy Judge in Fresno, CA. After almost 12 years on the bench, Judge Dorian retired last year.

Brett served in the U.S. Air Force. After the military, he studied law and graduated from Boalt Hall School of Law, University of California at Berkeley. After making a substantial contribution to under-served people in the community, Brett Dorian went on to have a very distinguished career as a civil practice attorney, bankruptcy lawyer, and bankruptcy trustee.

In 1988, Judge Dorian assumed the Federal bankruptcy bench in Fresno and handled thousands of cases from an 8 county area in Central California. During Judge Dorian's tenure on the bench he has earned a reputation as a brillant jurist committed to following the law and protecting the rights of the citizens and persons who appeared before him. Judge Dorian has done many things for our community, the courts and the nation. It is a pleasure and privilege to honor such a distinguished man as he begins yet another facet of his life.

Mr. Speaker, I rise to pay high tribute to Judge Brett Dorian for his active distinguished community and public service. I urge my colleagues in the U.S. House of Representative to join me in wishing Judge Dorian many more years of good health, happiness, and contribution to the people of central California.

TRIBUTE TO ANNA MARIA ARIAS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the memory of Anna Maria Arias, innovative and beloved founder and editor of LATINA Style magazine who passed away October 1, 2001.

Mr. Speaker, Anna Maria Arias founded LATINA Style in 1994, creating the only 100 percent Latina-owned national publication in the United States. It boasts a national circulation of 150,000 and a readership of over half a million. Ms. Arias was a dreamer who realized her dreams. The LATINA Style Magazine motto is "A National Magazine for the Contemporary Hispanic Woman." Indeed, LATINA Style is a staple in the homes of thousands of female Hispanic professionals.

LATINA Style has collaborated with the Small Business Administration, the Minority Business Development Agency and the local Hispanic Chamber of Commerce to create the LATINA Style Business Services which is a unique program that connects Latina professionals and entrepreneurs to key corporations by holding conferences across the country. Along with LATINA Style's focus on career and business, it regularly features home and family issues, music, book, and movie reviews, travel tips, investment guidance, food and drink recipes, and health advice among other things.

Mr. Speaker, Ms. Arias' staff states that she "dedicated her entire body and soul into creating and growing LATINA Style into the powerful magazine for Hispanic women that it is today." Ms. Arias lost a difficult battle earlier this month with aplastic anemia that she fought for 7 years. When her illness demanded that she forfeit the daily managing of the magazine, Ms. Arias delegated Ms. Elena Campisteguy as associate publisher, confident that she and the LATINA Style staff would propagate the publication's high editorial standard. The Style staff and Ms. Arias' widower, Mr. Robert E. Bard, feel that Ms. Arias' spirit will guide them in coming years to carry on her dream.

I ask my colleagues to join me in mourning the loss of a creative and ambitious entrepreneur who broke boundaries and dedicated her life to benefiting Latina women.

IN HONOR OF THE HAMILTON COUNTY URBAN SEARCH AND RESCUE TASK FORCE AND THE MEMBERS OF THE TASK FORCE WHO HAVE JOINED IN THE WORLD TRADE CENTER RESPONSE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the contributions of Hamilton County's Urban Search and Rescue (USAR) Task Force and the eighteen members of the Task Force who joined with Ohio Task Force 1 (Oh-TF1) to assist in the rescue and relief efforts at the World Trade Center site in New York City.

The Hamilton County USAR Task Force was formed in December, 1997. The primary mission of the Task Force is to assist local fire and emergency medical agencies in large-scale rescue situations and emergency incidents associated with natural disasters, terrorist activity and major industrial, technological and transportation accidents. This team continues Cincinnati's long, proud history of being a national leader in fire and emergency services.

In addition to assisting in local incidents, members of the Hamilton County USAR Task Force are part of Oh-TF1, one of twenty-eight Federal Emergency Management Agency USAR Task Forces capable of responding to massive structural collapses to search for and rescue trapped persons. Ohio Task Force 1 deployed sixty-two members to the World Trade Center site in New York. These members represented thirty-three fire organizations in Ohio. Seventeen of these members represented six Hamilton County Fire Departments, including: Anderson Fire Department; Cincinnati Fire Department; Colerain Township Fire Department; Green Township Fire Department; Madeira and Indian Hill Fire Department; and Sycamore Township Fire Department. An additional member of the Hamilton County USAR Task Force and Oh-TF1 is a rigging specialist for Carlisle Construction in Northern Kentucky.

The members of Oh-TF1 worked non-stop from September 12 to September 20 at a scene described by its members as "devastating." The Task Force was divided into two groups that worked alternating twelve-hour shifts. As the third USAR Task Force on the scene, Oh-TF1's work was critical to the ongoing recovery and relief efforts.

Like the rest of America, I am moved by the bravery and selfless work of our nation's emergency services personnel. I am especially proud and appreciative of their work after seeing, firsthand, the horrific and truly devastating site in New York.

Mr. Speaker, I hope my colleagues will join me in recognizing the outstanding work of Hamilton County's USAR Task Force and Oh-TF1 as we also recognize the remarkable contributions and sacrifices made by all of the people who make up our nation's emergency services in the wake of the September 11 attack.

WORLD POPULATION AWARENESS WEEK

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. GREENWOOD. Mr. Speaker, rapid population growth and urbanization have become catalysts for many serious environmental problems and are applying substantial pressures on infrastructure, manifested in pollution, transportation, health, sanitation and public safety problems. This situation makes urbanization an issue that we cannot afford to ignore. Cities and urban areas today occupy only 2 percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources.

It is therefore important for us to recognize the problems associated with rapid population

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

growth and urbanization. Governor Ridge has proclaimed the week of October 21–27, 2001 as World Population Awareness Week in the Commonwealth of Pennsylvania, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

COMMONWEALTH OF PENNSYLVANIA, GOVERNOR'S OFFICE, PROCLAMATION, WORLD POPULATION AWARENESS WEEK, OCTOBER 21–27, 2001

Whereas, the 21st Century offers enormous environmental and societal challenges for governments at all levels; and

Whereas, these challenges call for innovative leadership to ensure resource conservation, protection of open space, waste prevention, sanitation management to provide quality of life. These challenges are inextricably linked to patterns of considerable demographic change; and

Whereas, world population is projected to increase by almost 80 million per year with 98 percent of population growth predicted to occur in the least developed countries of the world. This growth can lead to disease, hunger and starvation; and

Whereas, demographic problems are not limited to the under developed nations. These problems are also a reality in the United States in other industrialized nations.

Therefore, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim October 21–27, 2001, as World Population Awareness Week in Pennsylvania. I encourage all citizens to reflect upon these challenges and seek rational, humanitarian and community-based solutions.

Given under my hand and the Seal of the Government, at the City of Harrisburg on this eleventh day of July in the year of our Lord two thousand and one of the Commonwealth the two hundred and twenty-sixth.

Tom Ridge, Governor.

HONORING HOLY TRINITY ARMENIAN APOSTOLIC CHURCH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to Holy Trinity Armenian Apostolic Church for their 101st anniversary. Holy Trinity Church has been a cornerstone of Fresno's Armenian community since its inception in 1900.

For over 100 years, the Holy Trinity Armenian Apostolic Church has served as the spiritual, cultural, and social landmark for Armenians throughout Fresno and the San Joaquin Valley.

Armenian Apostolic Church services were held in Fresno as early as 1895 in a rented hall by the Rev. Aharon Melkonian, who had arrived from Erzerum 1 year earlier. As the parish grew so did the need for a church building. Construction began soon after the church held a general meeting on February 25, 1900, at which a board of trustees was elected. Then, on March 2, 1900, a building committee was appointed and it was decided that the church would be named Holy Trinity.

The foundation of the church was blessed on April 1, 1900, and on October 14, 1900, the Holy Trinity Armenian Apostolic Church was consecrated by the Primate of the Armenian Diocese, Rev. Bishop Hovsep Sarajian. It was the second Armenian Apostolic Church in the United States.

In the beginning many Armenians found themselves in a strange new land and turned to the church for support. Still today, those who are no longer strangers to this country continue to view the church as their focal point for spiritual guidance, thus enabling the church and its members to withstand the test of time.

Mr. Speaker, I rise to pay tribute to the Holy Trinity Armenian Apostolic Church on the occasion of the 101st anniversary celebration. I urge my colleagues to join me in honoring Holy Trinity Armenian Apostolic Church on this special day of recognition.

TRIBUTE TO CAPTAIN HARRY THOMPSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Captain Harry Thompson, a national hero who gave his life to save many others during the September 11 attack on the World Trade Center.

Captain Thompson, a long-time court officer, was a resident of Parkchester in the Bronx for over 30 years. "Selfless" is usually the first word to come to the lips of those neighbors and coworkers asked to describe Captain Thompson. They were saddened, but not surprised, to learn that his gallantry and dedication to helping others led him to save the lives of 150 people on that fateful morning in September.

We are all aware that on that morning, heroes abounded and many came from unlikely sources. Mr. Speaker, anyone who knew Captain Thompson considered him the most likely source of heroism. His youngest son, Raahsaan, explained that when he heard of the tragedy, he just assumed that his father was there "helping out." He took for granted that his father was there guiding others to safety while putting himself in harm's way. Captain Thompson was not a fireman or a police officer, yet he felt a call to duty not unlike those brave men and women and he went into a building that people were desperately trying to escape simply because he knew that he could help.

Captain Thompson's two sons say that their father took great pride in the fact that he had climbed the ranks to make Captain, a position that made him responsible for training court officers. Captain Thompson ingrained the value and necessity of hard work into his two sons who both went on to obtain college degrees and pursue successful careers. Both sons recall their father constantly helping people out, whether it was physically supporting an elderly or debilitated person in some task or running an errand for a busy neighbor. I want Raahsaan and Michael Thompson to know that we realize that their father did not come home that day so that 150 other fathers, mothers, daughters, sons, sisters, and brothers could.

Mr. Speaker, we lost so many in such a short time on the morning of September 11, it would be difficult for Congress to mourn and honor each individual life. However, I must ask my colleagues to join me in honoring the life of Captain Thompson, he sacrificed his life in order to save others, not because it was his job, but because it was his nature.

"DEATH OF AN INNOCENT" BY ELISABETH CERCEK

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. STEARNS. Mr. Speaker, in light of the sobering events that took place on September 11, now more than ever, the young people of this country must remain vigilant, accountable for the actions taken in everyday life. One young American in particular realizes the importance of accountability and expresses these convictions in a poem she has written entitled, Death of an Innocent. Elisabeth Cercek of Ocala, FL, deposits the reader amid the chaos of a drunk driving accident. A young girl's life slowly ebbs away as the drunk driver can do nothing but "stare." With violent realism, Elisabeth brings us into the sorrowful world that thousands of Americans face each year when their loved ones are taken from them by alcohol related accidents. I applaud Elisabeth's steadfast resolve in her fight against drunk driving, and with that Mr. Speaker, I submit for the CONGRESSIONAL RECORD her poem "Death of an Innocent."

DEATH OF AN INNOCENT

I went to a party, Mom.
I remembered what you said.
You told me not to drink, Mom.
So I drank soda instead.
I really felt proud inside, Mom.
The way you said I would.
I didn't drink and drive, Mom.
Even though the others said I should.
I know I did the right thing, Mom.
I know you are always right.
Now the party is finally ending, Mom,
As everyone is driving out of sight,
As I got into my car, Mom.
I knew I'd get home in one piece.
Because of the way you raised me,
So responsible and sweet.

I started to drive away, Mom,
But as I pulled out into the road,
The other car didn't see me. Mom,
And hit me like a load.
As I lay there on the pavement, Mom.
I hear the policeman say,
"The other guy is drunk," Mom.
And now I'm the one who will pay.
I'm lying here dying, Mom.
I wish you'd get here soon.
How could this happen to me, Mom?
My life just burst like a balloon.
There is blood all around me, Mom.
And most of it is mine.
I hear the medic say, Mom.
I'll die in a short time.

I just wanted to tell you, Mom.
I swear I didn't drink,
It was the others, Mom.
The others didn't think.
He was probably at the same party as I.
The only difference is, he drank

And I will die.
Why do people drink, Mom?
It can ruin your whole life.
I'm feeling sharp pains now.
Pains just like a knife.
The guy who hit me is walking, Mom.
And I don't think it's fair
I'm lying here dying
And all he can do is stare.

Tell my brother not to cry, Mom.
Tell Daddy to be brave.
And when I go to heaven, Mom.
Put "Daddy's Girl" on my grave.
Someone should have told him, Mom.
Not to drink and drive.
If only they had told him, Mom.
I would still be alive.

My breath is getting shorter, Mom.
I'm becoming very scared.
Pleased don't cry for me, Mom
When I needed you
You were always there.
I have one last question, Mom
Before I say goodbye.
I didn't drink and drive
So why am I the one to die?

TRIBUTE TO RUSSELL J. "RUSTY" HAMMER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. MATSUI. Mr. Speaker, I rise today to honor Mr. Russell J. "Rusty" Hammer as he ends his tenure as president and CEO of the Sacramento Metro Chamber. As his friends and family gather to celebrate Rusty's impressive tenure, I ask all of my colleagues to join with me in saluting this truly remarkable citizen of Sacramento.

Rusty came to the Sacramento Metro Chamber in 1994 and after 7 years has transformed the chamber into an economically viable and influential organization. Today the Sacramento Metro Chamber is the largest and most diverse chamber in northern California, boasting a membership over 3,000. In addition, the Sacramento Metro Chamber is now represented in all six counties in the Sacramento region, a truly admirable feat.

To my colleagues here in the House of Representatives, perhaps one of the most visible accomplishments of the Sacramento Metro Chamber is the annual Cap-to-Cap trip. Through this important program, over 200 business leaders from the Sacramento region come to Washington, DC, each spring to meet with leaders of the Federal Government to raise awareness of the region's most important issues. Since 1994, under the direction of Rusty and his colleagues in the chamber, the level of participation in Cap-to-Cap has nearly doubled. I feel that this is a true testament to Rusty's dedication and enthusiasm for the Sacramento region.

In addition to the Cap-to-Cap trip, Rusty has also been the driving force behind numerous projects and events at the Sacramento Metro Chamber that have continued to propel the chamber to new heights. One in particular that deserves special recognition is "Perspectives", an annual speakers series hosted in Sacramento involving influential national and international leaders. Through Rusty's tireless efforts, this program has become one of the most important forums for discussions about the future and direction of the Sacramento region.

While I was I was saddened as both a friend and a colleague to learn of Rusty's departure to become president of the Los Angeles Metro Chamber, I fully believe that Sacramento's loss is Los Angeles's gain. Rusty's commitment to serving his community is a genuine inspiration and example to his fellow citizens and will be a wonderful addition to the Los Angeles region.

Mr. Speaker, as Mr. Rusty Hammer's friends and family gather to reflect on his time with the Sacramento Metro Chamber, I am privileged to pay tribute to one of Sacramento's most honorable citizens. His successes are unparalleled, and it is a great honor for me to have the opportunity to recognize his many contributions to Sacramento. I ask all my colleagues to join with me in wishing my friend Rusty continued success in all his future endeavors.

HONORING THE CLOVIS SENIOR CENTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Clovis Senior Center for their work to improve the lives of senior citizens living in California's Central Valley.

The Clovis Senior Center began providing services over 25 years ago, when they first received Federal aid for senior programs. The actual Clovis Senior Center facility was built 19 years ago. Lynn Bawdon has served as director of the Clovis Senior Center for the past 20 years. The center provides a wide range of programs, including nutrition advice, income tax assistance, social security inquiries, medical information, and general adult information.

The goal of the Clovis Senior Center is to keep seniors independent and living in their own homes, while providing for their own needs. The center is ranked among the top 10 multisenior centers in the State. They actively pursue assistance from the State to continue providing the highest level of assistance for seniors.

The Clovis Senior Center is an 11,000 square foot facility that is comprised of a central multipurpose room, two large classrooms, a commercial kitchen, two large restrooms, and two average sized restrooms.

Mr. Speaker, I rise to honor the Clovis Senior Center for their valuable assistance to the local senior community. I urge my colleagues to join me in wishing the Clovis Senior Center many more years of continued success.

BALKANS YOUTH LINK PROJECT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in recognizing the remarkable accomplishments of a budding organization dedicated to the empowerment and unity of youth throughout the Balkan region.

The Balkans Youth Link has emerged from the devastation of war to create a positive future for young people in that region. This San Francisco-based nonprofit organization, which was founded by a constituent of mine, Frederica Bunge, provides support to youth leaders of the Balkans who are working to develop a truly free society. These strive for openness and understanding in a place where ethnic conflict has long challenged hopes for peace.

Since its inception in late 1999, Balkans Youth Link has accomplished many important projects worthy of our attention. When the conflict in Kosovo ended, two trauma recovery missions sent teams to rural and urban areas in order to create self-support groups, helping teachers recover from their own trauma and enabling them to give their students a renewed interest in learning.

Last summer, Youth Link 2000, the first international public debate camp, which was conceived and directed by Enrion Veliaj, successfully trained a diverse group of young people from Kosovo in the techniques of public debate. There the participants gained a broad understanding of the importance of free speech, diversity of ideas, and respect for human rights.

Also during the summer of 2000, a love of music and a desire for peace united in New York City a group of Serb, Croat, and Muslim youth from Bosnia. Balkans Youth Link Voices spent a month together, rehearsing, performing, and sharing their vision for a peaceful society. The choral group gave a number of excellent performances, including one at the closing luncheon of the State of the World Forum, where they received a standing ovation for their world premier performance of One Song, Many Voices, by Marcus Williams, written for Nelson Mandela's 2001 initiative on diversity.

Mr. Speaker, the latest endeavor of Balkans Youth Link is an international Youth Link Leadership Institute held in Kosovo in August of this year. The project provided community leaders and students with an opportunity for an exchange of ideas on the crucial issues of conflict resolution, advocacy, negotiation, and leadership in a variety of contexts. The leadership institute was designed to create socially conscious citizens and to motivate them toward leadership and activism.

The hard work and dedication of the director and staff of Youth Link Leadership Institute deserves our commendation. Project Director Erion Veliaj and coordinators Kujesa Bejtullahu and Sagita Muco have been actively involved for several years in humanitarian relief and democracy building activities. In addition to directing Youth Link 2000, Mr. Veliaj led an election mobilization campaign under the auspices of the Organization for Security and Cooperation in Europe, (OSCE) in preparation for the first local elections in Kosovo. In addition he has headed several other major leadership and open society projects involving Balkan youth in other parts of the globe.

Mr. Speaker, some of our colleagues may recall that Ms. Behtullahu had been called the Anne Frank of Kosovo for her "From the War Zone" e-mail correspondence with a California high school student, using the pen name "Adona." Each of these leaders has witnessed the atrocity and anguish of war in the Balkans, and they hope to rebuild their communities by educating future generations about the impact of social activism and democratic politics. Balkans Youth Link coordinators and volunteers, along with their founding Board Members, Frederica Bunge, strive to inspire a sense of self-worth and a realization of individual power and value in society. Mr. Speaker, I urge my colleagues to join me in honoring the persistent crusade for tolerance and understanding which is stressed by Balkans Youth Link. It is an invaluable contribution to a peaceful future for the Balkans.

HONORING HAROLD "HAL" WEYGANDT, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to honor my good friend, Mr. Harold W. "Hal" Weygandt, Jr., who at the age of 81 years is retiring from Weco Aerospace Systems, the company he founded 30 years ago.

Hal was born in Kansas City, Missouri, in 1920. Raised in this traditional mid-western environment, he learned the entrepreneurial spirit at an early age. Hal attended Joplin High School in Missouri where he excelled in football and boxing. After high school, he left Joplin and enrolled in the University of Missouri, Kansas City. Throughout his high school and college years, Hal worked at several jobs to help support his family and pursue his education goals through the depression years.

After college, Hal moved to Southern California, where he joined Lockheed Aircraft in 1941. Just prior to America entering World War II, he volunteered with 2,500 other civilians in a Douglas Aircraft sponsored project for a top-secret mission in Africa. At the time, England was near the threshold of disaster when Winston Churchill requested help from President Roosevelt. This assignment, named "Project 19," was created to assist England in its war efforts against Germany. The voyage on the USS *Chauteau Thierry* from the West Coast to Africa was a precursor of challenging times to come. The ship, which was originally constructed for a passenger list of 200, carried over 2,000 men to their remote destination. Project 19 established an entire town, American City, in east Africa that helped supply and repair fighter aircraft for the war effort.

In 1943, well after America joined the Allies in the war, Hal volunteered for the Army Air Corps in Cairo, Egypt. He spent the next several years touring the European theater in a classified position in armament inspection. By the end of the war, Hal had been awarded several citations, as well as the Bronze Medal, and he ascended to the rank of Second Lieutenant. His most significant reward, however, was an English girl named Ann Sawtell. They were married in New Milton, England, in October 1945.

After World War II, Hal returned to Southern California and embarked on his first business endeavor. In 1947, Hal and his uncle started RWS Electrical Accessories, Inc. This company supported the then-emerging aircraft industry with component sales and service. By early 1961, Hal and his family had moved to the foothill region of the Sacramento Valley, where they still reside. The Weygandts maintained a ranch, while Hal developed his career in aviation. Hal's company became a benchmark for independent successes in the aviation field. He participated and became close friends with many of the pioneers of today's modern aviation industry. By 1968, RWS merged with another aviation company that subsequently formed Aviall, a multinational industry leader in commercial aviation sales and support.

Mr. Speaker, at a phase of life when some people begin looking forward to retirement, Hal formed Weco Aerospace Systems, Inc., in 1971 with his sons, Bill and Robert. This new company based in the Sacramento and Burbank areas focused its attention on supporting corporate aviation. This company has grown with the industry and now employees over 60 people in California and throughout the nation. It supports aviation operators internationally.

Hal is the proud father of three children and eight grandchildren. It is worthwhile to note that he has raised a family of good and productive citizens. The Weygandts have been very active in civic affairs and have contributed much to their community. Hal's own activities have included involvement with the Masonic Lodge and Shriners, his church, the National Business Aircraft Association, the Helicopter Association International, and the Airborne Law Enforcement Association. He has also stayed active with yearly meetings of the Project 19 Association, in which less than 150 of 2,500 participants are still alive.

While Hal is now retiring from active business life at the age of 81, he will continue as an advisor and Board member at Weco. And just to prove it is tough to keep a good man down, he and his wife, Cherie, plan to maintain their 80-acre ranch in the foothills of Lincoln, California, as well as traveling and enjoying many outdoor activities.

Mr. Speaker, I take great pleasure in commending Hal Weygandt for his outstanding service to our country as a member of the Armed Forces, an innovative business leader, and a good family man. After all that has been said about him, he is simply a good and decent man, and I am personally thankful for his support and friendship.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

SPEECH OF

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2001

Mr. WEXLER. Mr. Speaker, I am pleased that a provision earlier included in money laundering legislation, which would have inhibited RICO liability for foreign excise taxes for tobacco companies, has been dropped from the USA PATRIOT Act of 2001, the final version of comprehensive anti-terrorism legislation. The sections of the final version of this bill which expand the definition of Specified Unlawful Activities for Money Laundering are a crucial component of the USA PATRIOT Act. We all know that in order to crush terrorism in all its forms, it will be necessary for us to put an end to the money laundering which is essential to the financing of terrorists' networks. In order for our legislation to be effective, our laws against money laundering must have the widest possible scope. Just as criminals continually are finding new and creative ways to subvert and circumvent our laws, our laws must be broad enough and flexible enough to allow our courts to fight against money laundering in any form we find it. In response to United States requests, many of our allies, including the European Community and its Member States have strengthened their money laundering laws in a cooperative effort to battle money laundering and terrorism. It is our intent to recognize and assist the efforts of our allies in our joint effort to fight fraud and money laundering wherever and in whatever form we find it. If our allies are victimized by fraud, smuggling or money laundering emanating from U.S. soil, they should have the benefit of U.S. laws and U.S. courts to combat those offenses. The expanded definition of Specified Unlawful Activities will ensure that money laundering associated with crimes or fraud committed against our allies shall constitute violations of U.S. law thereby giving the United States and our allies the maximum capability to utilize U.S. laws to combat the money laundering. Just as the United States has always recognized the fundamental right of friendly nations to have access to our courts to enforce their rights, we shall continue to give our full cooperation to our allies in their efforts to combat smuggling and money laundering, including access to our courts and the unimpeded benefit of our criminal and civil laws.

RECOGNIZING BETH GRAFTON-CARDWELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Beth Grafton-Cardwell for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. The Friends of Agricultural Extension will recognize Beth at their annual awards dinner.

Beth is a U.C. Riverside Extension Entomologist at the Kearny Agriculture Center in Parlier, CA. She conducts a multifaceted program to help citrus growers reduce their pest problems while maintaining fruit quality, a positive economic return, and a reduction of broad-spectrum pesticide use. An important contribution to California's citrus industry has been her ongoing evaluation of continually changing insect pest problems. Beth is currently in the process of developing a mobile laboratory to use as an onsite research and teaching aid.

Mr. Speaker, I congratulate Beth Grafton-Cardwell for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. I urge my colleagues to join me in wishing Beth Grafton-Cardwell many more years of continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 30, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 31

9 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the progress in making stem cells available to federally-funded researchers.

SD–124

9:30 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold joint hearings to examine terrorism through the mail, focusing on the protection of postal workers and the public.

Room to be announced

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine innovative financing mechanisms related to the drinking water and clean water state revolving fund.

SD–406

2 p.m.

Foreign Relations

To hold hearings to examine pending nominations.

SD–419

2:30 p.m.

Agriculture, Nutrition, and Forestry

Business meeting to consider S. 1519, to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists, focusing on credit title provisions, and subcommittee assignments.

SR–328

NOVEMBER 1

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1530, to provide improved safety and security measures for rail transportation, and provide for improved passenger rail service.

SR–253

Environment and Public Works

To hold hearings to examine S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, focusing on the bill's impact on the environment, economy, energy supply, achievement of regulatory and statutory goals, including the National Ambient Air Quality Standards, relevant costs and benefits, and any improvements or amendments that should be made to the legislation.

SD–406

2 p.m.

Environment and Public Works

To hold hearings to examine infrastructure security, chemical site security, and economic recovery.

SD–406

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold oversight hearings to examine Federal deposit insurance coverage for retirement accounts.

SD–538

SENATE—*Tuesday, October 30, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, a very present help in trouble, we praise You for Your tenacity to live through troubled times. We listen in on Your conversation with the Psalmist when he was beset with trouble. We hear Your gracious invitation: "Call on Me in the day of trouble; I will deliver you, and you shall glorify Me."—Psalm 50:15. We respond with the Psalmist, "Hear my prayer, O Lord. Do not hide Your face from me in the day of trouble; incline Your ear to me . . . though I walk in the midst of trouble, You will revive me."—Psalms 102:1; 138:7.

Thank You, Lord, for Your reviving power. You revive us with convictions which cannot be compromised: You are our refuge and our strength: You have blessed our Nation through our history; You will help us be victorious over the evil of terrorism. We also are revived by the replenishing of our confidence: You will save us through our present crisis; we need not fear. We feel Your Spirit surging into our souls: anxiety is replaced by serene security, frustration by faith, tiredness with temerity, caution with courage. And so we say with the Psalmist, "In the day when I cried out, You answered me, and made me bold with strength in my soul."—Psalm 138:3. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the day will begin with consideration of the Labor-HHS Appropriations Act. Senators HARKIN and SPECTER are managing this bill. We are going to have a party conference recess from 12:30 to 2:15 today. There will be no rollcall votes prior to 2:15.

I just left a meeting with the majority leader, Senator DASCHLE. He would like to be able to finish the business of the Senate as soon as possible. We have 3 weeks until the Thanksgiving holiday. There is a lot to do. Everybody recognizes that. We completed two appropriations bills that have been sent to the President. We hope to be able to complete this bill even today. That would be what the managers want. They have worked very hard to get to the point where we now are. The two managers are experienced in one of the most difficult bills we normally have. I think this year much of the difficulty has already been completed prior to its arriving on the floor.

So I hope those people who wish to offer amendments will recognize that we are going to come up with a unanimous consent agreement really soon on a time when amendments must be submitted. We haven't completed that with the managers yet, but they agree that something should be done in that regard.

MEASURES PLACED ON CALENDAR—S. 1573 AND H.R. 1552

Mr. REID. Mr. President, I understand there are two bills at the desk that have been read for the first time; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order that S. 1573 and H.R. 1552, en bloc, receive a second reading, and I will object to any further consideration of these two matters.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

> A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the assistant majority leader for his statement about scheduling. It is my hope and it is my recommendation that we proceed very promptly with this bill, with the possibility of concluding it before the end of business today, or certainly no later then midday tomorrow.

There has been ample time for Senators to consider amendments to this legislation. Last year, this bill was reported out of committee on June 30 and floor action was concluded on July 27, and because of scheduling this year, it has come at a later time, understandably. Senators have had an opportunity to consider whatever amendments they want to offer. There is real concern as to what may happen in the remainder of the legislative season, and there has been some talk and most of us, if not all of us, do not want to see a continuing resolution.

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today contains $123.1 billion in discretionary spending, the full amount of the subcommittee's budget authority allocation under section 302(b) of the Budget Act. This amount represents an increase of $11.4 billion over the FY'01 freeze level. The

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

bill is within its outlay allocation of $107.7 billion. In addition, $300 million in emergency spending is also included for the Low Income Home Energy Assistance Program.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Senator HARKIN, the chairman of the committee, for his hard work in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Few things are more important than a person's health and few things are more feared than ill health. Medical research into understanding, preventing, and treating the disorders that afflict men, women and children in our society is the best means we have for protecting our health and combating disease.

Since January 2001, the Labor-HHS Subcommittee has held 12 hearings on medical research issues. We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases such as Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, muscular dystrophy, multiple sclerosis, heart disease and many other serious health disorders. The bill before the Senate contains $23.7 billion for the National Institutes of Health, the crown jewel of the Federal Government. The $3.4 billion increase over the FY 2001 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by FY 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

The use of human embryonic stem cells for research has become an issue that is consistently debated in the press, on radio and television, and amongst people around the world. The fact that in fewer than 3 years, stem cell research has gone from an avant garde interest of a few select scientists to a common, contemporary issue reveals the immense potential that stem cells offer ailing patients.

Yet coming to terms with the inherent moral and ethical issues of stem cell research is difficult. We struggle with the balance of our respect for human life against the compassion we have for those who suffer from diseases that could be cured by stem cells. On August 9, 2001, President Bush recounted his own struggle with this volatile issue. The President made a diligent, valiant effort to reach an accord that would satisfy all sides.

I believe that limits on the use of Federal research money to only existing stem cell lines, will place barriers in the path of medical progress. We are just beginning to understand which researchers and companies throughout the world have ownership of these existing stem cell lines and we have little knowledge of their property rights, plans to share or license the use of those lines to other researchers, or whether the donors of those embryos have given the requisite informed consent. We know little about the quality of those existing stem cell lines, although up to one-third of them may be so fragile that they will be of no use to any researcher. We do not know how future therapies will be developed for our genetically diverse population from only a few select genetic lines. Perhaps most importantly, we are now learning that the existing stem cell lines may be inappropriate for producing any human therapies because of their exposure to mouse feeder cells while growing in culture.

Since 1998, the Subcommittee on Labor, Health and Human Services and Education has held nine hearings to explore the potential medical benefits of stem cell research. The subcommittee has heard more than 21 hours of testimony from some of the most preeminent scientists in the world who have described how stem cells have the potential to cure the most common diseases afflicting Americans today. We have heard from ethicists who have discussed the moral and social implications of pursuing this line of research. We have listened to company executives who recount their ideas and hopes for delivering therapies to patients and patent attorneys discussing intellectual property rights. But the most striking and most compelling testimony has been from patients who suffer from disease and disabilities that destroy lives.

The Labor-HHS and Education bill before the Senate adds a new provision to the existing embryo ban (carried in the bill since FY'96). This language permits Federal dollars to be used—at the discretion of the President—for research on embryonic stem cells from embryos that meet the following criteria: created in excess of clinical need, will otherwise be discarded, and are donated with the written consent of the progenitors. This language for the first time, states that Federal dollars may be used for embryonic stem cell research.

Since September 11, 2001, Americans have become acutely aware that our enemies will use any means to murder and maim large numbers of U.S. civilians. The use of biological agents is no longer a threat—it is a reality. The deaths of 3 individuals from inhalational anthrax and the infection of others with the cutaneous form of the disease has made all of us aware of the need to act quickly to provide the funds needed for prevention and treatment needs. The committee has included $338 million to coordinate state and local readiness, stockpile appropriate pharmaceuticals, and build our public health infrastructure to respond to any act of bioterrorism. The anthrax found in Senator DASCHLE's office and in the House and Senate mail rooms, at postal facilities in New Jersey and the District of Columbia and surrounding areas, in news and other media facilities proves that we must try and prevent, detect and quickly respond to any further acts of bioterrorism. Additional dollars to address bioterrorism needs will be considered during supplemental appropriations bills in November.

For the first time, the committee has included $1 million for a public awareness campaign to educate Americans about the existence of spare embryos and adoption options. During stem cell hearings, we were made aware that there are 100,000 spare frozen embryos stored in in-vitro fertilization clinics throughout the United States. Many infertile couples could choose to adopt and implant such embryos if they were aware of that option.

Since 1999, $2.9 billion has been devoted to programs to assist communities in preventing youth violence. This year the committee has included $1.542 billion to continue to address youth violence in a comprehensive and coordinating manner throughout the Federal Government. Funds will be used to improve research, prevention, education, and treatment strategies to identify and combat youth violence.

To enable all children to develop and function at their highest potential, the bill included $6.6 billion for the Head Start Program, an increase of $400 million over last year's appropriation. This increase will provide services to 916,000 children in 49,420 classrooms across the Nation.

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $1.34 billion for community health centers. This amount presents an increase of $175.1 million over the FY 2001 appropriation. These centers provide health care to nearly 12 million low-income patients, many of whom are uninsured.

Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides $818.7 million for programs specifically addressing the health needs of women. Included in this amount is $27.4 million for the Public Health Service, Office of Women's Health, an increase of $6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is $266 million for family planning programs; $124.2 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; $167.2 million for sexually transmitted diseases; $195 million for breast and cervical cancer screening; and $39 million for the Office of Research on Women's Health at the National Institutes of Health.

In FY'01, the Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors and these deaths may cost up to $29 billion in excess health care expenditures and lost productivity each year. The bill before the Senate contains $60 million to determine ways to reduce medical errors, an increase of $10 million over the FY'01 appropriation.

The bill maintains $2 billion for the Low Income Home Energy Assistance Program. The amount, when combined with the additional $300 million in emergency appropriations, will provide a total of $2.3 billion for the LIHEAP Program in FY'02. LIHEAP is the key energy assistance program for low income families in Pennsylvania and in other cold weather states throughout the Nation. Funding support grants to States to deliver critical assistance to low income households to help meet higher energy costs.

For programs serving the elderly, the bill before the Senate recommends $2.4 billion. Included is: $366 million for supportive services and senior centers; $561 million for congregate and home-delivered nutrition services; and $202.5 million for the national senior volunteer corps; $450 million for the community service employment program which provides part-time employment opportunities for low-income elderly. Also, the bill provides $909.1 million for the National Institute on Aging for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

The bill includes $5.1 billion for AIDS research, prevention and services. Included in this amount is $1.833 billion for Ryan White programs, an increase of $75.4 million; $781.2 million for AIDS prevention programs at the Centers for Disease Control; and $2.375 billion for research at the National Institute of Allergy and Infectious Diseases.

To enhance this Nation's investment in education, the bill before the Senate contains $48.5 billion in discretionary education funds, an increase of $6.3 billion over the FY'01 freeze level, and $4 billion more than the President's budget request.

For programs to educate disadvantage children, the bill recommends $11.8 billion, an increase of $1.8 billion over last year's level. The bill also includes $200 million for the Even Start program to provide educational services to low-income children and their families; $36 million for the education of homeless children, and $30 million for migrant education programs.

For school improvement programs, the bill includes $8.7 billion, an increase of $1.6 billion over the FY'01 appropriation. Within this amount, $3.039 billion will be used for a new state grant program for improving teacher quality. To assist States and local education agencies in developing education reform initiatives, the bill includes $410 million. Also included is $925 million for grants to local education agencies for emergency school renovation and repair activities. The committee recommendation includes $712.1 million for educational technology state grants, as authorized under the Senate-passed version of H.R. 1. This program consolidates the four current educational technology programs.

For the 21st century After School Program, the bill provides $1 billion, an increase of $154.4 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

For Impact Aid programs, the bill includes $1.130 billion, an increase of $137.1 million over the 2000 appropriation. Included in the recommendation is: $50 million for payments for children with disabilities; $954 million for basic support payments, an increase of $72 million; $68 million for construction and $50.5 million for payments for Federal property.

The bill provides $516 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of $56 million over the 2001 appropriation.

The $8.4 billion provided in the bill will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. The $999.6 million increase over the FY'01 appropriation will serve an estimated 6.5 million children age 3–21, at a cost of $1,133 per child. While also supporting 612,700 preschoolers at a cost of $637 per child.

To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides $805 million for the TRIO program, a $75 million increase over the 2001 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

For student aid programs, the bill provides $12.3 billion, an increase of $1.6 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by $250 for a maximum grant of $4,000. The supplemental educational opportunity grants program has also been increased by $22.1 million, the work study program is held at the FY'01 level and the Perkins loans programs is increased by $15 million.

In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides $5.5 billion for job training programs, $80.8 million over the 2001 level. Also included is $1.4 billion for Job Corps programs; $950 million for adult training; and $1.549 billion for retraining dislocated workers and $1.127 billion for youth training.

The bill provides $1.422 billion for worker protection programs, an increase of $63.8 million above the 2001 appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

The bill includes $395 million for the Corporation for Public Broadcasting, an increase of $30 million over the FY'2003 appropriation. In addition to the core amount provided for CPB, the Committee recommends $25 million for the conversion to digital broadcasting.

There are many other notable accomplishments in this bill, but for sake of time, I have mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation.

This bill has very substantial additional funding for education—some $4 billion more than last year. It has very considerable additional funding for the National Institutes of Health, which funding has been a priority, on which the distinguished chairman, Senator HARKIN, and I have worked during his chairmanship in the early 1990s and mine for 6½ years, beginning in 1995 through earlier this year. If there is a continuing resolution, those increases will not be realized.

I think there is also an appropriate point of emphasis with what is happening in the country. I believe other Senators share my belief that there is a real need for us to spend time in our States with our constituents, telling them what is happening in the world and telling them what is happening in America. We all know that all of this work should have been finished by September 30. Here we are on October 30.

So I urge my colleagues, in furtherance of what the distinguished Acting majority leader has said, to let us know what the amendments are and offer to bring them. If we are not accorded that kind of consideration, it is my hope we will move to the third reading so that we can go to conference.

This is not going to be an easy bill to conference. Unless we proceed with dispatch, we will not have the benefit of these very substantial increases in funding.

I thank the Chair and my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken with the managers of the bill, and being a member of the committee, I have been so impressed with the hearings these two Senators have held over the last several years. It does not matter who is the chairman of the subcommittee; they have done outstanding work. They are always on the cutting edge of what is going on in the country. So I hope people will realize what an important bill this is.

I am going to work to have a unanimous consent agreement in order that by 4 o'clock this afternoon there will be a filing deadline for first-degree amendments on this bill. We will work on that while the managers are giving their opening statements.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank our assistant majority leader for his efforts in this regard. I thank him for all of his support through the years, and especially this year, for bringing this bill before the Senate. It is an important bill.

I will give my opening statement in a moment. I certainly hope we are able to reach some agreement on the filing of amendments sometime this afternoon. This bill has been laid to the side for a long time. People have known it was going to come up. I hope we can get the amendments filed. I hope we can dispense with this bill, if not today, as was said, early tomorrow. There is no reason we cannot finish the bill today. I hope we can move in that direction. I thank Senator REID for his efforts in this regard.

AMENDMENT NO. 2017

Mr. HARKIN. Mr. President, I send a substitute amendment to the desk, which is the text of the Senate-committee-reported bill, and ask the clerk to report it.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 2017.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider be laid upon the table; that the amendment be considered as original text for the purpose of further amendment; and that no points of order be considered waived by virtue of this agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, as chairman of the Labor, Health and Human Services, and Education Subcommittee of the Senate Appropriations Committee, I am very pleased to bring before the Senate the 2002 appropriations bill for the Department of Labor, Department of Health and Human Services, Department of Education, and related agencies.

I am also pleased to report that the bill was approved on a unanimous bipartisan vote on October 11.

I begin by thanking my good friend and partner in this effort, Senator SPECTER, and his excellent staff for working with me and my staff to put together this bill on a bipartisan basis. This is always one of the most difficult bills to put together, and it is certainly one of the most important.

Our Nation's health and the strength of our tomorrow are shaped by the critical health, education, and labor investments made by this bill.

I also thank Chairman BYRD and Senator STEVENS for their steadfast support and guidance throughout the year and for their good work in helping us get an enhanced allocation.

The bill we are putting forward today obviously is not perfect, not by a long shot, but given the limited resources with which we had to work, I think it is a very strong bill and one I can strongly recommend.

As we have done throughout our over 10-year partnership working on this subcommittee, the fiscal year 2002 bill is truly the product of bipartisan negotiation as Senator SPECTER and I have worked closely together to shape it. We have done our best to accommodate the literally thousands of requests we have received from our colleagues.

Mr. President, I will highlight some of the main features of the proposal before us.

First, it takes a number of important steps to improve the quality, affordability, and accessibility of health care in America. By providing a record $3.4 billion increase to medical research funded by the National Institutes of Health, we are keeping our 5-year commitment to double our national investment in potential medical breakthroughs. This action holds the hope of improving the lives of millions plagued by killers such as Alzheimer's, cancer, Parkinson's, diabetes, osteoporosis, spinal cord injuries, and so many others.

The bill also makes a major improvement in access to affordable health care by providing a record $175 million increase to community health centers and major increases in critical prevention activities such as cancer and heart disease screening. These changes are preventive in nature and will save lives and improve health.

The bill also has a major new effort to improve health care in our rural areas and small towns. We will bring more doctors and nurses and other health professionals to places they are needed by expanding the National Health Service Corps and the Nurse Loan Repayment Program. Our struggling rural hospitals are given help to deal with Medicare paperwork burdens and help to expand into other activities such as adult daycare.

As a Senator from Iowa and as cochair of the Senate Rural Health Caucus, I know how sorely these changes are needed.

Education continues to be a top priority of this subcommittee, and while our bill provides substantial new investments in quality education, it is my strong hope and expectation that more resources will be provided when we complete action on the education reform bill now in conference.

I also sit on that conference committee, led by our distinguished chairman, Senator KENNEDY. That bill, which is now in conference, contains an amendment that was offered by Senator HAGEL and me that the Senate approved without one dissenting vote, that we will finally meet our commitment to fully fund special education.

We need that provision to do right by our schools and our local property tax payers.

That amendment in that bill—I am talking not about the bill before us, but the education reform bill that is in conference—the amendment Senator HAGEL and I offered, would over the next several years increase from the present level of 15 percent to 40 percent the amount the Federal Government will put into special education on an average-cost-per-pupil basis.

Twenty-five years ago when we passed the special education bill, the Individuals with Disabilities Education Act, we stated at that time that the goal of the Federal Government was to provide 40 percent of the average-per-pupil cost. That was 25, actually 26, years ago, and we are now at 15 percent.

Special education continues to be one of the highest costs to our local school districts, one that is burdening our local school systems and our local property tax payers. Yet the Federal Government has not lived up to its commitment. So in that education bill, Senator HAGEL and I offered an amendment to boost that funding. It is now in conference, and hopefully we will keep that provision in the bill.

That will, of course, free up some money for other parts of education which we did not have in our bill and were unable to meet all the needs.

I especially want to say with the downturn in the economy, I believe we are going to need more money especially for title I programs in education for the next year, and beyond that depends on what happens to the economy. Certainly we are going to need it for the next year.

Again, I am hopeful the education bill that is in conference will continue; that the House will recede to the Senate and will keep that money for special education.

I am also very pleased to report this bill before us today contains nearly $1 billion to make needed repairs to our schools, including necessary security enhancements. Last year, this subcommittee, under the leadership of Senator SPECTER, started an initiative to help our local school districts make their schools safe. It has been extremely popular in the States, and in a time of economic downturn, this job-creating initiative is even more urgent and it should be continued.

I will, at some appropriate point, point out on a chart how much all of the various States have received in the last year to make needed repairs, to bring their schools up to fire and safety code requirements, and to make needed security enhancements for their schools. As I said, it has been very helpful to the States. The Governors all support it; the school boards support it; and the parent-teacher associations. There is no one who is opposed to it.

So we put the money back in this year to keep it going. With all of the talk about stimulus and stimulus package, and looking at the stimulus package the House sent us with all of the tax breaks for huge corporations, it seems to me the best stimulus we could provide would be to send money directly to our communities so they could repair and modernize their schools. We get a couple bangs for the buck on that. We put people to work; it stimulates local economies, and of course that has a backup effect because there will be suppliers of different equipment, and it provides for all kinds of multiplier effects in the economy.

The second thing we get when we finish is we get something of lasting value for our country: better schools. So I am hopeful this program will be continued.

This bill also makes college more affordable for millions of young people by increasing the Pell grant maximum to $4,000 and increasing the TRIO by $75 million, which brings that program's total funding to $805 million.

The bill also makes an important downpayment on needed improvements to elementary and secondary education. It increases funding for title I by $1.4 billion, to a total of $10.2 billion. It increases afterschool programs by $154 million, which brings that to a total of about $1 billion. It increases funding for teacher quality by over $900 million for a total of just over $3 billion for teacher quality.

This bill also funds crucial worker protection and job training efforts. I am pleased we have been able to improve our commitment to worker training and safety in this bill. We have also funded our State unemployment offices to handle the increased caseload they will face with the economic downturn.

Coming from a State with one of the highest percentages of senior citizens in the Nation, I am keenly aware of the many needs of our Nation's seniors. Accordingly, our bill contains a substantial initiative to improve services to our Nation's elderly. We will allow many more homebound seniors to receive Meals on Wheels. This is a very good, low-cost program that helps the elderly and disabled in small towns and urban centers all over our country. For many of the seniors it is their only hot meal of the day and often the person who delivers the meal is the only visitor they have during the entire day.

This bill also provides a major increase in services such as adult daycare, to help seniors remain in their own homes and to give their loved ones needed respite and support care.

Finally, our subcommittee has held a series of hearings on the need to better protect Americans from the threat of bioterrorism, which, of course, is on so many of our minds today, especially those of us who have offices in the Hart Building, knowing we are not going to be able to get our staffs back in the building for, I guess, a few more weeks, from what I understand. It is a concern of Americans all over America about the mail they receive and whether they are going to be exposed, whether or not our food is going to be safe. So bioterrorism is something we have to address.

This Friday, our subcommittee will be having a hearing on the potential threat of smallpox and what we are doing and what more we need to do to protect our country against this possible terrorist threat.

While the bill before us contains a modest level of funding to address this need of bioterrorism, a much larger package will be included in the antiterrorism supplemental appropriations bill. We have developed a detailed $2.3 billion plan that would beef up our public health system, boost our vaccine stockpiles, help hospitals respond to potential surges, boost vaccine research, and increase lab security.

This subcommittee is serious about meeting this threat head on, and we are prepared to fully fund a comprehensive, commonsense, antibioterrorism effort.

I conclude by saying Senator SPECTER and I are now prepared to move this bill. The leaders have asked us, as we heard earlier, to move the bill quickly. We are eager to complete it so we can get to conference with the House. So I hope, if Members have amendments, they will come to the Chamber and offer them. Hopefully, we can wrap up this bill sometime today.

As the chairman, I usually am aware of possible amendments. I must say at this point in time I have not heard of any amendments. So if any Senators have amendments, I hope they will come and offer them as soon as possible.

I want to thank my colleague, Senator SPECTER, and his staff for all their help in putting this bill together. As he said earlier, we have had a great partnership now going on over 10 years. We keep switching sides. One is the chairman or ranking member, then chairman or ranking member. Quite frankly, I like it a little bit better this way, but I could not have asked for a better chairman when I was ranking member. I appreciate all of the many kindnesses he has afforded me, and the closeness with which we have worked over the years to develop our appropriations bills, especially this one this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, to reiterate, I thank my distinguished colleague from Iowa for those very generous comments. It is not uncommon to hear hyperbole when one Senator talks about another, but the relationship which Senator HARKIN and I have developed for more than a decade represents bipartisanship at its best.

I understand when Senator HARKIN says he likes it a little bit better when he is the chairman. Some people would not be surprised to hear he likes it a lot better when he is the chairman. Senator HARKIN chaired the subcommittee prior to 1995 when I became chairman and was chairman for some 6½ years. The transition has been seamless. TOM HARKIN and ARLEN SPECTER learned a long time ago that if one wants to get something done in Washington, they have to be willing to cross party lines.

Our work on this subcommittee involves three of the most important subjects on which the Congress has to appropriate, and that is on education, where it is a priority second to none; and health, which has a standing with education; and labor and work safety are matters of enormous importance where the public interest is very well served by this kind of bipartisanship and this kind of cooperation.

We have structured a bill with the assistance of a superb staff. Both Senator HARKIN and I refer to our deputies, Ellen and Betty Lou, as deputy Senators because they take over. We have the final say, but they are tremendous.

Mr. HARKIN. We do?

Mr. SPECTER. Senator HARKIN just said, "We do?" And I would add: Yes, sir, we do.

Mr. HARKIN. We think we do.

Mr. SPECTER. It is an enormous staff contribution. Senator HARKIN and I have received more than a thousand requests from Senators for inclusion in this bill, and we have done our best to accommodate all those requests. We have accommodated a surprisingly high number as we have worked through the priorities on this bill.

This bill provides for $123 billion in budget authority, and that is an increase of $11.4 billion over last year, and we are within our 302(b) allocation. We are within the budget. This represents a determination by the Senate of the very high priority on these issues.

In providing funding for education, health and labor, with emphasis on worker safety, we have added funds to the National Institutes of Health which we believe to be the crown jewel of the Federal Government. We started on this very substantial increase for fiscal year 1998. Up until that time there had been increases but not enormous increases. Senator HARKIN and I determined this was the highest priority because of the tremendous number of ailments which were addressed by the National Institutes of Health.

That year, we asked the Budget Committee for an extra $1 billion; we were turned down. So we came to the floor and offered an amendment on the budget for an extra $1 billion; we lost 63–37. We got out the sharp pencils and found the extra $1 billion in priorities. The next year, having lost our effort for an extra $1 billion from the budgeting process, we asked for $2 billion; we were turned down again. We lost again on the floor, 52–48. But we have pursued this matter with tenacity and diligence, so that last year when we asked for $2.5 billion—this year we are asking for $3.4 billion—we had a vote of 96–4. We have had that kind of support. That reflects the Nation's mood.

From fiscal years 1998, 1999, 2000, and 2001—and if we mark in the $3.4 billion this year—we will have increased NIH funding by $11 billion on an existing budget in fiscal year 1997 of $12.7 billion. We believe that has been good for America. We have been able to watch NIH and, with other oversight, move within 5 years, perhaps, of conquering Parkinson's disease, delaying Alzheimer's disease, and made enormous achievements in cancer research and therapy and in heart disease.

I ask unanimous consent that at the end of my comments the long list of diseases tackled by the National Institutes of Health, with remarkable success, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. SPECTER. Among the hearings our subcommittee has held since December of 1998, there were nine on stem cells, which burst upon the scene in November of 1998. The President has taken a significant step forward in authorizing Federal funding for all of the stem cell lines which were in existence as of August 9 at 9 p.m. Subsequent hearings by our subcommittee have disclosed the likelihood is high that will not be sufficient to have the kind of medical research which is necessary. The determination of that will await another day, candidly, as our country has been so heavily involved on the war against terrorism.

In response to very legitimate concerns which have been addressed by many about the possibility of having life from those embryos which are discarded on in vitro fertilization, we have included in this bill $1 million as a starting project to have an embryo adoption awareness campaign.

In in vitro fertilization, perhaps a couple will create a dozen of these embryos. Then there will be selected three or four of the strongest embryos for implantation, for in vitro fertilization. The bulk of the remaining embryos will be discarded. An issue has been raised about the possibility of adoption of these embryos. Certainly, if it were possible to bring all of these embryos to life, no one would suggest remotely they be used for research for stem cell extraction. But it is only because they are going to be discarded that it is concluded it is better to use them than to simply lose them and throw them away.

In an effort to have the maximum utilization possible of these embryos if life can be produced, we have started on this embryo adoption awareness campaign and have allocated $1 million—not an enormous sum of money, but enough for a start. If it moves ahead, we will be revisiting this matter with increased appropriations in subsequent years.

Our funding has been very extensive on other critical programs of the Department of Health and Human Services. The Centers for Disease Control, which is now very much in the headlines, was the subject of an additional $170 million last year for improvement of the plan. About 18 months ago, I made a visit to the Centers for Disease Control in Atlanta because I could not believe the stories I was hearing about renowned scientists working in corridors with their desks under extraordinarily difficult circumstances. I went to Atlanta. I found that the conditions were even worse than had been described.

Senator HARKIN and I crafted $170 million for our budget for capital improvements which will exceed some $1 billion over the course of years. This year, we have added some $250 million to that program. We have had a substantial increase in Head Start, of some $400 million, and we are now at $6.6 billion. The Ryan White AIDS program has an increase of $75 million to $1.888 billion. Children's Graduate Medical Education, a very important item, has had an increase up to $243 million.

On education on title I, disadvantaged youngsters, we have had the remarkable increase of $2.4 billion, or a total of some $11.8 billion. On the important item of teacher quality State grants, an increase of $930 million to $1.9 billion, we have had a virtual doubling of that important account. On special education, an item I hear about so often in my town meetings as I visit the 67 counties in Pennsylvania, we have had an increase of $1 billion, moving toward the goal of having the Federal Government fund 40 percent of special education.

Pell grantees have been raised consistently. Now they are at $4,000, an increase of $250 over last year. Gradually we are moving them up and up and up.

With respect to labor, the dislocated worker account, which is so important today with the economy having the difficulties which are so well known, we have an increase of $136 million, for a total of $1.5 billion.

Occupational Safety and Health Administration, OSHA, has an increase of almost $25 million; mine safety, an increase of almost $10 million; the National Labor Relations Board, an increase of $10 million to try to get them to cope with their very heavy backlog.

That is a summary of some of the items in this bill. We think we have crafted the priorities in accordance with America's needs. These are three Departments of enormous importance.

We have a substantial allocation for bioterrorism which we have addressed each year.

That will be in our regular budget—$338 million. That is going to have an increase yet to be determined.

We had a special hearing several weeks ago where the indications were a minimum of $1.5 billion, which was the request at that time. That is going to be substantially increased to enable us to cope with the very serious threat which confronts America today.

That is a very brief summary. I urge my colleagues to come to the Senate floor. Now is a good time to offer amendments. There is no competition; Senators may offer amendments right at the head of the line.

EXHIBIT NO. 1

DISEASES

Alzheimers.
Parkinsons.
ALS
Muscular dystrophy.
Diabetes.
Osteoporosis.
Cancers: breast, cervical and ovarian; lymphoma; multiple myeloma; prostate; pancreatic; colon; head and neck; brain; lung.
Pediatric renal disorders.
Multiple sclerosis.
Deafness and other communication disorders.
Glaucoma.
Macular degeneration.
Sickle cell anemia.
Heart disease.
Spinal cord injury.
Sudden infant death syndrome.
Arthritis.
Schizophrenia and other mental disorders.
Polycystic kidney disease.
Hepatitis.
Cooley's anemia.
Primary immune deficiency disorders.
Autism.
Stroke.
Obesity.

The PRESIDING OFFICER. This assistant majority leader.

Mr. REID. Mr. President, prior to Senator STEVENS, a minority member on the Appropriations Committee, speaking on this bill, I want to announce to everyone that as soon as we come back from the party caucuses, after the recess at 2:15, there will be a unanimous consent agreement setting a time for filing—not for filing but for calling the cloakroom. We are going to come up with a list of finite amendments at a certain time today.

We would like to offer that unanimous consent right now, but we have been given information that the minority wants to complete their caucus lunch before they make a decision. I only state we hope that can be worked out. I am confident it will be, but if it is not, we are going to offer the unanimous consent and someone will have to come and personally object to it. We need to move this bill along.

The Republican senior member of the committee is on the floor and he has worked very hard. We now have two bills that have been sent to the President. We have two or three conference reports we are going to complete this week, so we are making progress. One of the things we can do to show some significant progress is complete this bill tonight or prior to lunch tomorrow and then move on to another appropriations bill.

I hope we can have that agreement on a finite list of amendments entered shortly after we come back from lunch.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague from North Dakota.

Mr. DORGAN. So I understand what the Senator from Nevada is saying, I am going to offer an amendment to this bill and every bill that comes to the floor. It is something that was dropped out of the bill last week on counterterrorism. It deals with what is called advanced passenger information systems. We have airlines landing this morning from Pakistan, from Jordan, Egypt, Saudi Arabia, Kuwait, airliners coming from those countries for which there is no passenger information forwarded to the Customs Department.

Eighty-five percent of the airlines do voluntarily provide that information. Fifteen percent of the airlines do not. I have described the countries from which the airlines come that do not provide that information. Everyone agreed we ought to do this. I offered the amendment and it was knocked out in conference on the counterterrorism bill because we had some people worried about their jurisdiction. They would not allow it in conference.

Today we have literally thousands of people coming on airplanes from that region and the names of those people are not provided to the Federal law enforcement authorities as they are from 85 percent of the other carriers. In this case, those names are not provided now. It seems to me that compromises this country's security.

I aim to fix that as quickly as we can. I intend to offer that as an amendment to every bill, and I will offer it this afternoon to this legislation as well. I want to make sure I am not prevented from doing so.

Mr. REID. I say to my friend from North Dakota, he certainly is not prevented from doing so. I hope he offers that amendment as soon as possible. The sooner we get to it, the quicker we are going to move through the bill, but Senators will have an opportunity to offer any amendments they want. We are not trying to cut off any amendments. We are simply saying we want to cut off time so we know what amendments we are going to have to work through before we complete this legislation.

I look forward to supporting my friend, the Senator from North Dakota, on this most important legislation dealing with airport security.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, while the Senator from North Dakota, who made the comment concerning the advanced lists, is present, I want to make a comment on another subject. But I say Alaska has suffered recently because of the loss of cargo lines that came through Anchorage and went on to other parts of the United States or Mexico or Canada. They landed primarily for fuel. The Customs regulations were changed and because of those changes, one of which was the request for the advanced lists, a series of those cargo lines have now decided to land in Canada and not land in the United States. So their first landing is in Canada.

I do not think the Senator is going to propose we get an advanced list of passengers on Canadian airlines. I am not sure it is possible under NAFTA. So I urge him to consider some way to deal with this problem of requiring lists that might lead to these planes deviating and going into Canada and actually we would have less information than we have today. I do not want to debate it now, but I will talk to him about it and tell him what happened in Alaska. I hope he understands.

Mr. DORGAN. Will the Senator yield for a question? I understand he wants to talk about other things. My interest is in making sure we have the passenger lists of people coming into this country. As I indicated, in 85 percent of the cases we do, but we do not now from Pakistan, Saudi Arabia, Kuwait, and so on. It seems to me that security is paramount at this point, and I certainly will visit with the Senator from Alaska about the issue he raises. I am talking especially about passenger lists at this point. I will talk more about it this afternoon.

Mr. STEVENS. I support the Senator's request. I supported his amendment before, and I will support it again, but I do think we have to take a look to see what the consequences of some of these requirements are and be prepared to meet the changes that come in terms of the airline travel.

Mr. President, I want to talk about the Labor-Health and Human Services appropriations bill. I know it will be up after lunch. I welcome the statement of the distinguished majority whip that we will seek a listing of these amendments today. I also am delighted I was able to be with Senator SPECTER who spoke about a matter that he and I have discussed at other times, and that is the creation of some type of category that will allow us to distinguish between normal visa applicants, or holders who are privileged to be in this country, and those who should properly be on a list of known terrorists.

I, for one, do agree with him. We should find some way to treat those people as we would agents of foreign nations and treat them as prisoners of war. We ought to start getting tougher, as the Senator from Pennsylvania says.

What worries me most, as one of the few survivors of the World War II era, is I do not think we understand how tough we have to get to deal with some of these issues that are coming before our country. I hear people saying once again there is a global threat warning out and we are sort of crying wolf.

Well, it is not crying wolf. I really believe the Attorney General and the head of our new homeland defense agency are right to warn the people of the United States, and I think it is high time we decide how tough we are going to be in facing the challenges that have now beset us because of our global war against terrorism.

As I said, I came to talk about the Labor-Health and Human Services bill. It is the largest bill that comes before the Appropriations Committee. It is the largest because its breadth of coverage, as well as its size, means it does more to help everyday Americans than any other bill we consider in this Congress. It addresses American's health needs from community clinics to bioterrorism to immunizations. It provides services for Americans who need a helping hand from electric bills to job training. It helps narrow the education gap, providing Pell grants to lower income university students, to assistance to Alaska native colleges. I am pleased the committee has agreed to fund the Denali Commission. It was a commission I urged Congress to create to adopt a novel approach to providing assistance to remote areas in my State. The overhead of this commission in handling Federal funds is held to 5 percent or less. It is probably the lowest rate in the entire Federal Government.

We have found by handling money through a commission that has on it members of the State government, of the Federal Government, of business and labor, of the environmental community, as well as the native community, we can make decisions on how to spend and where to spend Federal money without the enormous overhead of the rest of the Federal executive branch. It has already helped build health clinics in remote villages where there are no doctors or nurses. We have pioneered in telemedicine and tele-education in my State. I am most pleased that the Appropriations Committee has agreed to continue to support this approach.

Sadly, my State leads the Nation in domestic violence, child abuse, and alcoholism. I am deeply grateful to the chairman and the ranking member of the Subcommittee on Labor, Health and Human Services, and Education for including an initiative to develop a statewide plan to combat domestic violence and child abuse in Alaska. Likewise, I am very pleased funds have been provided to implement the physical education for progress legislation Congress adopted last year at my request.

It is my hope we will move forward on this legislation quickly. I urge our colleagues to come to the floor as soon as possible to clear any amendments with the managers of the bill. We have other bills to which we should move. I know the chairman of the committee, Senator BYRD, will be speaking on this matter. I join him in requesting we consider how we can move the remaining legislation that comes from our Appropriations Committee and still finish our business in time to get home for Thanksgiving.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will speak at more length on the subject I talked about a few moments ago, the issue of the advance passenger information system, which sounds like an innocuous system but it is a very important system by which we help provide for this country's security. Let me describe exactly what has happened.

We have 57 million people enter this country every year by airplane. Commercial airplanes from all around the world come into this country. We have some 57 million people on those airplanes entering the United States. There are 94 different air carriers flying those people into our country. There were 400,000 international flights with passengers processed into our country in the last year.

The question, especially since September 11, and since the terrorist threats against this country resulted in these devastating attacks of mass murder, the question is, Who are these people who are entering our country? What is their background? Do their names show up somewhere on a list of people who are affiliated with or associated with a terrorist cell? Are they known or suspected terrorists? Who are they?

In order to answer that question, we have what is called the advance passenger information system, which has 85 percent of the passengers covered by APIS because the carriers that are bringing them into this country voluntarily provide information to the Customs Service in America, saying here is our passenger list. That list then is cross-checked against the list of the Customs Service, the FBI, and others, to try to determine whether there are people who are trying to enter our country who should not enter. Pretty simple.

But the 15 percent of the passengers who are not part of this system, whose names don't come in to be checked, includes passengers on airplanes coming from, among other countries, Saudi Arabia, Kuwait, Jordan, Egypt, and Pakistan. Let me give carriers that do not comply. They are not part of the voluntary system and do not provide passenger lists or information about passengers: Air Lingus, Aer Transat, Bahamas Air, Champion, Saudi, Kuwait, Royal Jordanian, Air Pakistan International, Canada 3000.

I chaired hearings in the appropriations subcommittee dealing with Treasury and general government. We had the Commissioner of the Customs Service testify. He talked about this. He talked about this being an important piece of information we get in our attempt to try to prevent terrorists, or known or suspected terrorists, from coming into our country. He said it is voluntary. There is 15 percent of the information we don't get; 15 percent of the 57 million passengers, with their names, are not given to our Customs Service to be checked. I asked, should it be checked? And he said of course it should, but he said at present it is not mandatory. I said, it is not mandatory? And he said, of course, it should be mandatory.

I indicated we would try to get that done after the September 11 attacks when there were 19 people riding the airplanes who came into this country to commit murder. While they committed an act of self-destruction, they murdered thousands of American citizens. Especially following that, we ought to be concerned about border security. This is one part of border security.

We had a piece of legislation called the counterterrorism bill which the President signed into law last week. That bill had an amendment I offered on the floor of the Senate that would have required the airlines coming into this country to provide the advance passenger information lists. My amendment passed. The Senate said yes. It was in the Senate bill. It came back from conference, and, mysteriously, it was gone. That somehow got destroyed.

That amendment was destroyed in conference. Why? Apparently, because there were some Members who decided in conference they have jurisdiction over this, it didn't go through this hoop or that hoop or didn't have this hearing or that hearing. Therefore, they asserted jurisdiction on this and said they would not allow it to be in conference.

What is the result of that, in my judgment, small-minded decision by some in Congress? What is the result? The result is that today, on Tuesday, there are airplanes landing all across this country coming in from Pakistan, from Egypt, from Saudi Arabia, from Kuwait, from Jordan, and there is no advance passenger list given the Customs Service against which they can check the lists and determine whether there are passengers we don't want coming into this country.

The result of knocking that out of the conference so it was not in the counterterrorism bill last week, in my judgment, injures this country's ability to provide for secure borders. It is small thinking in the extreme, in my judgment.

Today and tomorrow these airplanes will haul passengers into this country and we will not have information about who those passengers are. We will have information on most of the passengers coming in from South America, from Europe, from most of the countries with which we have trading relationships and good relationships; they have signed a voluntary agreement with us. But the fact is, some of the key countries, some of the key carriers from that region that we need to be very concerned about at this point, are not involved if we receive no passenger list.

Someone said, when you read the names—Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and more—aren't you profiling passengers? I said it is not about profiling passengers but about getting a list of all passengers coming into this country and trying to profile who might be known or suspected terrorists and keeping them out. If they happen to come from one region of the country, I regret that. But we are not profiling passengers; we are profiling terrorists to see if we can keep out of this country those whom we don't want to let in because they have suspect ties to terrorist organizations.

Coming into this country with a visa is coming into this country as a guest of the United States. We have every right to keep out of this country those who have ties to or those who are associated with known terrorist organizations. But today, Tuesday, we cannot do that because of behavior that represents monumental littleness, as one of our great former Presidents said in a conference last week, knocking out the amendment to which the Senate had already agreed, knocking out the amendment that came to that conference from the Senate.

As a result, I intend to offer this amendment just after lunch today on this piece of legislation, and I will offer this amendment on every piece of legislation until it becomes law, until it is in a vehicle signed into law by the President of the United States. So at 12:30 on Tuesday next week or a week after when a plane lands in this country, carrying passengers from abroad, we will know that in every circumstance information on the passenger list from that plane is provided to the U.S. Customs Service before departure.

Some might say, well, isn't this an unusual, intrusive and difficult thing to ask of others? The answer is no. Anyone who watched those commercial airplanes fly into the World Trade Center in New York knows that a lot has changed since September 11.

This country's security is critically important. Border security, it seems to me, is where you start. The President said yesterday, as reported in the papers today dealing with visas, that we should be tightening up on visas. I fully agree with that. You have to maintain control of your borders. That doesn't mean you build a wall and keep people out. It means you have sufficient capability to understand who is coming in and to keep the wrong people out. That is what it means.

My hope is that we will be able to add this amendment to this appropriations bill. I understand this isn't an appropriations amendment. I understand that completely. My hope is that my colleagues who have already approved this—the Senate has already approved this legislation—will understand that our job is to keep sending this matter to conference on every vehicle possible so that the next airplane that lands from abroad is an airplane with a list of passengers that we have, and that list has been checked against the Customs list, against the FBI list, and against all of the lists of some 20 different agencies that have lists that tell us about people who should not be allowed to enter this country because of their known or suspected ties to terrorist organizations.

I will come back after lunch with an amendment I will formally offer. My hope is that the chairman and the ranking member will see fit to agree to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak for no longer than 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I sat here for the last few minutes and listened to my colleague from North Dakota talk about border security. Certainly what he has said I agree with in principle. I haven't seen his amendment. I will now search it out and read it.

I have always believed if you have a guest in your home and find out that guest is going to burn down your home, you are going to get that guest out of your house just as quickly as you can before he or she touches the match. Foreign nationals in this country are guests of our country. They are guests in our home. There is nothing wrong with asking them to play by a few rules and for us to know who is on the guest list.

If that is what the Senator from North Dakota is talking about, I will support him in that effort.

NATIONAL ENERGY POLICY

Mr. CRAIG. Mr. President, I come to the floor this morning to ask unanimous consent to have printed in the RECORD letters from J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute; the American Legion national commander, Richard Santos; the Veterans of Foreign Wars executive director, Robert Wallace; and Joseph Lipowski, the national commander of AMVETS.

They joined me, several of my colleagues, and the Secretary of Veterans Affairs, Anthony Principi, just a few moments ago outside our Capitol to call on this Senate and our leader, Tom Daschle, to bring a national energy policy bill before this Senate before we adjourn this year.

Clearly, the President has been outspoken in the last month—and I agree with what he is doing—about strengthening our resolve and protecting our freedoms as the country cries out for a national energy policy that is a policy of national security.

Today the administration announced that we are going to start buying oil to put into our national Strategic Petroleum Reserve to beef up the total volume in that reserve in case of a national crisis. But even when that is done, if the oil of the Middle East were cut off, that reserve would last only for a few weeks before we would be in a significant energy crisis.

Our President as well as the Secretary of the Interior, the Secretary of Energy, the Vice President, labor unions, chambers of commerce, National Association of Manufacturers, and small business groups speaks out. America is being told today that national energy is a national security issue.

Strangely enough, the chairman of the Energy Committee even spoke this last weekend saying he wanted a national energy policy addressed before the end of the year. Yet nothing is done. The Energy Committee has been shut down by orders of the majority leader. Republicans are producing an energy bill. We have been to the floor time and time again asking for a time certain on which to debate this critical issue. The House acted in August. Our world would come tumbling down around us at this moment, economically speaking, if the oil of the Middle East were shut off from this country. Our economy would stifle. It is an issue of national security.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMVETS,
Lanham, MD, October 26, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

Passage of H.R. 4 would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.

AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.

Dedicated to service.

JOSEPH W. LIPOWSKI,
National Commander.

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
Washington, DC, October 29, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the "Securing America's Future Energy Act of 2001" or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy supply for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continued unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,
National Commander.

STATEMENT OF OUR NATION'S VETERANS GROUPS, "OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY", OCTOBER 30, 2001

We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism; using all its resources to defend our nation and the cause of freedom around the world.

Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001." It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.

By passing H.R. 4, the comprehensive energy legislation, the Senate will be supporting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.

J. ELDON YATES,
Chairman and Founder,
Vietnam Veterans Institute.

Mr. CRAIG. Mr. President, America's veterans, those who have stood in harm's way year after year and decade after decade in defense and support of our freedom, now speak out and say: Senator DASCHLE, this is an issue of national security. Where are you? Why aren't you allowing the Senate to debate this issue now and have on the President's desk a national energy policy before we recess this first session of the 107th Congress?

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. THOMAS. Mr. President, I want to talk a minute about part of the Labor, HHS, and Education appropriations bill as it pertains to an area of particular concern to me and my State; that is, rural health care.

I am cochairman of the Rural Health Care Caucus, along with the Senator from Iowa. I think this issue has been treated very well in this bill. I would like to comment just a bit about it.

We have, of course, a special focus on rural health care because it is unique. And because it is a special kind of issue that does not apply everywhere, I think it is necessary for us to deal with it from time to time.

We submitted a letter from our caucus. I think there were 43 Members of the Senate listed on the letter asking for some consideration. I think this committee has reacted quite well.

There are a number of things of which most people are not aware and which are not talked about very often. Although 20 percent of the population of this country lives in what is called rural areas, only 9 percent of physicians practice in those areas. You can see it is always somewhat difficult to have the kind of medical services in rural areas that are available in other places.

Rural areas contain 67 percent of the country's primary health care professional shortage areas. I guess that is not a surprise, but indeed that is the case. It is in need of focus to ensure we have primary care in all of these rural areas.

There are 2,187 rural hospitals, a majority of which are primary care hospitals. Specialized care is very limited. Only 12 of 245 long-term care hospitals are in rural areas, and 81 of 601 psychiatric hospitals are in rural areas. None of the country's 73 children's hospitals is in rural areas.

As you can see, there is a need, and indeed there has been and continues to be special emphasis on it.

For example, national health care services: This is a program that provides primary health care providers in our Nation's most underserved communities. Last year, only 12.5 percent of the communities eligible for provider placement received assistance. That has increased. Adequately? I do not know. Would we like more? Of course. Nevertheless, it has been treated well.

There is an increase for community health centers. Community health centers provide services in rural areas for people living in underserved areas. They provide a service that is not always needed but is unique to rural areas.

Rural health research: A grant is provided for rural health research as to how to provide more services.

We understand the rural areas are not going to have all of those kinds of services in every community. In our State, we look for a medical care network that can be moved around to the places where it is needed.

The Rural Access to Emergency Devices Act is in the bill with some new funding; also, State offices of rural health which help provide a network and a system to provide those services in small communities.

We had some requests for funding in the Rural Interdisciplinary Training Program. This program addresses the shortage of health care professionals in rural areas. In the bill we also have the Rural Hospital Improvement Program.

So, of course, there are other areas in which we would like to have more emphasis, but I wanted to rise to suggest that this area of this bill is a very important one and one that means a great deal.

When we think of Wyoming, of course, we think of a rural State. I think there are twice as many people in Fairfax County as there are in Wyoming. But every State has rural areas. New York is one of the most rural States in terms of how many people are concentrated in a particular area. So when we talk about rural States, it is not just a western phenomenon. Rural needs exist in all our States.

So I hope we can go forward with this part of the bill. I thank those who put the bill together for their emphasis and interest in providing for rural health care.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides $123.071 billion in nonemergency discretionary budget authority, which will result in new outlays in 2002 of $50.014 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $107.716 billion in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays.

In addition, the bill provides $300 million in emergency-designated funding for the low-income home energy assistance program (LIHEAP), which will result in new outlays of $75 million in 2002. In accordance with standard budget practice the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference.

The Senate bill also provides $18.474 billion in advance appropriations for 2003 for employment and training, health resources, child care, and education programs. Those advances are specifically allowed for under the budget resolution adopted for 2002, and, combined with all other advance appropriations considered by the Senate to date, fall within the limit imposed by the resolution. Finally, the bill extends the Mark-to-Market Program for multifamily assisted housing, which is estimated to save $355 million in 2002.

I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1536, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
Senate 302(b) allocation: [1]			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
House-reported bill:			
Budget Authority	123,071	272,937	396,008
Outlays	106,753	272,968	379,721
President's request:			
Budget Authority	116,328	272,937	389,265
Outlays	105,957	272,968	378,925
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation: [1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-reported bill:			
Budget Authority	0	0	0
Outlays	963	0	963
President's request:			
Budget Authority	6,743	0	6,743
Outlays	1,759	0	1,759

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of $300 million in BA and $75 million in outlays in emergency funding for the low-income home energy assistance program. The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference.

Mr. HOLLINGS. Mr. President, I rise in support of the fiscal year 2002 Labor, Health and Human Services and Education Appropriations bill brought forward today by Senator HARKIN and Senator SPECTER, the distinguished chairman and ranking member of the subcommittee.

As a member of the Labor-HHS-Education Subcommittee, I am well aware of the competing priorities funded in this bill including health care for the disadvantaged, medical research, education, Head Start, child care, and job training. The subcommittee faces a difficult task every year accommodating these important priorities, but behind the leadership of the chairman and ranking member, I believe we have produced a bill that balances these priorities.

The bill provides $1.343 billion for community health centers. The weakening economy and skyrocketing cost of insurance raise the likelihood that thousands of Americans will lost their health benefits. These facts, combined with the persistent lack of access to care in many rural and urban communities, make it imperative that we strengthen the ability of community health centers to serve our Nation's underserved and uninsured patients. Last year, Senator BOND and I launched the REACH initiative to double funding for community health centers by 2005. The $175 million increase provided in the bill with support from 67 Senators keeps the Senate on track to meet our goal.

From cancer to vision to biomedical imaging, the work of the Subcommittee to invest in the National Institutes of Health, (NIH), has led to improvements in the quality of life for countless Americans. I strongly support the unprecedented investment in the NIH made in this bill. This basic and clinical research is critical to the advancement of medical science and human health. Over the past 30 years, the 5-year cancer survival rate has risen from 38 percent to 59 percent. This means that approximately 8,400,000 people are alive today as a result of progress in cancer research.

Our investment in the NIH has been returned many times over. Every dollar spent at the NIH returns over $7 in lower medical costs and increased economic productivity. Advances in the treatment of cardiovascular disease between 1970 and 1990 have had a positive economic value of $1.5 trillion annually. Still the costs of disease tallies as high as $180 billion a year for cancer and $38 billion a year for vision ailments. The investment made by this bill will cut into the amounts our government and our citizens spend fighting and treating these diseases.

In addition, it is important that we open the competition for biomedical research to institutions from all parts of the country. This bill includes $200 million for the National Center for Research Resources' Institutional Development Awards, a program that helps States like South Carolina overcome the geographic concentration of NIH awards by developing the infrastructure needed to compete for biomedical research funding.

I would also like to point out the importance of the cancer programs funded out of the Centers for Disease Control and Prevention.

Cancer Registries can be a powerful tool in the war against cancer. We know that early detection of cancer saves lives and saves the health care system millions of dollars. With budgets getting tighter in States across the country, cancer registries give public health agencies clear guidance of where to target scarce resources for prevention activities. I am told that the registry in South Carolina is like many of the other registries. It has the ability to collect sophisticated and accurate data, but lacks the resources to fully analyze and act upon the data it collects. The true potential of cancer registries cannot be realized until a larger investment in the program is made.

The South Carolina breast and cervical cancer detection program, known as the Best Chances Network, just celebrated its 10th anniversary. Over that time, the program provided more than 110,000 cancer screenings to low-income women and have detected 1,400 cancers, saving countless lives. By all accounts the only problem with the program is that it cannot serve all eligible women.

The subcommittee also did an admirable job funding education programs. The bill contains a $1.5 billion increase for title I. This substantial increase is important because the reauthorization of the Elementary and Secondary Education Act will put new mandates and higher expectations on our nation's schools. In turn, our schools should expect us to meet our mandates and provide them with the resources we promised. The $10.2 billion provided in the bill will move us closer towards fully funding title I, a goal that 79 members of this body voted to affirm earlier this year.

The bill contains $3 billion for State grants for improving teacher quality. It is critical to the future of our education system that we recruit our best and brightest to the teaching field and make efforts to retain the quality teachers already present in our system. This funding gives States the flexibility to improve teacher compensation, hire new teachers to reduce class size or provide additional training or mentoring to current teachers.

This bill addresses the crumbling infrastructure in many of our schools by providing $925 million for school construction. Seventy-eight percent of public schools in South Carolina reported a need to upgrade or repair a school building to good overall condition. I am pleased that the bill will help our schools address some of the needs of their facilities and thank the chairman of the subcommittee for the leadership he has shown in this area.

Finally, the bill increases funding for higher education programs. The amounts provided in this bill will bring the maximum Pell Grant total to $4,000. We also provide for a $75 million increase for the TRIO programs. Since 1965, an estimated two million students have graduated from college with the special assistance and support of our Nation's TRIO Programs. These programs have been successful. Studies have found that students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO, and students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program. I am pleased that this bill will allow more eligible students to benefit from the TRIO Programs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

RESTORING CONFIDENCE IN THE ECONOMY AND HOMELAND DEFENSE

Mr. REID. Madam President, last week, late in the week, Senator BYRD and I held a press conference. The reason we held this press conference was to indicate that we believe we need to do something to restore confidence in the economy. We also believe that part of restoring confidence in the economy is making sure that homeland defense is something that is more than just words.

We are proposing things that cost money. It is great to talk about homeland defense, but if there is no money attached to it, it becomes a shallow promise to the American people.

Some of the things that Senator BYRD and I have talked about have to do with bio-terrorism. We believe there should be some prevention. Madam President, if you are going to have good, high-quality medical care, you have to have preventive medical care. The way to reduce costs and have a healthier public is to put our resources in the front end, not wait until everybody is sick and in the hospital. Bioterrorism is no different. We need to have prevention and response. We need to have food safety initiatives. We have so few food inspections now. I believe I heard my friend from Iowa say, in a debate in this Senate Chamber last week, that about 1 percent of the food in our country is inspected. We need to do better. We need to make sure that State and local governments, who have responsibilities in this area, have some capacity to do that.

We believe there should be upgrades to State and local health departments. We believe we have to take a look at hospitals to make sure there is enough hospital capacity.

We want to accelerate the purchase of vaccines. In America, this huge country of 270 million people, we believe we should have an adequate number of vaccines that are under the direction of the Centers for Disease Control. We need to make sure we have adequate supplies. If we do not use them, fine; but we should have them available. And to accelerate the purchase of these vaccines is going to cost money.

Antibiotics: We know we have an inadequate supply of antibiotics. We need to make sure there is a satisfactory supply of these antibiotics for all the problems that may arise. And that is true for other pharmaceutical supplies.

We need to make sure there is better security for our labs.

These things I have just enumerated will cost about $3 billion.

I came to Washington with Tom Ridge. He and I were in the House of Representatives together. I have maintained a friendship with him, including the time he was Governor of Pennsylvania.

A year ago, we traveled to Israel and the Middle East together, and we spent some time together. I have great respect for him as a person and for his abilities. But I truthfully say that I am not sure he is going to be able to do what is going to be required of him unless he has the resources to do it.

I had a meeting in with him last week. What he suggested was: Let me determine, first, what I need, and then I will come back and tell you what I need.

I am willing to do that. But I am not going to stand in the background and deprive him of the resources to do his job.

We have 40 agencies that collect intelligence. I believe we need a person who has authority to tell these entities what to do and what he needs from them. So I am willing to wait for a reasonable period of time for Governor Ridge to get back to us and tell us what he needs. But if this is going to go onto a program where they are going to try to do his job and not spend any money, then I am going to move forward and give him the tools I believe he needs.

I am willing to wait for him to tell me what tools he needs, but if I get nothing in the reasonable future, then I am going to go ahead and do something on my own.

In New York, we learned to do something that should have been done a long time ago; that is, to develop nationwide appreciation for the police officers and firefighters.

In my past, I was a police officer for a period of time here in Washington, DC. I have always had great respect for the police. But it was not until I went to the State legislature in Nevada that I developed the respect for firefighters that I have.

When I went there, they were trying to pass legislation.

One of the things they told us, that there were more people who die and are injured fighting fires than police officers who die or are hurt in the line of duty. Firefighters have all kinds of problems on a daily basis. This was exemplified by the tragedy at the World Trade Center when hundreds of firefighters died in that terrible attack. We need $6 billion to make sure the State and local antiterrorism investments are there for our police and fire departments. We need to have firefighting grants to allow local governments to have the capacity to train these people better. So for State and local antiterrorism investments for police and fire departments and additional firefighting grants, that figure is $1.6 billion.

We need to also recognize that the FBI needs more assistance. All Federal law enforcement needs help. That includes computer modernization, especially for the FBI. They need additional agents. They are working long hours and getting worn down since September 11. I am not going to state in the Chamber the numbers of people in the Las Vegas Customs office. To do so would be embarrassing to me and to our country. It is the same all over the country. We are asking the U.S. Customs to do all kinds of things legislatively that they don't have the staff to do. We need a huge additional amount of money to take care of Customs.

We know that the terrorists who came and did the acts of September 11 didn't come over the southern border we hear so much about. They came through the northern border. We need to make sure there is more funding for the Coast Guard, the Federal Aviation Administration, the Drug Enforcement Administration, and U.S. Attorneys. Our courts need more money, as does the U.S. Marshals Service. What I have talked about here, starting with the FBI, is going to cost us about $1.7 billion.

We know most of the time who comes into this country, but once they come here, they are lost in a maze of 270 million people. We need the Immigration and Naturalization Service to improve their tracking of people who are in this country and people who are on student visas. I believe we should do all we can to have exchange programs and have people study in our great universities. Out of the approximately 135 great universities in the world, 121 of them are in the United States. It is great we have people who want to come from other countries to study here. But we need to make sure that once they come here, they are not lost in the maze of people in the United States.

We need border enhancements, improved tracking of people, including people on student visas. This is going to cost about $1.5 billion. We know that airport security is going to cost more money, about $1 billion. Transit security is also important, $1.1 billion. We need to make sure there is adequate Federal security protection in Federal facilities such as nuclear plants and border facilities, national parks, and water projects. That will cost over $1 billion.

Enhancements for highways: I believe if we are going to have a real stimulus package in this country, we are going to have to do something with job creation. It is not going to be done all on the tax side. We have to create jobs.

For every billion dollars, for example, we spend on highways, we create 42,000 jobs. So much needs to be done with our highways. This would be an immediate pick-up, an immediate stimulus to our economy all over America, whether it is New York or Nevada or any of the other 48 States. There are projects that have been designed, and the only thing holding up the projects from going forward is money. We would create hundreds of thousands of jobs if we decided to spend $4 billion on these projects.

We could easily spend $2.5 billion for enhancement of highways. We could allocate $2.1 billion for clean and safe drinking water projects. Indian Health Service clinics and other initiatives need to be taken care of.

There needs to be a direct, strong movement to restore confidence in our economy. One way we can do that is to create jobs. The other way, and they go together, is to restore confidence in our homeland defense.

I have discussed with Senator Abraham, Governor Ridge, the head of the FBI, and the head of the CIA the need to have a place for training people who are part of our counter-terrorism task force. I am very provincial in this. I understand that. But the Nevada test site, where we set off 1,000 nuclear devices over the years, is a place as large as Rhode Island. It has mountains, valleys, deserts, dry lakes. It has a facility already there for testing chemical spills. It has huge dormitories and restaurants. It is a place that is waiting for some activity.

In addition to that, if we want to test hardened silos that Saddam Hussein and people in Afghanistan have dug and built, we can use a network of tunnels that have been built there for nuclear testing over the years that are miles long. So as part of restoring confidence in the economy, we should have this national terrorism center.

I only hope that we all understand that it is extremely important we not walk out of here with a stimulus package that is driven solely by tax cuts. I acknowledge that there are certain things we can do that are important on the tax side. There are other things we need to do. We need to look at those people who have been displaced in the September 11 aftermath.

Senator CARNAHAN offered an amendment on the airline security bill. It was a good amendment that failed on a party-line vote. That is too bad. We need to make sure before we leave here that the Carnahan amendment passes. We must do that.

We also must recognize that people who have been displaced not only have problems of unemployment, but they have no health insurance. We have to do something to extend COBRA or somehow to take care of COBRA.

While we talk about these extended unemployment benefits, we have to understand that unemployment compensation is a bridge to nowhere unless there is a job on the other end of it. We have to make sure we do something about that.

I spoke last evening to Senator NELSON of Florida. I have spoken to the two Senators from New York and other States who have an interest in tourism. That includes at least 30 States that have tourism as the No. 1, 2, or 3 most important economic forces in their States. We have to boost tourism.

There has been general agreement that we should look at a program to give a tax credit to people who travel—short-term, of course. We need to take a look and see if we need to restore the deductibility for business meals to stimulate the economy in that regard.

Senator DORGAN and I introduced legislation last week that would look at the ancillary businesses inside the airline business, such as rental car companies and travel agencies. These people also need a shot in the arm.

If we walk out of here this year and don't take into consideration the fact that we need to restore confidence in the economy by creating jobs and making sure people feel good about our homeland defense issues, we will have made a big mistake.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I yield to my colleague from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill, and that these amendments be subject to relevant second-degree amendments.

Mr. BROWNBACK. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

AMENDMENT NO. 2020

(Purpose: To provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits)

Mr. DOMENICI. On behalf of myself, Senator WELLSTONE, and Senator KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 2020.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise today to offer the Mental Health Equitable Treatment Act of 2001 as amendment to the fiscal year 2002 Labor-HHS bill. I am joined by my friend and partner in this endeavor, Senator WELLSTONE.

We are well aware of many of the arguments that will be made against our amendment. For instance, while the nation is rightly focused on recovering from the trauma and damage inflicted on September 11, it would be wrong to overlook this important issue because it is simply the right course of action to undertake. We are well past the time to act on extending and building on the federal mental health parity law that expired on September 30.

Others will argue that our amendment costs too much. However, CBO has scored our bill as costing less than one percent 0.9 percent and again passing this bill is long overdue and the right thing do for the millions of Americans suffering from a mental illness. The number of Americans suffering from a mental illness or the number of family members affected by a mental illness has not magically decreased over the past couple of months.

We are ready for a vigorous debate on a host of issues, but I would like to begin by saying: Our bill has 64 bipartisan cosponsors; the HELP Committee reported out the bill on August 1 by a vote of 21–0; 144 organizations support the bill; and CBO has scored the bill as raising insurance premiums by 0.9 percent.

The human brain is the organ of the mind and like the other organs of our body, it is subject to illness. And just as we must treat illnesses to our other organs, we must also treat illnesses of the brain.

Building upon that, I would ask the following question: what if thirty years ago our nation had decided to exclude heart disease from health insurance coverage? Think about some of the wonderful things we would not be doing today like angioplasty, bypasses, and valve replacements and the millions of people helped because insurance covers these procedures.

I would submit these medical advances have occurred because insurance dollars have followed the patient through the health care system. The presence of insurance dollars has provided an enticing incentive to treat those individuals suffering from heart disease.

But sadly, those suffering from a mental illness do not enjoy those same benefits of treatment and medical advances because all too often insurance discriminates against illnesses of the brain. More often than not, opponents of mental health parity argue the costs are too great. However, I would submit the cost of parity is negligible, especially, when contrasted with the cost impact upon society. The devastating consequences inflicted upon not only those suffering from a mental illness, but their families, their friends, and their loved ones.

Furthermore, the following are several additional costs that result from mental illness: 16 percent of all individuals incarcerated in State and local jails suffer from a mental illness; suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year; of the 850,000 homeless individuals in the United States, about one-third or 300,000 of those individuals suffer form a serious mental illness; and finally what about the people that are crying out for help and society only hears their cries after they have committed a violent act against themselves or others.

Just look, at the tragic incidents in Houston with the mother killing her five children, the Baptist church in Dallas/Forth Worth, and the United States Capitol to see the common link: a severe mental illness. Unfortunately, there is no place that a community can take these individuals for help. The police can do very little and likewise for hospitals.

Some of you may have seen last year's 4 part series of articles in the New York times reviewing the cases of 100 rampage killers.

Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia: 25 of the killers had received a diagnose of mental illness before committing their crimes: 14 of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

In particular I would point to a couple of passages from the series:

> They give lots of warning and even tell people explicitly what they plan to do.
>
> . . . a closer look shows that these cases may have more to do with society's lack of knowledge of mental health issues . . . In case after case, family members, teachers and mental health professionals missed or dismissed signs of deterioration.

Now let us look at the number of individuals suffering from some of the dreaded mental illnesses.

Major depressive disorder: 9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar disorder: 2.3 million American adults age 18 and older suffer rrom this disorder in a given year;

Schizophrenia: 2.2 million American adults age 18 and order suffer from this disorder in a given year; and

Obsessive—compulsive disorder: 3.3 million American adults age 18–54 suffer from this disorder in a given year.

However, medical science is in an era where we can accurately diagnose mental illnesses and treat those afflicted so they can be productive.

I would ask then, why with facts like these would we not cover these individuals and treat their illnesses like any other disease? We should not.

Working together, we took a historic first step with the passage of the Mental Health Parity Act of 1996, but that law is also not working as intended. While there may be adherence to the letter of the law, there are violations of the spirit of the law.

For instance, ways are being found around the law by placing limits on the number of covered hospital days and outpatient visits. Consequently, Senator WELLSTONE and I have again joint forces and introduced the Mental Health Equitable Treatment Act of 2001.

The bill seeks a very simple goal: provide the same mental health benefits already enjoyed by Federal employees.

The bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Program and expands the Mental Health Parity Act of 1996 by prohibiting a groups health plan from imposing treatment limitations or financial requirements on the coverage of mental health benefits unless comparable limitations are imposed on medical and surgical benefits.

At 2:25 this afternoon, an amendment arrived at the desk. I read off the names of the cosponsors, but I did not name the bill. So let me do that. This bill is called a mental health parity amendment. Another way of talking about it is that it is the mental health parity bill put into an amendment form. So we will not have to wait any longer to have a national debate as to whether insurance companies in the future—not this year but one full year from now is the way we have drafted the bill—will or will not be able to insure people against their illnesses and/or diseases and provide less coverage for the mentally ill as defined in this bill than they do for other well-recognized diseases such as cancer, diabetes, whatever they may be.

That means the thousands upon thousands of American families who have young people in their teens with schizophrenia—well diagnosed, they are told by the medical people what they have, they are subject to treatment, to medication and, yes, a very long life of difficulty if, in fact, they do not have medication and treatment facilities in these great United States, the last group of Americans who have no health insurance because they are defined out of the coverage by the conventional approach to what is a disease and an illness and what is not. They are left out.

So if one goes to New York or Chicago or, yes, Albuquerque, and finds street people and watches them and looks at them and says, oh, my, what are they doing, they will find that fully between 33 percent and 40 percent are sick. That is why they are there. They are sick and they probably have no insurance coverage, even though they are as sick as someone's next door neighbor who had a heart attack and is being taken care of in the best heart facility at the local hospital, and the insurance company pays the bill.

We have had a history in America of not covering the mentally ill under conventional, typical insurance coverage. Quite to the contrary, we have sat by and watched insurance companies—obviously they are doing the best they can and this is part of their business. They are remaining solvent and being able to insure people at the most reasonable prices. The insurance companies come along and say: Since we are not obligated to do so, we will not cover the mentally ill; or if we do, they will be covered with a much smaller total coverage number, and everything about the coverage will be less than what we cover for people with the ordinary diseases that we so often talk about, including the great strides being made in heart disease treatment, heart disease research, heart disease care, or any of the other diseases we are so free to talk about. Somebody is being taken care of. The insurance company is paying the bill. New buildings rise up to cover them because they are insured.

That is a great resource, coming directly from the back of the insured to the marketplace, the marketplace of paying for the best doctors, of paying for facilities. If somebody can pay for them, you are apt to build them.

What about the mentally ill? The mentally ill have no facilities to speak of—just a few—because nobody will pay for them. There are no specialty clinics to speak of. There is very little private sector involvement in building health facilities where the mentally ill can be taken to make sure they take their medicine and are cared for. In the ordinary language of the marketplace, there is no money in it. There is no money in it because the people are not insured.

Five plus years ago, my friend Senator WELLSTONE and I passed the first parity bill. It was partial parity. It caused the discrimination against the mentally ill under insurance policies to go away partially. It just expired. This bill, that is now in amendment form, passed out of the committee 21 to 0. A couple of Republican Senators want to offer amendments, and I am pleased they can offer them now, this afternoon. We tried our best to get the bill called up as a freestanding bill, hoping we would be given a day, 2, or 3 days. We could never get it done because there were some Senators—and it is their privilege and prerogative—who thought that we don't need to mandate coverage, even a year and a half from now, as we do here, and we do not need to cover the mentally ill that doctors define as having a brain disease and should have coverage. Some think their cause of not covering it is better served if we never get this bill up.

I understand what a great imposition this is on the appropriations process and on the two wonderful Senators managing this bill, but I don't see any other way to do it. There are millions of Americans who have worked through their organizations. There are 140 organizations in America supporting this legislation. Some have a special interest. Some will receive better payment for taking care of the mentally ill. Some, such as the National Alliance of the Mentally Ill, understand the plight of people with schizophrenia, the plight of people with bipolar diseases, the manic-depressive. They understand what parents are going through in America.

These diseases do not always strike the elderly or the young. As a matter of fact, one of the most dread of these diseases has a propensity for showing itself when our young people are teenagers, between the ages of 17 and 18, up to 25 or 30. At this age the disease causes a great disability and poses a major problem for care of a son or daughter. Across this land thousands of people have already gone broke, cashing out every asset they own, trying to take care of their child, while America looks on the insurance system and says: We cannot tell anybody what kind of insurance they should cover. We cannot tell any insurance company what they ought to cover. We take for granted that they will cover heart conditions, heart research, they will cover any of the other diseases we more or less call "physical" diseases. On the periphery sits the mentally ill with little or no coverage.

My good friend, Senator WELLSTONE, and I have been joined by 65 Senators. I sent this to the desk at 2:25. This is a very historic time. This amendment will pass, if not today, tomorrow. And today we will finally have made the Senate vote. I am convinced they will vote yes, let's get this started; get rid of this discrimination that has festered long enough in terms of the health coverage system of the United States. Before the day is out, I believe the number of Senators will go up, not down.

For those frightened for small business, the committee, headed by Senator KENNEDY, the committee we entrusted with our bill, which has the jurisdiction, has the authority to decide to send us a bill or not, decided, in order to have great unity and the first time through to get Democrats and Republicans on board, they would make an exception for small business. Everyone should know, all businesses with 50 employees or fewer are exempt; we are not mandating this coverage at this point. Small businesses that might be worried about this, or Senators who might be worried in their behalf, can read this bill. They will find that exemption.

There is much more to say. Taking this up at the end of the year does not do this bill justice. It is a major undertaking by the legislative branch of the U.S. Government, led by the Senate. Nonetheless, we are going to proceed. To those who procedurally are determined not to let us have a straight vote, you will find a few changes in this bill from the language that came out of the committee. We wanted to make sure this bill was as protected as we could make it from procedural motions on the floor. It is not effective until the year 2003. That cures a lot of procedural problems some might have had. It is not subject to a point of order, a 60-vote point of order, because of that change and 2 or 3 other changes we made in order to see to it we got a straight up-or-down vote.

For the mentally ill, the schizophrenic whose family is desperately trying to take care of them, or someone suffering the great delusions that are typical, the mammoth delusions that are common for a schizophrenic or for the bipolar suffering—for some unknown reason, they can be in a very low mood and then as high as they can get, and in between the highs and lows is a great inability to live a normal life—this is the best we can do for those families in America, for those millions suffering. We have to offer it today. We have to get the Senate to say yes or no on whether coverage by insurance policies is part of the normal, everyday coverage for health care, whether or not it will include that portion of Americans.

Obviously, these dread diseases are not typical only to America. In any particular area where a group of humans live, there is a certain percentage who will turn up with schizophrenia. There is a certain group that will turn up with the enormous ups and downs of the bipolar disease I described.

There is also clinical depression, which probably has more victims than any other in terms of numbers. What does depression bring, along with the other two diseases I mentioned? A total loss of hope; suicides, which are growing in numbers, especially among teenagers. More times than not when that event occurs, the trail of symptoms indicates if they had been treated for depression, it probably would not have happened.

In any event, I am prepared to go on much longer and in much more detail.

For those who want us to delay consideration of this measure, I urge you to come down. See if I am correct. I don't think you have a parliamentary way of avoiding having the Senate vote. I don't think there is a way that you can make it subject to a point of order where we will need 60 votes. I don't believe there is a point of order with reference to the budgetary impact because we are able to understand in advance those kinds of procedural approaches. The bill is no longer subject to those kinds of procedural attacks.

We feel good about it. We would like to spend some time talking about the reality of this bill and what it will and won't do.

I close by saying the last argument that will come from those who oppose it is: Can we afford it? I assume they will also say: We are now in a recession. So we really can't afford it.

I just told you it is not effective until 2003. We give everyone time to get out of the recession. Besides that, in terms of budgetary problems, the best estimate we have, and we will put it in the RECORD shortly, is the Congressional Budget Office saying when fully implemented, this may increase the cost of health insurance by nine-tenths of 1 percent. That is what the Congressional Budget Office says.

I have given you the small business exemption. I have given you the experts' cost. I have given you when it will come into effect. Later on we will discuss who is covered by it. That is still something to be discussed. Some will want to know whether we made it too broad, whether we covered too many people, and whether we covered them in language that is so vague so that the disease is not adequately defined. We think we have done all of those things.

We are pleased to engage later in the day with anybody who would like to talk about that.

I yield the floor. I thank Senator WELLSTONE for his help. We will be here this afternoon defending this measure as long as we are needed.

I yield the floor.

Mr. WELLSTONE. Madam President, I believe the Senator from Pennsylvania wants to speak. I will defer to him. I ask unanimous consent that I follow the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I compliment my distinguished colleague from New Mexico for his diligent work over a very long period of time on this very important issue. When he talks about the measure, it is Senator DOMENICI, for himself, Senator WELLSTONE, and Senator SPECTER. I am second on the cosponsor list on his substantive amendment. When he asked me before submitting it whether I would be a cosponsor, I said that I wanted to wait and see the discussion.

The concern that I have is the moving of this appropriations bill. My colleague from New Mexico understands that full well. He is on the Appropriations Committee and is the chairman of the subcommittee. I think it is a bill which ought to be enacted. I believe there ought to be mental health parity. The reasons which he has given are very persuasive.

The concern I have is it is legislation on an appropriations bill, and the concern as to whether there are tax implications to include deductibles, coinsurance, copayments, and catastrophic maximums which would provide a basis for a so-called blue slip by the House of Representatives. We can handle that in due course. I am going to await the arguments.

I would like to find some way to accommodate this amendment. I am just not sure at this point that it is possible. But I wanted to express those views at this time. I know the Senator from Minnesota is waiting to comment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I thank my colleague from Pennsylvania. I know in discussions with the Senator from Pennsylvania and Senator HARKIN from Iowa that we can go over all of the points. We have made a special effort to deal with it.

First of all, I thank my colleague, Senator DOMENICI from New Mexico. It has been my honor to have worked with him now for over half a decade on this question.

I believe the Senate will pass this amendment. When we pass this amendment, I think it will be viewed favorably by historians. I am not trying to be melodramatic.

There are 67 Senators, Republican and Democrat alike, who support this piece of legislation. It passed out of the HELP Committee by a 21-to-0 vote. There are 150 organizations that support it. There are two reasons.

First of all, this legislation is major civil rights legislation. We are coming to November 2001. When this amendment and bill pass, I believe we can keep it in conference. We will have passed a major piece of civil rights legislation which will say that we will no longer permit discrimination against those people who struggle with mental illness in our country.

This legislation says, when it comes to those who are struggling with this illness, there will no longer be discrimination. It is modeled after the Federal Employees Benefits Plan.

It basically says there will be the same requirements when it comes to deductibles, copays, and days in the hospital and outpatient visits.

I thank the Senator from Massachusetts as chairman of the HELP Committee for helping us get this through the Health Committee on a 21-to-0 vote. He and his staff have been there throughout all of the negotiations and work on this bill.

I thank Senator DOMENICI. Next to Senator DOMENICI, I thank Senator KENNEDY.

I think there is going to be an overwhelmingly positive vote because it is just wrong for someone who is struggling with this kind of illness to be told they are going to have to pay a higher copay, and they are going to have to pay a higher deductible. No health insurance plan will let them stay a few days in the hospital. No. They can only have a certain number of outpatient visits.

We will not do that with someone who suffers from a heart condition, nor to someone who is suffering from diabetes, nor to someone who broke their ankle. We don't say to them they are going to be in the hospital only 1 day and that is it, or 2 days and that is it. Nor would we charge them high copays and deductibles to the point where they can't afford it.

We have to end the discrimination. It is 2001. The time has come for this idea.

The Surgeon General in his report said close to 20 percent of American people struggle with this illness and 18 million people struggle with depression.

I have had the honor of working with Al and Mary Kluesner from Minnesota.

They started an organization. It is now a national organization. It is called SAVE. Two of their children committed suicide. They have two children who are doing spectacularly well.

Up until very recently, a lot of families, parents, brothers, sisters, husbands, and wives blamed themselves when they lost a loved one who took their life. There has been this shame. People have blamed themselves. But now we know a lot more. Now we know how much of that is biochemical. Now we know it can be diagnosed. Now we know it is treatable. The success rate for treatment of those who are struggling with depression is 80 percent.

Kay Jamison, a psychiatrist at Johns Hopkins who has tried to take her life twice, has written several powerful books. One book is called "An Unquiet Mind" about her own experiences. Just a month ago she received the McArthur Award—the genius grant —for her work. She has written about the gap between what we know and what we do. It is lethal.

The Kluesners became involved and people all across the country have become involved. They no longer will accept the stigma. They no longer will accept the discrimination. They have come out of the closet. They have come out of the closet to speak for their loved ones because they know it is a matter of life or death.

If we would end the discrimination, we would get the care to people; we would save some lives.

Suicide is the third leading cause of death among young people in our country. In Minnesota, it is the second leading cause of death.

So much of this can be diagnosed. So much of this is preventable. That is why this amendment and this legislation is so important.

It is not just a question of civil rights. It is not just a question of saying it is the end of discrimination. It is also a question of what we can now do as a nation. Because if our health care plans—modeled after the plan that we participate in, the Federal Employees Health Benefits Plan—say there will be no difference in terms of the way we treat this illness versus any physical illness, then, I say to Senator DOMENICI, the care will follow the money. Once the health care plans provide the coverage, you will have an infrastructure of care out there for people that we do not have right now.

There will be arguments and counterarguments, and I am ready for all of them.

Let me just make a couple more points because I will be in this Chamber for a while with this amendment, and other Senators are in the Chamber right now.

There was a young woman named Anna Westin. Her mom and dad, Kitty and Mark Westin, have brought parents together as well. They have brought parents together because their daughter—a beautiful young woman—struggled with anorexia. Same issue: She tried to get coverage from the plan. It was the Blue Cross/Blue Shield plan in Minnesota. They could not get the coverage for the days in-hospital that she needed to be there. They lost their daughter.

By the way, Blue Cross/Blue Shield has made a settlement with them and is going to do much better in terms of providing the coverage. I cannot make a one-to-one correlation and say because she did not get coverage, therefore, Anna took her life. But I can tell you this: I have met with parents, I promise you, all across the country who have told me about what it means when they cannot get coverage to take care of their children.

I went down to Houston; and SHEILA JACKSON-LEE had a hearing she wanted to do with me. It dealt with mental health and children. It was unbelievable the number of people who came who wanted to speak about their desperate story with their own children. At this public hearing, the guy who was the head of the corrections system for one of the largest counties in the United States of America—I could not believe what he said—said: I am a law and order person. Nobody seemed to doubt that. And he said: I want to tell you, a lot of people believe that if these kids are locked up in our facilities, they have done something wrong. He said: I want to tell you—I think the figure he used was 40 percent—40 percent of these kids, if they had gotten some help, would not even be in jail. They should not be locked up. It is the only place the parents can get any help for them.

There was a time when we talked about how we institutionalized people, we warehoused people struggling with mental illness—adults and children in institutions. Now we are warehousing them in our jails, and many people should not be there—many children should not be there.

So this legislation ends the discrimination for a broad range of mental illnesses that affect adults and children.

This legislation has an exclusion for small business so that businesses are not covered unless they have 50 employees or more.

This bill has been scored by CBO as costing no more than a 1-percent increase in premium. Then there is the benefit of what happens when we finally end the discrimination and what happens when we finally provide the coverage for people.

We had testimony—my last point because I will have a chance to speak later—before the HELP Committee, I say to Senator KENNEDY. There were a number of people who came in—I wish I could remember all of their names: doctors, psychiatrists, social workers—and they were talking about the aftermath of September 11. I am not mixing agendas. I am being as intellectually honest as I can.

One woman, who worked with the firefighters, said: I want to tell you that given what people have gone through, you are going to have to have an infrastructure of mental health care. Her name is Dr. Kerry Kelly. She talked about her experiences with her onsite work as chief medical officer of the New York Fire Department. She just basically said: Look, we are going to need a lot of help for family members. And people have been saying that all across the country.

So, I say to colleagues, please consider this legislation civil rights in ending discrimination. Colleagues, please consider this legislation as a way of finally providing the care to men, women, and children who, if they are provided with the care, can go on and lead good, productive lives. And, colleagues, also please consider this legislation preparedness legislation. The truth is, no longer, when we talk about health care for adults or health care for children, or public health, or what we have to do, can we not consider mental health part of the cake. It is part of how we deliver humane and dignified and affordable health care to people in the country.

This is about as important a piece of legislation as I think we can pass. But, look, I have my biases. I came here as a Senator who has a brother who has struggled with this illness all of his life. When I was elected in 1990, I thought if there was one thing I would try to do, for sure, I would try to end this discrimination in coverage. For sure, I wanted to make sure that people were able to get the help they needed.

I have had a chance to work with Senator DOMENICI for over half a decade. And I have had a chance to work with Senator KENNEDY for over a decade. Now is the moment where we can pass this legislation as a part of this bill. And I think we can keep it in conference. This would be a huge step forward for our country.

We need each other as never before. There is an ethic going on in this country about the ways we can help one another. I think that is all for the good in the most difficult of times. This would be the best possible way of living up to this value and this ethic, to adopt this amendment with an overwhelming vote.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I congratulate and thank our two leaders in this extremely important bill in the area of health policy—Senator DOMENICI and Senator WELLSTONE—for ensuring that the Senate will have an opportunity to address one of the most compelling health care issues we are faced with in our society. I thank them for their constant support on this issue over the years.

We have had debates on mental health parity on a number of different occasions, but with the shaping and the fashioning of this amendment, this really is the moment of truth on this issue. This is the time to take action.

Senator DOMENICI and Senator WELLSTONE deserve all of our thanks for their leadership and the work they have done. I would also thank those who have been a part of the process in helping us develop the legislation, the scores of families who came and testified and shared some of the great personal challenges they have faced as they have dealt with the challenges of mental illness in their families, deserve a great deal of credit.

We express to them that the best way we can ever thank them for being willing to share some of the great challenges they have faced over a lifetime of care and dedication and commitment—and in a number of instances financial ruin—is to have real parity in our health care system. This legislation will do that for us.

I was listening to both of our colleagues and remember so much of the similar debate we had back in 1996 on the HIPAA legislation, when both Senator DOMENICI and Senator WELLSTONE brought these matters to the floor of the Senate at that time. A number of our colleagues spoke with great passion and great commitment, and we thought we had made a substantial downpayment in moving us irrevocably in that direction. But, nonetheless, we were not able to do so because there were those who were able to find ways of circumventing the legislation and finding ways of subverting both the intent and, for me personally, even the letter of the law. The Senate voted for it overwhelmingly, Republican and Democrats alike.

Over the years, this body has been somewhat slow in finally responding to science rather than ideology. For years, those who were challenged mentally were too often put aside in our society and denied a position of respect and dignity. They were shunned. They were looked down on. They were pitied. They were, in many instances, abused. Their lot was not a good one in America.

Then, more recently, that attitude has changed. I would like to believe there has been a new sense of respect for the valuing of individuals on the basis of their character rather than, as was used with these words, "the color of their skin" or their gender or their ethnicity or their disability. We have made important progress.

What we have seen over time is corresponding progress in being able to deal with the challenges of mental illness. We have made real progress. Now there is really no excuse whatsoever. Now there is no reason whatsoever to deny the Senate the opportunity this afternoon to move toward true equality and true parity in terms of mental health.

If we look at some of the mental disorders that are most common in terms of challenges to our communities, one is bipolar disorder, another is depression. Compare those to the physical disorders of hypertension and diabetes, common illnesses, common challenges we face; you find that the treatment success rates for these chronic diseases of bipolar disorder and depression far exceed those for hypertension and diabetes. This is true across the board. Not everyone understands it; not everyone believes it. But increasingly, the medical information and testimony and results indicate that mental illness is treatable. It is such a statement of hope for families to know that, if they get the appropriate treatment, they can free the individuals facing these challenges from some of the torments they are facing in the course of their lives. We have made enormous strides. We are making enormous strides.

Our two colleagues share my belief that we are at the time of the light science century—with the mapping of the DNA, stem cell research, and all sorts of recent exciting medical breakthroughs. We view the opportunities for continued progress in this area, such as in the year of the brain, where we have had very profound research and discoveries on what impacts thought process in people's minds. We have made enormous progress, not only in understanding but also in dealing with these issues.

The question is, why not have parity? It is so compelling and so necessary.

I will digress for a moment and thank our colleagues for bringing this to our attention at this time in our country's history. All of us still are sensing the powerful emotions we felt on September 11. We know anxiety still exists for so many families, not only as a result of the particular enormous tragedy that was so devastating to so many families but also its impact on our Nation as a whole and, more recently, the challenges we are facing in terms of the dangers of Anthrax. We know it has only directly affected some 15 of our fellow citizens, but we know that the fear and the anxiety among our fellow citizens is significant.

I dare say, this anxiety has impacted no group more than the children of our country. They are feeling this enormous anxiety. They are feeling it not only as a result of September 11; they are also feeling it with regard to the threats of Anthrax and the whole threat of bioterrorism. There is a lot of anxiety in America today.

We don't expect this bill to solve all of the problems, but what it will do is give the stamp of the U.S. Senate. Any fair review in the reading of the record is going to reflect very clearly that there are ways of providing assistance to those who need the attention and the care and the guidance and the support and the treatments that are out there for American families.

The most obvious ones are those that have been involved in the current rescue efforts at ground zero and their families. Having had an opportunity the other evening to talk to the head of the firefighters union and to listen to him for a short period of time, I could already see that the challenges that are going to be faced by so many of the families involved are going to be severe.

We know that challenges still exists. We know now in recent years enormous progress has been made in understanding the very challenge of mental illness and mental disease. We know extraordinary progress has been made.

The only reason for not accepting this amendment may be the issue of cost. It always comes around to the issue of cost. At least it comes around so often by those who want to resist legislation.

That argument does not stand up in this case. We have experience in a number of the States on this issue. In our committee, this was raised as an issue. And we agreed to raise the exemption from companies with 25 employees or less up to companies of 50 employees or less. That means approximately half of all working families in this country will effectively be covered, but there will still be many others left out. I regret that, quite frankly. But I am satisfied that if we get this in place and we have the results that I know will come, we will be right back in a very short period to extend the exemption from employers of less than 50 down to 25.

The fact is, 23 States have passed parity laws. There is absolutely no evidence that any of them have experienced any significant increase in costs. We know that now as fact. We are not dealing with theories, estimates, or judgments by those who are opposed to it. We are dealing with facts. The facts are as I have stated: there has not been a significant increase in cost.

The Senators from New Mexico and Minnesota would agree with me that with an effective program providing mental health parity, you are probably going to see a reduction in the cost of health care because when you treat the mental health challenges and the illnesses for individuals, more often than not, it has a very positive impact in terms of other physical disabilities.

Those studies have been presented before our committee, and I am absolutely convinced that even though this is going to provide additional kinds of treatment for individuals who need it, the overall bottom line is going to be savings in health care expenditures. We have seen examples of it. I won't take the Senate's time right now to go into those studies, but a very compelling case has been made.

If you think back to it logically, you will see the reasons for it. The first reason is to assist families and individuals by increasing the nation's capability to provide mental health services to Americans who need it. It is a grave mark on our national consciousness if we have the ability to assist these families and we do not do so. This legislation will ensure that we are going to do it.

Secondly, with the progress that has been made with these breakthrough treatments and medicines, we have the chance to make a important difference to our fellow citizens in their lives and the lives of their families and to have an enormous positive impact on our fellow citizens.

Finally, this is not going to be an additional burden in terms of cost. This is a compelling case. It has been made eloquently and passionately by two of those who have given their commitments and the force of their arguments—Senators DOMENICI and WELLSTONE. They have made this case time in and time out. It is time for the Senate to act. It is essential that we act, and I hope this will pass overwhelmingly.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am happy to be a cosponsor of this amendment.

First of all, I wish to express my gratitude for the leadership shown by Senator WELLSTONE and Senator DOMENICI. They brought to the Senate, with this unique partnership they have formed, something that will be long remembered. They are from different political parties, two individuals with different views on almost everything in political life. In the last 6 or 7 years in the Senate, they have brought together something that has been very dynamic. As a result of their leadership, laws have been changed in this country, attitudes have been changed in this country, and the entire United States owes a debt of gratitude to these two men.

We have all had experiences with diseases where we may have said, yes, my cousin, my brother, my father, or my neighbor had this same disease—whether it is cancer, heart disease, whatever the condition—a medical problem with which we have all had experience. If we are honest with ourselves—and we are becoming so—if we talk about mental illness, it is the same thing.

How many of us have relatives who have clinical depression? Lots of us. How many know of members of our families who have bipolar disorders? That is a relatively new term but something we understand. The same applies—whether it is cancer or heart disease, it applies to this.

I have been stunned by how many people have been affected by a suicide. It is no secret in this body that my father committed suicide. It is no secret that it took a long time for me to acknowledge it publicly and talk about my father's death. But since I have, every place I go, people come to me and relate stories. For example, I was at a TV interview in Las Vegas. One of the anchors who did the interview said: May I speak to you afterward? I said sure, and I waited. Her brother committed suicide. Every place I go, people come up to me and say their mother, father, brother, or sister committed suicide. We know at least 31,000 people each year kill themselves. There are really more because there are automobile accidents and other kinds of "accidents" that are not counted, but they are suicides.

Many people deny that their loved ones have committed suicide. I try to have them be as forthcoming as I should have been many years ago about my father. It affects us all.

That is what this amendment is all about—parity, making sure that heart disease is treated no differently than depression that leads to suicide.

There is a tendency of some to think these problems are identifiable at a given age. Well, the sad reality of it is that mental illness doesn't appear at any certain age. Children have mental disorders, mental problems. Teenagers develop them. People in their twenties and thirties have them.

Here are two examples. There is a woman I have gotten to know in Washington—a 78-year-old widow. She is a very pretty woman. Her husband was extremely well educated. She has two sons. They both were happy, with good jobs, in good professions. While in their forties, they developed mental illness—both of them. Now she cares for her two sons. She is 78 years old. I visit her at least once a month. Some months they are in better shape than in other months. They are under medication and treatment. But it has affected her life dramatically.

I often wonder what is going to happen. In fact, I don't know about the one son. One, I know, was happily married with children before he got sick. Now he is divorced. I often wonder what is going to happen to these men after this woman passes away.

Another example is somebody I knew who was a great athlete in high school, a high school all-American, college all-American, a professional athlete. I wonder what happened to him. All of a sudden, I didn't see him on the roster and wondered what happened to him. He is in an institution—a mental institution. Who would ever guess it? I will not mention his name. Who would ever guess he would have been in a mental institution—this fantastic athlete, tough, hard, and so good. He is in a mental institution.

I recognize that there needs to be more done so that we accept mental illness more. That is what this legislation is all about. That is what mental parity is. That is the name these two men—Senators WELLSTONE and DOMENICI came up with, "mental parity," or mental fairness, to treat diseases the same, whether it is heart trouble or depression.

We are doing better than we were. One reason we are doing better, in my opinion—the one to which I have devoted so much time, suicide—is we have a man who is the Surgeon General who is a tremendous person. All we had to do was talk to him about suicide and he knew something had to be done. Dr. Satcher has worked tirelessly, since he became Surgeon General, to bring about change. He has worked with us to make sure there was money to study the causes of suicide. We don't know why people commit suicide.

You would think the suicide would be in States—and I say this without any denigration whatsoever—where it is dark and cold in the wintertime, such as North Dakota, Minnesota, South Dakota, these cold States, but it is not.

It is not. Suicide is west of the Mississippi, in States where the Sun shines a lot, wide open plains and places for people to get outdoors. The 10 leading States in suicide are west of the Mississippi. We do not know why, but we are studying why, and we hope to learn more.

In the Senate, we have passed resolutions recognizing the problems with suicide. We are appropriating some money now. We are doing better.

To show this is a serious problem, I have a statement that indicates that a telephone survey conducted by the Pew Research Center of the people and the press a few days after the attacks on September 11 found that 71 percent of respondents reported being depressed, 49 percent said they had difficulty concentrating, and 33 percent reported insomnia.

We have all talked to our friends and relatives who after this attack are having trouble sleeping. For the first time these people are having trouble sleeping.

In another study conducted 3 weeks after the attacks, respondents said they were depressed, and 20 percent 3 weeks after of the events said they were having trouble sleeping.

There should be full parity for mental illness. We have to make sure, as has been discussed today, that companies, businesses, and government do not try to figure out some way to get around this. They should not do that. It is the intent of this amendment that people with mental illness be treated as well, as fairly, and as equally as people with medical illnesses. That is the purpose of this legislation.

If, in some subsequent time, someone is trying to figure out the congressional intent, the intent of this is to have mental parity, to have people who have mental illness treated the same as people with a medical illness.

Again, I express my appreciation to the people who have us talking about this issue, Senator WELLSTONE and Senator DOMENICI. But for their advocacy, we would not be here today and we would not have been doing things in the past 5 years. It is because of them we are considering this amendment. I am personally indebted to them for the work they have done to help those with no voice, to help those with no lobbyists, to help those who cannot help themselves.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I am proud to be a cosponsor of the legislation and to add my name to this amendment. I join with others who have thanked Senator DOMENICI and Senator WELLSTONE for their diligence and dedication on what is an extremely important issue. It is extremely important to all of our families.

I have been involved with mental health issues all of my adult life, starting when I was in the State House of Representatives in Michigan chairing the Mental Health Committee and writing legislation we have in place in Michigan for children, families, and adults. But today I rise in support of this amendment because of my personal situation.

My father, who was an extremely loving and wonderful man, a businessman in business with my grandfather in a car dealership in Eau Claire, MI, when I was growing up, in his mid-thirties found himself being diagnosed a manic-depressive. At first, we did not know what that meant in terms of the highs and lows he was experiencing.

At that time—it was the midsixties—there was very little available in the community. It mostly was hospitalization for anyone who had any kind of mental health problems. We did not have a lot of money. Our family was not a wealthy family, and we struggled with attempts to get my father adequate care.

One of the things we learned as we moved through this disease with him was that mental illness is as physical as any disease that is now covered by our insurance system. If you are a manic-depressive, that means you have chemicals in your brain that are off balance. They provide too much of a stimulus that causes one to be awake, to go into a manic state; it causes then too less of a stimulus, so one goes into a depression and they may swing back and forth.

Just as we have now developed medicines to help those who have cancer and diabetes or those who have Parkinson's or Alzheimer's disease—and we are moving on all kinds of fronts to develop new medications—we have medicine now for those who are diagnosed manic-depressive.

When my father was finally able to find someone who understood his disease, there was something developed called Lithium, and he had the opportunity to begin taking that medication each month. He was able to go back to his normal life. He was able to work and function and be a part of the community because this was a physiological disease that was treatable by medication.

We know, whether it is schizophrenia, manic-depression, or other diseases, that we are talking about imbalances in the brain. These are physiological changes. These are health problems, as much of a health problem as diseases that are covered by insurance.

I cannot think of anything more basic than finally, in 2001, understanding in our health insurance system what we have now known in the medical community for years, and that is: If we provide treatment, we can treat those with mental illnesses as well as physical illnesses with great success.

My colleagues have spoken to the fact if we do not do that, we will treat them in our jails, we will treat folks who are homeless and under the bridges sleeping at night. There will be some way that those who have mental illnesses will find themselves in situations where they will be reaching out, and we will be addressing it in some way in the community. The question is, do we do it in a positive way in the health care system where it needs to be addressed or will we be addressing it in some other way that is not positive?

I hope we will all come together. It would be wonderful to see everyone coming to the Chamber and supporting this long overdue amendment on mental health parity. I hope my colleagues understand this has been worked out. This is a bill that has been balanced. For those concerned about small business, this is legislation addresses those companies with less than 50 employees being exempt, that there is a year delay—there is a lot that has been put together in this amendment.

I compliment my colleagues who have worked so hard to come up with a balanced approach and yet proceed with the principle of mental health parity. In this day and age, shame on us if we do not understand the variety of ways in which someone can become ill and require our health system to address those equally. It is long overdue. I strongly urge adoption of this amendment.

I again thank my colleagues who have come forward and have fought so diligently for this principle for so many years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the Senator before she leaves the Chamber, I thank her very much for her remarks. I have been very amazed in the 5 or 6 years I have been involved with mental illness issues as it pertains to Federal policy, as it pertains to State law, the more I go out and meet people, whether it is in a town-hall meeting where a lot of people from all walks of life come, or whether it is a special event where somebody is being honored and there is a lot of glitter around, or even if you go to New York for some kind of event and you are meeting the people of swank New York, wherever and whenever, you always have more than one person walk up and tell you about their family—schizophrenia, manic depression, clearly depression, especially among young people, always somebody brings that up.

To be honest, it is so common as an illness that it is hard for this Senator to believe we are in this year, 2001, still letting people write insurance policies and act as if heart conditions and all the research that goes with it should be covered, even build hospital clinics because insurance companies are so willing to pay because that insurer carries all of his resources on his back and builds new hospitals, builds new clinics, builds new techniques, builds more research, but all of these people who walk up to us and tell us their story, there is no money, there is no coverage.

Some people will take that as this is a big philosophical difference. They would say to Senator DOMENICI on the Republican side, why do you want to tell anybody what to do? Why do you want to tell insurance companies what to do?

Frankly, I think when we started this process of what will insurance companies cover and what they will not, I asked a question of those who think this is philosophical: What if we would have said a heart condition is not covered by insurance. Why? Because the heart is part physical and it is part spiritual, and we do not know enough about it so let us not cover it.

What do you think we would be doing today? Do you think we would get to 2001 in American chronology and we would still be having insurance companies say they are not covering heart conditions because 41 years ago they should not have covered heart conditions because, after all, it is part spirit and part physical?

Those who oppose this legislation want to leave the millions of Americans with severe mental illnesses right where they have been for decades. They do not want to acknowledge there is treatment, that it is costly, that one can get well, and that it is defined as brain disease in many parts of the medical community.

It is not something that is unlike any other illness. It is very much like a lot of illnesses. It has a huge number of qualities that are the same as mental illnesses that we are so concerned about that we would not let an insurance company get by without covering them to the maximum. We would have them here and we would be citing them for some kind of contempt of America if they did that, I would think.

So when the Senator from Michigan joins us and tells us the real facts, it begins to show signs that the message is getting through.

Let me give one more example. When President Kennedy was the President, we were engaged in a very serious national effort with the severely mentally ill who were locked in cages. We could tell a whole story about that terrible part of American health care. As an ironic situation, I might say they are no longer locked in cages as they were. At that point in history, we decided that could not be done, they had to be let out.

Now more of the seriously mentally ill are in jails in America than they are in hospitals. They are not in the cages. They are in jails because there is no place else to put them. They are getting arrested for malfeasance, most of it small. When it gets to the big crimes, we have a national argument about whether or not they are mentally insane when they commit mass murder.

In any event, the reality of it is we decided way back then that we were going to treat the mentally ill differently. But what we thought would happen was that across America there would be clinics, there would be facilities built that would let the doctors treat the mentally ill in a modern, hospitable, decent manner, not in the dungeons of the past.

Guess what happened. Nobody put up any money. Now one would say: Well, who should put up money? Either the Government ought to pay for some facilities or there ought to be some coverage if it is an illness so that the insurance companies would pay for it based upon it being carried by the mentally ill person. When they get sick, the insurance comes into play. With that, the private sector may build many facilities for the mentally ill. It is not going to happen until we do that.

I thank the Senator so much for her remarks today. They were right on, from this Senator's standpoint, and very relevant.

Ms. STABENOW. Will my friend yield?

Mr. DOMENICI. I yield.

Ms. STABENOW. One more time, I thank the Senator from New Mexico for his commitment on this issue and the way he is able to explain the importance of it.

I stress, along with the Senator, if we had private insurance coverage, then the facilities would be there. They would know there is a way for this to be paid for and, in fact, as we do with other kinds of health insurance, the hospitals would know there is a reimbursement system, the physicians would know there is a reimbursement system, and they would know as well there would be for these mental illnesses.

I thank the Senator for his wonderful commitment and leadership, as well as Senator WELLSTONE. I am hopeful we can move forward and that this can truly be a historic day.

Mr. DOMENICI. I send to the desk a list of cosponsors. There were 65, plus the Senator from Minnesota and the Senator from New Mexico.

The PRESIDING OFFICER. The cosponsors will be added to the amendment.

The list is as follows:

COSPONSORS

Wellstone, Kennedy, Reid, Stabenow, Akaka, Baucus, Bayh, Bennett, Biden and Bingaman.

Boxer, Breaux, Byrd, Cantwell, Carnahan, Carper, Chafee, Cleland, Clinton, Cochran and Collins.

Conrad, Corzine, Daschle, Dayton, DeWine, Dodd, Dorgan, Durbin, Edwards, Feinstein and Frist.

Graham, Grassley, Harkin, Hatch, Hollings, Inouye, Jeffords, Johnson, Kerry, Kohl and Landrieu.

Leahy, Levin, Lieberman, Lincoln, Lugar, Mikulski, Miller, Murray, Nelson (FL), Reed and Roberts.

Rockefeller, Sarbanes, Schumer, Shelby, Snowe, Specter, Thomas, Torricelli, Warner, Wyden and Stevens.

Mr. DOMENICI. There are 154 organizations that indicate the time has come when we ought to do this, and I ask unanimous consent that this list of organizations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

154 ORGANIZATIONS SUPPORTING S. 543, THE DOMENICI-WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT OF 2001

Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Family Physicians, American Academy of Neurology, American Academy of Pediatrics, American Academy of Physical Medicine and Rehabilitation, American Academy of Physician Assistants, American Academy for Geriatric Psychiatry, American Association for Marriage and Family Therapy, and the American Association for Psychosocial Rehabilitation.

American Association of Children's Residential Centers, American Association of Pastoral Counselors, American Association of School Administrators, American Association of Suicidology, American Association on Mental Retardation, American Board of Examiners in Clinical Social Work, American Congress of Community Supports and Employment Services (ACCSES), American Counseling Association, American Family Foundation, and the American Federation of State, County and Municipal Employees.

American Federation of Teachers, American Foundation for Suicide Prevention, American Group Psychotherapy Association, American Hospital Association, American Jail Association, American Managed Behavioral Healthcare Association (AMBHA), American Medical Association, American Medical Rehabilitation Providers Association, American Mental Health Counselors Association, and the American Music Therapy Association.

American Network of Community Options and Resources, American Nurses Association, American Occupational Therapy Association, American Orthopsychiatric Association, American Osteopathic Association, American Political Science Association, American Psychiatric Association, American Psychiatric Nurses Association, American Psychoanalytic Association, and the American Psychological Association.

American Public Health Association, American School Counselor Association, American School Health Association, American Society of Clinical Pharmacology, American Therapeutic Recreation Association, American Thoracic Society, America's HealthTogether, Anxiety Disorders Association of America, Association for the Advancement of Psychology, and the Association for Ambultory Behavioral Healthcare.

Association for Clinical Pastoral Education, Inc., Association of Jewish Aging Services, Association of Jewish Family & Children's Agencies, Association of Maternal and Child Health Programs, Bazelon Center for Mental Health Law, Catholic Charities USA, Center for Women Policy Studies, Center on Disability and Health, Center on Juvenile and Criminal Justice, and the Central Conference of American Rabbis.

Children and Adults with Attention-Deficit/Hyperactivity Disorder, Childrens' Defense Fund, Child Welfare League of America, Christopher Reeve Paralysis Foundation, Clinical Social Work Federation, Commission on Social Action of Reform Judaism, Corporation for the Advancement of Psychiatry, Council for Exceptional Children, Council on Social Work Education, and Dads and Daughters.

Disability Rights Education and Defense Fund, Inc., Division for Learning Disabilities (DLD) of the Council for Exceptional Children, Easter Seals, Eating Disorders Coalition for Research, Policy & Action, Employee Assistance Professionals Association, Epilepsy Foundation, Evangelical Lutheran Church in America Lutheran Ofc. for Governmental Affairs, Families for Depression Awareness, Families U.S.A, Family Violence Prevention Fund, Family Voices, and the Federation of American Hospitals.

Federation of Behavioral, Psychological & Cognitive Sciences, Federation of Families for Children's Mental Health, Friends Committee on National Legislation (Quaker), Inclusion Research Institute, International Association of Jewish Vocational Services, International Association of Psychosocial Rehabilitation Services, International Community Corrections Association, International Dyslexia Association, Jewish Federation of Metropolitan Chicago, and Kids Project.

Learning Disabilities Association of America, MentalHealth AMERICA, Inc., NAADAC, The Association for Addiction Professionals, National Association for the Advancement of Colored People (NAACP), National Association for the Advancement of Orthotics & Prosthetics, National Association for Rural Mental Health, National Association of Anorexia Nervosa and Associated Disorders—

ANAD, National Association of Children's Hospitals, and the National Association of Counties.

National Association of County Behavioral Health Directors, National Association of Developmental Disabilities Councils, National Association of Mental Health Planning & Advisory Councils, National Association of Protection and Advocacy Systems, National Association of Psychiatric Health Systems, National Association of Psychiatric Treatment Centers for Children, National Association of School Nurses, National Association of School Psychologists, National Association of Social Workers, and the National Association of State Directors of Special Education.

National Association of State Mental Health Program Directors, National Center on Institutions and Alternatives, National Coalition Against Domestic Violence, National Coalition for the Homeless, National Committee to Protect Social Security and Medicare, National Council for Community Behavioral Healthcare, National Council on Suicide Prevention, National Depressive and Manic-Depressive Association, National Down Syndrome Congress, and the National Education Association.

National Foundation for Depressive Illness, National Health Council, National Hopeline Network, National Law Center on Homelessness & Poverty, National Mental Health Association, National Mental Health Awareness Campaign, National Multiple Sclerosis Society, National Network for Youth, National Organization of People of Color Against Suicide, and the National Partnership for Women and Families.

National PTA, National Therapeutic Recreation Society, NISH (National Industries for the Severely Handicapped), Presbyterian Church (USA), Washington Office, Samaritans of The Capital District, Inc. Suicide Prevention Center, School Social Work Association of America, Service Employees International Union, Shaken Baby Alliance, Society for Personality Assessment, and the Society for Public Health Education.

Suicide Awareness Voice of Education, Suicide Prevention Advocacy Network, The Arc of the United States, Tourette Syndrome Association, Unitarian Universalist Association of Congregationalists, United Cerebral Palsy Association, United Church of Christ, Justice and Witness Ministry, United Jewish Communities, Volunteers of America, Yellow Ribbon Suicide Prevention Program, and the Youth Law Center.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. STEVENS. Mr. President, I ask the Senator from New Mexico if this has been scored by the Office of Management and Budget?

Mr. DOMENICI. Yes, it has.

Mr. STEVENS. What would be its impact on fiscal year 2002?

Mr. DOMENICI. No impact on the year 2002. We have made the bill operative and effective in 2003.

Mr. STEVENS. Mr. President, I want to confer with the distinguished chairman of our committee, but we reached a firm agreement we would not exceed 686 for this year, and I do not know how that impacts taking on a bill that will start impacting 2003. What would be the impact in 2003?

Mr. DOMENICI. Over $150 million a year. We knew of the agreement and the binding nature of our agreement, and I felt bound by it in terms of how much money for 2002, and I think that is literally for 2002 but not 2003, 2004, or 2005. So we changed the effective date to 2003 in the amendment before it was sent to the desk.

Mr. STEVENS. I must express my reservation until we reach an understanding about how this will impact the agreement we made with the Office of Management and Budget and with the House on this bill. It does add outyear expenditures, as I understand it. The Senator has indicated it does not impact 2002. I reserve judgment on this amendment.

I am a cosponsor of it. I think the bill itself is a worthy bill, and it basically is an entitlement program. It is not an appropriation, as I understand it.

Mr. DOMENICI. The Senator asked me a question, and I want to answer this way: Frankly, most of this bill is going to be taken care of by insurance companies paying insurance bills, but there is some U.S. Government responsibility because it reduces the receipts in certain areas that would have otherwise come in because of the overall costs. We knew in 2002 it was subject to a point of order because, in fact, there is a cap in 2002. There is no cap for 2003 and the years beyond, and for that reason we do not believe a point of order lies in the outyears, nor do we think anybody is bound to reduce appropriations by that amount in the outyears.

We are prepared at some point to exchange serious discussions, if anyone wants to do it, on this issue.

I yield my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I, too, thank the Senator from Michigan.

Mr. WELLSTONE. Above and beyond the National Mental Health Association and the National Alliance for the Mentally Ill, there is a Fairness Coalition of Mental Health, and other children, education, law enforcement, and labor organizations all behind this legislation. There is a broad range of organizations supporting the legislation.

I point out to colleagues the legalistic language of the bill. This bill is modeled after the Federal Employees Health Benefits Program in which we participate. It says to a group health plan: Do not treat mental health benefits differently from the coverage of medical and surgical benefits. You have to treat it the same way. The legislation does not mandate that a plan provide mental health coverage but says if you have mental health coverage, you have to treat it the same way or have the same coverage as for physical illness. That is why it is called a parity bill.

There are still important steps to take, which I hope someday we will, so all the people in our country who have no coverage will be treated. This legislation for over 100 million would make an enormous difference.

The cost to the Nation is enormous. Additional health care costs occur when people cannot get the coverage they need, and they wind up in the emergency room or it leads to other illnesses. There is a productivity loss from people who struggle with illness and get no help. There are the social costs of crime: When people do not get treatment, they cannot work or they wind up homeless. We have a lot of homeless people struggling with mental illness. When we treat children at a young age, it will have a huge impact on whether they have a life of misery where they could end up in trouble, more trouble, then incarceration, or whether they are treated and they can go on and live a very productive, happy, and healthy life.

I visited a correction facility—and there are many facilities—in Tallulah, LA. I could talk about this forever. Mr. President, 95 percent of the kids had not committed a violent crime. Too many were kids who struggled with mental illness. They should have been checked at the front end of assessment when a kid breaks and enters a house or steals a car. Remember, we are talking about anywhere from 10 percent to 20 percent of children in this country who struggle with this illness.

Too many kids all across the country—and your police, law and order communities, law enforcement communities, will tell you this—do not get any treatment, there is no coverage, and they wind up incarcerated when they should not be incarcerated. Then what happens is almost indescribable. The kids are not able to defend themselves. Quite often they are brutalized. Then they come out of these facilities dysfunctional. But they never should have been in the facility in the first place. We never provided the care for them. There never was the coverage.

I am sure there can be some good negotiation and things can be worked out in conference on offset, but I argue for $150 million more a year, or whatever the final costs would be. Is it not worth it to end the discrimination and provide the coverage to so many people, including a good number of whom are our loved ones, with the difference being life or death?

In the words of Rabbi Hillel: If not now, when? When are we going to end the discrimination? This is a matter of civil rights. When are we going to have the health care plans that provide the coverage for people who are struggling with this illness, including many children? When are we going to make sure, with the plans now no longer able to discriminate, there will be an infrastructure of care in our communities, the delivery of the care will follow the money, and the money will be in the plans?

This is more than worth it. We have 65 Senators supporting this legislation. This is bipartisan. If Senator DOMENICI and I are working on something together, it has to be bipartisan. I cannot even think of anything else on which we agree—I don't mean that; I am kidding.

I urge my colleagues to support this measure.

We use the word "message." I hate the word. Everybody says: What is our message? What is our message. This would not be a bad statement. I think it would be good for our country—much less the people we can help, it would be good for our country—if the Senate went on record today supporting an amendment that I think is all about helping people, all about helping some vulnerable people, all about ending discrimination, all about calling for our country, America, to be a better country, all about calling on all of us to be our own best selves, all about making sure we provide care to people, many of whom up to now have not received any care.

The consequences of the plans discriminating and not providing care are so tragic. People who struggle from depression and get no care take their lives. Children don't get any care and they wind up incarcerated when they could have a good life.

The highest percentage of suicides is in the elderly population. Sometime soon I would like to get to Medicare. With Medicare, if you see your doctor apart from in-home care, you pay a 20 percent copay. But if you are struggling with depression—and the highest rate of suicide is in the elderly population—and you go to see a doctor, you pay a 50-percent copay. That is in Medicare. That is blatant discrimination. Why is depression less important than any other illness?

We can help a lot of elderly people. We can help a lot of children. We can help a lot of people in our country. Most important of all, we can help ourselves as Senators. It would not be such a bad thing to have a strong bipartisan vote for something all about values, people helping one another and recognizing we can do better. As Bobby Kennedy would have said, we can do better as a nation.

Please Senators, give this amendment your support. Let's pass it with an overwhelming vote.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I rise today in strong support of the amendment offered by Senators DOMENICI, WELLSTONE, and KENNEDY. It is an amendment which will ensure that people with mental illnesses are treated equally, fairly, and equitably, on parity with people who have physical illnesses. I do not think there are words that are strong enough to point out the rightness of this in our American health care system.

Today, in America, two-thirds of our citizens with mental illness do not have access to mental health treatment, despite the fact that many have health insurance. For far too long, mental health consumers have been discriminated against in the health care system—subjected to discriminatory cost-sharing, limited access to specialties, and other barriers to needed services. In fact, many of them are just flat left out of the system.

I have had some personal experience with this in my life. I know it is a very difficult trial even if one is not without resources. That is why I am pleased to be a cosponsor of the Mental Health Equitable Treatment Act, legislation that represents a critical step toward equal coverage for mental health services. This amendment, the one we are debating today, incorporates the text of that legislation. And I hope to be a cosponsor, as well, of the amendment.

This amendment builds upon legislation enacted 5 years ago which sought to ensure parity between mental and other types of health care.

That law took the first steps toward recognizing that mental illness is a serious yet treatable disease. I served on the board of the NYU Child Study Center which worked for the better part of a decade to diagnose, to learn diagnosis, and to make sure that we had treatment regimens that actually could attack this disease, based on science and with great and positive outcomes.

It is because of those experiences and some in my own life that I commend Senators WELLSTONE and DOMENICI for their great leadership on this movement. It is a very powerful statement to our country that we care about everyone, and their tireless efforts should truly be commended because they will ensure that Americans with mental illness will have equal access to mental health services.

Unfortunately, the law enacted several years ago has now expired. Frankly, everyone would agree that it included some loopholes that allowed health care plans to evade many of its goals. This amendment is designed to restore the law and to close those loopholes.

Perhaps most importantly, the amendment would ensure true mental health parity by prohibiting inequitable copayments, deductibles, and inpatient and outpatient visit limits for mental health services.

These are real issues for real people who are in these circumstances, not unlike circumstances people might have with their physical health. We know that people would not be tolerant of those kinds of activities.

These are commonsense proposals which will make a real difference in people's lives and I hope my colleagues will support them.

Earlier this year, many of us worked hard to pass a strong Bipartisan Patient Protection Act that would provide for strong health care protections for all uninsured Americans, the Patients' Bill of Rights. Many of these protections, however, will do nothing for mental health consumers if group health plans are allowed to continue discriminating between mental and other medical and surgical health care coverage.

Advances in medical research have made great strides in our ability to treat mental illness. As a nation, we need to make sure that our insurance covers those advances. Without proper coverage, the benefit of this research will be unable to reach those who need it most.

As a country, I heard Senator WELLSTONE say, we lose $300 million in missed days of work, health care costs and criminal justice costs in a given year as a result of untreated mental illness. We simply cannot afford to do that. It is a simple cost/benefit equation that tells us that we need to move forward on this.

It is overwhelmingly on the side of making sure that parity is attended to. In attempting to find a treatment, those suffering with mental illness face countless obstacles, as we have discussed over and over. This amendment would reverse those discriminatory practices, ensuring that health insurance coverage is strong and fair.

I am pleased that my home State of New Jersey has enacted a mental health parity law, but, frankly, it does not go far enough and flat out excludes children, our most vulnerable, from its coverage.

In addition, because of the ERISA preemption, not everyone in New Jersey is covered by our own State law. Therefore, we need a strong Federal law that ensures mental health parity for all Americans.

In a few weeks I will be introducing legislation that goes a step further. My bill will address the fragmentation of the delivery system by providing increased support to community mental health services. But this is a step we should take and we should take it now.

I am proud of the leadership Senators DOMENICI, WELLSTONE, and KENNEDY have provided to make sure that our Nation has addressed this issue through the years. It is imperative that we now bring to closure this debate about parity by including this amendment in this appropriations bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from New Jersey leaves the floor, might I say that there is no need to be personal about legislation, but I thank him for his comments.

It is obvious that there are many who have been here for a short time, such as the Senator, who already understand that we can't go on as a nation fooling ourselves that schizophrenics are not sick, they don't have a disease; that serious depression, which is now causing suicide in numbers that just go off the map, we can't run around and say, well, for some reason, some purposes, it is an illness or a difficult disease, but for other purposes, well, in terms of whether they should have insurance, we will look the other way and act as if it isn't.

We have had Senators who understand manic depression take the floor. Those are just two nice words. One means high; one means low. But you put that in the brain of a person, and it is not very normal. They have to be sick, and they are diagnosable. They are treatable. But here we are, the millennium is here, we are one year into it, and some people would still say: Let's play like it ain't so. Let's just wish it away. And certainly when it comes to health insurance, we just can't. We have to leave things alone no matter how backward it is, how disjointed it is, how unreal it is. We just have to look the other way.

When will be soon enough? I think now. I will tell the Senator, in order to get it through here, we had to put it off a year in terms of its effectiveness. I would like it to be effective as soon as it gets passed, but it won't because we wouldn't have gotten a bill out of the Senate that would be subjected to some technical objections. I shouldn't say we wouldn't, but it would be difficult. We made a call and said that it is better 2 years from now than to leave it as it has been forever.

So tonight you will be part of voting in an appropriations bill, and we will put on it covering the mentally ill of this land with parity or nondiscrimination of health insurance. We are going to exempt some small businesses. Somebody will argue about that: Why are you doing that? We can't get everything in one swoop. We really think the coverages by big corporations are where we are going to find out how to do this. So they are all going to be under it, whether it be Ford or Intel or whomever. Many of them include coverage already. But no more excuses. No more looking the other way.

Frankly, in the State of the Senator from New Jersey, in 8 or 9 years, there will be new mental health facilities built. You are going to ask: Who built this? We know not all are going to be built by the Federal Government because we don't build them. We never did enough since John Kennedy decided we should go another way with the mentally ill and try to be more humane. What is going to happen is private entrepreneurs are going to say, what is the insurance company going to pay when we take care of that depressive person for a week?

If they pay enough, they are going to build the clinics just as they have built hospitals, just as they have built other health facilities. As of now, nobody accepts the responsibility. Everyone wants to look the other way. I am grateful that Senators who have been here a while, such as this Senator, the Senator who has just arrived, are all coming to the same conclusion this afternoon. Perhaps by 6 o'clock we will have passed this bill.

It is very strange. It goes out in the country. I have been working for it. I expect the debate to go on for a couple weeks. That isn't going to happen. The reason it isn't is because 67 Senators signed this bill and we brought it up. I thank each one of them.

I have a detailed statement that includes a number of approaches to this issue, including an analysis and summary of what the New York Times found when they analyzed mass killers. They analyzed 25 mass killers and found half of them had serious mental illnesses such as schizophrenia. There was no place to put them. They had been put in jails. Cops had arrested them. People had tried them on in prisons. But nobody took care of them. Then they ended up over in one of the Texas cities killing all the people in that Baptist church.

We find that half of the mass killers in America are those kinds of people. There is no place to put them. Relatives don't know what to do. Neighbors say: Look at all this behavior. Isn't it strange? We will call a cop. The third time the cop is called, he says don't call anymore. What does that person who is desperately ill do?

We invite these kinds of murders and mass killings that occur in our country. It is time to try something that may give these sick people another option.

I have a quick set of facts about mental illness, the numbers on the kinds of mental illnesses that exist. I think it will help Senators who want to read the RECORD to understand the scope of this problem.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUICK FACTS ON MENTAL ILLNESS

Major Depressive Disorder—9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar Disorder—2.3 million American adults age 18 and older suffer from this disorder in a given year;

Schizophrenia—2.2 million American adults age 18 and older suffer from this disorder in a given year; and

Obsessive—Compulsive Disorder (OCD)—3.3 million American adults age 18–54 suffer from this disorder in a given year.

16% of all inmates in State and local jails suffer from a mental illness; 600,000–700,000 mentally ill individuals are booked into a jail every year; 25% to 40% of America's mentally ill will come into contact with the criminal justice system.

Suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year.

Of the 850,000 homeless individuals in the United States, about ⅓ or 300,000 of those individuals suffer from a serious mental illness.

In the developed world, including the U.S., 4 of the 10 leading causes of disability for individuals over the age of five are mental disorders. In the order of prevalence the disorders are major depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

The direct cost to the United States per year for respiratory disease is $99 billion, cardiovascular disease is $160 billion, and finally $148 billion for mental illness.

EFFICACY OF TREATMENT

Treatment for bipolar disorders have an 80 percent success rate.

Schizophrenia has a 60-percent success rate in the United States today if treated properly.

Major depression has a 65 percent success rate.

Compared to several surgical procedures:

Angioplasty has a 41-percent success rate.

Atherectomy has a 52-percent success rate.

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise to support the Senator from New Mexico in his effort. I have been an original sponsor of the bill he has had. In years past, I was chairman of this bill in Wyoming and worked on this for some time. As a good focus on rural health care is unique, this is another unique issue with which we need to deal. I urge support for the amendment. I thank the sponsors for their efforts.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Wyoming for his support. It means a lot. His voice is important. I appreciate his mentioning that is not something that only applies to metropolitan America; it is important in rural America. I thank Senator CORZINE as well. I will not take much time now.

Senator CORZINE asked that he be a cosponsor of the amendment. I believe Senators BYRD and STEVENS, with the agreement that we now have, asked to be included as cosponsors. I ask unanimous consent they all be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I compliment the Senator from New Mexico and the Senator from Minnesota for their advocacy on this amendment. As I commented earlier in the debate on this amendment, I have cosponsored the authorizing legislation for the past two Congresses and had withheld cosponsorship of this amendment as a manager of this appropriations bill until I could see how it was going to be worked out. We are now in the process of working it out. I think we will be successful, but it is still too early to make a final commitment.

What is occurring here is on the scoring for budgetary purposes, if it is on this bill, it is scored against this bill; and we are now up to the limit of our authorization. But we are now looking into the remedy of having it scored in another direction—that is technical—and an amendment is now being prepared that may cure that problem. It is not a commitment to cure the problem, but we will know shortly.

In the interim, as a comanager of the bill, I do not intend to raise any point of order that this is legislation on an appropriations bill. Technically, that point of order can be raised. It does not have to be raised because of the difficulties of getting Senate consideration on this bill for a very protracted period of time. As the Senator from New Mexico, Mr. DOMENICI, outlined, I think it is not appropriate to raise a point of order that this is legislation on an appropriations bill. At least I do not intend to raise that point of order.

This is a proposal that I believe has great merit. That is why I have cosponsored the authorization bill for the last two Congresses.

At this time, I ask unanimous consent that I be added as a cosponsor to the Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, Senator HARKIN, the chairman of the subcommittee, and I are urging colleagues to come forward to offer amendments. It is now 4:25. We have only had one amendment offered all day. It is very important that we move ahead with the disposition of this bill.

Last year, we had the bill out of committee on June 30 and it passed the Senate on July 27. Then we had months of negotiation in the conference committee, so that if we are to get this matter into conference and have a conference report, it is urgent that we proceed at this time.

There is substantial funding for education, which has the consensus of the Senate. There is substantial money for the National Institutes of Health, and the public interest requires that we move ahead. If we do not finish our appropriations bills, there is the possibility—or perhaps probability—that the bills that are unfinished will be folded into a continuing resolution. That means that important funding will not be provided.

Again, on behalf of Senator HARKIN, my comanager, I urge our colleagues who have amendments to come to the floor. Perhaps Senator HARKIN would like to italicize my urging.

Mr. HARKIN. Mr. President, I will respond to my distinguished ranking member, my friend, that I believe we are making some good progress. A major amendment is being worked out right now. I hope we go to a voice vote shortly. I only know of one other amendment that might be pending. Quite frankly—hope springs eternal—I think we might be through with this shortly.

Mr. SPECTER. Is the Senator suggesting that only one other amendment is pending and we may be in a position to go to third reading?

Mr. HARKIN. I believe that might be the case. People may want to go home early tonight and have dinner with their families.

Mr. SPECTER. 'What time does he think we might go to third reading?

Mr. HARKIN. It depends on how long it takes to work out this language. We are waiting for Senator DORGAN. He had an amendment. I saw him a minute ago. Perhaps he will be out here shortly. I don't think that will take too long.

Mr. SPECTER. Mr. President, we urge colleagues, if they have amendments to offer, to come to the floor and do so now.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I know pending before the Senate now is landmark legislation. I commend my colleagues, Senator PAUL WELLSTONE and Senator PETE DOMENICI, truly a political odd couple, one from the State of Minnesota and the other from New Mexico, who have come together on this important cause, both understanding the importance of our maturing as a nation when it comes to the issue of mental health.

I am a strong supporter of the Mental Health Equitable Treatment Act which they are bringing to this legislation. I am pleased it is finally going to come for a vote. I know those two Senators, as well as Senators DASCHLE and KENNEDY, have worked tirelessly to make this happen. I know advocates for the mentally ill have waited, frustrated and disappointed time and again, and had hoped this day might someday come. I recognize it is equally imperative we do not threaten this bill's passage by attaching amendments that may make it even more difficult in conference.

With this in mind, I do, however, want to raise the subject of another amendment relating to mental health, and I ask my colleagues to consider it in the context of the underlying Wellstone-Domenici amendment.

The issue I am about to discuss affects literally thousands of Americans every single year. This amendment of which I speak would be an improvement on the bill we are currently debating. However, I want to make it clear I will not be offering this as a second-degree amendment. I want to give to Senators WELLSTONE and DOMENICI every opportunity to bring their important bill through conference intact. Although I believe my amendment would be a worthy addition to theirs, I am going to save that cause until another day.

Let me talk about this amendment and why I would have brought it to the floor. Some time ago I received a letter from a constituent in Illinois who in the 1980s suffered severe depression and received the kind of treatment which allowed her to return to work. I will call her Mary Smith. At the time, Mary had employer-sponsored health insurance through her husband's job, but in the fall of 1998 Mary and her husband lost this employer-based insurance coverage when her husband lost his job.

Mary applied for comprehensive health insurance plans offered to individuals. Her application was declined because, as the insurance company noted, "Due to her medical history of depression she did not meet the company's underwriting requirements."

Mary was turned down for health insurance due to a medical history of depression. She wrote me, and this is what her letter said:

> As I see it, we are being punished for accessing health care. In 1987, when I was clinically depressed, I could have chosen to avoid proper medical care, become unemployed and received Social Security disability. I did not. I obtained the help I needed and continued to support myself, my family and contribute positively to society. Depression is a treatable medical illness. Insurance companies must stop their indiscriminate denial of this coverage.

Sadly, Mary Smith is not alone. Each year more than 50 million adults in the United States suffer from mental illness, 25 percent of our adult population. Some 18 million Americans are affected by depression annually. One in five Americans has a mental disorder in any one year. Fifteen percent of the adult population use some form of mental health service during the year.

Eight percent have a mental disorder. Seven percent have a mental health problem. Twenty-one percent of children ages 9 to 17 receive mental health services in a year.

The problem Mary Smith faced is, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult, if not impossible, to obtain private health insurance, especially if they have to purchase it on their own and cannot rely upon group insurance through an employer.

In part, this is a result of the Health Insurance Portability and Accountability Act that protects millions of Americans in the group health insurance market and affords very few protections for individuals who apply for private nongroup insurance. Approximately 9.6 percent, or 26 million Americans, are insured in this private nongroup insurance market—26 million people.

A 1996 GAO study found that insurance carriers denied up to 33 percent of applicants for private health insurance because they had a preexisting health condition, including, of course, mental health conditions. HIPAA provides few protections for individuals who apply for insurance in the individual insurance market. Individuals without at least 18 months of prior continuous group coverage are not protected against discrimination and red lining. This issue is not about parity. It is not about mental health benefits. It is about discrimination. It is about red lining.

Mary Smith was being told she could not get any health benefits, not just mental health benefits. She was denied all health insurance coverage because many years before she had successfully treated a condition of depression. She was not eligible to get hospital coverage if she needed surgery. She was not eligible for preventive care, such as a flu shot. She was not eligible for a doctor's visit. Had she become injured or ill, she would have received no care.

Efforts to improve health care parity have focused on providing equality between mental health covered services and other health benefits, and I salute Senators WELLSTONE and DOMENICI for their leadership. These efforts are very important, and I strongly support them.

Parity will not help individuals who do not have access to any affordable insurance coverage due to preexisting mental illness discrimination. Think of that for a moment. We are saying if you cover a person for other illnesses, in the Wellstone-Domenici amendment, you also have to provide mental health protection as well. I believe that is sound.

Mary Smith never reaches that point. Mary Smith, whose husband lost his job, ends up in the private insurance market. She cannot even get into a private health insurance plan because the company, under the law today, can discriminate against her because she had treatment for a mental health problem.

Individuals who seek insurance in the individual market are people such as Mary who are in periods of transitional employment, but they are also people who are self-employed. They are family farmers. I have many of them in my State. They are small business owners. They are recent college graduates who lose coverage under their parents' plan, and they are the children and spouses of self-employed people and those in transitional employment.

Every person at risk, needing to buy private health insurance, is subject to this discrimination. If they had been treated for a mental illness, they could run into the same experience Mary Smith did.

This type of discrimination is precisely why many Americans do not seek treatment for mental illness. Despite the efficacy of treatment options and the many possible ways of obtaining a treatment of choice, nearly half of all Americans who have severe mental illness do not seek treatment. They are not only concerned about the stigma in society, they are clearly concerned about the discrimination which is allowed under the law for those people who have turned for help.

This reluctance to seek care is an unfortunate outcome of very real barriers. Foremost of these is the stigma that many in our society attach to mental illness and to people who have it. How many of us, or our family members or friends, have thought about what might happen if we went to seek therapy for anxiety, depression, or even marriage counseling? It is unconscionable that persons should have to consider not being able to get health insurance coverage because they did the right thing and were treated for a mental condition.

Repeated surveys have shown that concerns about the cost of care are among the foremost reasons that people do not seek care.

My amendment prohibits insurers from charging persons with preexisting health conditions higher premiums. This is because insurers use higher premiums to keep certain people locked out of the plan.

The GAO interviewed one insurance carrier in my home State of Illinois which only charges 2 to 3 percent of its enrollees a nonstandard rate, but the rate they charge is double the standard rate.

In some States, including Illinois, high-risk pools have been created to act as a safety net to ensure the uninsured have access to coverage. These safety nets are often expensive. For Mary Smith, this safety net would have cost her and her husband $700 a month for health insurance. They are a great deal for insurers; all sick people are in one pool.

Risk pools undermine the underlying function of insurance to include a broad pooling of risk. They relieve insurers of responsibility.

Mental disorders impose an enormous emotional and financial burden on ill individuals and their families. And when they go untreated, costs escalate. Mental disorders are costly for our Nation in reduced or lost productivity and in medical resources used for care, treatment, and rehabilitation.

The National Institute of Mental Health estimates the annual cost of untreated mental illness exceeds $300 billion, primarily due to productivity losses of $150 billion, health care costs of $70 billion, and societal costs of $80 billion.

Two years ago the Surgeon General issued a report on mental health. The report concludes that a broad range of treatments of documented efficacy exists for most mental disorders.

Diagnoses of mental disorders are as reliable as those of general medical disorders. In fact, the success rate of treatment for disorders such as schizophrenia is at 60 percent; depression, 70 to 80 percent; and manic disorder, at 70 to 90 percent, surpassing those of other medical conditions. Heart disease, for example, has a treatment success rate of about 50 percent.

Here is what we know: We know mental health is fundamental to our health. We know millions of Americans suffer from mental illness. We know treatment exists for mental illness. We know the treatment works. We know, despite the efficacy of treatment options, nearly half of Americans who have mental illness do not seek medical care. We know that reluctance to seek care is a result of real barriers, including stigma, discrimination, and of course financial obstacles which are treated by the Wellstone-Domenici amendment. We know mental disorders impose an enormous emotional and financial burden on sick individuals and their families and that untreated mental illness is costly for our Nation in lost productivity and medical resources. We know the private insurance system perpetuates barriers, reinforces stigma, throws up financial roadblocks, and undermines the health of millions of Americans who do the right thing and seek treatment.

The amendment I was prepared to offer today, because of Mary Smith, would try to do the right thing. It is common sense. It doesn't cost anything. It does not solve all the inequities that individuals with mental health conditions face. But it does remove one of the many barriers to health care faced by those who have been treated for a mental condition. I think there is no more appropriate context in which to address this than a patient protection act.

This amendment prohibits any health insurer that offers health coverage in the individual insurance market from denying an individual coverage because of a preexisting mental illness unless a diagnosis, medical advice, or treatment was recommended or received within the 6 months prior to the enrollment date. Health plans can exclude coverage for mental health services but not for more than 12 months. The exclusion period must be reduced by the total amount of previous credible insurance coverage.

It also prohibits plans in the individual market from charging higher premiums to individuals based solely on the determination that such an individual had a preexisting mental health conditions. It defines a preexisting mental health condition as including all clinical disorders and personality disorders diagnosed on Axis I or Axis II of the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. This broad definition would include mood, anxiety, eating, sleep, and adjustment disorders, clinical disorders such as mental retardation and autism, cognitive disorders such as amnesia and dementia, and sexual and gender identity disorders.

These provisions apply to all health plans in the individual market, regardless of whether a State has enacted an alternative mechanism, such as a risk pool, to cover individuals with preexisting health conditions.

The amendment does not mandate that insurers provide mental health services if they do not already offer such coverage. It does not prohibit health plans from establishing a waiting period for mental health services for individuals with a preexisting mental health condition of up to 12 months.

All we are trying to do is to ensure that if you should go to a therapist or a psychiatrist or a psychologist or seek other mental health services, you do not have to worry that you or your family will not be able to get health insurance because you asked for help. It simply does not make sense, just because a person seeks treatment for mental illness, he or she is rendered uninsurable.

I hope my colleagues will join me in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage. It is just the right thing to do.

Mary Smith's letter is one of many we receive in our Senate offices. I am glad we picked this one and read it carefully and closely. I thought for a moment about how we could help this woman who did the right thing. Faced with a mental illness, she went to a doctor, and having gone to that doctor her life has improved. She stayed on the job and had a much better life. She could have applied for a government program and didn't do it. She wanted to stay in the workplace. Little did she know that a few years later when her husband lost his job, the fact that she was successfully treated for depression would ultimately mean they could not buy health insurance in the private market.

How can we stand by as a nation and allow this kind of discrimination against people who are no more guilty of their condition than a person is guilty for the color of their eyes? It is something God has sent to them. In this situation I think we should consider the passage of legislation which would prohibit this discrimination once and for all and make certain, as the underlying Wellstone-Domenici amendment, this amendment would say we are going to treat mental illness in the 21st century much differently than we have in years gone by.

I thank you for the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DASCHLE be included as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, since there was news today that Dr. Hyman is stepping down as Director of the National Institute of Mental Health, and since I believe we are going to pass legislation on antidiscrimination in mental health coverage which will be landmark and will make a real difference in the lives of people—and I have spoken plenty about the amendment already—I wanted to thank Dr. Hyman for all of his leadership. He has been an exceptional director.

I have had a chance to work very closely with him through Ellen Gerrity, a fellow in my office. We are lucky enough to have her working with us. She worked for the IMH. I think Dr. Hyman has done a good job, along with Dr. Satcher, who is Surgeon General. He has done magnificent work. The two of them have done perhaps the best job we have seen in the history of our country of providing an education for people in the country. So much of mental illness is a brain disease. It can be diagnosed. It is very treatable.

That is the good news. The bad news is there is a huge gap between what we know and what we don't know. We are trying to close that gap—not all of it but a good part of it—with this piece of legislation.

I thank Dr. Hyman. He is one of the people I have had a chance to work closely with in Washington. He is a good example of someone who, with a highly developed sense of public service, has made a huge difference.

I thought I would use this opportunity to thank Dr. Hyman and wish him the very best as he moves on to be, as I understand, provost at Harvard University.

We have had a number of Senators—I don't need to speak more—who have come to the floor and have spoken. I think what they have said is not only significant, but the way they have said it is significant.

Senator DOMENICI always speaks about this issue with a tremendous amount of eloquence and a lot of knowledge. His wife Nancy Domenici—I don't think he would be offended if I said it—is probably every bit the leader he is. I don't want to say more, but she is every bit the leader he is.

We have two Senators out here managing the appropriations bill who want to move us forward. After we have done the work to make sure we deal with rule XVI and germaneness—and we have done a lot of work on the budget point of order—I think they have been very gracious in letting us go forward. Senators HARKIN and SPECTER are very supportive of this piece of legislation. Senator THOMAS from the State of Wyoming came and spoke.

It reminds me of 1996, I think it was, when we passed partial legislation. I remember Senator Simpson came out on the floor and spoke about a tragedy within his own family. I believe it was a niece who took her life at a young age. Senator CORZINE came out on the floor and made it very clear that this issue means a great deal to him.

Senator REID spoke about his own experience, that his father took his life. Senator HARRY REID has been absolutely, in his own very quiet way, perhaps the most powerful Senator, in a positive way, on the whole issue of treating depression than anybody in the Senate.

Senator KENNEDY came out and spoke. He has devoted a good part of his career to this issue. He is the health care Senator, but, actually, long before we had this kind of coalition—and we have 150 organizations supporting this piece of legislation. We have organizations such as the National Mental Health Association and NAMI—the National Alliance for the Mentally Ill—that deserve a lot of credit, along with the whole coalition. If I went through all 150 organizations, it would take a lot of time. But I personally think Senator KENNEDY deserves a great deal of credit for being willing to light a candle a long time ago to speak to this awful discrimination.

I also thank all of these different organizations because the truth is, when we started out on this matter over a half a decade ago, it was then an issue—it still is an issue of discrimination—but the problem was there was not exactly a political constituency that had any real clout. Then I think what has happened in the last 6, 7, 8, 9 years is that a lot of families have said: We are the ones who struggle with this illness—or we have a loved one who struggles with this illness—and we refuse to be treated as men and women of lesser worth. We are men and women of worth and dignity. We struggle with an illness just as any other illness. We are going to be advocating for ourselves.

It has been the citizen politics, the citizen lobbying that has led to the result of—we have a dispute as to whether it is 65 or 67 Senators who now support this. This piece of legislation passed out of the HELP Committee on a 21-0 vote. We made some compromises, but it is still an enormous step forward. I do not think it would have happened without the citizen politics.

I say to the Presiding Officer—because we both represent the State of Minnesota—we represent a State that is a model State, as we are in many ways, but we passed full parity for both substance abuse addiction, which I think is terribly important—and I think that is the next piece of legislation on which we ought to work—and mental health and, by the way, with very little cost but with great benefit.

The estimates of the amount of money we have saved in our State for people who now get the treatment and, therefore, are productive and go to work or do well in school and do well in their families verses what was going on before is just stunning and important. The problem is because of ERISA, a lot of the self-insured plans are not covered, so we still have 50 percent of the people not covered and, thus, the need for national community regulation.

But I thank a lot of the people in Minnesota who both the Presiding Officer and I know well; and certainly Sheila and I have gotten to know them very well because we have had so many meetings with so many people.

I mentioned the Kluesners earlier: Mary and Al Kluesner. I mentioned the Westins. But there are so many others who have met with us, who have met in public. There have been so many picnics on our lakes that I have attended with people. There are so many people who have told their own stories. They have made a huge difference.

So again, colleagues, we have 65 or 67 Senators who support this measure. It is strongly bipartisan. We now have the support of the chair and ranking chair of the Appropriations Committee, and the chair and ranking chair of the Budget Committee. We have the whip who has spoken, and Senator DASCHLE, the Senate majority leader, who has asked to be a cosponsor. We have 150 organizations: Religious, children, labor, and health.

We are close to adopting an amendment that I believe we can keep in conference. I am not trying to be coy, but I think if I had to have somebody in my corner, I would want TOM HARKIN more than anybody else. He chairs this committee. If I had to have one person to fight for me, he would be the one.

So I thank colleagues. We may have a lot more debate yet, but I think we are going to take this journey. I believe we are going to wind up in a good place where we are going to make our country better. We are going to make our country better by passing this.

I see other colleagues in this Chamber, so I do not want to take any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to speak on the pending Domenici amendment. I am opposed to the Domenici amendment. I am not going to force the Senate to vote on it this afternoon. I think it is clear where the votes are, but I want to explain the issues. I want to raise the issues in this debate so that they can be looked at by the House.

I believe, based on what I have been told, the administration is opposed to the amendment. There is also a point of order against the second-degree amendment that will be offered directing scoring. That point of order will lie against the conference report if the bill comes back from conference with the directed scoring provision in it. I want to reserve my right to raise that point of order at that time.

I want to be brief, but let me basically explain what we have here. What we have is an amendment that imposes a new mandate on the private sector of the economy. That mandate is a mandate where we decide what kind of health insurance Americans should have, and they are going to have it whether they want it or not; and we are going to override some 70 years of negotiations between private employers and private employees as to what their health insurance looks like.

We are going to mandate that if a company provides health insurance that has any mental health provisions in it, those benefits have to be treated the way benefits are for physical health or else the company may be prohibited from providing the policy.

The Congressional Budget Office, in looking at this mandate, has estimated that what will happen is, premiums will go up, some companies will drop mental health coverage altogether, and others will continue to provide it under these new circumstances. Remarkably, they estimate that the adoption of this amendment, over a 5-year period of implementation, will drive up costs on the private sector of the economy by $23 billion. So we are about to impose $23 billion in costs on the private sector of the economy because we think we know better what private health contracts, negotiated between employers and employees, ought to look like.

There is a budget problem here because the Congressional Budget Office estimates that by paying the $23 billion in additional health insurance premiums, that American industry and agriculture will end up paying lower wages than they would have paid, and that we will collect, over a 10-year period, over $5 billion less in taxes because of this amendment.

The distinguished chairman of the Budget Committee informed the Senate that he would charge, in future budgets, that $5 billion against the Appropriations Committee if the amendment were adopted.

We are now, as I understand it, in the process of writing an amendment that says that for the purposes of the budget, even though this amendment will cost over $5 billion, we are not going to count it.

Without going on and on, let me raise the list of particulars. No. 1, who are we to be telling American workers and American business what kind of health insurance benefits they should have and how that package should be made up and what they should choose? What about workers who would rather have higher wages than to have this new benefit that we are deeming to be in their interest?

What about the $23 billion of cost that we are going to impose on the private sector? I know the amendment is written so it does not start until 2003. The point is, that is $23 billion of cost over a 5-year period that will be borne by the private sector, $23 billion that could have gone to create more jobs, more growth, more opportunity.

I simply raise two questions regarding the $5 billion of lost tax revenue because companies, as estimated by CBO, will pay lower wages when they are mandated to pay for these benefits: first, what about workers that would rather have those wages than the benefit? Shouldn't they have a choice, or are we granted such wisdom that we make the choice for them?

Second, if it is going to cost $5 billion, have we not made an absolute mockery out of the budget process, made it a complete fraud by passing a law that says, yes, it costs $5 billion, but we are going to pretend that it does not cost $5 billion?

That is basically the proposition that is before us. We are going to say, if you are going to provide mental health coverage, you have to provide it on par with physical health coverage or you can't provide it.

The logical question is, isn't that something that people should decide about their own insurance? Isn't that the same decision that people make, in deciding do they want a new refrigerator, or do they want to send Johnny to college. They have tradeoffs on which they have to make hard decisions? What about the people who are going to lose income? We are going to lose $5 billion in taxes over a 5-year period. What about the people who lose billions of income?

Maybe they would have wanted to spend on it something that would have had greater value to them. Maybe nobody cares whether they could have spent those billions better because we are going to spend it for them.

Then the question becomes, if we are going to spend it, instead of being honest about it, we are simply going to pass a law that says, it costs $5 billion, everybody knows it costs $5 billion, and there is no debate about it costing $5 billion. But so that we don't have to worry about it, we are going to pass a law that says, while it costs $5 billion, for budgetary purposes, we are going to act as if it doesn't cost $5 billion so we don't have to count it against appropriations in the future.

I simply have to say, I would be ashamed of this amendment. This is bad law, bad principle, and bad precedent.

If I thought we had more than 15 people who would vote against it, I would demand a vote. I would be happy for the world to know I am against it. I don't want to put my colleagues on the spot, but I am hoping that the House will not accept this amendment. The Senator who offered the amendment, 5 or 6 years ago, had a similar amendment that cost only $300 million a year. Rather than extending that, we are adding a full-blown mandate on the private sector.

I am hoping something can be worked out. I hope we will not have directed scoring. We ought to pay for this in appropriations if we are going to do it.

Finally, I am hoping the administration and the House will not go along with this amendment.

I am sorry to have taken people's time. But I wanted to come to the Chamber and basically outline what is wrong with this amendment, and what is wrong with the procedure that we are following by directed scoring when we say we know it is going to cost $5 billion but we have decided that we are going to pretend that it doesn't. We are going to charge it against mandatory spending.

In any case, I hope it will be fixed. It should be fixed. This is bad policy. It sets a bad precedent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will respond very briefly, as one of the co-managers of the amendment. I thank the Senator from Texas. I actually don't mean that as sort of fake Senatorial courtesy. He has intellectual integrity, and I understand exactly what he is saying.

Two quick points I will say to him: There is an argument on the CBO scoring of $1.3 billion over 10 years. I say to my colleague, I would challenge that. I believe Senator DOMENICI would as well. He is in a markup right now on another bill.

I understand my colleague is going to reserve final judgment on the conference report, but the quarrel I have with it is with the assumption. The assumption that CBO is making, not $5 billion, $1.4 billion over 10 years, the assumption that is being made is that with the mental health coverage ending the discrimination, that what employers will do is, therefore, in order to make up the cost, which CBO, by the way, said is minuscule, less than a 1 percent increase in premiums, will cut wages for employees. That is the assumption. And then, with less wages, there will be less that will be contributed to Social Security.

For the record, I would challenge that assumption. I will challenge that assumption on the basis of what we have seen in States that have the mental health parity where that has not happened. For a lot of companies and a lot of employers, it is a very attractive proposition to offer this coverage because families are crying out for it.

As to the second point, that the money is not going to be spent, we are not saying that there isn't going to be the expenditure of money. We are saying it is not going to lie against this bill. We are going to handle this just as anything else we do. We paid for the tax cuts. We will pay for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will be brief. I am reading from the Congressional Budget Office cost estimate of August 22, 2001. The Congressional Budget Office estimates that the proposal will reduce Federal revenues in the initial year by $230 million and $5.4 billion over a 10-year period. That was the number I was using.

I think there is no question about the fact that one of three things will happen. From my point of view, they are all bad.

No. 1, some people will lose health coverage they already have because the company, in trying to escape the $23 billion of cost over 5 years, can simply drop mental health coverage. That is bad.

No. 2, the company can simply decide to not provide health insurance at all, which is perfectly legal. That is also bad.

Then third, if companies lower wages or if wages don't grow as much as they would have grown because these higher premiums have to be paid, for many workers that is bad because there are obviously many who would rather have that income than to have the coverage, and we are making the decision for them.

I respect the opinion of my colleague from Minnesota, who is for this benefit, but all I am saying is he may think it is a great idea, but there are probably a lot of working people in America who would rather not risk that coverage, or would rather keep the mental coverage they have, or would rather have higher wages.

Finally, is the question about how we are going to do the budget. It seems to me that is a point where clearly—and I don't know the argument on the other side, other than the Appropriations Committee doesn't want to be saddled with the cost of paying for this program, which they view as a rider to the appropriations process, which I understand—that the taxpayers are going to be saddled with the costs. Somebody is going to have to end up paying that $5.4 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, again, I appreciate what my colleague said. Initially, I was talking about the Social Security cost, not the overall cost. We have been very clear about the fact that it would require some investment of resources. The fact is, I again say to my colleague from Texas, there are plenty of examples of States that have moved forward. Quite to the contrary of wages going down, people have been supportive of it because this is not a small thing. This affects about 50 million adults in the country. Depression alone affects 18 million.

The reason we have 150 organizations—religious, labor, law enforcement, children, you name it—and the reason we have 65 Senators on this bill is that they have heard from people across the country, including Democrats, Republicans, and others, who have said this is what happened to me and my family because of the discrimination and because there is no coverage.

If a health care plan is going to have mental health coverage, it ought to be treated the same as any physical illness. It is a matter of discrimination, of basically civil rights. Ending the discrimination and making sure people get coverage is what this is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, the attacks against America have unified our nation. There is a new spirit of bipartisanship, of civility, and of common purpose.

Republicans, Democrats, and Independents are working together with the President to expedite legislation important to our efforts at home and abroad. Contentious issues have been set aside, in order to focus on the issues that unite us.

Thus, it is with disappointment that I feel compelled to come to the Senate floor today to discuss a dispute between the State of Missouri and the

Health Care Financing Agency (HCFA) now known as the Center for Medicare and Medicaid Services, or CMS.

The details of the dispute are complex, but the consequences are enormous. At stake is the health of Missouri's children, seniors, and other vulnerable citizens.

The subject of this dispute is Missouri's provider assessment program, which is a tax on hospitals.

States use the money generated from these taxes as their "match" for federal Medicaid dollars. Medicaid funds are then paid out to providers according to formulas established by state law.

Over a decade ago, Congress became concerned that states were using provider taxes improperly to increase the federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a "hold harmless" provision. This means that states may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the state in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no "hold harmless" provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holden is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible.

This long-standing and legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001.

The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the State's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, parents who were working, but did not have access to health insurance through their employer, could now provide this precious resource to their children.

The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. Between 1996 and 1999, the percentage of uninsured in Missouri dropped by more than one-third, falling from 13.2 percent to 8.6 percent. In 1999, Missouri has the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be in jeopardy from a bureaucratic squabble over the technicalities of Missouri's provider tax.

For many years, HCFA has complained that the manner in which Missouri's provider tax revenues are distributed to health care providers violates federal law. During this entire period, HCFA has been threatening to terminate the program and recoup $1.6 billion from the State. Such action would devastate Missouri's health care program.

Let's be clear about what is in dispute. HCFA has never alleged that the provider tax itself contains a "hold harmless" provision.

Rather, HCFA—and now CMS—appear to believe that the State, under the leadership of then Governor Ashcroft, made a collusive arrangement with health care providers. CMS has suggested that state officials illegally agreed that each hospital would get back in Medicaid reimbursement at least the amount it paid in taxes.

Missouri strongly disputes the allegation that there is a hold harmless arrangement between the State and its hospitals. And, in fact, the Federal Government has never provided Missouri with a shred of evidence that state officials engaged in illegal collusion with the hospitals. I repeat, not a shred of evidence.

Instead of proving its case, HCFA continues to complain about the provider tax, threaten Missouri with legal action, and uses bureaucratic leverage to force Missouri to change its incredibly successful program.

Mr. President, this is truly a case of form over substance. Missouri has created a program that pumps millions of dollars into health care coverage for its citizens. Missouri then distributes tax dollars to health care providers according to a state formula, which everyone agrees is consistent with Federal law.

Yet, a set of health care bureaucrats in Washington seek to destroy this program. Why? Because they have a hunch—without any concrete evidence—that the people who designed the program almost 10 years ago, secretly conspired to circumvent the technicalities of federal law. This is a case of bureaucracy run amok.

Ironically, this is the same agency that has recently changed its name so to shed its image that it cares more about rules and regulations than people. As a matter of fact, this administration announced when it took office that it would measure performance by looking at health care outcomes, not by compliance with bureaucratic requirements.

Nonetheless, it is this administration that is now threatening to take action against the State of Missouri. It is doing so even when there can be no doubt that our program is working to provide better health care to kids, to seniors, and our most needy citizens.

Of course, the timing of this threatened action could not come at a worse time. Our economic downturn is causing a great deal of distress in our communities. We are seeing significant job losses. State revenues are declining, and at the same time our citizens' needs are increasing.

Why, I ask, at this time of national emergency, would the administration choose to attack a successful program that has provided health care security for so many?

And why would the administration want to divert the State's attention from the task of helping Missouri get through this economic downturn?

There really are no good answers to these questions.

Senator BOND and I, Governor Holden, and other Members of the Congressional delegation are unified in opposition to the threatened CMS action. I strongly urge Secretary Thompson, CMS Administrator Scully, and other leaders in the administration to examine this issue with great care before taking an action that would cause so much harm to our State.

Mr. President, I stand here with my fellow Missouri Senator to draw awareness to this important issue. I hope that CMS understands that we intend to take aggressive action to protect a highly successful program in Missouri.

Mr. BOND. Mr. President, this is an issue that I brought to the attention of the chairman and ranking member of the Appropriations Committee when we marked up this bill in committee. I have been working over the past few years to protect the Missouri Medicaid program from the devastating impact of a potential recoupment of almost $2 billion. Confronted with such a recovery—or even a fraction of that amount—Missouri would inevitably be forced to cut back on its Medicaid program, putting health care for many Missourians in jeopardy. I am hopeful that the State of Missouri and CMS can work together in good faith to find a resolution that protects the care that the Missouri Medicaid program provides to 479,091 children, 21,517 seniors in nursing homes, and close to 30,000 pregnant women across the state.

Mr. HARKIN. I appreciate and thank Senator CARNAHAN and Senator BOND for bringing this important issue to our attention. I am concerned that attempts to recoup Medicaid dollars from their state could jeopardize the health care it provides for hundreds of thousands of children, senior citizens, and pregnant women.

Clearly, our first priority has to be the beneficiaries of the Medicaid program. At this time of economic uncertainty, the last thing this Government should do is put our most vulnerable citizens at greater risk.

Again, I thank the Senators from the State of Missouri for raising this issue, and I look forward to working with them on this matter.

Mr. SPECTER. I thank my colleagues from Missouri for bringing this important issue to the Senate's attention. I support their efforts and encourage CMS to work in good faith with the State to find a resolution to this matter that allows Missouri to continuing making progress in providing health insurance to its citizens.

Mrs. CARNAHAN. I thank Senator HARKIN and Senator SPECTER for their support on this issue.

The PRESIDING OFFICER. The senior Senator from Missouri.

Mr. BOND. I thank the Chair and my colleague, Senator CARNAHAN. We have talked about this a great deal. Over the last decade, Missouri's Medicaid Program has faced a series of difficult but important challenges.

Not only has the program been forced to struggle with internal issues, such as transitioning to managed care, reaching out to Missourians who are eligible but not yet enrolled in the program, and providing adequate payment to health care providers who care for Medicaid patients. It has had to deal with a number of important challenges presented at the Federal level as well. Not the least were efforts by Congress, attempted in both 1995 and 1997, but foiled by me and other legislators and people in similar circumstances in other States, to limit States' abilities to make disproportionate share hospital payments to safety net hospitals.

Another challenge has been to expand coverage to children in working poor families as called for by the creation of the Children's Health Insurance Program, or CHIP. I was an early supporter of this program and its efforts to expand coverage for low-income children. Missouri achieved this as part of its 1997 Medicaid waiver which is now in effect.

In addition, in 1999, under the previous administration, the Centers for Medicare and Medicaid Services, CMS, then called the Health Care Financing Administration, HCFA, initiated an investigation of the Missouri Medicaid Program.

Since HCFA began the process, CMS has carried on this effort, moving down the path to contend that Missouri may owe the Federal Government portions of the Medicaid funding the State received beginning in 1992 based on concerns about whether the tax imposed on hospitals and nursing homes by the State of Missouri to help finance the Medicaid Program actually complies with Federal law.

We all know that many States prior to 1992 tried to squeeze extra Federal funding by taking or accepting money from health care providers, essentially nursing homes and hospitals, in order to inflate artificially State level medical spending and, thus, increase the Federal share of costs in the joint State-Federal Medicaid Program.

In 1991, of course, Congress passed the law to outlaw these contributions and to establish strict new controls on provider taxes. This law imposed a requirement on States that provider taxes be uniform and broad based, and it prohibited States from instituting hold harmless Medicaid schemes in which payments to a health facility, particularly including DSH payments, were directly or indirectly related to the amount of provider tax a facility pays.

The State of Missouri believes it is fully in compliance with that law. CMS disagrees. Missouri does impose a tax on hospitals and nursing homes to finance a State's share of Medicaid expenses, but the State insists the tax is uniform and broad based.

Furthermore, the payments the State makes to Medicaid providers recognize their proportion of indigent payments, but these payments are targeted to needy facilities and are in no way intended to facilitate or pay for compensation for the provider taxes by the facilities that receive the reimbursement.

This is a unique setup in which the State sends Medicaid payments for some hospitals to a subsidiary of HMA, the hospital association, which then acts as an agent in distributing the funds.

The CMS concerns about the Missouri situation center on this arrangement, and we have reason to believe they were on a course to attempt to seek $1.6 billion in repayments. This would be an enormous sum for the Missouri Medicaid Program whose annual budget in 2001 was only $3.5 billion, including both Federal and State funds.

If this action were to be taken, it would devastate the Medicaid Program of the State of Missouri and the care it currently provides for over 479,000 children, 21,000 seniors in nursing homes, and close to 30,000 pregnant women. That is absolutely unacceptable, and that cannot go forward.

The State of Missouri already faces huge budget shortfalls due to overspending and, in the near term, will have difficulty even in maintaining the current programs and services which are so vitally needed. If CMS were to succeed in taking these funds back, Missouri's Medicaid Program and over 800,000 people currently served could be grievously harmed.

I come to the Chamber today with my colleague from Missouri to raise this issue for the Senate. We have entered into a colloquy with the managers of the bill because we believe, as a result of raising this issue when we discussed it in the Appropriations Committee markup, that we started the process of bringing the State of Missouri and CMS together in good faith negotiations on the issue.

We strongly urge them to come to a resolution that meets CMS's concerns but that protects the integrity of Missouri's Medicaid Program and the care it provides to some of Missouri's most vulnerable citizens.

I appreciate the time of the Senate, and I appreciate the understanding of the managers of the bill. My colleague from Missouri, Senator CARNAHAN, and I look forward to seeing a successful resolution that will take care of the concerns of CMS, but also not take away the vitally needed Medicaid support for needy children, for the seniors in nursing homes, and for the pregnant women.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2035 TO AMENDMENT NO. 2020

Mr. BYRD. Mr. President, on behalf of the distinguished senior Senator from Alaska and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. STEVENS, proposes an amendment numbered 2035 to amendment No. 2020.

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of the amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment by Mr. DOMENICI is the text of S. 534, the Mental Health Equitable Treatment Act of 2001. This amendment would prohibit group health plans and group health insurance issuers that provide both medical and surgical benefits and mental health benefits from imposing treatment limitations or financial requirements for coverage of mental health benefits that are different from those used for medical and surgical benefits.

The problem Senator STEVENS and I encountered in processing this amendment is that the Senate Appropriations Committee would be charged with approximately $1.5 billion over the next decade if this amendment, worthwhile as it may be, were to be adopted. Both Senator STEVENS and I, I believe, are cosponsors of the underlying legislation, S. 534. I did not realize that legislation was going to be offered as an amendment to an appropriations bill, however, or I might not have cosponsored it. Because of the adverse impact on discretionary spending, we would be forced to oppose this amendment in its current form. In an effort to find a workable solution to the problem, this amendment would direct that any expenditures resulting from this amendment be charged to the committee of jurisdiction under the budget process. If this amendment is adopted, I will drop my opposition to the underlying amendment.

Senator STEVENS and I have spoken with the chairman and ranking member of the Budget Committee, and they are in agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am pleased to join with the distinguished chairman of our committee in offering this amendment to the Domenici amendment.

Senator BYRD and I have made a firm agreement to hold the line on the understanding we reached with the House of Representatives and the President of the United States to hold the total spending to $686 billion this year. This amendment does not breach that agreement. I am talking about the Domenici amendment does not breach this agreement.

Further, the amendment to the Domenici amendment will assure in future years, if there are caps continued under the Budget Control Act, that this amendment will not result in monies being assessed to our committee, as Senator BYRD has stated. They should properly be asserted to the committee of jurisdiction.

I am of the firm opinion this is a good bill. I was a cosponsor of the bill. I did not expect it to be offered to an appropriations bill, but under the parliamentary situation I do not express objection to that. I do, however, think the Senate should be reminded once again we have a firm understanding with regard to the appropriations process this year, and if we hold to that understanding I think we will finish our bills in time to enjoy the holidays with our relatives. If we breach that agreement, we will be here for a long time.

I am proud to serve with Senator BYRD, who is chairman, because we are two people who I believe keep our word. We have in this instance convinced the Senate to follow us in that regard. So I thank the Senator very much and am pleased to cosponsor the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Very quickly, I know Senator DOMENICI is in a markup on the energy and water bill, along with Senator HARKIN.

I thank my two colleagues for their amendment. I think it just adds to the strength of the bill. It is very important to have their support. So I thank both of them for their work.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, for their assistance in moving ahead with this very important amendment.

Parity for mental health has been an objective of about two-thirds of the Senators for many years. Through today's action, I think we are on the road to getting that accomplished. So I salute my colleagues and thank my colleagues for their cooperation and good work.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

If not, the question is on agreeing to amendment No. 2035.

The amendment (No. 2035) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2020, as amended.

The amendment (No. 2020), as amended, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. HARKIN. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read the third time and the Senate vote on passage of the bill. That upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of amendments follows:

FIRST DEGREE AMENDMENTS

Bayh: Mark to market.

Bingaman: Retirement; Hispanic education programs.

Byrd: Relevant; relevant to the list.

Clinton: SAMSHA—mental health for public safety officers; mental health services for children.

Daschle: Relevant; 3 relevant to the list; firefighters' collective bargaining.

Dorgan: Customs related.

Dodd: Children's Mental Health; EMS; Kids and terrorism.

Feingold: Defibrillators.

Graham: Ecstasy use.

Harkin: Relevant; relevant to the list; managers' amendments.

Kennedy: Bioterrorism.

Reed: Relevant; mark to market

Reid: Relevant; relevant to the list.

Torricelli: 3 lead poisoning; 2 assistance for dislocated workers; SOS anthrax emergency response.

Wellstone: Mental health parity.

T. Hutchinson: Charitable giving.

B. Smith: Research; relevant; relevant to list.

DeWine: 4 Safe and Stable Families.

Collins: LIHEAP; substance abuse/homeless; relevant.

Sessions: Wage index; foreign school loans; misuse of AIDS funds.

Murkowski: Relevant; national security

Nickles: 2 Relevant; 2 relevant to list.

Brownback: Human cloning ban; embryo research; human-animal hybrid embryo; 12 relevants.

Domenici: Mental health parity (S. 543).

Enzi: School construction; mental health.

Gramm: Diabetes research funding; relevant; relevant to list.

Gregg: 2 mental health; school renovation; relevant/health.

Kyl: Impact aid; relevant.

Specter: 2 Relevant.

Lott: 3 relevant; 3 relevant to list.

Cochran: Relevant.

Snowe: 3 relevant.

Santorum: HUD.

Grassley: Relevant.

Mr. HARKIN. This is a finite list of amendments we now have before the committee.

I am authorized by the majority leader to announce there will be no further votes this evening.

Mr. SPECTER. Madam President, I urge all of our colleagues to move ahead promptly tomorrow to offer amendments. The list is a very long list and, as is frequently the case, a great many of the amendments listed are placeholders. We would appreciate our colleagues advising which amendments they intend to offer and specify what amendment it is so we can move ahead. It is very important we complete action on this bill if we are to complete a conference in a time where we will finish during the current session before the holiday season.

Last year, it took months for the conference to be resolved between the House and Senate. We urge our colleagues to come to the floor tomorrow when we start action on the bill, which I understand is to be at 10:30, to proceed to offer amendments.

I yield the floor.

AMENDMENT NO. 2024

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2024.

Mr. DORGAN. Madam President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

At the end of the bill, insert the following:

TITLE —INFORMATION ON PASSENGERS AND CARGO

SEC. 01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) PRODUCTION OF MANIFEST.—Any manifest" and inserting the following:

"(b) PRODUCTION OF MANIFEST.—

"(1) IN GENERAL.—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) ADDITIONAL INFORMATION.—

"(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Madam President, this is an amendment I discussed on the floor briefly earlier today. I shall be brief again. I understand under ideal circumstances this amendment would be placed somewhere else, at some other time, perhaps in some other bill. It is an amendment that is critically important and should have been done last week. It should now be law. It should already be providing protection to the American people today but is not.

I am angry about that because the Congress should not have missed this opportunity last week. I don't intend to let the Congress miss this opportunity at any point along the way. I will offer it, and if it is not finally a part of this bill when signed by the President, I will offer it to every bill.

Let me describe the circumstance. I am chairman of an appropriations subcommittee and I held a hearing a few weeks ago and had the Commissioner of the Customs Service and the Commissioner of the Immigration Service testifying before that subcommittee. One of the things they talked about was the need to provide security with respect to who is coming into our country. A country cannot be secure unless it has some notion of border security. We have millions of people coming into our country each and every year. They are guests of ours, coming in on a visa given by our country.

When people come to our country, we welcome them. We want them to visit our country, but we also want to be sure the people who are coming to our country from foreign lands are people we want to have as guests. There are some we want to keep out: Those involved in terrorist activities, those who have had association with terrorist groups, known and suspected terrorists. We do not want to welcome them into our country. We want to keep them out. That is the whole purpose of border security.

We have around 80 million people who come to this country every year on some 400,000 international flights. I repeat, on 400,000 international flights we have some 80 million people disembark to visit the United States. There are just over 100 major air carriers flying those passengers into our country. We have an arrangement with 95 of those air carriers to voluntarily provide the United States Customs Service with advance passenger lists of who is coming to visit our country. The Customs Service runs that list against a list the FBI has, the Customs Service has, and 21 different agencies of law enforcement, to evaluate which of these passengers, if any, should not be allowed into our country, which of them are on the suspect list, and which are on the list of known or suspected terrorists.

We have the majority of the airline carriers and the majority of the names of passengers being given to our law enforcement authorities in the form of an advance electronic passenger list. It is called the Advance Passenger Information System. It is a voluntary, not mandatory, system covering 85 percent of the international air passengers that are not already pre-cleared by Customs. It works fine except we have a number of carriers from countries that do not participate.

Let me list a few: Saudi Arabia, Egypt, Jordan, and Pakistan, just to name a few.

One would ask whether we should be getting advanced passenger information from these countries. The answer is yes. In fact, the Senate said yes last week. The Senate was prepared to adopt this amendment last week as part of the counter-terrorism bill, which is where it should have been. In conference it was knocked out. It went to conference with the U.S. House. Some were worried more about committee jurisdiction than they were about security. So they knocked it out.

The result was, when the President signed that counter-terrorism bill, it did not have this provision that makes mandatory the Advanced Passenger Information System.

What does that mean? It means that today about 219,000 international air passengers arrived in the United States—today, Tuesday. About 34,000 are pre-cleared by U.S. Customs agents stationed abroad who run an APIS-type check as part of the clearing process, 156,000 are pre-screened through APIS while they are in flight, leaving approximately 29,000 whose names are not provided to the Customs Service until they arrive because their carriers do not participate in the Advanced Passenger Information System. Why? Because the Congress last week decided not to include that requirement in a conference report.

The President wants this requirement. The Customs Service wants the requirement. All the Federal law enforcement authorities want the requirement. We get it on 85 percent of international air passengers. And the ones we don't get it from are Pakistan, Kuwait, Saudi Arabia, Egypt, and Jordan, just to name a few.

I ask the question: Does it promote this country's security to require those air carriers to provide the same information that virtually every other air carrier in the world provides to us? The answer is clearly yes.

We are less secure today than we should be because the Congress knocked out my provision in that conference committee. That provision was not in the counter-terrorism bill when the President signed it, despite the fact that the Senate supported it. The Senate said yes. But it was knocked out in conference.

I intend to offer this to any vehicle I have the opportunity to offer it to. I know that it doesn't necessarily belong on an appropriations bill. But it belongs in law in this country. It belongs there now. It should be there now. It should be providing security for this country now with respect to the 29,000 people who entered this country today whose names were not provided under the Advanced Passenger Information List. It makes no sense to me to be in this situation.

Some would say, well, this really inconveniences and mandates the air carriers to do this. No, it does not. Most of the air carriers do it voluntarily, and they have a good relationship with our country. But some air carriers decided that they will not do it. The Customs Commissioner and others indicate that we ought to make it mandatory. I agree with that.

Since September 11, things have changed. It is not profiling. It is not profiling in any way to ask for an advanced list of passengers who are going to visit our country as guests in our country. But we are trying to profile those who are terrorists and suspected terrorists. Let's admit to that.

One of the goals that we have in all of our efforts with respect to increasing security at our borders is to determine who the people are who associate with terrorists and known terrorists or suspected terrorists, and try to keep them out of our country. Unfair? I don't think so, not in the circumstance where thousands of Americans have been killed— cold-blooded murder by terrorists who decided to use an airplane as a weapon of destruction; not at a time when terrorists sent anthrax-laced letters around this country through the mail system and people die.

I ask that we include this amendment in this appropriations bill. I hope those who are talking about their committee jurisdiction will understand that this isn't about jurisdiction. It is about security. This isn't about trying to protect your little area. It is about common sense to try to protect this country's borders. The Advanced Passenger Information System works. It has worked for a long while. It provides this country names that are important to secure our borders, except that it doesn't do it in all instances. In the instances where it fails, it is critically important to give this country critically important information in order to give this country some assurance and some comfort.

I understand that we will probably deal with this amendment tomorrow. I wanted to offer it this evening.

Mr. HARKIN. Madam President, I believe this amendment which I am pledged to cosponsor should become law. It is very reasonable for the United States to require that airlines provide information about their international travelers coming to the United States so customs can be able to check if any of the passengers are of special concern.

We are going to considerable lengths to improve the safety of our aviation system and to improve our ability to better protect our borders. Requiring that international airlines provide some basic information about their passengers and their cargo is very reasonable.

I understand some airlines are concerned about the small costs involved. Some airlines might have other reasons to not comply. But with 85 percent compliance with the voluntary requirements, clearly the burden is well within reason. There is no question, given the realities of our world, this should be required information for any international flight coming to the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM

Mr. SPECTER. Madam President, the terrorist attacks carried out by Osama bin Laden and al-Qaida on September 11 require a reevaluation of our national policy on what the government should be doing on its primary responsibilities: the security of the people.

The United States was stunned by that diabolical attack. It was thought impossible to make the country, with special emphasis on the Congress, more "fighting mad"; but that was done with the anthrax attacks. As a nation, we are determined to respond thoughtfully and forcefully to win the war against terrorism. This floor statement briefly reviews some of the responses by the U.S. to terrorism for the past two decades to learn from our mistakes of the past and to guide us on what to do in the future.

The United States has been slow to assert extraterritorial jurisdiction to bring to justice terrorists who attack U.S. citizens around the world. Ordinarily, jurisdiction resides in the locale where the crime occurred; however, a nation may assert extraterritorial jurisdiction where its citizens are victimized on foreign soil which provides the nexus for jurisdiction beyond its boundaries.

It was not until 1984 that the United States asserted extraterritorial jurisdiction to try terrorists who kidnaped or hijacked Americans abroad. Those provisions were contained in the Omnibus Crime Control Act of 1984 which was added onto the appropriations bill for the Department of Justice. The Senate and House Judiciary Committees, led by feuding chairmen, could not agree on legislation, so an appropriation subcommittee took up the issues in an unusual way. The bill was passed in the middle of an all-night session, in which I participated along with Senator Warren Rudman on the Senate subcommittee, and Congressman Bill Hughes on the House subcommittee.

That legislation still left a void on terrorism other than kidnaping or hijacking. On July 11, 1985, I introduced the Terrorist Prosecution Act of 1985, to establish extraterritorial jurisdiction for any attacks on any U.S. citizen anywhere in the world. Several months later, the need for such legislation became urgent when on December 27, 1985, 16 people, including five Americans, were killed by random terrorist strafings at the Rome and Vienna airports, and many others were wounded. This provided the impetus to pass the Terrorist Prosecution Act which became law on August 27, 1986, providing the basis for the indictments against Osama bin Laden for conspiring to murder 18 Americans in Mogadishu, Somalia, in 1993, and 12 Americans at the Nairobi, Kenya, and Dar es Salam, Tanzania, Embassies in 1998.

Although there were solid precedents for the United States to act against indicted terrorists, who were harbored in foreign countries, the United States declined to pursue an aggressive policy to enforce outstanding warrants of arrest. In 1886, in the case of *Ker* v. *Illinois*, 119 U.S. 436 (1886), the Supreme Court of the United States held that a prosecution could be validly pursued even where the defendant was abducted in a foreign country and brought back to the U.S. for trial. Ker, under indictment for fraud in Illinois, had fled to Peru. Illinois authorities pursued him to Peru and brought him back to Illinois for trial and conviction. The Supreme Court of the United States said:

> There are authorities of the highest respectability which hold that such forcible abduction is no sufficient reason why the party should not answer when brought within the jurisdiction of the Court which has the right to try him for such an offense, and presents no valid objection to his trial in such court. (*Ker*, 119 U.S. at 444.)

That principle was upheld by the Supreme Court of the United States in *Frisbie* v. *Collins*, 342 U.S. 519, 522 [1953], in an opinion by Justice Black, a noted civil libertarian.

Based on my experience as district attorney of Philadelphia in pursuing indicted criminals, I thought some of those techniques could be applied to international terrorists. Those ideas were expanded after chairing the Intelligence Committee and Judiciary Subcommittee on Terrorism.

After studying "Ker" and "Frisbie," I urged U.S. executive branch officials to consider abduction, if necessary, to bring back to the United States indicted terrorists. In hearings before the Judiciary Committee and the Appropriations Subcommittee on Foreign Operations, I questioned Secretary of State George Schultz, Attorney General Edwin Meese, FBI Director William Webster and State Department Counsel Abraham Sofaer on that subject. In testimony before the Judiciary Subcommittee on Terrorism on July 30, 1985, Judge Sofaer raised a series of objections to such forceful action, saying:

> I would say that seizure by U.S. officials of terrorist suspects abroad might constitute a serious breach of the territorial sovereignty of a foreign state, and could violate local kidnapping laws—that is, the people who do the seizing could be, in fact, criminals under local law. Such acts might also be viewed by foreign states as violations of international law incompatible with the foreign extradition treaties that we have in force with those nations.

It may be that those hearings, urging the application of "Ker" and "Frisbie," led to action by U.S. law enforcement officials against Fawaz Yunis, although his case did not involve abduction in a foreign country, but the principle was close. In June 1985, Yunis and other terrorists hijacked a Jordanian airliner with two U.S. citizens in Beirut, Lebanon. In September 1987, a joint operation of the FBI, CIA, and U.S. Military led to the capture of Yunis, who was lured onto a yacht off the coast of Cyprus with "promises of a drug deal." Once the yacht entered international waters, Yunis was arrested and returned to the U.S. for trial where he was convicted of conspiracy, aircraft piracy, and hostage-taking, and then sentenced to 30 years in prison.

The hearings on "Ker" and "Frisbie" may have also led the DEA—the Drug Enforcement Administration—to abduct from Mexico Dr. Alvarez-Machain who was implicated in the kidnaping and murder of a DEA agent in Mexico in 1985. After the DEA unsuccessfully negotiated with Mexican authorities for Alvarez-Machain's surrender, DEA officials offered a reward to a group of Mexican citizens for delivering Alvarez-Machain to them in the United States, which was done in April 1990. The trial court dismissed the case because the DEA agents had violated the extradition treaty with Mexico, and the Circuit Court of Appeals affirmed. When the case reached the Supreme Court of the United States, the Court reversed the lower courts and stated this principle of law:

> The power of a court to try a person for a crime [exists even if] he had been brought within the court's jurisdiction by reason of a forcible abduction. (*United States* v. *Alvarez-Machain*, 504 U.S. 655, 661 (1992).)

And now onto Osama bin Laden's longstanding record on terrorism against the United States.

The cases of Ker, Frisbie, and Alvarez-Machain provided ample precedent for the United States to have acted against Osama bin Laden prior to September 11, 2001. For a decade, Osama bin Laden had been prosecuting a war of terrorism against the United States. In 1992, he issued a religious declaration, known as a fatwah, urging that United States troops be driven out of Saudi Arabia, and the fatwah was extended in 1993 to demand expelling U.S. troops from Somalia. The terrorists convicted for bombing the World Trade Center in 1993 were trained in al-Qaida camps in Afghanistan. In 1996, al-Qaida called for a jihad against the United States.

In February 1998, bin Laden and al-Qaida issued another fatwah, calling for the murder of U.S. citizens wherever they were found in the world. In May 1998, bin Laden announced the need to possess a nuclear weapon against "Jews and Crusaders." In indictments returned in November 1998, Osama bin Laden was charged with conspiring to murder U.S. troops in Saudi Arabia and Somalia and for being directly involved with the bombings of the U.S. embassies in Kenya and Tanzania in August 1998. In June 1999, bin Laden called for the killing of all American males. And then bin Laden was involved with al-Qaida in the terrorist attack on the USS *Cole*.

Notwithstanding demands by the United States and the United Nations, the Taliban refused to turn bin Laden over to U.S. authorities. In harboring bin Laden, the Taliban, the de factor government of Afghanistan, was an accessory after the fact. In his September 20, 2001 speech to a Joint Session of Congress, President Bush equated those who harbor terrorists with the terrorists themselves.

From all that, it was readily apparent that bin Laden and al-Qaida were at war with the United States even prior to September 11. Then, on September 11, in addition to murdering 7,000 Americans, bin Laden and al-Qaida sought to destroy our symbol of economic achievement by leveling the twin towers of the World Trade Center and to decimate the White House and U.S. Capitol with planes which crashed into the Pentagon and in a Pennsylvania field.

In a Senate floor statement the following day, September 12, I said—and it is worth repeating now:

> [T]here have been many declarations that what occurred yesterday with the Trade Towers and the Pentagon were acts of war. And there is no doubt about that. Similarly, what bin Laden did in Mogadishu in 1993 and in the Embassies in 1998 were acts of war. At this time, while the Congress should never act precipitously, I do suggest that consideration be given to a declaration of war against the political entity which harbors and has given aid and assistance to bin Laden's terrorist organization and bin Laden and his co-conspirators, based on the indictments which already have been handed down . . .

It was my view on September 12 that even though we could not prove at that time that bin Laden was responsible for the terrorism of September 11, that a basis already existed for declaring war on Afghanistan and the Taliban for harboring bin Laden based upon the indictments which had already been returned establishing probable cause for acts of war which bin Laden and al-Qaida had committed against the United States.

On September 13, when the President met with Members of Congress from New York, Virginia, and Pennsylvania, which were the impacted States, I urged President Bush to consider a declaration of war against Afghanistan and the Taliban on the basis of the outstanding indictments against bin Laden and the Taliban's refusal to turn him over. The President made no response at that meeting to my suggestion.

President Bush declined to ask for a declaration of war, but he did request a resolution authorizing the use of force which was passed unanimously in the Senate and 420–1 in the House.

Presidential executive orders have provided that: "No person employed by or acting on behalf of the U.S. Government shall engage in, or conspire to engage in, assassination." But in April 1986, President Reagan ordered the bombing of Tripoli, Libya, and Muammar Qadhafi after intelligence intercepts implicated Libyan intelligence operatives in the bombing of a disco in Berlin, resulting in the death of two American soldiers.

Similarly, President Clinton ordered a missile attack on Osama bin Laden in Afghanistan in August 1998 after the Embassy bombings. In an interview with Tom Brokaw on NBC News on September 18, 2001, former President Clinton said:

> We had quite good intelligence that he [bin Laden] and his top lieutenants would be in his training camp. So I ordered the cruise missile attacks, and we didn't tell anybody, including the Pakistanis, whose airspace we had to travel over, until the last minute, and unfortunately we missed them, apparently not by very long. We killed a number of terrorists, destroyed the camp, but we didn't get him or his top lieutenants. And I made it clear that we should take all necessary action to try to apprehend him and get him. We never had another chance where the intelligence was as reliable to justify military action. He's very elusive. He spends the night in different places, often stays in—in caves. There were times when he tried to hide among a lot of women and children. It's a tough . . . nut to crack. But the world is changed now, and . . . the pressure that President Bush and the administration is putting on the Taliban and also on the Pakistanis, and the statements the Pakistanis have made, and the unity we've got around the world—we finally got other countries as concerned about this as we are. . .

Now to a discussion of Israel's response to terrorism. It is worth noting what Israel has done in its war against terrorism. Israel has adopted a policy on what could be called "executions" after its own determination of terrorists' guilt. After the massacre of the 11 Israeli Olympic athletes in Munich in 1972, it is reported that Prime Minister Golda Meir and Defense Minister Moshe Dayan authorized the executions of 9 of the terrorists whom they identified as being responsible for the Munich murders. One person, killed in Norway, was reported misidentified as a terrorist. Such executions have also been carried out by Israel against terrorists who were principals of the PLO, Islamic Jihad, Hezbollah and Hamas whom the Israelis found involved in murders of Israeli civilians.

The terrorism of September 11 should make us more understanding of the perils faced by Israel for five decades. Since the second Intifada began in September 2000, Israel has sustained 165 deaths from the killings. On a proportionate basis to our population, that would translate into over 7,000 Americans, a virtual equivalency to the mass murders on September 11. Should Israel be expected to respond differently from the way we responded to September 11? Just as the United States must find a way to stop terrorist attacks on U.S. citizens, a way must be found to stop the violence which has killed 714 Palestinians as well as 165 Israelis.

In seeking to organize a coalition against bin Laden and al-Qaida, the United States has urged, even pressured, Israel to temper its responses against Palestinian terrorists. In so doing, the United States should consider whether it is applying a double standard between what we are doing and what we ask Israel to do. What is the difference between the United States demand on the Taliban to turn over Osama bin Laden contrasted with Israel's demand on Chairman Arafat to turn over the assassin of the Israeli tourism Minister Rehavam Zeevi.

The usually perceptive Thomas L. Friedman in his October 23 New York Times column applied such a double standard. Asking Israel to pull its punches against Palestinian terrorism to stop ". . . inflam[ing] the Arab-Muslim world in order to avoid . . . seriously undermining our [the United States] coalition against bin Laden." Friedman calls for Israel to subordinate its security interests to those of the United States. Friedman then asks Prime Minister Sharon whether ". . . you (know) how serious this war is for America"? Is the war against Palestinian terrorism any less serious for Israel?

In seeking the assistance of Arab countries in the coalition, the United States has been careful not to ask for more than can reasonably be expected. Similar consideration must be extended to Israel. During the gulf war in 1991, Prime Minister Itzhak Shamir and Israel cooperated with the United States by taping their windows, wearing gas masks, and not responding to Iraqi Scud missile attacks. Israel has made serious, good-faith efforts to negotiate with Arafat notwithstanding the Intifada violence. Prime Minister Barak made the Palestinian authority a very generous offer in January 2001. Foreign Minister Shimon Peres has engaged in extensive negotiations until those talks were interrupted by outbursts of Palestinian terrorism.

There was a real question as to how much control Chairman Arafat can exert over Palestinian terrorism. Last April 16, I met Chairman Yasser Arafat in Cairo near midnight at the precise time Israel was responding to Palestinian mortar attacks. As we talked, aides brought Arafat communiques describing the fighting. I asked Chairman Arafat why he had not accepted then Prime Minister Barak's generous offer earlier in the year. Chairman Arafat responded that he had, but he was obviously oblivious to the fact that he imposed so many conditions it was, in fact, not an acceptance.

I then called on Chairman Arafat to make a clear statement calling for an end to Palestinian terrorists attacks. He said he had done that at the Arab summit on March 29, 2001. The transcript of his speech refuted his statement. That speech was another example of his longstanding tactic of sending contradictory messages. Chairman Arafat is famous for saying one thing in English to one audience and the reverse in Arabic to another audience.

In assessing Chairman Arafat's ability to reign in Palestinian terrorism, we must take into account that today he is not the man he was when he shook the hands of Prime Minister Rabin and Peres on the White House South Lawn on September 13, 1993, in the presence of President Clinton. Shortly thereafter, I met Chairman Arafat in Cairo in January 1994 traveling with a congressional delegation. At that time Arafat was healthy, robust, and forceful.

Seven years later, when I again met him in Cairo, he was shaky, hesitant, and spoke mostly through his aides. The recent challenges to his authority by Hamas, resulting in Chairman Arafat's firing on and killing Palestinians in early October, shows his diminished authority and raises serious questions as to whether he can be effective in ending the Palestinian violence even if he wants to.

This April, Secretary of State Colin Powell criticized Israel's response to Palestinian terrorism saying Israel's military action was "excessive and disproportionate." In hearings before the Appropriations Subcommittee on Foreign Operations on May 15, 2001, I challenged Secretary Powell's characterization and said:

> While Israel did respond very, very forcefully, Israel could have responded much more forcefully and is facing a situation where everybody is sort of at wit's end. And I believe that the calculation is made that if they hit them hard enough within reason that they will—that the Palestinians perhaps will stop the terrorism although that is very complicated with Hamas and Islam Jihad and the others.

Then Secretary Powell sought to justify his comment by saying that we tried to be "even-handed". He then referred to "the cycle of violence." The comment on "cycle of violence" suggests some sort of parity or moral equivalency between the purpose and level of force between Palestinian terrorists and Israel's reaction in self-defense.

There is, realistically viewed, no moral equivalency.

Terrorism, the killing of innocent victims, is totally reprehensible, repugnant, and morally unjustifiable. Self-defense in response to such terrorism is morally justifiable and is authorized under international and natural law.

When United States pressure on Israel increased, Prime Minister Sharon bluntly told the Bush Administration "do not try to appease the Arabs at our expense" and analogized the situation to the allies sacrificing Czechoslovakia in the Munich Pact of 1938. The Bush administration replied in kind calling Sharon's comment "unacceptable."

In limiting the freezing of terrorist assets to individuals and groups connected to the al-Qaida organization and the Irish Republican Army, President Bush did not extend United States efforts to "every terrorist group of global reach," as articulated in his September 20th speech. Perhaps he left out Hamas, Hezbollah, the Palestine Liberation Organization and other Arab terrorist organizations to maximize the chances to get Syria and other Arab countries into our coalition.

Israel's battle against Palestinian terrorism would have benefited by our freezing the bank accounts, of Hamas, Hezbollah and the PLO, just as we did with terrorist organizations connected to Osama bin Laden; but United States national interests at the moment may have differed—just as Israel's national interest may differ.

Israel cannot be blamed for the September 11 terrorism. Senator JOHN MCCAIN was right when he said on NBC's "Meet the Press" on October 21:

> So if Israel were taken off the face of the Earth tomorrow, we would still be facing the same terrorist problems we have today.

Osama bin Laden's hatred against the United States, is rooted in events which preceded Israeli's existence. His videotaped statement broadcast on October 7 cited, "what America is facing today is something very little of what we have tasted for decades. Our nation, since nearly 80 years is tasting this humility." He raged against the United States for our military action against Iraq and Japan. The two references to Israel were minor compared to his diatribe against America as the "head of international infidels."

His disregard for human life was palpable in minimizing "a few more than 10 were killed in Nairobi and Dar es Salaam." The intensity of hostility was demonstrated by a statement by Ayman al Zawahir, one of his close associates, on the same videotape:

> American people, can you ask yourselves why there is so much hatred against America?

The New York Times on October 7 characterized bin Laden's anti-American attitude:

> Mr. bin Laden, born in Saudi Arabia, has typically focused his anti-American statements on the presence of American troops in Saudi Arabia, declaring it a violation of Islamic holy places. Now, in keeping with the rest of the Arab world, he shifted focus to the Palestinian uprising that began in September 2000, as officials believe.

A minister of the United Arab Emirates is reported to have warned the United States that if Israel continued killing Palestinians, "most of us will certainly have to reconsider our role in the coalition". The United States was obviously seeking to assuage Arab objections when Secretary of Defense Rumsfeld skipped Israel in his recent mid-East trip and Secretary of State Powell emphasized that Israel would not be part of any military coalition. Hezbollah and Hamas are now reportedly accelerating their terrorism on the expectation that Israel may be reluctant to respond out of concern for Arab participation in the coalition. That is a prelude to the most important part of this somewhat lengthy statement, and that is a focus on dealing with terrorism in the future.

The conduct of Osama bin Laden and al-Qaida prior to September 11 should have put the United States on notice that we were facing a ruthless, powerful enemy engaged in a religious war with the capacity to inflict enormous damage. By 20/20 hindsight, the United States should have taken whatever action was necessary to, as President Bush later put it, either bring bin Laden and al-Qaida to justice, or to bring justice to them. The point is not to attach blame for what happened in the past; but to learn from this bitter experience how tough and determined we must be from this day forward in fighting terrorism. After September 11, it is obvious that the civilized world faces decisions on how to deal with terrorism which threatens our survival. Self defense, acknowledged as a person's most primordial motivation, is recognized as a fundamental principle in international law.

Congress, in conjunction with the President, has the responsibility to conduct hearings, deliberate, and establish our national policy on how to deal with terrorism. As a starting point, Congress should conduct oversight hearings to determine whether our intelligence agencies were at fault in failing to provide warnings of the September 11 attacks. If so, Congress must act to cure such deficiencies and to do whatever is necessary at whatever cost to reorganize our intelligence agencies and provide the resources to be as sure as possible that we will not be again caught by surprise. The oversight hearings on the adequacy of our intelligence should be deferred until next year so as not to distract the intelligence community from using its full resources to detect current threats.

Congress, in conjunction with the President, should consider the public policy behind the Executive Order banning "Assassinations." As a starting point, we should consider whether the pejorative term "assassinations" is accurate or whether we are really dealing with "executions," even if they are based on a non-judicial determination of guilt. It is one thing to prohibit the CIA from involvement in the killing of a leader of a foreign political faction or from the killing of a foreign leader contrasted with the CIA implementing a Presidential finding to take bin Laden into custody or kill him if there is no alternative.

The use of force in war or against terrorism does not require the same level of proof to convict in a U.S. court of law. Without prejudging Israel's nonjudicial determinations of guilt and the following "executions," Congress must decide what quality of proof and what level of force is necessary to assure our Nation's survival.

It was concluded that the Executive Order banning assassinations did not preclude President Reagan's order to bomb Libya and Qaddafi or President Clinton's order for a missile attack against bin Laden and al-Qaida in Afghanistan in August of 1998. In 1976, the Church Committee on Intelligence Operations concluded:

> . . . short of war, assassination is incompatible with American principles, international order, and morality. It should be rejected as a tool of foreign policy.

The Church committee's interdiction against assassination, "short of war," raises the obvious question as to when war begins or whether terrorism isn't in fact, war. When it becomes a matter of survival, I suggest the pristine rules of the Church committee may have to be superseded, again depending on the circumstances.

Judicial determinations of guilt are not required as a basis for the use of deadly force in war and should not be the basis for action against terrorists. Israel has long considered itself in a war for survival facing being vastly outnumbered and surrounded by hostile armies in wars in 1949, 1956, 1967 and 1973, and some of those nations still have a state of war technically against Israel. In moving against the Munich murderers and Palestinian terrorists, Israel has adopted an activist policy of execution after a nonjudicial determination of guilt. All of that I suggest is worth studying.

In President Bush's speech to the Joint Session of Congress on September 20, he said:

> The war on terrorism . . . will not end until every terrorist group of global reach has been found, stopped and defeated.

Congress, in conjunction with the executive branch, must also decide what action should be taken against every nation which sponsors, supports, or harbors terrorists in order to meet President Bush's goal. We must determine what national security and survival require in evaluating a policy on abducting or executing terrorists in foreign countries and taking tough action against these who harbor them.

Consideration should also be given to the detention of individuals where there is reason to believe they are part of al-Qaida or some other group which is actively planning terrorism against the United States. Under existing law, membership or an affiliation with such a group without more is not a basis for arrest or detention. The standard for detention should not require the level or probable cause necessary for a warrant of arrest or a search warrant but it should be more than mere surmise. It is obviously a difficult line to draw.

A case was reported after September 11 where a suspected terrorist was detained when he tried to gain entry to the United States from Canada, but was released when there was not sufficient evidence to arrest him. He was reportedly later identified as one of the pilots on a September 11 hijacking, which illustrates the point that if we let them go when we have reason to detain them, they may come back to kill us.

Twenty-first century terrorists do not wear uniforms. Study must be undertaken to determine an appropriate standard for detention on the analogy of detaining prisoners of war. The issue of detention of aliens received considerable attention during the debate on the terrorism legislation which was signed into law by President Bush on October 26. That legislation answers part of the problem but not all of it.

Poignant scenes from "Saving Private Ryan" illustrate the problem.

In the movie, U.S. forces captured a German soldier behind enemy lines as they were making their way on their mission to save Private Ryan. The German soldier pleaded for his life. The American soldiers did not have the capacity to take him with them as a prisoner, so they had the alternative of killing him or letting him go.

When he promised to move to U.S.-held territory and surrender himself, the American soldiers relented and released him.

In a later scene, that German soldier confronts the same American soldiers and kills several of them. That sequence illustrates American generosity and our natural instincts to be merciful. It is a lesson worth noting that we, as a nation, must reevaluate our level of "toughness" if we are to survive.

In this Senate floor statement, I have sought to raise issues which must be decided after congressional hearings and deliberations rather than to provide definitive answers.

Now, Mr. President, I come to the crux of what I have had to say.

In summary, these are the issues to be decided by Congress in conjunction with the President, after hearings, deliberation, and consultation. These are some of the issues which have to be considered. I do not say they are all inclusive, but these are the ones on my mind now.

First, should the United States revise its policy against assassinations to acknowledge that war and terrorism warrant executions under some circumstances?

Second, should such executions be authorized based on a nonjudicial determination of guilt, recognizing that responses to war and terrorism have traditionally not required the level of proof to indict or convict in a U.S. court of law?

Third, what level of our national leadership should be invested with the power to make such nonjudicial determinations of guilt?

Fourth, what are the standards for the quality and quantity of proof to make such a nonjudicial determination of guilt?

Fifth, should the United States be deterred from going into another sovereign nation to abduct or take forceful action against a terrorist when the host nation fails or refuses to turn over such terrorists?

Sixth, to what extent should the United States act against foreign nations or their officials who harbor terrorists?

And seventh, should individuals be detained where there is some basis to believe that they are non-uniformed members of al-Qaida or another terrorist organization on the analogy of incarcerating prisoners of war? If so, what should be the standard for such detention, and who should make the determination?

My sense is that America will maintain its resolve in carrying on the war against terrorism regardless of how long it takes. The steadfastness and durability of the coalition is another question. In my opinion historically, "Remember Pearl Harbor" will be a mild declaration or exhortation to "Remember September 11th!!"

That concludes my statement. I thank my colleague, the Senator from Alaska, for his patience, and in fact he was patient. He came in at the latter part of my statement, and I have taken considerable time until Senator STEVENS arrived, and there is no other Senator who sought recognition. I appreciate the opportunity to make the statement which has been the product of considerable work on my part.

I yield the floor.

IN RECOGNITION OF THE BAYER CORPORATION

Mr. SPECTER. Madam President, I have sought recognition to recognize and acknowledge the activities of one of my own very good corporate neighbors and constituents, the Bayer Corporation of Pittsburgh. Last week, on October 24, Bayer Corporation's president and chief executive officer, Mr. Helge H. Wehmeier, and U.S. Postmaster General John E. Potter announced Bayer's donation of 2 million doses of their antibiotic Cipro, one of the FDA's drugs of choice for the treatment and cure of anthrax disease.

This medication was donated to the Federal Government and is intended for use by Federal employees who may need it. The medication will be administered by U.S. Federal health care agencies, including the Department of Health and Human Services and its Centers for Disease Control and Prevention, as well as local and State health care officials in the Washington, DC, area.

There has been a claim, and justifiably so, for the heroism of our firemen, our police, and our health care workers who responded to the attacks on September 11. Now with the problems with anthrax, we appropriately add to that honor roll the U.S. postal workers. Mr. Helge H. Wehmeier had noted that the unsung heroes, less celebrated perhaps, but no less brave in their readiness to perform their duties, were the postal workers. Regrettably, we have seen problems with anthrax there. The contribution by Bayer should be of substantial help.

I also call my colleagues' attention to the comments of Department of Health and Human Services Secretary Tommy Thompson last week with respect to the negotiations with Bayer and Mr. Wehmeier. I ask unanimous consent, following these brief remarks, there be printed in the RECORD a copy of the press release which was issued following the meeting with Secretary Thompson and Mr. Wehmeier, president and CEO of the Bayer Corporation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HHS, BAYER AGREE TO CIPRO PURCHASE

WASHINGTON, Oct. 24.—HHS Secretary Tommy G. Thompson and Mr. Helge H. Wehmeier, President and CEO of Bayer Corporation, today announced agreement for a significant new federal purchase of the antibiotic ciprofloxacin (trademarked Cipro) at a substantially lowered price. The antibiotic is expected to be available by year end. Supplementing existing emergency stockpiles, it would be available for use in the event of a bioterror event.

Under the terms of the agreement valued at $95 million, HHS will pay 95 cents per tablet for a total initial order of 100 million tablets. This compares with a previously discounted price of $1.77 per tablet paid by the federal government. Bayer said it will rotate the government's inventory, as part of this agreement, to assure the American public a continuously fresh supply of Cipro. This inventory rotation adds an additional value of 30 percent for the government, which is included in the agreement.

Funds for the purchase are included in the $1.6 billion emergency proposal made by President Bush Oct. 17, which awaits Congressional action. HHS is also carrying out substantial new purchases of other antibiotics that are effective against anthrax, especially doxycycline. The purchases will fulfill Secretary Thompson's proposal to quickly increase the nation's emergency reserve of antibiotics. Resources to be on hand by January would treat up to 12 million persons immediately for anthrax exposure. Treatment would be with a mixture of effective antibiotic products, with Cipro representing about 10 percent of the antibiotics on reserve. Currently, 18.6 million Cipro doses are available in the nation's emergency reserve, which would enable immediate treatment of about 2 million persons in combination with other antibiotics.

"This agreement means that a much larger supply of this important pharmaceutical product will be available if needed," Secretary Thompson said. "The beneficial price also means that we can have more funds available to assist state and local health responders to be ready for all eventualities. I commend the Bayer Corporation for its ongoing efforts to ensure a fully adequate supply of this valuable product."

"Bayer is fully committed to supplying America in its war on bioterrorism. This agreement between Bayer and the Department of Health and Human Services is an important security measure that will enable the nation to have in its stockpile ample supplies of Cipro to combat the threat of anthrax," said Bayer president Wehmeier. "Cipro has become standard for anthrax treatment. The men and women of Bayer are 100 percent committed to delivering this vital antibiotic to the U.S. government on schedule."

Secretary Thompson said current supplies of Cipro and other antibiotics which are effective against anthrax "are entirely adequate to meet the current need. This purchase is aimed at expanding our emergency stand-by capacity, to make us even better prepared for the possibility of massive exposure to anthrax or other biological agents."

As a further contingency, the agreement provides for the option of a second order of 100 million tablets at 85 cents, and a third order at 75 cents, if it is determined that further orders are needed. Cipro is one of many antibiotics that have been found effective in the treatment of exposure to anthrax in the incidents in recent weeks. Current treatment practice for anthrax exposure, including those possibly exposed to anthrax, is a 60-day course, involving initial use of a broad spectrum antibiotic like Cipro, for five days, followed by determination of other antibiotics to which the pathogen is susceptible.

The Cipro to be purchased would be used to expand emergency stand-by supplies in the National Pharmaceutical Stockpile (NPS), maintained by HHS' Centers for Disease Control and Prevention. The NPS includes both vendor managed inventory and 50-ton "Push Packages," designed to be able to reach any point in the continental United States within 12 hours. The current eight "Push Packages" are to be expanded to 12, under the President's proposals.

COMMUNITY RAIL LINE RELOCATION ASSISTANCE ACT

Mr. LOTT. Madam President, many cities and towns across our country are experiencing conflicts between railroads, motor vehicles, and people for the use of limited and increasingly congested space in downtown areas. High density highway-rail grade crossings, even properly marked and gated ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Rail traffic can cut off one side of a town to vital emergency services, including fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas. Sadly, since September 11, we now must be concerned about freight trains carrying hazardous materials through the middle of densely populated areas being targets of terrorist actions. These problems exist in small and large cities and towns across the Nation.

While TEA–21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict cannot, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line.

To address this need I introduced S. 948, the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States and communities to relocate a rail line where this solution makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project. The bill does not tap the Highway Trust Fund. Instead, the rail line relocation grant program would compete for appropriations on an annual basis.

S. 948 is supported by the United States Conference of Mayors, the National Conference of State Legislatures, the National League of Cities, the Association of American Railroads, the Short Line and Regional Railroad Association, the Railway Progress Institute, the National Railroad Construction and Maintenance Association, and the Rail Supply and Service Coalition.

The Senate may soon consider other legislation to authorize funding to increase security for Amtrak, other modes of transportation, and our nation's ports. I ask my Senate colleagues to consider the needs of their own States, to cosponsor S. 948, and to support inclusion of this provision in the next transportation authorization bill to be considered by the Senate. So far, working with representatives of our Nation's cities, I have identified 40 cities in 23 States that are concerned about rail crossing problems and for which rail line relocation may be the solution, I am sure there will be several more such cities that will be identified in the weeks to come. I ask unanimous consent that the list of these cities be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CITIES CONCERNED WITH RAIL CROSSINGS AND RAIL LINE RELOCATION

Arizona: Marana and Tucson.
California: Fremont, Hemet, Mountain View, Paramount and Richmond.
Colorado: Arvada.
Georgia: Augusta.
Iowa: Iowa City.
Illinois: Carbondale, Elgin and Roselle.
Indiana: Portage.
Massachusetts: Boston.
Minnesota: Rochester.
Mississippi: Biloxi/Pascagoula, Greenwood, Jackson, Meridian, Tupelo and Vicksburg.
Missouri: St. Joseph.
North Carolina: Winston-Salem.
North Dakota: Fargo.
Nebraska: Grand Island and Lincoln.
Nevada: Reno.
New York: Hempstead.
Ohio: Brooklyn, Lima and Mansfield.
Oklahoma: Edmond.
Pennsylvania: Pittsburgh.
South Carolina: Columbia.
Tennessee: Germantown.
Texas: Beaumont, College Station and Laredo.
Wisconsin: Madison.

AGRICULTURE APPROPRIATIONS

MEDICAL DEVICE TECHNOLOGY

Mr. JOHNSON. Madam President, first I thank, Chairman KOHL and Senator COCHRAN for their outstanding work in putting together an excellent bill. An important part of this legislation provides funding for the Food and Drug Administration to perform its vital mission to protect and promote the public health. That mission includes the essential work of evaluating the safety and effectiveness of promising new life-saving and life-enhancing medical device technologies so that they may be used with patients in an expeditious manner. However, we must be sure that the Center for Devices and Radiological Health (CDHR) are provided with the adequate resources to carry out their work. The number of patents issued in the medical device sector has increased by 30 percent in recent years. The private sector is committing substantial increases in funding to healthcare research and development. We are fortunate that the FDA will be faced with the task of evaluating many new technologies that will benefit all of us next year. It is my hope that we could review this issue in conference to ensure that the premarket review function at CDRH receives an appropriate level of funding to carry out their mission.

Mr. DORGAN. I thank my colleague for raising this matter. It is my concern that the pre-market review function at the Center for Devices and Radiological Health does not have sufficient resources to keep up with the tremendous pace of innovation that is now taking place in the health sector. Despite the FDA's ongoing efforts to improve in this area, review times for breakthrough medical devices are lengthy and likely to get longer. While this bill makes important progress toward giving FDA the funds it needs to carry out its mission, I hope the chairman would work with us in conference to find a way to provide the resources needed to reduce medical device application review times.

Mr. KOHL. I appreciate the remarks and understand the concerns expressed by my colleagues. I agree that patients should not have to wait for promising new therapies due to insufficient resources at FDA. Language in the report accompanying the Senate bill states that the increase received by FDA's Devices and Radiological Health Program for fiscal year 2002 is consistent with agency estimates for bringing medical device application review times within statutory limits. While this statement is accurate according to the budget submitted to congress by the FDA, I have been informed that in testimony to the House Appropriations Committee, FDA officials stated the agency would need more funds than requested in their budget to decrease application review times significantly. I believe it is important for us to work together to resolve this issue, and look forward to working with my colleagues and our House counterparts in the Conference Committee.

Mr. VOINOVICH. Madam President, I was proud to offer an amendment to the fiscal year 2002 agriculture appropriations bill.

The amendment I offered last week set aside $500,000 from the Office of Generic Drugs at the Food and Drug Administration for use in the education and dissemination of information to America's senior citizens regarding the efficacy, safety and availability of generic drugs.

Currently, the FDA informs the public and providers about generic drugs through print advertising, reaching a limited number of individuals. It is my hope that this amendment will allow FDA to enlarge its outreach, utilizing not only print media, but also radio and television public service announcements.

In the absence of a Medicare prescription drug benefit, it is imperative that Congress provide alternative avenues for seniors needing to lower their out-of-pocket prescription drug costs.

Although millions of seniors already know about and use generic drugs, there are still many others who are not aware of their availability. Indeed, many highly used brand-name drugs whose patents have expired have generic alternatives available. These generic drugs are chemically identical in their active ingredient to their brand-name counterparts and are sold at substantial discounts from the branded price.

For example, the prescription drug Kelflex, an antibiotic, costs approximately $88 per month. Its generic equivalent costs about $13 per month, a potential annual savings of $900 for an individual who uses this product. In fact, according to the Congressional Budget Office, generic drugs save consumers an estimated $8 to $10 billion per year at retail pharmacies.

As each of my colleagues knows, the nature of health care has changed dramatically in America since the creation of Medicare in 1965. In many instances, diseases or conditions that once required hospitalization are now treated by pharmaceuticals. However, as advances in pharmaceuticals continue and the population ages, the Center for Medicare and Medicaid Services reports that national spending for prescription drugs is expected to more than double from an estimated $117 billion to $366 billion over the next ten years. Unfortunately, the financial burden on Medicare beneficiaries, those who use prescription drugs the most, will continue to increase. Consider the fact that Medicare beneficiaries account for 14 percent of the U.S. population, yet they consume approximately 43 percent of the nation's total drug expenditures and you can understand why we need to address this issue.

$500,000 will ultimately only be a drop in the bucket in finding a solution to providing access to affordable prescription drugs to seniors. However, these funds will help provide valuable information to those who rely on medications the most. With greater reliance on pharmaceuticals, increased direct-to-consumer advertising and the increased empowerment of seniors, it is imperative that those who use prescription drugs become better educated about the availability of generic equivalents that are just as effective as their name-brand counterpart.

While seniors wait for Congress to pass permanent prescription drug benefit legislation, the federal government should capitalize on other opportunities to aid seniors in their effort to obtain affordable prescription drugs.

That is why I have offered this important amendment and why I will work with Secretary Thompson and the Department of Health and Human Services to provide seniors with thorough information regarding highly utilized drugs, their generic equivalent and comparative pricing, as well as any other pertinent information that is necessary to improve the health and quality of life of our senior citizens. This information would prove to be highly useful to seniors and could easily be included in the annual "Medicare & You" publication. Seniors are typically very knowledgeable consumers of health care, and whatever information we can provide is a critical way to help them bypass the high cost of prescription drugs.

It is a sad reality that some senior citizens on fixed incomes do not take their full doses of their medications because they try to save money by stretching out their supply. Unfortunately, such self-medication can lead to life threatening health considerations. The amendment I offered will help our seniors get the information they need on lower cost generic drugs so they may obtain the prescription drugs they need to live their lives to the fullest.

I thank the manager and ranking member of the subcommittee for accepting this important amendment.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations provided to the Social Security Administration for continuing disability reviews, up to $520 million in 2002, and the amount of appropriations provided to the Department of Health and Human Services for adoption incentive payments, up to $20 million in 2002. S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for 2002, provides a total of $453 million for the two activities.

That budget authority will result in new outlays in 2002 of $384 million.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution.

I ask unanimous consent to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,491	537,523
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,818	923,356
Adjustments:		
General Purpose Discretionary	453	384
Highways		
Mass Transit		
Conservation		
Mandatory		
Total	453	384
Revised Allocation:		
General Purpose Discretionary	547,944	537,907
Highways		28,489
Mass Transit		5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,515,766	1,481,544	187,121
Adjustments: CDRs, adoption incentives	453	384	-384
Revised allocation: Budget Resolution	1,516,219	1,481,928	186,737

Prepared by SBC Majority staff on 10-30-01.

SPECIALIST JONN J. EDMUNDS

Mr. THOMAS. Madam President, today I rise to speak about a very special soldier from Cheyenne, WY.

A U.S. Army Ranger was one of two soldiers killed October 19, when a Black Hawk helicopter crashed in Pakistan.

Spc. Jonn J. Edmunds died when the helicopter he was riding in crashed while supporting Operation Enduring Freedom.

Jonn Edmunds was a 1999 Cheyenne East High graduate. He was 20 years old.

Jonn Edmunds and Pfc. Kristofer T. Stonesifer of Missoula MT, are the first combat deaths of the U.S. led military campaign against terrorists in Afghanistan. The soldiers were members of B Company Third Battalion, 75th Ranger Regiment, based in Fort Benning, GA.

Last Saturday, I attended Spc. Edmunds' funeral and had the opportunity to speak with Jonn Edmunds' father Donn. I told him how sorry we are for his loss. How words are not enough to comfort his family and friends or to express our pride for the job he was asked to do.

This unfortunately, is war and this terrible loss will not be the last. That certainly doesn't make it any less difficult for the family when someone like Jonn, young, patriotic, dedicated to his country and service, is killed.

I want to again offer my sincere condolences to the family. We don't pretend to understand your loss, but we share in your grief. Wyoming shares your grief and they, like I do, thank you for your son's service.

War is hell. It will take the lives of soldiers and innocents alike.

I believe, as do all American's, that our cause is just. The cost of doing nothing would be much worse. This effort will not be a short one. It is important that we stay dedicated to the cause of defeating terrorism even in the face of terrible loss.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 17, 1999 in Novato, CA. A 17-year-old gay male student, Adam Colton, was ambushed and severely beaten. The letters F-A-G had been scratched into his stomach and arms. Colton had been beaten the previous September in an anti-gay incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

OVERSEAS COOPERATIVES

Mr. HAGEL. Madam President, I rise to commend Senator LEAHY and Senator MCCONNELL for their leadership in crafting the Fiscal Year 2002 Foreign Operations Appropriations Bill.

I am here today to state my continued support of international economic assistance for programs that utilize cooperatives and credit unions. Last year, Senators GRAMS, FEINGOLD and I sponsored the Support for Overseas Development Act, S. 3072. This Act was included as part of a larger bill, the Microenterprise for Self-Reliance and International Anti-Corruption Act, H.R. 4673, which was signed into public law on October 17, 2000. This bipartisan legislation enhances current language in Section 111 of the Foreign Assistance Act of 1961.

Overseas cooperatives foster similar principles abroad that U.S. cooperatives are based on: free democratic associations of mutual benefit for members. For four decades, cooperatives and credit unions have proven to be an effective and efficient way to assist people in developing and market transition countries. Currently, U.S. cooperatives are working in over 67 different countries.

Under our legislation, USAID is encouraged to put greater priority on the development of agricultural cooperatives for marketing, processing and inputs. USAID should explore community-based cooperatives for rural electric and telephone service when national utilities are privatized. Strong financial cooperatives, such as credit unions and farm credit associations, are ways to generate member-owned savings and provide micro-loans to entrepreneurs and farmers. Housing and community development cooperatives can address issues such as daycare for HIV/AIDS, orphans and community responses to environmental problems such as solid waste collection.

The Administrator of USAID, Andrew Natsios, is currently putting together a report to Congress regarding the implementation plan for this legislation. I am looking forward to reviewing this report.

Credit unions and rural cooperatives are able to mobilize local savings or equity for micro-loans as a way to provide greater food security, the world's poor need access to microenterprise loans, credit and savings. Rural areas in developing countries need electricity and telecommunications, yet history shows that there are insufficient profits for private companies to enter these markets. Cooperatives should be part of programs pursued by the World Bank and other multilateral institutions to enhance rural communities as part of their private sector approaches.

USAID can tap cooperative methodologies to bridge ethnic and sectarian differences to build communities in areas that are rife with conflict. In communities ravaged by HIV/AIDS, war, terrorism and inequality, cooperatives empower communities. Cooperatives are direct and meaningful expressions of diplomacy where poor people can participate in decision-making that affects their daily lives.

Overseas cooperatives are an important way to promote broad-based economic, political and social development. I am looking forward to progress on this legislation in fiscal year 2002.

ADDITIONAL STATEMENTS

WISE WORDS FROM A WARRIOR'S WARRIOR

• Mr. MILLER. Mr. President, Colonel David H. Hackworth, U.S. Army, Ret., knows war as few men do. Today's most decorated living soldier, he is a warrior's warrior.

He joined the Army when he was 15, was battlefield commissioned in Korea when he was 20 and was the youngest colonel in Vietnam.

His heroic achievements in both these wars made him a living legend. Never afraid to speak out, even when it meant criticizing our effort in Vietnam, Hackworth has long been a knowledgeable observer worth listening to.

This old soldier who has seen so much shared his recent observations in a thought-provoking, tell-it-like-it-is column in The Washington Times. It is an article that should be read and believed by all Americans. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Times, October 27, 2001]

FIGHT OR FLIGHT?

(By David Hackworth)

My No. 1 son rang from Florida: "Dad we're scared. We're starting to wonder if we made a mistake leaving Indiana." Another Floridian, Frederick George, wrote: "I've never been more depressed than now. I'm 86 years old, and I've seen a lot."

My phone rings off the hook, and my mailbox is jammed. Most of the messages say: We're not coping well with this War Against Terrorism. My comeback: Get used to it.

We're in for at least 30 rounds, and Round One is far from being over. My 5- and 8-year-old grandkids will probably be in college before the last terrorist creep has been hunted down and folks can get back to the way things were before Sept. 11.

You can try running, but you can't hide from fear. Just ask the yellow-stained members of the House who ignored the report from last year's Hart-Rudman Commission predicting "a direct attack against American citizens on American soil is likely over the next quarter-century" and then cut and ran when the first shot came their way.

But the attack on the World Trade Center proved in spades that all citizens of every free country in the world are now targets, so there's no longer any place safe to run. The quickest way to get a grip and make it through this new kind of war is to check out—and copy—the combat soldier's MO. The whole living-on-the-bayonet-edge mindset becomes almost second nature once a grunt accepts that his life can be snuffed out any second. His ears get used to incoming—they automatically tell him to hit the deck because a round is about to thud in close, or to finish that smoke because it's going over the hill. He's used to walking through areas where one misstep will explode a mine and take his leg or life, and he learns to take care of himself and his buddies almost without thinking. Or he lets fear rule and goes mad. Or he goes into denial and gets killed.

Many of you are combat vets—you just don't remember that for most of your lives you lived with the fear of being instantly incinerated and radiated by the Bomb. Remember the air-raid sirens and the "Duck and Cover" drills? Those 25,000 Soviet nuclear warheads once pointed at you and yours would have done a zillion times more damage than terrorist bombs, kamikaze planes or bugs and germs.

On the battlefield, I wore my steel pot begrudgingly. It was heavy and a pain. But I knew it would improve my chances of staying alive, so I cursed it while I wore it. Now I resent wearing a surgical mask and gloves and opening much of my mail outside. But just like wearing that helmet, it helps me stay alive while the FBI and the police track down the terrorist sleepers imbedded in our society.

And so must all of you learn to live on a potential killing field. Instead of letting fear knock you down, use it as warriors do to stay alive. Fear can pump up your reactions if employed positively and let you make it through the darkest night. Survival is our strongest instinct, and we will win this sucker just as we did World War II, the Cold War and the conflict that follows this one.

The other survival skill you should borrow from a grunt is alertness. A soldier asleep on guard duty is a dead soldier. A terrorist will have a tough time doing his thing if we all keep a sharp eye out for whatever doesn't compute. Like some weirdo learning to fly a plane who wants to give takeoffs and landings a miss. Or a non-islander buying a one-way air ticket to Hawaii or Guam.

Fortunately, most Arab terrorists coming our way will be easy to spot except on Halloween. If you see some character at the water reservoir, parked near the nuclear reactor, fiddling with a building's air-conditioner intake vents, delivering unordered fire extinguishers or bicycling around with a backpack, keep him under surveillance and notify the authorities quickly.

Use that fear to stay alert and stay alive.•

HONORING PAUL DUFAULT

• Mr. KERRY. Mr. President, today I honor one of the most fervent advocates for the labor movement and working families across the country: Mr. Paul Dufault.

For the past 45 years, Paul has served the men and women of New England as an active member, secretary-treasurer and later as president of the United Food and Commercial Workers Local 1445. Despite a changing economy and an evolving workforce, Paul's vision and motivation remained strong and unwavering for almost half a century. I am proud to extend to him my warmest appreciation for his steadfast commitment to economic prosperity for all individuals and families.

Paul began his career in labor advocacy as a part-time employee at Stop and Shop Supermarket, where he became a member of the Retail Clerks Union Local 1445 in 1956. Four years later, when Local 826 of Worcester acquired the Worcester jurisdiction from Local 1445, Paul was brought on as an organizer. Paul's strong work ethic and potential did not go unnoticed an this was reflected in his promotion to business agent. This was followed in 1967 with an appointment to International Representative. Paul then advanced in 1971 to president of Local 1435. With the merger of the Retail Clerks International Union and the Amalgamated Meat Cutters and Butcher Workmen in 1976, Local 1435 merged with Local 1445 and Paul stepped into the position of secretary-treasurer.

In 1996, Paul was elected president of United Food and Commercial Workers Local 1445 of Boston, MA. More than 3,000 new Local 1445 members were organized in the last three years, resulting in Local 1445 becoming the largest UFCW local in New England. Paul's leadership has resulted in improved benefits and working conditions for members. Local 1445 is indebted to Paul and all he has done for the working men and women of New England and I join them in thanking Paul for his contribution to the labor movement over the last 45 years.

In addition to Paul's accomplishments in Local 1445, Paul was also vice president of the Massachusetts AFL-CIO and served as chairman of the UFCW Interstate Health & Welfare fund, where he had been a trustee since 1971. He contributed his expertise in labor issues to the Gloucester Seafood Workers Pension and Health Welfare fund as a trustee, and served as an alternate on the UFCW National Pension Fund, as well.

Mr. President, I am truly grateful to join families across Massachusetts and throughout the country in celebrating Paul's career and contributions. I wish he and Judy, as well as his four children and seven grandchildren, the very best as they begin this new chapter in their lives.•

RECOGNITION OF SALLY SKINNER BEHNKE

• Mrs. MURRAY. Mr. President, I would like to take this opportunity to recognize an outstanding citizen of the State of Washington. Sally Skinner Behnke has been awarded the 2001 Isabel Colman Award for Excellence in Community Service for displaying significant and broad based leadership in her community. This prestigious award is given by the YWCA of Seattle-King County-Snohomish County and is reserved for an individual or organization whose efforts have contributed to enhancing the quality of life in the community. Ms. Behnke's efforts for over 20 years have done just that.

Some of her many achievements include being the first woman to serve on the board of Washington Mutual, Past President of the University of Washington Alumni Association, founding member and Past President of the

Northwest School for Hearing Impaired Children, and an active fund-raiser for the Lifelong AIDS Alliance. The two experiences that she is most proud of are working on the board of the Fred Hutchison Cancer Research Center and serving as Past Board Chair of Children's Hospital. These contributions to our community make her more than worthy of this award and our recognition.

Ms. Behnke's work is inspiring, and her words are encouraging. She said, "Take care of your home. Look around at this wonderful, wonderful place that is yours and mine. And if you haven't already, find a little corner of it to give your heart to."

On behalf of the people of Washington State, I would like to thank Ms. Behnke for her time, energy and many years of dedicated service.●

TRIBUTE TO MELVIN VAN PEEBLES

● Mr. LEAHY. Mr. President, in a year when we have seen such terrible news about New York, we do well to remind ourselves of all the good things that come from that great city.

One such thing was the awarding of Chevalier in the Legion D'Honneur to my friend, Melvin Van Peebles, by the Consul General of the Republic of France on April 24 of this year. The award was made to Mr. Van Peebles because of his work as an author, a producer, and a director of award-winning films.

I have known Melvin for years, and I know him as a man of conscience, talent, erudition, and eclectic friendships. I have always considered myself honored to be one of his friends. The man who first introduced me to Melvin was my good friend, Dr. Henry Jarecki, of New York, and he and Gloria Jarecki hosted the investiture at Gramercy House in New York City.

I ask consent to print in the RECORD the comments made by Dr. Jarecki at that event, and to add my own congratulations to Melvin Van Peebles for an award justly deserved.

The comments follow:

REMARKS OF DR. HENRY JARECKI

Back in the fifties, while Melvin was becoming well-known in America, I had been out of the country. So it is no surprise that when Katie McGee first mentioned the name Melvin Van Peebles some thirty-five years ago, I knew so little about his work that I expected to meet a Dutchman. It was indeed some years before I knew who I was dealing with but in the meantime he had become a close friend who I could hang out with and gab about philosophy, somebody who was an advisor and when needed, a fellow mischief-maker. Gradually, I got to see and know all about the famous Sweetback movie and his other films and I read and saw his plays, especially Ain't Supposed to Die a Natural Death and Don't Play us Cheap, two of the ones I think are among the great works of American literature. Waltz of the Stork, a musical I backed, was not one of the great works. Otherwise I would be rich today. But we reflected on a lot more plays, too, including the Bessie Smith piece called the Champeen that we argued about for five years and still have to make.

Close friends sometimes disagree—we solved that by making bets. One bet he lost made him work for me on Wall Street for a year during which he became the first Black trader on the American Stock Exchange. Not surprisingly, he wrote a book about it as he does about almost anything he does. That book, called Bold Money, introduced many nonprofessionals to the world of security option trading. He always writes books about what he does. He makes movies about the making of movies and he writes books about the "making of the making of a movie" movie. Happily, all of this piques his viewers' and readers' interest and makes him a bunch of money.

But he's made a lot more than movies, plays, and money. He has made a number of wonderful children, all of whom I've had the pleasure of hanging out with over the years, Megan, Mario, Max, and maybe more. Megan has the beauty and the wonderful heart she had when she worked at Mocatta and Mario has become a distinguished motion picture actor and director himself. Very few people know that one of the steps of his professional life, maybe the step that taught him all there was to learn about acting before he went to Hollywood was working as a gold trader for me at a company called Mocatta.

The Van Peebles children have been friends of my children and Melvin himself has helped each of my children, most recently my son Eugene, who made a film called The Opponent based loosely on Eugene's early life friendship with Mike Tyson. Melvin's most recent French film, A Belly Full, was not the reason for this Legion of Honor award but was its occasion.

Even before making a great name in America, Melvin had become well-known in France, partly for his book and movie, Story of a Three-Day Pass which had won many awards there, and throughout his life he has remained an American bridge to France, even having one French son, Max, who has helped him work on many of his movies. And so this clearly American icon has gradually become a French figure of the arts as well.

We are all honored to be here tonight with Melvin Van Peebles to help celebrate his receiving this award from Consul-General Richard Duque who honors us with his presence. I personally have in my own very modest film-making career achieved only one thing: when I, following in Melvin's footsteps, was making a movie about Cuban music in Havana with my friend Gary Keys, I managed to buy some Cuban cigars and also a wonderfully appropriate humidor in which to keep them. And so, Melvin, I take pleasure in presenting you with this unusual-looking humidor and the accompanying box of Cuban cigars. If you choose to give some of these cigars out to some of your guests here, feel free to do so: I have a second one upstairs. And those who worry about smoking Cuban cigars—and I'm not one—can always say the words of Melvin's friend Pat Leahy, the Senator from Vermont, who tells us that he cannot be criticized for burning Castro's crops.

Thank you all for coming.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 70. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

S. 1573. A bill to authorize the provisions of educational and health care assistance to the women and children of Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4507. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an arrangement with the United Nations regarding the reciprocal debt forgiveness contemplated by the legislation; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–200. A resolution adopted by the Senate of the General Assembly of the State of Rhode Island relative to maintaining the public institutions status of D.C. General Hospital; to the Committee on Governmental Affairs.

SENATE RESOLUTION

Whereas, D.C. General Hospital, a 108-year-old health care facility located in our nation's capital, will stop operating as a full-service public hospital as a result of the Mayor of Washington, D.C.'s plan to privatize the hospital, eliminating a safety net for thousands of disadvantaged people who otherwise would not have access to basic health care services; and

Whereas, D.C. General Hospital is a major trauma center and plays an indispensable role in providing quality and affordable health care to the 100,000 under and uninsured residents of the city. Additionally, the hospital is only one of two health care facilities in the Washington, D.C. area with a Level III neo-natal unit, treating 1,000 premature and critically ill infants a year; and

Whereas, Concerns over the possible closing of the hospital and the move to change its public institution status have generated opposition from numerous observers throughout the country, including health care officials, representatives of medical organizations, community activists and policymakers who feel that D.C. General Hospital represents this country's commitment to providing health care services to the residents of its inner cities; and

Whereas, D.C. General Hospital should continue to operate as a fully-funded public hospital in order to provie lifesaving health care services to Washington, D.C.'s poor and uninsured: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the Congress of the United States to maintain the public institution status of D.C. General Hospital so it can continue to operate as a fully funded public hospital, provide lifesaving health care services to Washington, D.C.'s poor and uninsured and represent this country's commitment to providing health care services to the residents of its inner cities; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives and the entire Rhode Island congressional delegation.

POM–201. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations express concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM–202. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations expresses concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it future

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM–203. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to amending the internal revenue code to accommodate certain tax issues related to the phase-out of Oldsmobile; to the Committee on Finance.

SENATE RESOLUTION NO. 108

Whereas, The phase-out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phase-our of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–204. A legislative resolution adopted by the House of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas,- The United States of America stands as a Nation most respected throughout the world for its freedom and its defense of freedom; and

Whereas, Tens of thousands of men and women have fought and died to secure, maintain and guarantee this freedom, and have utilized this freedom to build the most powerful and most successful nation on earth; and

Whereas, On Tuesday, September 11, 2001, enemies of the United States encroached upon the sacred soils of our Nation and conducted a series of the most inhumane, murderous, attacks in the history of the world, hijacking and destroying four civilian aircraft, crashing two of them into the World Trade Center Towers in New York City, a third into the Pentagon outside Washington, D.C., and the fourth failing to reach its target and crashing in Pennsylvania, which monstrous attacks killed and injured thousands of innocent people and completely demolished the World Trade Center Towers and a portion of the Pentagon, symbols of American strength and success; and

Whereas, The freedom fought for, secured and maintained over the past two hundred twenty-five years is threatened by the attackers, by targeting symbols of America, clearly intended to intimidate our Nation and weaken our resolve; therefore, be it

Resolved by the House of Delegates:

That the members of the West Virginia House of Delegates hereby express their deepest, heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of Tuesday, September 11, 2001, and the recovery efforts following the attacks;

That the members of the House of Delegates hereby offer collective condolences and unreserved expressions of support to the State and to the City of New York, to the State of Virginia, and to the State of Pennsylvania;

That the House of Delegates of West Virginia hereby condemns in the strongest possible terms the terrorists who contrived and carried out those attacks, as well as their sponsors or any person or nation which harbors terrorists;

That the House hereby commends the heroic actions of the myriad of rescue workers, volunteers and officials who responded to these tragic events with courage, determination and skill;

That we hereby publicly proclaim that we will not forget those who have fought and died to help secure and maintain our freedom, and we further publicly decry and condemn those who plot, plan and execute attacks on our freedom, our citizenry and our way of life;

That our thoughts and prayers go out to all those directly affected by the attacks and to those participating in the recovery from the attacks;

That the President of the United States and the Congress be hereby urged to deal swiftly and judiciously with the situation, that freedom might live; and, be it further

Resolved, That the Clerk of the House of Delegates forthwith prepare and cause to be delivered certified copies of this resolution to President George W. Bush, to the Honorable Bob Wise, Governor of the State of West Virginia, to U.S. Senators Robert C. Byrd and John D. Rockfeller IV, and to member of the United States House of Representatives Alan B. Mollohan, Shelley M. Capito and Nick Joe Rahall, to the Clerk of the United States House of Representatives and the Secretary of the United States Senate, to the Governor of New York and the Mayor of New York City, to the Governor of Virginia and the Governor of Pennsylvania, and to the Presiding Officers of the Legislatures of all the States in this Nation.

POM–205. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

Senate Resolution No. 503

Whereas, In the morning hours of September 11, 2001, terrorists hijacked four commercial jetliners, including the passengers and crew members, with intentions of using them as weapons of mass destruction against the United States; and

Whereas, Two of the jetliners were flown directly into the twin towers of the World Trade Center in New York City, a third into the Pentagon in Arlington, Va. and the fourth crashed in Pennsylvania without reaching a possible target in Washington, D.C.; and

Whereas, Thousands of innocent Americans and hundreds of foreign visitors were killed or injured as a result of these attacks, including the passengers and crew of the four jetliners; workers and visitors in the World Trade Center and military and civilian personnel in the Pentagon; and

Whereas, Sadly, in the aftermath of the attack in New York City both towers of the World Trade Center collapsed, killing and injuring hundreds more, including rescue workers trying to locate possible survivors; and

Whereas, It was the terrorists' intention, through these hate-filled attacks against the United States, to intimidate, embarrass and expose the vulnerability of the United States as a world power; and

Whereas, If history is to repeat itself, we only need to recall the words of Japanese Admiral Isoroku Yamamoto, after the surprise attack on Pearl Harbor, who said, "We have awakened a sleeping giant and have instilled in him a terrible resolve"; and

Whereas, We stand united as a nation to begin the process of healing and rebuilding, not only of symbols and structures of economic and military strength, but of our patriotism; and

Whereas, Our most sincere condolences are extended to the families of our innocent citizens and those foreign visitors who have died. Our greatest tribute to them should be that we stand united in our pursuit to bring their killers to justice and to commit ourselves to the war against terrorism around the globe; therefore, be it

Resolved by the Senate:

That the Senate hereby condemns the action of terrorists and their attack on the United States on September 11, 2001; and, be it further

Resolved, That the Senate extends its sincere and heartfelt condolences to the families of our innocent citizens and those foreign visitors who have died as a result of these senseless acts of violence; and, be it further

Resolved, That we commit ourselves to stand united in our pursuit to bring those responsible to justice and to continue our task to rid the world of terrorism; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–206. A resolution adopted by the Senate of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on Foreign Relations.

Resolution

Whereas, On Tuesday, September 11, 2001, the United States of America suffered on its own soil the most extensive, devastating, and heinous acts of terrorism that have ever been perpetrated on innocent civilian victims. On that date, four separate groups of terrorist highjackers took forcible possession of four different commercial jets and, with incomprehensibly evil intent, used them as missiles to destroy some of the nation's most symbolic landmarks and to murder innocent people located within and around them; and

Whereas, The terrorists crashed one of the jets, American Airlines Flight 11, into the One World Trade Center building in the Manhattan borough of New York City, crashed another, United Airlines Flight 175, into the neighboring Two World Trade Center building, and crashed a third, American Airlines Flight 77, into the Pentagon in Washington, D.C. The fourth plane, United Airlines Flight 93, which apparently was on its way toward Washington, D.C., crashed approximately eighty miles from Pittsburgh, Pennsylvania. Shortly thereafter, the Two World Trade Center building collapsed as a result of the damage it sustained, followed quickly by the collapse of the One World Trade Center building and, later in the day, by the collapse of the neighboring Seven World Trade Center building; and

Whereas, It is estimated that thousands of innocent victims, including police officers, firefighters, and other rescue workers, lost their lives and that thousands more were injured as a result of these devastatingly evil acts of terrorism, causing human suffering of an incomprehensible magnitude; and

Whereas, The President of the United States and the United States Congress rightly have interpreted these terrorist acts as a declaration of war against the United States of America and all that it stands for. It is imperative at this dark time to unite as a nation in order to combat the evil of terrorism: Now therefore be it

Resolved, That the Senate of the State of Ohio fully supports the President of the United States and the United States Congress in the actions they must take in order to seek justice for the devastation that our nation has suffered from terrorism and to protect our nation from further terrorist acts of aggression; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–207. A joint resolution adopted by the Legislature of the State of Alaska relative to anti-gun-ownership policies; to the Committee on the Judiciary.

Joint Resolution

Whereas the founding fathers considered popular ownership of firearms by private citizens to be a natural right and one of the surest safeguards against tyranny and governmental excesses; and

Whereas the Second Amendment to the United States Constitution recognizes and protects the inalienable right of American citizens to keep and bear arms; and

Whereas, in 1994, art. I, sec. 19, Constitution of the State of Alaska, was amended by an overwhelming majority to specifically protect an Alaskan's individual right to keep and bear arms; and

Whereas the Clinton Administration's stance on gun ownership moved dangerously in the direction of abridging or eliminating individual Second Amendment freedoms; and

Whereas, under the Clinton Administration, the United States Department of Justice interpreted the Second Amendment to not protect the right of individual citizens to keep and bear arms but to apply only to governmentally recognized military organizations; and

Whereas the Clinton Administration's stance on gun ownership intentionally ignored the original intent of the Constitution's framers and sought to dramatically limit the Constitutionally affirmed Second Amendment freedoms of individual law-abiding Americans; be it

Resolved, That the Alaska State Legislature urges President Bush to renounce the Clinton Administration's anti-gun ownership policies; and be it further

Resolved, That the Alaska State Legislature requests President Bush to use his executive powers and influence to reorient the United States Department of Justice towards a policy that fully recognizes the right of individual Americans to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution.

POM–208. A resolution adopted by the House of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, Our nation and the entire civilized world was shocked and appalled by the vicious and horrific attacks perpetrated by terrorists upon the World Trade Center in the City of New York and the Pentagon Building in Washington, D.C. on September 11, 2001; and

Whereas, President George W. Bush and the Congress of the United States, Governor George Pataki of the State of New York, Mayor Rudolph Giuliani of the City of New York, and law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation immediately took bold action to protect the citizens of our nation and to provide leadership and relief for the victims of these attacks; and

Whereas, Thousands of people are dead or missing in the City of New York and in Washington, D.C., including hundreds of firefighters, and thus the people of the City of New York, the State of New York, Washington, D.C., and the United States in general are suffering greatly: Now therefore be it

Resolved, That the House of Representatives of the State of Ohio expresses its admiration and support for President George W. Bush and the Congress of the United States, for Governor George Pataki of the State of New York, for Mayor Rudolph Giuliani of the City of New York, and for the law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation, all of whom decisively responded to the terrorist attacks in the City of New York and Washington, D.C.; and be it further

Resolved, That the House of Representatives of the State of Ohio expresses its sympathy and support for the family and friends of all persons who died because of these terrorist attacks or the crash of United Airlines Flight 93 in Pennsylvania, whether their death occurred in the airplane or a building, on the ground, or in an attempt to rescue or serve others, and for all of the people of the City of New York, the State of New York, and Washington, D.C.; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to members of the Ohio Congressional delegation, to Governor George Pataki of the State of New York, to Mayor Rudolph Giuliani of the City of New York, and to the news media of Ohio.

POM–209. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, On September 11, 2001, the people of the United States were deliberately attacked without warning or provocation, thus evoking another day that will "live in infamy"; and

Whereas, Let us never forget the nature and character of this cowardly and brutal attack in which individuals without conscience turned the early minutes of a normal workday into a vision of horror, with more American blood spilled on American soil than anytime since the Civil War; and

Whereas, These senseless, inhuman acts have turned our beloved, tranquil homeland into a scene of untold suffering and destruction; and

Whereas, The World Trade Center became a tomb for American Airlines Flight 11, carrying 81 passengers and 11 crew members, and United Airlines Flight 175, carrying 56 passengers and 9 crew members; and

Whereas, United Airlines Flight 93, carrying 38 passengers and 7 crew members, crashed in Somerset County, Pennsylvania; and

Whereas, American Airlines Flight 77 crashed into the Pentagon, killing 58 passengers and 6 crew members; and

Whereas, The unthinkable has occurred with the shedding of American blood on American soil by commercial aircraft under the control of suicide hijackers; and

Whereas, The bombing of Pearl Harbor nearly 60 years ago resulted in the loss of 2,388 American lives; and

Whereas, America gave 3,393 of her sons on D-Day to liberate Europe; and

Whereas, The terrorist attacks of September 11, 2001, are a tragedy of epic proportions, with preliminary reports of 252 confirmed dead, 6,291 injured and updated reports of 6,453 missing in the destruction of the World Trade Center and 189 presumed dead in the attack on the Pentagon; and

Whereas, The President of the United States has called these attacks of wanton aggression acts of war that will solidify our resolve to defeat the forces of terrorism; and

Whereas, This is the latest in a long series of murderous rampages committed against the United States and the world, including: the October 1983 bombing of the Marine barracks in Beirut, the December 1988 bombing of the Pan Am Flight over Lockerbie, Scotland, the February 1993 truck bomb which crippled the World Trade Center, the August 1998 bomb attacks on the United States embassies in Kenya and Tanzania and the suicide attack on the USS Cole in October 2000; and

Whereas, The attacks on the people of the United States are attacks on the people of the entire civilized world as at least 62 countries lost citizens in the carnage at the World Trade Center; and

Whereas, The world is outraged and shocked by such death and senseless mayhem and there appears to be no limit to the malice of those who must find some inconceivable satisfaction from the slaughter of innocents; and

Whereas, Our national resolve has come together as never before, for we, as one people, have a spirit that is solid and impenetrable; and

Whereas, Over $200 million has been donated to date for financial assistance and aid to the victims of the attacks; and

Whereas, Those who cause us harm will be brought to justice in a world made smaller by the unity of all peoples of good will; and

Whereas, We encourage all Pennsylvania and Americans to pray for peace, the end of conflict and comfort for the victims, their brokenhearted families and our bruised nation, as we share in the grievous losses of their loved ones; and

Whereas, In the days that have followed the tragedy we have heard of people, most previously unknown to us, whose lives were taken through these despicable acts. Let us celebrate their lives and accomplishments as their loss will impoverish our country in ways as of yet unknown; and

Whereas, We encourage support for our President, George W. Bush, as he weighs the options before him and seeks wise counsel for the difficult decisions that must be faced by our country in the months ahead; and

Whereas, We witness the prayer services, candlelight vigils and spontaneous supportive actions of a grieving nation that are a balm to wounded hearts across our stricken land; and

Whereas, Our duty is not to shrink, fearful of the future, but to go boldly to claim our place as a leader among nations and a people committed to freedom and justice; and

Whereas, We go forth affirming our cherished liberty and freedoms and now to rebuild an even better America and world; and

Whereas, We go forth fulfilling the promise of the future that was taken from so many as their sacrifice demands; and

Whereas, The intent of these horrific acts was to divide us into irreconcilable parts, let us confound such terrorism and come together as a nation and as a people as never before in a spirit of tolerance and true compassion for the beliefs that unite us are far more plentiful than the items that divide us; and

Whereas, Even as our nation weeps for our murdered fathers, mothers, sons and daughters, we will undertake the necessary task of rebuilding and safeguarding our future; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and the Congress of the United States and this Commonwealth to commemorate every September 11 as a day of mourning and remembrance; and be it further

Resolved, That the Senate extend its deepest sympathies and condolences to the families and friends of the victims of this terrible tragedy; and be it further

Resolved, That the Senate unanimously and unequivocally condemn those individuals and countries who played any part in the shedding of innocent American blood; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–210. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to the nations response to September 11, 2001; to the Committee on Armed Services.

Resolution

Whereas, As our nation prepares its response to the horrors visited on our people on September 11, 2001, we pause to lend our support and give thanks to those who will be seeking justice for our beloved dead and injured; and

Whereas, As the President of the United States, George W. Bush, said in his speech to the nation during a joint session of the Congress of the United States on September 20, 2001: "Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done"; and

Whereas, We wholeheartedly support the President of the United States in his pledge to use every resource at America's disposal to successfully conclude the conflict brought to our peaceful shores, whether through diplomacy, the use of intelligence capabilities, instruments of law enforcement and elimination of financial resources or every necessary weapon of war; and

Whereas, We recognize that a nation cannot maintain peace without a willingness to defend itself against terrorism or aggression; and

Whereas, The President of the United States has authorized the call-up of 50,000 reservists; and

Whereas, More than 35,000 reservists have been activated for homeland defense in order to permit troops to engage in other duties; and

Whereas, Those soldiers, sailors and Marines now being deployed have our complete support, unending thanks and countless prayers; and

Whereas, We pray that our men and women in uniform will be comforted and given strength to perform the very difficult tasks ahead of them; and

Whereas, The Pennsylvania Division of the National Guard, known as the 28th Infantry Division, is the oldest division in the Army in continuous service; and

Whereas, Pennsylvania has the largest National Guard unit in the United States; and

Whereas, Pennsylvania's National Guard has played a crucial role in every major conflict since the early days of our nation; and

Whereas, The valiant citizen-soldiers of Pennsylvania's National Guard, all 22,000 men and women, are properly trained and stand ready to do whatever is needed in the defense of our Commonwealth, our nation and our freedom; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania and the people of the Commonwealth of Pennsylvania commend and support the President of the United States as the Commander-in-Chief of our armed services; and be it further

Resolved, That the Senate send its support, prayers and gratitude to all our military service personnel as they undertake the difficult tasks that may lie ahead; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–211. A resolution adopted by the Grand Lodge of Ancient Free and Accepted Masons of the State of Missouri relative to National Respect; to the Committee on Governmental Affairs.

POM–212. A resolution adopted by the Guam Legislature relative to September 11, 2001; to the Committee on Energy and Natural Resources.

POM–213. A resolution adopted by the Commission of the City of Miami, Florida relative to September 11, 2001; to the Committee on Governmental Affairs.

POM–214. A resolution adopted by the Commission of the City of Miami, Florida relative to monies collected and earmarked to assist the victims of September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

POM–215. A resolution adopted by the City Council of Independence, Ohio relative to immediate action to enact measures to assist in restoring LTV Steel and the domestic steel industry to a competitive position and declaring an emergency; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1202: A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006. (Rept. No. 107-88).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment:

H.R. 717: An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Driefuss muscular dystrophies.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2215: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes..

S. 1319: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nominations beginning Rear Adm. (lh) Jose L. Betancourt and ending Rear Adm. (lh) Thomas E. Zelibor, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Air Force nomination of Gen. Hal M. Hornburg.

Army nomination of Donald W. Dawson III.

Army nomination of Daniel M. Macguire.

Army nomination of Christopher M. Murphy.

Army nomination of Daniel F. Lee.

Air Force nominations beginning Brigadier General James P. Czekanski and ending Colonel Erika C. Steuterman, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2001.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. Ensign):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself and Mr. Smith of New Hampshire):

S. 1586. A bill to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. Breaux, and Mr. Hollings):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. Dorgan, Mr. Grassley, Mr. Baucus, Mr. Crapo, Mr. Bayh, Mr. Bennett, Mr. Carper, Ms. Collins, Mr. Ensign, Mr. Hollings, Mr. Hutchinson, Mr. Inhofe, Mr. Kyl, Mrs. Lincoln, Mr. Murkowski, Mrs. Murray, and Mr. Smith of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. Wellstone, and Mr. Baucus):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Ms. Landrieu):

S. 1590. A bill to amend the National Environmental Policy Act of 1969 to improve the environmental review process that is associated with authorizations required under Federal law for construction, operation, or maintenance of energy facilities; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself, Ms. Landrieu, Mr. Smith of New Hampshire, and Mr. Inhofe):

S. 1591. A bill to promote the safe and efficient supply of energy while maintaining strong environmental protections; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. Smith of New Hampshire, and Mr. Crapo):

S. 1593. A bill to authorize the Administrator of the Environmental Protection

Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER (for himself and Mr. HELMS):

S. Res. 174. A resolution expressing appreciation to the United Kingdom for its solidarity and leadership as an ally of the United States and reaffirming the special relationship between the two countries; to the Committee on Foreign Relations.

By Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO):

S. Con. Res. 80. A concurrent resolution expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 990

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1292

At the request of Mr. EDWARDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1292, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S. 1530

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1530, a bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes.

S. 1539

At the request of Mrs. CLINTON, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1539, a bill to protect children from terrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1567

At the request of Mr. ENZI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1567, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

At the request of Mr. ENZI, his name was withdrawn as a cosponsor of S. 1567, supra.

S. RES. 171

At the request of Mr. FRIST, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Oregon (Mr. SMITH), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. ENSIGN):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Madam President, I rise today to introduce the Hospital Based Nursing Initiative Act, a bill that will create new and innovative incentives to lessen the impact of the critical shortage of nurses in our Nation's hospitals. I am very pleased that my respected colleague, Senator JOHN ENSIGN, is joining as sponsor of this legislation.

Before I get into the specific about the bill, I'd like to talk about the overall condition of nursing in America for a moment. Several studies have been completed in the past year that show troubling trends developing in this historic profession. Take for example, the study that reflects a 41 percent dissatisfaction rate among nurses in

America, higher than the dissatisfaction rate in most other countries throughout the world. Think about that for a moment, 4 out of 10 nurses in America are dissatisfied with their profession.

Another study reveals that nearly one third of nurses under the age of 30 plan to leave the nursing profession within the next year. In addition, the average age of nurses in America is 45, with many nurses headed toward early retirement. We cannot afford to lose both the older and younger nurses at the same time. Further, while the number of people that are being hospitalized may continue to decrease, those people who are being admitted are sicker and need more intensive nursing care. Not a very rosy picture for patients who are sick. We need to ask will there be someone to provide care for them?

The shortage of nurses has severely affected the health care industry. And hospitals have been hit the hardest since nearly 60 percent of nurses work in hospitals. Further, we know that when nurses have more autonomy, greater control and input into the decision making process, and better communication with physicians and hospital administration, they are more likely to experience greater job satisfaction and stay in their jobs longer. These very tenets make up the American Nurse Credentialing Center's "Magnet" accreditation process of nursing services at hospitals. As a result, Magnet hospitals lead the way in attracting and retaining nurses.

Many hospitals have begun to take these steps already. But more must be done. There must be incentives for hospitals to revise their management principles to improve the quality of the work environment in the hospital, initiate aggressive retention programs for nurses currently working in the hospital setting, and create the types of programs that will increase personal and professional satisfaction for the nurses in their facilities.

That is why I am introducing the Hospital Based Nursing Initiative Act of 2001. This bill will create innovative incentives for hospitals that have taken the first steps in developing aggressive retention techniques and develop a scholarship program for hospital-based nurses to return to school on full tuition scholarship to complete a nursing degree.

The first component of this bill will create a competitive grant program that would provide funds to hospitals of up to $600,000 based on staffed bed size for nursing services to use to bolster their retention efforts and improve the work environment for the nursing staff in the hospital. These grants would be made available every two years on a competitive basis. Several major nursing and hospital organizations, such as the American Hospital Association, American Nurses Association, American College of Health Care Executives, the American Organization of Nurse Executives, the American Academy of Nursing, the Pennsylvania State Nurses Association and the American Federation of Hospitals have wholeheartedly endorsed this bill. I am pleased that legislation which incorporates a number of ideas in this bill is moving toward markup in the Senate Health, Education, Labor and Pensions Committee. I appreciate the cooperative spirit with which members of the committee have worked together on these ideas.

The second part of my bill would allow nurses who work in hospitals to return to school on a full tuition scholarship in order to complete a Bachelor of Science in Nursing. This "Bridge" scholarship program targets the nearly 55 percent of the nursing workforce who hold an Associate's Degree in Nursing or Diploma in Nursing. Under the Bridge program, nurses will have up to three years to complete the Bachelor's degree. In turn, nurses who accept the scholarship must agree to work in the sponsoring hospitals for the same number of months that they receive scholarship funding. This program is a win-win situation: It provides ongoing advanced education for nurses who seek a higher level of training and we keep skilled nurses working in our hospitals.

We have the opportunity to make a difference. With the bill that Senator Ensign and I are now introducing, we can take the necessary steps to thwart the nursing shortage and provide the critical incentives for hospitals to retain their nurses. We must do all we can to improve job satisfaction for nurses, provide them with opportunities for advanced education, and keep nurses on the job. The Hospital Based Nursing Initiative is the right bill at the right time. I urge my colleagues to support this legislation and help ease the burden on hospitals and nurses in our hospitals.

I ask unanimous consent that the text of the bill be printed in the Record. I further ask unanimous consent that letters supporting this legislation and its approach from each of the organizations I cited above likewise be printed in the Record.

There being no objection, the bill and additional material was ordered to be printed in the Record, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital-Based Nursing Initiative Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) a Department of Health and Human Services study found a correlation between the number of registered nurses on the staff of a facility and patient health outcomes;

(2) studies have shown that hospitals that promote greater autonomy for nurses, greater nurse control and input into the decision-making process in the hospital setting, better communication between nurses and physicians, and input from nurses at the executive level in the hospital lead to increased retention of and satisfaction for nurses;

(3) the job dissatisfaction rate among nurses in the United States, 41 percent, is higher than in most other countries;

(4) ⅓ of nurses under the age of 30 are planning to leave the nursing profession within the next year;

(5) hospitals employ nearly 60 percent of the entire nursing workforce;

(6) while the number of inpatient hospitalizations is expected to continue to decrease, the acuity of those patients requiring hospital stays is expected to increase;

(7) the projected supply of registered nurses is anticipated to grow at a rate of less than 1.5 percent per year through the next 8 years, while the demand rate (growth) is projected to be over 21 percent per year;

(8) there must be incentives for hospitals to revise management principles to improve the quality of the work environment in hospitals, initiate aggressive retention programs for the nurses currently employed in hospital settings, and employ aggressive recruiting tactics to attract nurses back to hospital settings; and

(9) while numerous hospitals have begun to take the necessary steps to address these issues, Congress recognizes the need for intervention and stimulus.

SEC. 3. NURSE GRANT AND SCHOLARSHIP PROGRAMS.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

"PART H—NURSE GRANT AND SCHOLARSHIP PROGRAM

"SEC. 851. DEFINITIONS.

"In this part:

"(1) Division.—The term 'Division' means the Nursing Division of the Bureau of Health Professions of the Health Resources and Services Administration.

"(2) Nurse leadership.—The term 'nurse leadership' includes—

"(A) nurse executives;

"(B) nurse administrators; and

"(C) nurse managers.

"(3) Professional nurse.—The term 'professional nurse' means a registered nurse who holds a valid and unrestricted license to practice nursing in a State.

"SEC. 852. QUALITY OF WORK ENVIRONMENT AND RETENTION GRANT PROGRAM.

"(a) Authorization of Grants.—The Secretary may award grants to hospitals—

"(1) to improve the quality of the work environment in hospitals;

"(2) to initiate aggressive retention programs for nurses employed in hospitals; and

"(3) to employ aggressive recruiting tactics to attract nurses back to hospitals.

"(b) Application.—

"(1) Development of application form.—Not later than October 1, 2002, the Secretary shall develop an application form that a hospital shall use in applying for a grant under this section.

"(2) Submission.—Each hospital desiring a grant under subsection (a) shall submit an application to the Division at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(3) Duties of the division.—The Division shall—

"(A) review each application submitted under paragraph (2); and

"(B) not later than 30 business days after receipt of an application submitted under paragraph (2), forward the application to the Secretary with a recommendation as to whether the Secretary should award a grant to the applicant.

"(4) DUTIES OF THE SECRETARY.—Not later than 30 business days after receipt of an application from the Division under paragraph (3), the Secretary shall determine whether to award a grant to the applicant.

"(c) GRANT APPROVAL CRITERIA.—

"(1) PRIORITY CRITERIA.—The Secretary shall give priority in awarding grants under this section to hospitals that have not previously received a grant under this section.

"(2) REQUIREMENTS.—Before awarding a grant under subsection (a), the Secretary shall assure that the hospital meets the following criteria:

"(A) MULTIPLE GRANTS.—The hospital has not received a grant under this section during the previous 2 year period.

"(B) SYSTEM OF PATIENT OUTCOMES MEASUREMENT.—

"(i) IN GENERAL.—The nurse leadership and professional nurses of the hospital have developed a system of patient outcomes measurement.

"(ii) DELIVERY OF CARE.—The system of patient outcomes measurement under clause (i) evaluates the specific care needs of the patients served by the hospital and the educational needs of the nursing staff of the hospital to ensure that the care the hospital is providing is meeting the needs of the patients.

"(iii) FUNDING.—The hospital allocates sufficient funds to carry out the system of patient outcomes measurement under clause (i).

"(C) DECISIONMAKING.—

"(i) MULTIDISCIPLINARY APPROACH.—The hospital uses a multidisciplinary decisionmaking process that incorporates the input of the nursing staff of the hospital when refinements, resulting from the evaluation under subparagraph (B)(ii), are developed.

"(ii) PARTICIPATION IN DECISIONMAKING.—The nurse leadership of the hospital has developed and implemented policies and practices that—

"(I) ensure participation of the nursing staff of the hospital in the decisionmaking processes of the hospital; and

"(II) foster the nursing staff's ability to maintain autonomy in the delivery of care.

"(D) NURSE EXECUTIVE PARTICIPATION.—The nurse executive in the hospital participates and provides input in all facets of senior level management as a member of the executive team of the hospital.

"(E) NURSE RETENTION COMMITTEE.—The nurse leadership of the hospital has organized a Nurse Retention Committee that—

"(i) includes nursing staff representatives from the various nursing specialties practicing in the hospital;

"(ii) meets on a regular basis and forwards recommendations for initiatives to increase nurse retention to the nurse leadership; and

"(iii) works with the nurse leadership of the hospital to address and forward the recommendations under clause (ii) to the executive team of the hospital.

"(F) NURSE RESIDENCY TRAINING PROGRAM.—

"(i) IN GENERAL.—The hospital has developed a Nurse Residency Training Program (referred to in this section as the 'NRTP') for—

"(I) new graduate nurses entering the workforce on a full-time basis in a hospital setting; and

"(II) nurses returning to a hospital staff on a full-time basis after an absence of not less than 3 years without working in the nursing field.

"(ii) RETURNING NURSES.—The nurse leadership of the hospital evaluates the skills and competencies of each nurse described in clause (i)(II) to determine—

(I) whether that nurse needs to participate in the NRTP; and

(II) for how long that nurse should participate in the NRTP if it is determined under subclause (I) that the nurse needs to participate in the NRTP.

"(iii) TRAINING.—The—

"(I) hospital coordinates, to the greatest extent possible, the NRTP with an accredited school of nursing; or

"(II) NRTP is not less than 3 months and not more than 1 year in duration and accommodates sufficient training opportunities as determined by the nurse leadership in the facility.

"(G) CONTINUING EDUCATION.—The hospital promotes and, to the greatest extent possible, provides continuing education for the nursing staff—

"(i) to obtain nursing-related certification;

"(ii) to maintain continuing education units as required for nursing-licensure; and

"(iii) to further clinical skills through advanced training opportunities.

"(H) RECOGNITION AND REWARD PROGRAM.—The hospital has developed a recognition and reward program in conjunction with subparagraph (G) for a nurse who obtains a nursing-related certification from an accredited or professionally recognized organization that provides—

"(i) financial recognition and rewards; or

"(ii) non-financial recognition and rewards that are determined by the Nurse Retention Committee of the hospital to be appropriate.

"(d) ALLOCATION.—

"(1) IN GENERAL.—The Secretary shall determine the amount of a grant awarded to a hospital under this section on a case by case basis subject to paragraph (2).

"(2) MAXIMUM AMOUNTS.—The Secretary shall not award a grant exceeding—

"(A) $200,000 for a hospital with less than 100 staffed beds;

"(B) $400,000 for a hospital with less than 400 staffed beds; and

"(C) $600,000 for a hospital with 400 or more staffed beds.

"(e) RECEIPT OF FUNDS.—Not later than 60 days after awarding a grant to a hospital under subsection (a), the Secretary shall distribute the grant funds to the hospital.

"(f) USES OF FUNDS.—A grant awarded to a hospital under subsection (a) shall be used for 1 or more of the following:

"(1) Improvements to the work environment of the hospital for the nursing staff that improves the nursing staff's job satisfaction or safety, or both.

"(2) To provide continuing education programs for the nursing staff.

"(3) To continue the Nurse Residency Training Program.

"(4) To carry out initiatives recommended by the Nursing Retention Committee of the hospital to increase retention of the nursing staff.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.

"SEC. 853. BRIDGE SCHOLARSHIP PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall establish a Bridge Scholarship Program (referred to in this section as the 'program') to provide scholarships to hospital-based professional nurses to enable such nurses to complete a Bachelor of Science in Nursing degree (referred to in this section as the 'degree') in exchange for service from such nurses in sponsoring hospitals upon completion of such degree.

"(b) ELIGIBILITY.—To be eligible to participate in the program an individual shall—

"(1) be employed by a hospital;

"(2) be accepted for enrollment, or be enrolled, in an accredited school of nursing;

"(3) submit the required materials in accordance with subsection (c)(2); and

"(4) be able to complete the degree not later than 3 years after enrolling in the accredited school of nursing.

"(c) APPLICATION PROCESS.—

"(1) DEVELOPMENT OF APPLICATION FORM.—The Secretary shall develop an application form that an individual shall use to apply for a scholarship under the program.

"(2) SUBMISSION.—Each individual desiring a scholarship under the program shall submit to the hospital where the individual is employed—

"(A) an official letter from each State licensing agency where the individual is licensed to practice nursing that the individual—

"(i) has an unrestricted license to practice nursing; and

"(ii) is in good standing;

"(B) an application for participation in the program;

"(C) proof of acceptance for enrollment, or enrollment in, an accredited school of nursing; and

"(D) a written contract accepting payment of a scholarship in exchange for providing the required service in the hospital where the individual is employed.

"(3) DUTY OF THE HOSPITAL.—A hospital that receives the materials described in paragraph (2) shall—

"(A) make a determination as to whether to enter into the contract under paragraph (2)(D) with the individual; and

"(B) if the hospital elects to enter into the contract with the individual, not later than May 31 of each calendar year, forward the materials it receives under paragraph (2) to the Division.

"(4) DUTIES OF THE DIVISION.—The Division shall—

"(A) review the materials forwarded under paragraph (3); and

"(B) not later than 30 days after receipt of the materials forwarded under paragraph (3), forward the materials to the Secretary with a recommendation as to whether the Secretary should award a scholarship to the applicant.

"(5) DUTIES OF THE SECRETARY.—Not later than 30 days after—

"(A) receipt of the materials forwarded under paragraph (4), the Secretary shall approve or disapprove the application submitted under paragraph (2); and

"(B) the Secretary approves or disapproves an application under subparagraph (A), the Secretary shall notify the applicant in writing of the approval or disapproval.

"(d) CONTRACT.—

"(1) IN GENERAL.—The Secretary shall develop a written contract for participation in the program.

"(2) CONTENT.—The contract described in paragraph (1) shall be an agreement between the Secretary, the individual, and the sponsoring hospital that states that, subject to paragraph (3)—

"(A) the Secretary agrees to—

"(i) provide the individual with a scholarship in each school year, not to exceed 3 years, in which the individual is pursuing the degree; and

"(ii) accept the individual into the program;

"(B) the individual agrees to—

"(i) accept any provision of such a scholarship;

"(ii) maintain enrollment in the accredited school of nursing until the individual completes the degree;

"(iii) while enrolled in the accredited school of nursing, maintain an acceptable level of academic standing; and

"(iv) work as a nurse at the sponsoring hospital upon completion of the degree for a period of 1 month for each month the individual was provided a scholarship under the program; and

"(C) the sponsoring hospital agrees to—

"(i) provide the option for the individual to work as a nurse while the individual is enrolled in the accredited school of nursing for any employment-shifts on which the individual and sponsoring hospital jointly agree (such work will not count towards the requirements of the individual to work at the sponsoring hospital under subparagraph (B)(iv)); and

"(ii) if the sponsoring hospital terminates the employment of the individual while the individual is working at the sponsoring hospital pursuant to subparagraph (B)(iv), submit to the Secretary a written explanation as to why the individual was terminated.

"(3) LIMITATION.—The contract described in paragraph (1) shall contain a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual and the sponsoring hospital which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section.

"(e) PAYMENT.—

"(1) IN GENERAL.—A scholarship provided to an individual under the program shall consist of payment to, or (in accordance with paragraph (2)) on behalf of, the individual of the amount of the tuition of the individual in such school year.

"(2) CONTRACT.—The Secretary may contract with an accredited school of nursing, in which an individual in the program is enrolled, for the payment to the accredited school of nursing of the amount of tuition described in paragraph (1).

"(f) BREACH OF AGREEMENT.—

"(1) INDIVIDUAL.—Subject to paragraph (3), if an individual participates in the program under this section and agrees to work as a nurse at the sponsoring hospital for a period of time in consideration for receipt of a scholarship to pursue a degree, the individual is liable to the Federal Government for the amount of such scholarship, and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(A) fails to work as a nurse in accordance with subsection (d)(2)(B)(iv);

"(B) fails to maintain an acceptable level of academic standing in the degree program (as indicated by the accredited school of nursing in accordance with requirements established by the Secretary);

"(C) is dismissed from the degree program for disciplinary reasons; or

"(D) voluntarily terminates the degree program.

"(2) SPONSORING HOSPITAL.—If the sponsoring hospital fails to comply with subsection (d)(2)(C)(ii), the sponsoring hospital is liable to the Federal Government for the amount of the scholarship, and for interest on such amount at the maximum legal prevailing rate, of the individual whose employment was terminated.

"(3) WAIVER OR SUSPENSION OF LIABILITY.—The Secretary shall waive liability—

"(A) under paragraph (1) if compliance by the individual with the agreement involved is impossible due to a catastrophic life event of the individual; or

"(B) under paragraph (1)(A) if the sponsoring hospital terminates the employment of the individual.

"(g) REPORT.—

"(1) IN GENERAL.—Not later than 18 months after the first scholarship is awarded under this section, the Division shall submit to Congress a report evaluating the success of the program.

"(2) INFORMATION.—In order to prepare the report under paragraph (1), the Division shall maintain information about the scholarship recipients under this section, including—

"(A) grade reports from the accredited schools of nursing;

"(B) the degree graduation rate; and

"(C) the default rate on the contracts under the program.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.".

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 8, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: The American Hospital Association (AHA) commends your efforts to address the nursing workforce shortage in your bill, The Hospital-Based Nursing Initiative Act of 2001, and is pleased to endorse your legislation. We believe your bill is an important component in the overall strategy of addressing the national nursing shortage.

The AHA represents nearly 5,000 hospitals, health systems, networks and other health care provider members.

Hospitals and health care facilities across America are experiencing a critical shortage of nurses. A recent AHA survey of the workforce shows that there are currently up to 126,000 Registered Nurses (RNs) needed by hospitals today. Over the past five years, enrollments in nursing programs have declined and this trend is expected to continue for the foreseeable future. The average age of a working RN is now over 43 years old, and is expected to continue to increase before peaking at age 45.5 in 2010, when many RNs will begin to retire. And, the need for nurses will be further compounded by the potential health care demands of the looming 78 million aging "baby boomers" who will begin to retire over the next 10 years.

The current nursing shortage is creating an environment with the potential to jeopardize hospitals' ability to provide timely access to non-emergency, as well as emergency, services. An inadequate number and mix of personnel has caused some facilities to close beds, put emergency rooms on "divert" status, delay elective surgeries, and pare down hospital services.

Hospitals have enlisted many strategies and creative approaches to address the nursing shortage, but this is a complex problem that cannot be solved by hospitals alone. The role of the federal government is critical in the support and funding of an adequate nursing workforce.

"The Hospital-Based Nursing Initiative Act of 2001" provides significant incentives for hospitals to examine and revise management principles to improve the quality of their work environment, and to foster effective RN retention programs. It establishes incentives for hospitals to develop and implement aggressive recruitment programs to attract nurses into the hospital setting. The legislation also creates bridge programs for RNs currently employed in hospitals to move up the career ladder, a significant recruitment and retention tool.

Helping alleviate the critical shortage of nurses is a priority for health care providers. As we debate this and other measures to address the nursing shortage, we hope Congress will recognize the important of investing in this critical area of need. We applaud your effort and pledge to work with you to address this very important issue.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMERICAN ORGANIZATION
OF NURSE EXECUTIVES,
Washington, DC, September 14, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of more than 3800 members of the American Organization of Nurse Executives (AONE) representing nurses in executive practice, I would like to express our strong support for the "Hospital-Based Nursing Initiative Act of 2001," legislation that you have authored and plan to introduce to address the critical nurse shortage.

During the past year, AONE has played a pivotal role in addressing the nursing shortage. In October 2000 we published the first comprehensive monograph on this critical issue entitled Perspectives on the Nursing Shortage: A Blueprint for Action and have continued to provide both education and advocacy for the nursing profession on a number of different fronts. Your bill will provide important management incentives for hospitals to revise their management of nursing services in order to foster retention and promote recruitment of nurses back into the inpatient delivery system.

The majority of AONE's membership are leaders in the day-to-day management and delivery of direct patient care services, as a result, we understand firsthand the impacts and consequences of the growing nursing shortage both in this country and internationally. Our support of the "Hospital-Based Nursing Initiative Act of 2001" is based on the positive contributions that this legislation will make to nurse-directed efforts to foster retention and promote recruitment of nurses within the inpatient settings of our federal, community, and private hospitals. This legislation will also establish important bridge programs for registered nurses currently employed in hospitals to move from diploma and Associate Degree levels of education on to a Bachelor of Science degree within three years.

AONE applauds your efforts to address the nursing shortage through this innovative grant and scholarship program. We look forward to working with you to solve this critical health manpower problem.

Sincerely,

PAMELA A. THOMPSON, MSN, RN,
Executive Director.
DIANNE ANDERSON, MS, RN,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, September 19, 2001.
Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing you on behalf of the American Nurses Association (ANA) to express support for the Hospital-Based Nursing Initiative Act. We applaud your hard work on this important issue. ANA is the only full-service association representing the nation's registered nurses (RNs) through its 54 state and territorial member nurse associations. With more than 160,000 members, the ANA represents RNs in all practice settings throughout our nation.

ANA understands that a major contributing factor to the current and emerging nursing shortage is dissatisfaction with the work environment. The Congressional Research Service, General Accounting Office, academic research, and recent ANA surveys of American nurses have all revealed startling levels of frustration with working conditions. This dissatisfaction is leading experienced nurses to leave the bedside, and hindering recruitment efforts.

Fortunately, we know what can be done to address this growing problem. There are proven best practices for nursing that improve patient outcomes, and enhance nurse recruitment and retention. The American Nurses Credentialing Center, an ANA affiliate, recognizes facilities that have met these best practices by granting the 'Magnet' designation. Magnet facilities have consistently outperformed their peers in nursing services, even in times of national nursing shortages. In fact, average nurse retention in Magnet facilities is twice as long as that of non-Magnet institutions.

ANA is pleased to endorse your efforts to further the implementation of these best practices through the Hospital-Based Nursing Initiative Act. The quality of work environment and nurse retention grant program, and the continuing education scholarships contained in your bill will greatly aide in the adoption of Magnet criteria. ANA looks forward to working with you and your staff to support this legislation.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

AMERICAN COLLEGE
OF HEALTHCARE EXECUTIVES,
Chicago, IL, September 18, 2001.
Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: Thank you for inviting the American College of Healthcare Executives to review and provide comments on the "Hospital-Based Nursing Initiative Act of 2001."

Upon reviewing the bill, ACHE wishes to endorse it. This legislation offers a comprehensive approach to the crisis facing our nation's healthcare system—a shortage of nurses. The bill attempts to address this important issue by supporting hospitals in a number of ways, including: retaining nurses; improving the work environment for nursing staff; fostering nursing leadership; providing continuing education programs for nurses; creating recognition and reward programs for nurses who obtain nursing-related certification; and finally, offering educational assistance for nurses to earn their Bachelor of Science Degree in Nursing. We believe this bill encompasses the various elements to make a genuine difference and increase the nursing population.

Thank you for your work in developing this legislation. If there is anything ACHE can do to assist further in this endeavor, please contact Susan M. Oster, CAE, Vice President, Administration at (312) 424-9340.

Sincerely,

THOMAS C. DOLAN, Ph.D., FACHE, CAE,
President and Chief Executive Officer.

PENNSYLVANIA STATE
NURSES ASSOCIATION,
Harrisburg, PA, September 17, 2001.
Hon. JOSEPH LIEBERMAN,
U.S. Congress, Washington, DC.

DEAR SENATOR LIEBERMAN: The Pennsylvania State Nurses Association (PSNA) would like to commend you for the excellent legislation you plan to introduce, which is meant to establish grant and scholarship programs enabling hospitals to retain and further educate their nursing staffs. The bill contains excellent ideas and creative solutions to entice nurses to join or remain a member of a hospital nursing staff.

The focus on nurses having opportunities to participate in decision-making regarding nursing care and maintaining autonomy in the delivery of care are especially important attractants for nurses. Also, the emphasis on having a system for measuring outcomes is imperative for quality patient care.

The organization welcomes the opportunity to work with you in ensuring the passage of the legislation that will greatly benefit the profession of nursing and the quality of care provided to consumers.

Sincerely,

JESSIE F. ROHNER, DrPH, RN,
Interim Executive Administrator.

By Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Madam President, along with Mr. KERRY, Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, and Mr. HOLLINGS, Chairman of the Commerce Committee, I rise today in support of the Port Threat and Security Act of 2001. I believe this legislation will help United States' authorities identify and counteract maritime threats from terrorist actions. Importantly, these provisions are designed in part to protect U.S. citizens and property from terrorist attacks before they reach our shores.

As Chairman of the Surface Transportation and Merchant Marine Subcommittee, I held several oversight hearings on transportation security, including one on maritime security three weeks after the terrible attacks of September 11. The maritime security hearing solidified an opinion that I, and others on the Commerce Committee, had long held, the need for increased maritime security was important before September 11, and is absolutely crucial following the terrorist attacks on New York city and Washington, D.C. The Oceans, Atmosphere and Fisheries Subcommittee, of which I am a member, followed with another hearing that underscored this message. Luckily, because of the foresight of Chairman HOLLINGS, we had a head start on improving maritime security. S. 1214, the Maritime and Port Security Improvement Act, of which I am a proud cosponsor, was introduced in July and was reported out of the Committee in August: S. 1214 establishes a regime that will go a long way towards creating a safe and secure maritime transportation system. However, since much of it was crafted before September 11, it is only natural that additional measures are needed to ensure that our maritime system is as safe as possible.

The bill we are introducing today is based on the testimony that was presented at the hearings before the Commerce Committee in the first two weeks of October. Administration and industry witnesses testified on the need to improve certain areas of S. 1214. This bill intends to fill the gaps identified by our witnesses. We will work with Committee members to ensure these provisions are included in S. 1214 before the Senate sends it to the House.

A constant theme following the September 11 attacks has been the need for better information. Testimony at our hearings confirmed this theme in the maritime realm, we need to increase our information collection capabilities immediately and we need to hold our trading partners to the same standards to which we hold our maritime industry. This legislation requires the identification of nations that have inherently insecure or unsafe vessel registration procedures that can pose threats to our national security. It requires the Secretary of Transportation and Secretary of State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found don't play by our rules. For example, investigations by the Department of Transportation reveal that it is common practice for vessels to possess false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. This legislation will allow us to get a handle on these practices by identifying the most egregious violators of maritime law. However, the additional information collection required by this bill is just a start; the bill also requires the Administration to recommend to this Committee additional actions that can be taken, either domestically or through international organizations such as the International Maritime Organization, that will increase the transparency of vessel registration procedures.

One of the responses following the highjackings has been to dramatically expand the air marshal program on air carriers, a step which I fully support. However, there is no similar program for maritime vessels in U.S. waters. The Coast Guard recently established a sea marshal program in the port of San

Francisco where armed personnel accompany maritime pilots aboard vessels that cause security concerns. This legislation expands that small project into a national sea marshal program to help prevent terrorists from using maritime vessels as weapons of mass destruction. This legislation directs the Secretary to analyze vulnerability of ports and place sea marshals in ports that handle materials or vessels that make them potential targets of attack.

Expansion of the sea marshal program is strongly supported by our Nation's sea pilots. Many people do not know that almost all maritime vessels that enter U.S. ports are accompanied by a U.S. sea pilot that has intimate knowledge of port and navigational channels, a living nautical chart, so to speak. They are an integral part of our maritime system that help to keep our ports and waterways safe. Pilots are often the first U.S. citizen to board inbound foreign vessels and may be the only U.S. citizens on vessels bound for U.S. ports; thus, they can be a valuable source of information. This legislation requires the Secretary of Transportation to use them more effectively in the war on terror. The Secretary is directed to investigate secure and reliable methods in which sea pilots can aid the Coast Guard and other U.S. authorities in an expanded maritime domain awareness program. The pilots themselves came forward to this Committee suggesting this idea, and I think it is critical that these pilots be provided with methods and equipment that will allow them to safely provide the authorities with information on illegal or terrorist activities while there is still time to prevent a catastrophe. One such example is the Vessel Traffic System, VTS, in the Port of New Orleans and the excellent partnership between the Coast Guard and the Crescent River Pilots Association. Under this partnership, vessels entering port are boarded by pilots carrying transponders. As the vessel transits the Mississippi River, inbound and outbound, the operations center manned by Coast Guard and pilots know the exact position of the vessel, as well as the course, speed and other important information. While already considered a model VTS program, once additional transponders are acquired, this program will continue to serve as a template for other ports.

This legislation also greatly improves the information collected on the safety and security of foreign ports. With regards to foreign seaport assessments, the bill aligns the authority of the Secretary of Transportation with authorities that currently exist for foreign airports. The Secretary of Transportation is required to conduct 25 foreign port vulnerability assessments each year and to ensure that U.S. citizens are informed about the results of these assessments in advance of embarking on their travel plans. Testimony before the Commerce Committee emphasized that in order to ensure that our shores are as safe as possible, we must view foreign ports as the outer boundary of our "maritime domain." Much as the first provision in our bill provides for the collection of better information on vessels and countries that do not follow international standards, this provision provides for the collection of information on foreign ports that present potential security threats to the United States. By requiring the Secretary to conduct annual assessments of 25 ports, we not only gain a valuable source of information, but we also put foreign ports on notice that they will be held responsible for actions to secure their ports.

If the assessments reveal that foreign ports do not have or maintain adequate security measures, the President is authorized to prohibit any vessel, U.S. flagged or foreign, from entering the United States from that port. Vessels that transit unsafe and insecure ports should not be allowed unrestricted access to United States ports. I would like to remind everyone that similar security protections were enacted for foreign airports,' and I see no reason why the President should not have the same powers with respect to foreign maritime ports.

We must begin to think of a maritime security program that begins well before a ship enters U.S. waters and certainly before they enter U.S. ports. I believe that the measures in this bill along with the port security program of S. 1214 will provide much better tools to guard against maritime threats to our Nation and our citizens.

Mr. KERRY. Madam President, As Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to introduce legislation to identify and reduce maritime threats from criminal or terrorist action, particularly those originating from foreign ports and vessels. I am particularly pleased to be joined by the Chairman of the Commerce Committee Mr. HOLLINGS of South Carolina and the Chairman of the Surface Transportation and Merchant Marine Subcommittee Mr. BREAUX of Louisiana.

Senator BREAUX and I recently held oversight hearings before our respective Subcommittees on the Coast Guard and its role in improving maritime security after the terrible attacks of September 11. As Senators HOLLINGS and BREAUX well know, even before September 11 our maritime and port security was in sorry shape. Senator HOLLINGS had already recognized the need to rectify these deficiencies and authored S. 1214, the Maritime and Port Security Improvement Act, which was reported out of the Committee in August, and which I am proud to cosponsor. However, the attacks on New York and Washington made it clear we need to go farther afield to guard against terrorism and other crimes.

Today's legislation is intended to supplement the security provisions of S. 1214 by improving our ability to detect and prevent maritime terrorism and crime before it has the chance to sail into U.S. ports. We intend to work with Committee members to ensure these provisions are included in the final bill the Senate sends to the House.

At our October 11 oversight hearing, Coast Guard Commandant James Loy and other witnesses gave some thoughtful testimony that is the backbone of this legislation. The hearing also brought to light the challenges presented to the Coast Guard in securing our maritime border from such threats. In addition to introducing this legislation, we also will address glaring Coast Guard resource shortfalls through increased authorizations in our FY 2002 Coast Guard authorization bill, which we will bring to the floor shortly. The Port Threat and Security Act is focused on giving the Coast Guard the tools and the information they need to do the job right.

First, we need to improve our base of information to identify bad actors throughout the maritime realm. This legislation would help us identify those nations whose vessels and vessel registration procedures pose potential threats to our national security. It would require the Secretaries of Transportation and State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found would pose a risk to our ports, or that have presented our government with false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. In addition the report would identify nations that do not exercise adequate control over their vessel registration and ownership procedures, particularly with respect to security issues. We need hard information like this if we are to force "flag of convenience" nations from providing cover to criminals and terrorists. Mr. President, this is very important as Osama bin Laden has used flags of convenience to hide his ownership in various international shipping interests. In 1998 one of bin Laden's cargo freighters unloaded supplies in Kenya for the suicide bombers who later destroyed the embassies in Kenya and Tanzania. To that end, the bill requires the Administration to report on actions they have taken, or would recommend, to close these loopholes and improve transparency and registration procedures, either through domestic or international action—including action at the International Maritime Organization.

My legislation would also establish a national Sea Marshal program to protect our ports from the potential use of vessels as weapons of terror. A Sea Marshal program was recently established in San Francisco, and is supported strongly by the maritime pilots who, like airline pilots, are on the front lines in bringing vessels into U.S. ports. Sea Marshals would be used in ports that handle materials that are hazardous or flammable in quantities that make them potential targets of attack. The Coast Guard took a number of steps including using armed Coast Guard personnel to escort a Liquid Natural Gas, LNG, tanker into Boston last evening. This was the first delivery of LNG to Boston since September 11 and a number of people were concerned about the safety of bringing LNG into the port. Prior to September 11 these vessels were escorted by Coast Guard vessels into the port but no armed guards were present on the vessel. I strongly believe that having armed personnel, such as Sea Marshals, on these high interest vessels is very important and will considerably increase security in our nation's ports, including Boston. The ability of terrorists to board a vessel and cause a deliberate release of LNG or gasoline for that matter is very real. Sea Marshals will make it much more difficult for this to happen. The Secretary of Transportation would be responsible for establishing qualifications and standards for Sea Marshals which could be comprised of Federal, State or local law enforcement officials.

This legislation also aims to make use of unarmed pilots as yet another way to combat terrorism in our ports. Nearly every vessel that enters a U.S. port is first boarded by a sea pilot to assist the crew in navigating the harbor. Many times these pilots are the first set of U.S. eyes on vessels that may be headed to our ports bearing criminals or contraband from overseas. They are our eyes and ears, but cannot be expected to be a line of physical defense, that is the job of the Sea Marshals. This legislation would require the Secretary of Transportation to use these "eyes and ears" effectively in the war on terror. The Secretary is directed to investigate discrete ways in which sea pilots can provide information to warn of a possible terrorist attack or other crime. It is important that we explore secure mechanisms to allow these pilots to contribute to our maritime domain awareness, including notifying law enforcement officials of suspicious activity on a vessel. I am convinced there are a number of ways that these pilots could safely provide the authorities with information that can thwart illegal activities without alerting the vessel's captain or crew, or potential terrorists.

This legislation would also require the Secretary of Transportation to conduct 25 foreign port vulnerability assessments each year, and places on foreign ports the same reporting and assessment requirements we use for foreign airports. This is essential to ensure that U.S. citizens are protected from harm in foreign ports, and are informed about any risks before leaving U.S. soil. It is also absolutely necessary to use foreign ports as our first defense against threats to U.S. ports. We cannot expect to protect U.S. borders by erecting a fence only at our own ports. As one of our witnesses said, "the leading edge of our boundary for homeland defense is, in fact, foreign ports." In many instances, such defenses would be fruitless because of the sheer volume of cargo that passes through our ports daily. We need advance warning long before these vessels appear at our harbor entrances. Critical information that can help the Coast Guard identify these risks can only be collected at foreign ports where cargo and persons are first placed aboard the vessel. Despite this obvious need, we have fallen behind on our assessments of foreign ports. I firmly believe that the only way we can make U.S. ports and harbors safe is by going to the source and ensuring appropriate measures and facilities are in place to guarantee the safety of U.S. citizens visiting foreign ports as well as the safety of cargo bound for the United States.

In order to pay for these inspections this legislation authorizes the Secretary of Transportation to collect a 50 cent user fee on all cruise passengers that depart the United States for a foreign port. Quite frankly, 50 cents is a small price to pay for the peace of mind that comes with knowing that a port vulnerability assessment has been completed prior to a cruise ship with as many as 5,000 U.S. citizens as passengers, docks in a particular country. U.S. citizens should not be disembarking in ports that have not been scrutinized for security violations. One witness pointed out that in many circumstances U.S. cruise ship passengers are passing through ports that could not be assessed because they were deemed too dangerous for military personnel! This is ludicrous. I am sure those passengers had no idea of this potential danger, and we need to make sure that they are both safe and informed.

Lastly, this legislation would allow the President to prohibit any vessel, U.S. flagged or foreign, from entering the United States if the vessel has embarked passengers or cargo from foreign ports that do not have adequate security measures as determined by the Secretary of Transportation. Recently inspectors in Italy checking a container bound for Canada discovered a member of the al-Qaida terrorist organization hiding in a shipping container equipped with a bed and makeshift bathroom. The suspect, an Egyptian in a business suit, had with him a Canadian passport, a laptop computer, two cell phones, airport maps, security passes for airports in three countries and a certificate proclaiming him an airplane mechanic. We cannot allow any country to have such poor security such that terrorists can stow away in a shipping container. I would like to remind everyone that a similar provision exists in the airline industry and I see no reason why the President should not have the power to suspend commerce from a port with inadequate security, just like he can now do with international airports.

I believe that these provisions, when combined with the strong port security program of S. 1214, will ensure that the United States has the tools, the information, and the personnel to guard against waterborne threats to our nation and our citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port Threat and Security Act".

SEC. 2. IMPROVED REPORTING ON FOREIGN-FLAG VESSELS ENTERING UNITED STATES PORTS.

Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary of Transportation, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be insufficient or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

SEC. 3. SEA MARSHAL PROGRAM.

(a) Establishment.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to place sea marshals on vessels entering United States Ports identified in subsection (c).

(b) Consultation.—In establishing this program, the Secretary shall consult with representatives from the port security task force and local port security committees.

(c) Sea Marshal Ports.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The presence of port facilities that handle materials that are hazardous or flammable in quantities that make them potential targets of attack.

(2) The proximity of these facilities to residential or other densely populated areas.

(3) The proximity of sea lanes or navigational channels to hazardous areas that would pose a danger to citizens in the event of a loss of navigational control by the ship's master.

(4) Any other criterion deemed necessary by the Secretary.

(d) Sea Marshal Qualifications.—The Secretary shall establish appropriate qualifications or standards for sea marshals. The Secretary may use, or require use of, Federal, State, or local personnel as sea marshals.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the requirements of this section for each of the fiscal years 2002 through 2006.

(f) Report.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the success of the program in protecting the ports listed under (c), and submit any recommendations.

SEC. 4. SEA PILOT COMMUNICATION AND WARNING SYSTEM.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall provide a secure report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the potential for increasing the capabilities of sea pilots to provide information on maritime domain awareness. The report should specifically address necessary improvements to both reporting procedures and equipment that could allow pilots to be integrated more effectively in an maritime domain awareness program.

SEC. 5. SECURITY STANDARDS AT FOREIGN SEAPORTS.

(a) Assessment.—

(1) In general.—The Secretary shall assess the effectiveness of the security measures maintained at—

(A) each foreign seaport—

(i) served by United States vessels;

(ii) from which foreign vessels serve the United States; or

(iii) that poses a high risk of introducing danger to international sea travel; and

(B) other foreign seaports the Secretary considers appropriate.

(2) International cooperation and standards.—The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate port authorities of the government of a foreign country concerned and United States vessel operators serving the foreign seaport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign seaport effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the seaport based at least on the standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(3) Report.—Each report to Congress required under section 2 shall contain a summary of the assessments conducted under this subsection.

(b) Interval.—The Secretary of Transportation shall conduct assessments under subsection (a) of this section of at least 25 foreign seaports annually until all seaports identified in subsection (a)(1) are completed. The first 25 of these assessments shall be conducted within 18 months after the date of enactment of this Act.

(c) Consultation.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign seaports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international sea travel.

(d) Qualified Assessment Entities.—In carrying out subsection (a) of this section, the Secretary of Transportation may utilize entities determined by the Secretary of Transportation and the Secretary of State to be qualified to conduct such assessments.

(e) Notifying Foreign Authorities.—If the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, determines that a seaport does not maintain and carry out effective security measures, the Secretary, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the seaport up to the standard used by the Secretary in making the assessment.

(f) Actions When Seaports Not Maintaining and Carrying Out Effective Security Measures.—

(1) In general.—If the Secretary of Transportation makes a determination under subsection (e) that a seaport does not maintain and carry out effective security measures, the Secretary—

(A) shall publish the identity of the seaport in the Federal Register;

(B) shall require the identity of the seaport to be posted and displayed prominently at all United States seaports at which scheduled passenger carriage is provided regularly;

(C) shall notify the news media of the identity of the seaport;

(D) shall require each United States and foreign vessel providing transportation between the United States and the seaport to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the seaport; and

(E) may, after consulting with the appropriate port authorities of the foreign country concerned and United States and foreign vessel operators serving the seaport and with the approval of the Secretary of State, withhold, revoke, or prescribe conditions on the operating authority of a United States or foreign vessel that uses that seaport to provide foreign sea transportation.

(2) Presidential action.—If the Secretary makes such a determination under subsection (e) about a seaport, the President may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign seaport that is served by vessels navigating to or from the seaport with respect to which a decision is made under this section.

(3) When action to be taken.—

(A) In general.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport—

(i) 90 days after the government of a foreign country is notified of the Secretary's determination under subsection (e) of this section unless the Secretary of Transportation finds that the government has brought the security measures at the seaport up to the standard the Secretary used in making an assessment under subsection (a) of this section before the end of that 90-day period; or

(ii) on the date on which the Secretary makes that determination if the Secretary of Transportation determines, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the seaport.

(B) Travel advisory notification.—The Secretary of Transportation immediately shall notify the Secretary of State of a determination under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 908 of the International Maritime and Port Security Act (46 U.S.C. App. 1804).

(4) Congressional notification.—The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the seaport under subsection (a) of this section.

(5) Cancellation of publication requirements.—If the Secretary of Transportation, in consultation with the Secretary of State, determines that effective security measures are maintained and carried out at the seaport against which the Secretary took action under paragraph (1), then the Secretary shall—

(A) terminate action under paragraph (1) against that seaport; and

(B) notify the Congress of the Secretary's determination.

(g) Suspensions.—The Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of any United States vessel to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign seaport if the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that seaport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that seaport.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002 and each fiscal year thereafter to carry out this section.

SEC. 6. FOREIGN PORT ASSESSMENT FEES.

(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from cruise vessel lines upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing foreign port vulnerability assessments under section 5.

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit $0.50 for each passenger embarkment on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing foreign port vulnerability assessments and may be used only to the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than 179 days after the date of enactment of this Act.

By Mr. CRAIG (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. CRAPO, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

Mr. CRAIG. Mr. President, I am happy to join Senator DORGAN in reintroducing legislation regarding the administrative simplification provision of the Health Insurance Portability and Accountability Act. We originally introduced legislation five months ago and have worked since then with members from both the Finance and HELP committees to negotiate a compromise. The bill we are introducing today is the product of those discussions. It provides for one additional much-needed year for providers, State health programs, health plans and others to implement the transactions and code set provision of administrative simplification. Importantly, this new version also includes language to clearly differentiate between this provision and the privacy provision of HIPAA. It was our intention all along that the medical privacy regulations not be affected by our legislation, and we believe this bill accomplishes that goal. My colleague and I have the benefit of being joined on this bill by many of the cosponsors of the original bill, and we are happy to have their support.

Mr. DORGAN. Mr. President, Like Senator CRAIG, I appreciate the cooperation of our colleagues in helping us to work through this issue. We have arrived at a solution that is agreeable to the majority of parties involved, while at the same time reaching our goal of providing relief to small providers and plans and public health programs that are struggling to prepare their systems for this cost. Senator CRAIG and I would have preferred that this bill go further in providing more time and coordination for affected entities. On the other hand, we acknowledge that others would prefer no action in this area. Since we are just one year from the scheduled compliance date, however, we recognize that all those affected need some certainty as they move forward with complying with the transactions and code sets regulation. Given that this bill does provide needed relief for our states and given the time constraints we are facing, we believe this compromise is appropriate and do not feel an additional extension can be acquired.

By Mr. ROCKEFELLER (for himself, Mr. WELLSTONE, and Mr. BAUCUS):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I join several colleagues today to introduce the Medicare Chronic Care Improvement Act of 2001. Although we in Congress are focused on helping the Nation recover from the horrific attacks of September 11, we must also stand tall against the terrorists who wish to sabotage our domestic policy agenda and continue to work on the issues that affect the everyday health and well being of American citizens. With this conviction, I believe it is time to address the leading health care problem of the 21st century, chronic conditions.

Chronic conditions account for an astounding 90 percent of morbidity, 80 percent of deaths, and over 75 percent of direct medical expenditures in the United States. Nearly 125 million Americans have chronic conditions, and this number is expected to increase to 157 million, approximately half the population, by 2020.

Chronic conditions encompass an array of health conditions that are persistent, recurring, and cannot be cured. They include severely impairing conditions like Alzheimer's disease, congestive heart failure, chronic obstructive pulmonary disease, diabetes, depression, hypertension, and arthritis. Certainly in West Virginia, many of our workers, especially coal miners and steelworkers, suffer from chronic conditions.

Treating serious and disabling chronic conditions is the highest cost and fastest growing segment of health care. Direct medical costs for chronic conditions reached $510 billion in 2000 and are projected to reach $1.07 trillion by 2020.

An estimated 80 percent of Medicare beneficiaries suffer from at least one chronic condition and those beneficiaries account for an astounding 95 percent of Medicare spending. But Medicare does not provide many of the health care services that people with chronic conditions need. For example, current Medicare data show that, on average, people with chronic conditions see eight different physicians. Medicare does not compensate these physicians for communicating with one another, nor are they paid for care coordination, monitoring medications, early detection, or for educating or counseling patients and caregivers. As a result, few of these services, which are critical to people with chronic conditions, are provided.

To meet the needs of these individuals, our health care system must embrace a person-centered, system-oriented approach to care. Payers and providers who serve the same person must be empowered to work together to help people with chronic conditions prevent, delay, or minimize disease and disability progression and maximize their health and well being.

Over 10 years ago, I served as Chairman of the Pepper Commission. Our final report recognized that people with chronic conditions have special needs requiring multidisciplinary health care or social services to compliment or augment their health care. The Commission further recognized that medical care cannot be fully accessible or effective for this segment of the population unless it is accompanied by education, outreach, and systems to coordinate a broad range of services. The Commission identified these needed changes over ten years ago. And, as I stand before you today, not a single one of these recommendations has been made.

I am here to propose a long overdue and much needed solution, The Medicare Chronic Care Improvement Act of 2001. This bill establishes a comprehensive plan to update and streamline the Medicare healthcare delivery system to better meet the needs of people with chronic health conditions.

First, the Medicare Chronic Care Improvement Act of 2001 helps prevent, delay, and minimize the progression of chronic conditions by authorizing the Secretary of Health and Human Services to expand coverage of preventive health benefits. The bill permits providers to waive deductibles and co-payments for preventive and wellness services and streamlines the process of approving preventive benefits.

Second, this bill provides a person-centered, system-oriented approach to care for this extremely vulnerable segment of our population by expanding Medicare coverage to include assessment, care-coordination, self-management services, and patient and family caregiver education and counseling.

Third, this legislation improves Medicare fee-for-service and managed care financing for plans that serve beneficiaries with multiple, complex chronic conditions. The Secretary is directed to develop a plan to refine payment incentives to ensure appropriate payment for serving these high-cost individuals.

And finally, the Medicare Chronic Care Improvement Act of 2001 requires the Secretary of HHS to report to Congress on chronic condition trends and costs as a foundation for establishing national chronic care policies.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers including:

Chronic Care Coalition, comprising the American Association of Homes and Services for the Aging, American Geriatrics Society, Catholic Health Association of the United States, Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, and National Family Caregivers Association;

National Depressive and Manic-Depressive Association;

Association for Ambulatory Behavioral Healthcare; American Lung Association; American Academy of Neurology; American Neurological Association; and United Seniors Health Cooperative.

The Medicare Chronic Care Improvement Act of 2001 provides a comprehensive solution to improving the quality of life and health for millions of Americans who are struggling with serious and disabling chronic conditions. It improves benefits for people with chronic conditions, it empowers providers to better care for these people, and it provides us with the research we need to better address chronic conditions in the future.

And last, but not least, this legislation has the potential to save the Medicare program money, by better managing and treating chronic conditions before costly complications result. That is good for seniors and good for Medicare, a win-win situation. It is time to step up to the plate and fulfill our obligation to our Nation's most vulnerable citizens. This bill should stimulate the debate, and when Congress returns to business not related to the September 11th attacks, I intend to advance this legislation in the Finance Committee.

I ask unanimous consent that the text of the bill and the summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Chronic Care Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.

Subtitle A—Improving Access to Preventive Services

Sec. 101. Definitions.
Sec. 102. Elimination of deductibles and coinsurance for existing preventive health benefits.
Sec. 103. Institute of Medicine medicare prevention benefit study and report.
Sec. 104. Authority to administratively provide for coverage of additional preventive benefits.
Sec. 105. Fast-track consideration of prevention benefit legislation.

Subtitle B—Expansion of Access to Health Promotion Services

Sec. 111. Disease self-management demonstration projects.
Sec. 112. Medicare health education and risk appraisal program.

Subtitle C—Medicare Coverage for Care Coordination and Assessment Services

Sec. 121. Care coordination and assessment services.

TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Sec. 201. Adjustments to fee-for-service payment systems.
Sec. 202. Medicare+Choice.

TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE

Sec. 301. Study and report on effective chronic condition care.
Sec. 302. Institute of Medicine medicare chronic condition care improvement study and report.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—Unless otherwise specifically provided, the term "Secretary" means the Secretary of Health and Human Services.

(2) SERIOUS AND DISABLING CHRONIC CONDITION.—The term "serious and disabling chronic condition" means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

(i) at least 2 activities of daily living; or

(ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

(3) ACTIVITIES OF DAILY LIVING.—The term "activities of daily living" means each of the following:

(A) Eating.
(B) Toileting.
(C) Transferring.
(D) Bathing.
(E) Dressing.
(F) Continence.

(4) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term "instrumental activities of daily living" means each of the following:

(A) Medication management.
(B) Meal preparation.
(C) Shopping.
(D) Housekeeping.
(E) Laundry.
(F) Money management.
(G) Telephone use.
(H) Transportation use.

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.

Subtitle A—Improving Access to Preventive Services

SEC. 101. DEFINITIONS.

In this title:

(1) COST-EFFECTIVE BENEFIT.—The term "cost-effective benefit" means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) demonstrated value as measured by unit costs relative to health outcomes achieved.

(2) COST-SAVING BENEFIT.—The term "cost-saving benefit" means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) caused a net reduction in health care costs for medicare beneficiaries.

(3) MEDICALLY EFFECTIVE.—The term "medically effective" means, with respect to a benefit or technique, that the benefit or technique has been—

(A) subject to peer review;

(B) described in scientific journals; and

(C) determined to achieve an intended goal under normal programmatic conditions.

(4) MEDICALLY EFFICACIOUS.—The term "medically efficacious" means, with respect to a benefit or technique, that the benefit or technique has been—

(A) subject to peer review;

(B) described in scientific journals; and

(C) determined to achieve an intended goal under controlled conditions.

SEC. 102. ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR EXISTING PREVENTIVE HEALTH BENEFITS.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

"(p) Deductibles and Coinsurance Waived for Preventive Health Items and Services.—The Secretary shall not require the payment of any deductible or coinsurance under subsection (a) or (b), respectively, of any individual enrolled for coverage under this part for any of the following preventive health items and services:

"(1) Blood-testing strips, lancets, and blood glucose monitors for individuals with diabetes described in section 1861(n).

"(2) Diabetes outpatient self-management training services (as defined in section 1861(qq)(1)).

"(3) Pneumococcal, influenza, and hepatitis B vaccines and administration described in section 1861(s)(10).

"(4) Screening mammography (as defined in section 1861(jj)).

"(5) Screening pap smear and screening pelvic exam (as defined in paragraphs (1) and (2) of section 1861(nn), respectively).

"(6) Bone mass measurement (as defined in section 1861(rr)(1)).

"(7) Prostate cancer screening test (as defined in section 1861(oo)(1)).

"(8) Colorectal cancer screening test (as defined in section 1861(pp)(1)).

"(9) Screening for glaucoma (as defined in section 1861(uu)).

"(10) Medical nutrition therapy services (as defined in section 1861(vv)(1)).".

(b) Waiver of Coinsurance.—

(1) In general.—Section 1833(a)(1)(B) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)) is amended to read as follows: "(B) with respect to preventive health items and services described in subsection (p), the amounts paid shall be 100 percent of the fee schedule or other basis of payment under this title for the particular item or service,".

(2) Elimination of coinsurance in outpatient hospital settings.—The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting after "1861(s)(10)(A)" the following: ", preventive health items and services described in section 1833(p),".

(c) Waiver of Application of Deductible.—Section 1833(b)(1) of the Social Security Act (42 U.S.C. 1395l(b)(1)) is amended to read as follows: "(1) such deductible shall not apply with respect to preventive health items and services described in subsection (p),".

(d) Adding "Lancet" to Definition of DME.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by striking "blood-testing strips and blood glucose monitors" and inserting "blood-testing strips, lancets, and blood glucose monitors".

(e) Conforming Amendments.—

(1) Elimination of coinsurance for clinical diagnostic laboratory tests.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–481), as enacted into law by section 1(a)(6) of Public Law 106–554, are each amended by inserting "or which are described in subsection (p)" after "assignment-related basis".

(2) Elimination of coinsurance for certain DME.—Section 1834(a)(1)(A) of the Social Security Act (42 U.S.C. 1395m(a)(1)(A)) is amended by inserting "(or 100 percent, in the case of such an item described in section 1833(p))" after "80 percent".

(3) Elimination of deductibles and coinsurance for colorectal cancer screening tests.—Section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) is amended—

(A) in paragraph (2)(C)—

(i) by striking "(C) Facility payment limit.—" and all that follows through "Notwithstanding subsections" and inserting the following:

"(C) Facility payment limit.—Notwithstanding subsections";

(ii) by striking "(I) in accordance" and inserting the following:

"(i) in accordance";

(iii) by striking "(II) are performed" and all that follows through "payment under" and inserting the following:

"(ii) are performed in an ambulatory surgical center or hospital outpatient department,

payment under"; and

(iv) by striking clause (ii); and

(B) in paragraph (3)(C)—

(i) by striking "(C) Facility payment limit.—" and all that follows through "Notwithstanding subsections" and inserting the following:

"(C) Facility payment limit.—Notwithstanding subsections"; and

(ii) by striking clause (ii).

(f) Effective Date.—The amendments made by this section shall apply to services furnished on or after the day that is 1 year after the date of enactment of this Act.

SEC. 103. INSTITUTE OF MEDICINE MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) Study.—

(1) In general.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries, including the issues described in paragraph (2); and

(B) submit the report described in subsection (b).

(2) Issues studied.—The study required under paragraph (1) shall include an assessment of—

(A) whether each health promotion and disease prevention benefit covered under the medicare program is—

(i) medically effective (as defined in section 101(3)); or

(ii) a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2));

(B) utilization by medicare beneficiaries of such benefits (including any barriers to or incentives to increase utilization);

(C) quality of life issues associated with such benefits; and

(D) whether health promotion and disease prevention benefits that are not covered under the medicare program that would affect all medicare beneficiaries are—

(i) likely to be medically effective (as defined in section 101(3)); or

(ii) likely to be a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2)).

(b) Reports.—

(1) Three-year report.—On the date that is 3 years after the date of enactment of this Act, and each successive 3-year anniversary thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains—

(A) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(B) the recommendations for legislation described in paragraph (3).

(2) Interim report based on new guidelines.—If the United States Preventive Services Task Force or the Task Force on Community Preventive Services establishes new guidelines regarding preventive health benefits for medicare beneficiaries more than 1 year prior to the date that a report described in paragraph (1) is due to be submitted to the President, then not later than 6 months after the date such new guidelines are established, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed description of such new guidelines. Such report may also contain recommendations for legislation described in paragraph (3).

(3) Recommendations for legislation.—The Institute of Medicine of the National Academy of Sciences, in consultation with the United States Preventive Services Task Force and the Task Force on Community Preventive Services, shall develop recommendations in legislative form that—

(A) prioritize the preventive health benefits under the medicare program; and

(B) modify such benefits, including adding new benefits under such program, based on the study conducted under subsection (a).

(c) Transmission to Congress.—

(1) In general.—Subject to paragraph (2), on the day that is 6 months after the date on which the report described in paragraph (1) of subsection (b) (or paragraph (2) of such subsection if the report contains recommendations in legislative form described in subsection (b)(3)) is submitted to the President, the President shall transmit the report and recommendations to Congress.

(2) Regulatory action by the Secretary of Health and Human Services.—If the Secretary of Health and Human Services has exercised the authority under section 104(a) to adopt by regulation one or more of the recommendations under subsection (b)(3), the President shall only submit to Congress those recommendations under subsection (b)(3) that have not been adopted by the Secretary.

(3) Delivery.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

SEC. 104. AUTHORITY TO ADMINISTRATIVELY PROVIDE FOR COVERAGE OF ADDITIONAL PREVENTIVE BENEFITS.

(a) In General.—The Secretary of Health and Human Services may by regulation adopt any or all of the legislative recommendations developed by the Institute of Medicine of the National Academy of Sciences, in consultation with the United States Preventive Services Task Force and the Task Force on Community Preventive Services in a report under section 103(b)(3) (relating to prioritizing and modifying preventive health benefits under the medicare program and the addition of new preventive benefits), consistent with subsection (b).

(b) Elimination of Cost-Sharing.—With respect to items and services furnished under the medicare program that the Secretary has incorporated by regulation under subsection (a), the provisions of section 1833(p) of the Social Security Act (relating to elimination of cost-sharing for preventive benefits), as added by section 102(a), shall apply to those items and services in the same manner as such section applies to the items and services described in paragraphs (1) through (10) of such section.

(c) Deadline.—The Secretary must publish a notice of rulemaking with respect to the adoption by regulation under subsection (a) of any such recommendation within 6 months of the date on which a report described in section 103(b) is submitted to the President.

SEC. 105. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) Rules of House of Representatives and Senate.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) Introduction and Referral.—

(1) Introduction.—

(A) In general.—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 103(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) House of representatives.—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) Senate.—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) Special rule.—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) Referral.—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) Consideration.—After the recommendations in legislative form have been introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) Implementing Bill Defined.—In this section, the term "implementing bill" means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 103(b)(3), transmitted by the President to the House of Representatives and the Senate under subsection 103(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) Counting of Days.—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

Subtitle B—Expansion of Access to Health Promotion Services

SEC. 111. DISEASE SELF-MANAGEMENT DEMONSTRATION PROJECTS.

(a) Demonstration Projects.—

(1) In general.—The Secretary shall conduct demonstration projects for the purpose of promoting disease self-management for conditions identified, and appropriately prioritized, by the Secretary for target individuals (as defined in paragraph (2)).

(2) Target individual defined.—In this section, the term "target individual" means an individual who—

(A) is at risk for, or has, 1 or more of the conditions identified by the Secretary as being appropriate for disease self-management; and

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), or enrolled under part B of such title (42 U.S.C. 1395j et seq.) or is enrolled under the Medicare+Choice program under part C of such title (42 U.S.C. 1395w–21 et seq.).

(b) Number; Project Areas; Duration.—

(1) Number.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a series of demonstration projects to carry out the purpose described in subsection (a)(1).

(2) Project areas.—The Secretary shall implement the demonstration projects described in paragraph (1) in urban, suburban, and rural areas.

(3) Duration.—The demonstration projects under this section shall be conducted during the 3-year period beginning on the date on which the initial demonstration project is implemented.

(c) Report to Congress.—

(1) In general.—Not later than 18 months after the conclusion of the demonstration projects under this section, the Secretary shall submit a report to Congress on such projects.

(2) Contents of report.—The report required under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) whether each benefit provided under the demonstration projects is—

(I) medically effective;

(II) medically efficacious;

(III) cost-effective; or

(IV) cost-saving;

(ii) the level of the disease self-management attained by target individuals under the demonstration projects; and

(iii) the satisfaction of target individuals under the demonstration projects.

(C) Recommendations of the Secretary regarding whether to conduct the demonstration projects on a permanent basis.

(D) Such recommendations for legislation and administrative action as the Secretary determines to be appropriate.

(E) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) Funding.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount not to exceed $30,000,000 for the costs of carrying out this section.

SEC. 112. MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM

"Sec. 1897. (a) Establishment.—Not later than 18 months after the date of the conclusion of the demonstration projects conducted under subsection (b)(1), the Secretary shall establish a comprehensive and systematic model for delivering health promotion and disease prevention services that—

"(1) through self-assessment identifies—

"(A) behavioral risk factors, such as tobacco use, physical inactivity, alcohol use, depression, lack of proper nutrition, and risk of falling, among target individuals;

"(B) needed medicare clinical preventive and screening health benefits among target individuals; and

"(C) functional and self-management information the Secretary determines to be appropriate;

"(2) provides ongoing followup to reduce risk factors and promote the appropriate use of preventive and screening health benefits;

"(3) improves clinical outcomes, satisfaction, quality of life, and appropriate use by target individuals of items and services covered under the medicare program; and

"(4) provides target individuals with information regarding the adoption of healthy behaviors.

"(b) Demonstration Projects.—

"(1) Establishment.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, shall conduct demonstration projects for the purpose of developing a comprehensive and systematic model for delivering health promotion and disease prevention services described in subsection (a).

"(2) Self-assessment and provision of information.—The Secretary shall conduct the demonstration projects established under paragraph (1) in the following manner:

"(A) Self-assessment.—

"(i) In general.—The Secretary shall test different—

"(I) methods of making self-assessments available to each target individual;

"(II) methods of encouraging each target individual to participate in the self-assessment; and

"(III) methods for processing responses to the self-assessment.

"(ii) Contents.—A self-assessment made available under clause (i) shall include—

"(I) questions regarding behavioral risk factors;

"(II) questions regarding needed preventive screening health services;

"(III) questions regarding the target individual's preferences for receiving follow-up information; and

"(IV) other information that the Secretary determines appropriate.

"(B) Provision of information.—After each target individual completes the self-assessment, the Secretary shall ensure that the target individual is provided with such information as the Secretary determines appropriate, which may include—

"(i) information regarding the results of the self-assessment;

“(ii) recommendations regarding any appropriate behavior modification based on the self-assessment;

“(iii) information regarding how to access behavior modification assistance that promotes healthy behavior, including information on nurse hotlines, counseling services, provider services, and case-management services;

“(iv) information, feedback, support, and recommendations regarding any need for clinical preventive and screening health services or treatment; and

“(v) referrals to available community resources in order to assist the target individual in reducing health risks.

“(3) PROJECT AREAS AND DURATION.—

“(A) PROJECT AREAS.—The Secretary shall implement the demonstration projects in geographic areas that include urban, suburban, and rural areas.

“(B) DURATION.—The Secretary shall conduct the demonstration projects during the 3-year period beginning on the date on which the first demonstration project is implemented.

“(c) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 1 year after the date on which the demonstration projects conclude, the Secretary shall submit to Congress a report on such projects.

“(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall—

“(A) describe the demonstration projects conducted under this section;

“(B) identify the demonstration project that is the most effective; and

“(C) contain such other information regarding the demonstration projects as the Secretary determines appropriate.

“(3) MEASUREMENT OF EFFECTIVENESS.—For purposes of paragraph (2)(B), in identifying the demonstration project that is the most effective, the Secretary shall consider—

“(A) how successful the project was at—

“(i) reaching target individuals and engaging them in an assessment of the risk factors of such individuals;

“(ii) educating target individuals on healthy behaviors and getting such individuals to modify their behaviors in order to diminish the risk of chronic disease; and

“(iii) ensuring that target individuals were provided with necessary information;

“(B) the cost-effectiveness of the demonstration project; and

“(C) the degree of beneficiary satisfaction under the demonstration projects.

“(d) WAIVER AUTHORITY.—The Secretary may waive such requirements under this title as the Secretary determines necessary to carry out the demonstration projects under this section.

“(e) FUNDING.—There are authorized to be appropriated $25,000,000 to the Secretary for carrying out the demonstration projects under this section.

“(f) DEFINITION OF TARGET INDIVIDUAL.—The term ‘target individual’ means each individual who is—

“(1) entitled to benefits under part A or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C; or

“(2) between the ages of 50 and 64 and who is not described in paragraph (1).”.

Subtitle C—Medicare Coverage for Care Coordination and Assessment Services

SEC. 121. CARE COORDINATION AND ASSESSMENT SERVICES.

(a) SERVICES AUTHORIZED.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 112, is further amended by adding at the end the following new section:

“CARE COORDINATION AND ASSESSMENT SERVICES

“SEC. 1898. (a) PURPOSE.—The purpose of this section is to provide assistance to a beneficiary with a serious and disabling chronic condition (as defined in subsection (f)(1)) to obtain the appropriate level and mix of follow-up care.

“(b) ELECTION OF CARE COORDINATION AND ASSESSMENT SERVICES.—

“(1) IN GENERAL.—On or after January 1, 2003, a beneficiary with a serious and disabling chronic condition may elect to receive care coordination services in accordance with the provisions of this section under which, in appropriate circumstances, the eligible beneficiary has health care services covered under this title managed and coordinated by a care coordinator who is qualified under subsection (e) to furnish care coordination services under this section.

“(2) REVOCATION OF ELECTION.—An eligible beneficiary who has made an election under paragraph (1) may revoke that election at any time.

“(c) OUTREACH.—The Secretary shall provide for the wide dissemination of information to beneficiaries and providers of services, physicians, practitioners, and suppliers with respect to the availability of and requirements for care coordination services under this section.

“(d) CARE COORDINATION AND ASSESSMENT SERVICES DESCRIBED.—Care coordination services under this section shall include the following:

“(1) BASIC CARE COORDINATION AND ASSESSMENT SERVICES.—

“(A) IN GENERAL.—Except as otherwise provided in this section, eligible beneficiaries who have made an election under this section shall receive the following services:

“(i)(I) An initial assessment of an individual's medical condition, functional and cognitive capacity, and environmental and psychosocial needs.

“(II) Annual assessments after the initial assessment performed under subclause (I), unless the physician or care coordinator of the individual determines that additional assessments are required due to sentinel health events or changes in the health status of the individual that may require changes in plans of care developed for the individual.

“(ii) The development of an initial plan of care, and subsequent appropriate revisions to that plan of care.

“(iii) The management of, and referral for, medical and other health services, including multidisciplinary care conferences and coordination with other providers.

“(iv) The monitoring and management of medications.

“(v) Patient education and counseling services.

“(vi) Family caregiver education and counseling services.

“(vii) Self-management services, including health education and risk appraisal to identify behavioral risk factors through self-assessment.

“(viii) Providing access for consultations by telephone with physicians and other appropriate health care professionals, including 24-hour availability of such professionals for emergency consultations.

“(ix) Coordination with the principal nonprofessional caregiver in the home.

“(x) Managing and facilitating transitions among health care professionals and across settings of care, including the following:

“(I) Pursuing the treatment option elected by the individual.

“(II) Including any advance directive executed by the individual in the medical file of the individual.

“(xi) Activities that facilitate continuity of care and patient adherence to plans of care.

“(xii) Information about, and referral to, hospice services, including patient and family caregiver education and counseling about hospice, and facilitating transition to hospice when elected.

“(xiii) Such other medical and health care services for which payment would not otherwise be made under this title as the Secretary determines to be appropriate for effective care coordination, including the additional items and services as described in subparagraph (B).

“(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to eligible beneficiaries who have made an election under this section (subject to an assessment by the care coordinator of an individual beneficiary's circumstances and need for such benefits) in order to encourage the receipt of, or to improve the effectiveness of, care coordination services.

“(2) CARE COORDINATION AND ASSESSMENT REQUIREMENT.—Notwithstanding any other provision of this title, with respect to items and services for which payment is made under this title furnished to a beneficiary for the diagnosis and treatment of the beneficiary's serious and disabling chronic condition, if the beneficiary has made an election to receive care coordination and assessment services under this section, the Secretary may require that payment may only be made under this title for such items and services relating to such condition if the items and services have been furnished by or coordinated through the care coordinator. Under such provision, the Secretary shall prescribe exceptions for emergency medical services (as described in section 1852(d)(3), but without regard to enrollment with a Medicare+Choice organization), and other exceptions determined by the Secretary for the delivery of timely and needed care.

“(e) CARE COORDINATORS.—

“(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination and assessment services under this section, an individual or entity shall—

“(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

“(B) enter into a care coordination agreement under paragraph (2); and

“(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

“(2) AGREEMENT TERM; PAYMENT.—

“(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall—

“(i) be entered into for a period of 1 year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1);

“(ii) assure the compliance of the care coordinator with such data collection and reporting requirements as the Secretary determines necessary to assess the effect of care coordination on health outcomes; and

“(iii) contain such other terms and conditions as the Secretary may require.

"(B) PAYMENT FOR SERVICES.—The Secretary shall establish payment terms and conditions and payment rates for basic care coordination and assessment services described in subsection (d)(1). The Secretary may establish new billing codes to carry out the provisions of this subparagraph.

"(f) DEFINITIONS.—In this section:

"(1) SERIOUS AND DISABLING CHRONIC CONDITION.—The term 'serious and disabling chronic condition' means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

"(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

"(i) at least 2 activities of daily living; or

"(ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

"(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

"(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

"(2) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' means each of the following:

"(A) Eating.

"(B) Toileting.

"(C) Transferring.

"(D) Bathing.

"(E) Dressing.

"(F) Continence.

"(3) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' means each of the following:

"(A) Medication management.

"(B) Meal preparation.

"(C) Shopping.

"(D) Housekeeping.

"(E) Laundry.

"(F) Money management.

"(G) Telephone use.

"(H) Transportation use.

"(4) BENEFICIARY.—The term 'beneficiary' means an individual entitled to benefits under part A, or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C.".

(b) COVERAGE OF CARE COORDINATION AND ASSESSMENT SERVICES AS A PART B MEDICAL SERVICE.—

(1) IN GENERAL.—Section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended—

(A) in the second sentence, by redesignating paragraphs (16) and (17) as clauses (i) and (ii); and

(B) in the first sentence—

(i) by striking "and" at the end of paragraph (14);

(ii) by striking the period at the end of paragraph (15) and inserting "; and"; and

(iii) by adding after paragraph (15) the following new paragraph:

"(16) care coordination and assessment services furnished by a care coordinator in accordance with section 1866C.".

(2) CONFORMING AMENDMENTS.—Sections 1864(a) 1902(a)(9)(C), and 1915(a)(1)(B)(ii)(I) of such Act (42 U.S.C. 1395aa(a), 1396a(a)(9)(C), and 1396n(a)(1)(B)(ii)(I)) are each amended by striking "paragraphs (16) and (17)" each place it appears and inserting "clauses (i) and (ii) of the second sentence".

(3) PART B COINSURANCE AND DEDUCTIBLE NOT APPLICABLE TO CARE COORDINATION AND ASSESSMENT SERVICES.—

(A) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by sections 105 and 223 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(i) by striking "and" at the end of subparagraph (T); and

(ii) by inserting before the final semicolon ", and (V) with respect to care coordination and assessment services described in section 1861(s)(16) that are furnished by, or coordinated through, a care coordinator, the amounts paid shall be 100 percent of the payment amount established under section 1866C".

(B) DEDUCTIBLE.—Section 1833(b) of such Act (42 U.S.C. 1395l(b)) is amended—

(i) by striking "and" at the end of paragraph (5); and

(ii) by inserting before the final period ", and (7) such deductible shall not apply with respect to care coordination and assessment services (as described in section 1861(s)(16))".

(C) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a)(2)(A) of such Act (42 U.S.C. 1395cc(a)(2)(A)), as amended by section 102(b)(2), is further amended by inserting after "section 1833(p)," the following: "with respect to care coordination and assessment services (as described in section 1861(s)(16)),".

TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

SEC. 201. ADJUSTMENTS TO FEE-FOR-SERVICE PAYMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for appropriate adjustments to each of the payment systems described in subsection (b) to take into account the additional costs incurred in providing items and services under the medicare program to medicare beneficiaries who suffer from serious and disabling chronic conditions, including the consideration of the patient classification system (or other methodology) under subsection (d). The Secretary shall implement such adjustments for items and services furnished on or after October 1, 2005.

(b) PAYMENT SYSTEMS DESCRIBED.—The payment systems referred to in subsection (a) are the following:

(1) The prospective payment system for covered skilled nursing facility services under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(2) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

(3) The prospective payment system for outpatient hospital services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(4) The physician fee schedule under section 1848 of such Act (42 U.S.C. 1395w-4).

(5) The composite rate of payment for dialysis services under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)).

(6) The payment rate for outpatient therapy services and comprehensive outpatient rehabilitation services under section 1834(k) of such Act (42 U.S.C. 1395m(k)).

(7) The payment rate for partial hospitalization services established by the Secretary in regulations under title XVIII of such Act.

(8) The payment rate for hospice services under section 1814(i) of such Act (42 U.S.C. 1395f(i)).

(c) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the proposed adjustments required under subsection (a) to the payment systems described in subsection (b), the methodology employed by the Secretary in providing for such proposed adjustments, and an assessment of the impact of such adjustments on access to effective care for medicare beneficiaries.

(d) PATIENT CLASSIFICATION SYSTEM.—The Secretary shall develop a patient classification system or other methodology to predict costs within and across postacute care settings attributable to furnishing items and services to medicare beneficiaries who suffer from serious and disabling chronic conditions. The Secretary shall develop such system by not later than October 1, 2004, and shall consult with representatives of providers of services and individuals with expertise in health care financing and risk adjustment methodology in developing such system.

SEC. 202. MEDICARE+CHOICE.

(a) REVISIONS TO RISK ADJUSTMENT METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall revise the risk adjustment methodology under section 1853(a)(3) of the Social Security Act (42 U.S.C. 1395w-23(a)(3)) applicable to payments to Medicare+Choice organizations offering specialized programs for frail elderly and at-risk beneficiaries to take into account variations in costs incurred by such organizations.

(2) METHODS CONSIDERED.—In revising the risk adjustment methodology under paragraph (1), the Secretary shall consider—

(A) hybrid risk adjustment payment systems, such as partial capitation;

(B) new diagnostic and service markers that more accurately predict high risk;

(C) improving the structural components of the applicable method of payment, such as reducing payment lag, using multiple site diagnostic data, and using several years of data;

(D) providing for adjustments to payment amounts for beneficiaries with comorbidities;

(E) testing concurrent risk adjustment methodologies; and

(F) testing payment methods using data from specialized programs for frail elderly and at-risk beneficiaries.

(3) IMPLEMENTATION.—The Secretary shall implement such revisions to the risk adjustment methodology for items and services furnished on or after January 1, 2005.

(4) INTERIM REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report on revision of the risk adjustment methodology required under paragraph (1), including a description of the methods considered and employed by the Secretary in providing for such revision and an assessment of the impacts of such methods on access to effective care for medicare beneficiaries.

(b) INTERIM CONTINUATION OF BLENDED RATE FOR SPECIALIZED PROGRAMS FOR FRAIL ELDERLY AND AT-RISK MEDICARE BENEFICIARIES RESIDING IN INSTITUTIONS.—

(1) IN GENERAL.—In the case of a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that provides for a specialized program for frail elderly and at-risk beneficiaries that exclusively serves beneficiaries in institutions or beneficiaries that are entitled to medical assistance under a State plan under title XIX,

notwithstanding section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-23(a)(3)(C)(ii)), such organization shall be paid according to the method described in section 1853(a)(3)(C)(ii)(I) until such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for the payment methodology under paragraph (1) unless the organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(c) INTERIM CONTINUATION OF PAYMENT METHODOLOGIES FOR DEMONSTRATION PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, payment methodologies for medicare demonstration programs for specialized programs for frail elderly and at-risk beneficiaries that comply with the requirements under paragraph (2) shall continue under the terms and conditions of the demonstration authority, including the risk adjustment factors and formula used for paying such demonstration programs, until such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A medicare demonstration program may not qualify for the payment methodology under paragraph (1) unless the program collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(d) INTERIM DEMONSTRATION PROGRAM FOR ADDITIONAL PAYMENTS FOR SPECIALIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program under which additional payments (in such manner and amount as the Secretary determines appropriate) may be made to a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that—

(A) provides, directly or through contract, for a specialized program of care for enrollees with serious and disabling chronic conditions; and

(B) exclusively serves enrollees with serious and disabling chronic conditions or serves a disproportionate share of such enrollees.

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for additional payments under paragraph (1) unless the organization and the specialized program of care meet the following requirements:

(A) Under the specialized program of care, a clinical delivery system is established that meets the needs of such enrollees, including—

(i) methods to prevent, delay, or minimize the progression of disabilities;

(ii) disease management protocols, such as high risk screening to identify risk of hospitalization, nursing home placement, functional decline, death, and other factors that increase the costs of care provided;

(iii) appropriate specially trained health care staff, such as nurse practitioners, geriatric care managers, or mental health professionals; and

(iv) methods for promoting integration of care, financing, and administrative functions across health care settings.

(B) The organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(C) The organization employs quality standards and tracks quality indicators specified by the Secretary that are relevant to the special needs of enrollees with serious and disabling chronic conditions.

(D) The organization does not receive payments, or adjustment to payments, with respect to any enrollee by reason of subsection (b) or (c).

(3) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out this demonstration program.

(4) TERMINATION.—The demonstration program under this subsection shall terminate 1 year after such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(5) FUNDING.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out the demonstration program under this subsection.

(e) DEFINITION.—In this section, the term "specialized programs for frail elderly and at-risk beneficiaries" means—

(1) demonstrations approved by the Secretary for purposes of testing the integration of acute and expanded care services under prepaid financing which include prescription drugs and other noncovered ancillary services, care coordination, and home and community-based services, such as the social health maintenance organization demonstration project authorized under section 2355 of the Deficit Reduction Act of 1984 and expanded under section 4207(b)(4)(B)(i) of the Omnibus Reconciliation Act of 1990;

(2) demonstrations approved by the Secretary for purposes of improving quality of care and preventing hospitalizations for nursing home residents, such as the EverCare demonstration project;

(3) demonstrations approved by the Secretary for purposes of testing methods for integrating medicare and medicaid benefits for the dually eligible, such as the Minnesota Senior Health Options program, the Wisconsin Partnership program, the Massachusetts Senior Care Organization program, and the Rochester Community Care Network program;

(4) demonstrations approved by the Secretary under subsection (d); and

(5) such other demonstrations or programs approved by the Secretary for similar purposes, as determined by the Secretary.

TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE

SEC. 301. STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE.

(a) STUDY.—For purposes of improving chronic condition care furnished to medicare beneficiaries under the medicare program, the Secretary of Health and Human Services shall conduct a comprehensive study of chronic condition trends of medicare beneficiaries and associated service utilization, quality indicators, and cumulative costs.

(b) SPECIFIC MATTERS STUDIED.—The study conducted under subsection (a) shall include an assessment of the following:

(1) Chronic condition prevalence rates.

(2) Demographic, medical, and functional information about medicare beneficiaries with chronic conditions.

(3) Utilization, cost, and quality data across settings, including—

(A) expenditures under a State plan under title XIX of the Social Security Act for individuals dually eligible for benefits under the medicare and medicaid programs,

(B) data on out-of-pocket expenses paid by medicare beneficiaries,

(C) data on payments made by non-Federal health insurance programs,

(D) amounts and percentages of overall payments made to medicare providers of services and suppliers for medicare beneficiaries with chronic conditions, and

(E) current and future cost-shifting for treatment of such beneficiaries between the medicare and medicaid programs.

(c) INFORMATION.—

(1) IN GENERAL.—The Secretary may collect such data from providers of services, suppliers, fiscal intermediaries, and carriers. Such providers, suppliers, fiscal intermediaries, and carriers shall furnish to the Secretary the data the Secretary requires to conduct the study under subsection (a).

(2) REQUIREMENT TO CONSIDER DATA PREVIOUSLY COLLECTED.—To the maximum extent practicable, in conducting the study, the Secretary shall analyze existing data and utilize existing data collection methodologies.

(3) CONSULTATION.—The Secretary shall consult with representatives of providers of services, suppliers, fiscal intermediaries, and carriers with respect to data collection requirements to conduct the study with respect to the specific matters described in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and triennially thereafter, the Secretary shall submit to Congress a report on the study conducted under subsection (a) and the specific matters studied under subsection (b).

(2) RECOMMENDATIONS.—Each report shall also include specific recommendations with respect to appropriate care for medicare beneficiaries with chronic conditions, including the establishment, and refinement, of goals for reducing chronic condition prevalence rates and related medical expenses.

(e) DEFINITION.—In this section, the term "chronic condition" means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life; for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living, instrumental activities of daily living, or both.

(f) REDUCTION OF PAPERWORK; ASSISTANCE WITH DEVELOPMENT OF COMPUTER-ASSISTED PAPERWORK REDUCTION TECHNOLOGY.—

(1) REDUCTION OF PAPERWORK.—Not later than one year after the date of enactment of this Act, the Secretary shall, in consultation with providers of services and suppliers under the medicare program, patient advocacy groups, and State and local health care administration experts, implement a program to eliminate or simplify those paperwork requirements that are not required by law, and do not contribute to the quality of care furnished to medicare beneficiaries or the integrity of the medicare program.

(2) DEVELOPMENT OF BEST PRACTICES SOFTWARE.—

(A) IN GENERAL.—The Secretary, through the Office of Research and Development of the Center for Medicare and Medicaid Services, shall develop and disseminate to providers of services and suppliers participating in the medicare program best practices electronic software and medical technology information systems designed to reduce the duplicative recording of information, to reduce the need for handwritten entries, and to reduce the risk of medical and pharmaceutical errors in data entry.

(B) TECHNICAL ASSISTANCE.—The Secretary shall provide for technical assistance in the use of the electronic software developed under subparagraph (A).

(C) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002, 2003, and 2004, there are authorized to be appropriated to the Secretary $10,000,000 to carry out this paragraph.

SEC. 302. INSTITUTE OF MEDICINE MEDICARE CHRONIC CONDITION CARE IMPROVEMENT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of the medicare program to identify—

(i) factors that facilitate access to effective care (including, where appropriate, hospice care) for medicare beneficiaries with chronic conditions; and

(ii) factors that impede access to such care for such beneficiaries,

including the issues studied under paragraph (2); and

(B) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall—

(A) identify inconsistent clinical, financial, or administrative requirements across provider and supplier settings or professional services with respect to medicare beneficiaries;

(B) identify requirements under the program imposed by law or regulation that—

(i) promote costshifting across providers and suppliers;

(ii) impede access to effective chronic condition care by requiring the demonstration of continuing clinical improvement of the condition as a prerequisite to coverage of certain benefits;

(iii) impose unnecessary burdens on such beneficiaries and their family caregivers;

(iv) impede coverage for services that prevent, delay, or minimize the progression of chronic conditions;

(v) impede the establishment of administrative information systems to track health status, utilization, cost, and quality data across providers and suppliers and provider settings;

(vi) impede the establishment of clinical information systems that support continuity of care across settings and over time;

(vii) impede the alignment of financial incentives among the medicare program, the medicaid program, and group health plans and providers and suppliers that furnish services to the same beneficiary; or

(viii) impede payment methods that encourage the enrollment of high-risk populations, support innovation, or encourage providers and suppliers to maintain or improve health status for such medicare beneficiaries.

(b) REPORT.—On the date that is 18 months after the date of enactment of this Act, the Institute of Medicine of the National Academy of Sciences shall submit to Congress and the Secretary of Health and Human Services a report that contains—

(1) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(2) recommendations to improve access to effective care for medicare beneficiaries with chronic conditions.

SUMMARY OF THE MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS

Improve access to preventive services

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

Expand access to health promotion services

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

Expand coverage for care coordination and assessment services

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses.

Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Improve medicare financing methods

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refund risk adjustment methodology is implemented.

TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

Evaluate Medicare policies regarding chronic condition care

Direct the Secretary to study chronic condition trends and associated service utilization, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

Identify improvements in Medicare to ensure effective chronic condition care

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

Definitions

"Chronic condition" means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

"Serious and disabling chronic condition(s)" means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual, for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to introduce the Medicare Equal Access to Care Act. I am jointed by my colleagues Senators DURBIN and EDWARDS. This legislation is designed to address a disturbing development which may make it harder for some seniors to have access to Medicare.

I have recently become aware of a practice, an early example if which took place in Florida, in which doctors assess their existing patients a $1,500 membership fee in order to receive continued care. In some States, these fees have been as high as $20,000. By charging these extraneous and unwarranted dues, the doctors can shrink their practice, yet maintain their profits. Another version of this arrangement is to require that patients seek and pay for non-Medicare covered services from their doctors as a condition for joining or remaining in the practice. Tragically, the patients who can't afford these large sums for the privilege of medical care or who choose not to purchase non-Medicare covered services are simply told to find another doctor. In areas where there is already a shortage of doctors, this practice could severely hamper Medicare beneficiaries' access to health care.

Then, in addition to membership fees the doctors bill Medicare for the cost of the covered services they provide.

Were Medicare a private insurance company, this practice would not be allowed. Private health insurance companies do not permit their providers to charge an "access fee" as a condition to being accepted as a patient. The Federal Government, the American taxpayers, should not hold its providers to a looser standard, thereby supporting a distasteful division of Medicare beneficiaries into haves and have-nots. This situation is unacceptable.

The Medicare Equal Access to Care Act bill will put a damper on such agreements. This legislation is simple: it will prevent any federal health program, like Medicare, from reimbursing doctors who charge their patients membership fees, as defined by the Secretary of Health and Human Services, or who require that their patients purchase non-Medicare.

I want to emphasize that this legislation does not interfere with the right of the doctor and patient to enter into private arrangements. A doctor may forego Medicare reimbursement and charge patients a membership fee of any amount, and patients have the choice of whether to accept that condition. Likewise, a doctor is free to charge a patient for any service that is not reimbursed under Medicare.

Though they present a carefully crafted loophole, these arrangements violate the intent and spirit of the Balanced Billing Act.

Clearly, our health care system is not working for patients. Additionally it's not working for doctors, if they must resort to these types of practices. Also, hundreds of thousands of our nation's seniors have been informed that their managed care company will be withdrawing from the Membership program. We need to adequately reimburse doctors, to provide the incentive to continue to participate in the Medicare+Choice program. Just as we don't want Medicare beneficiaries to be told their HMO is unavailable, we don't want them to be told their doctor is unavailable, unless they pay a fee. These are among these reasons that Congress needs to complete and pass a Patient's Bill of Rights and send it to the President. But in the meantime, we must protect our seniors and ensure that their access to Medicare is not subject to hurdles and conditions.

I look forward to working with my colleagues to pass the Medicare Equal Access to Care Act.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Access to Care Act".

SEC. 2. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128F the following new section:

"SEC. 1128G. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

"(a) IN GENERAL.—No Federal funds shall be used to provide payments under a Federal health care program to any physician (as defined in section 1861(r)), practitioner (as described in section 1842(b)(18)(C)), or other individual who charges a membership fee or any other extraneous or incidental fee to a patient, or requires a patient to purchase an item or service, as a prerequisite for the provision of an item or service to the patient.

"(b) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this section, the term 'Federal health care program' has the meaning given that term under section 1128B(f) except that, for purposes of this section, such term includes the health insurance program under chapter 89 of title 5, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to payments made on or after the date of enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1593. A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, Members of the Senate, I rise before you today to introduce the Water Infrastructure Security and Research Development Act. This legislation authorizes the U.S. Environmental Protection Agency to provide funding to support research projects on critical infrastructure protection for water supply systems.

Our Nation's water supply system is truly unique. It uses a decentralized, community-based approach to provide superior water services to all citizens of the United States. Here, we turn on the tap in our homes and receive clean, fresh water without giving it much thought. This not the way water systems operate throughout the world.

A 1997 United Nations report on the state of water resources worldwide states that at least one-fifth of all people do not have access to safe drinking water, and more than one-half lack adequate sanitation. Quoting from the report:

> The World Health Organization estimates that a total of more than five million people die each year just from diseases caused by unsafe drinking water, and a lack of sanitation and water for hygiene. Provision of safe drinking water and sanitation could reduce the amount of illness and death by as much as three-quarters, depending on the disease.

In this country, we often take our water system for granted. When considered in the international context, the true value of our water system becomes more apparent. We truly have something to protect.

During my tenure as Chairman of the Environment and Public Works Committee, we have been evaluating the state of our Nation's water infrastructure, both drinking water and wastewater. It is clear that we have work to do to modernize our existing systems and ensure that we continue to provide clean, safe water to our citizens into the future. Our discussions in the Committee tend to focus on infrastructure replacement needs, the funds that will be required, and the extent of the federal role. I am committed to this process, and I look forward to continuing to work with my colleagues on legislation that we plan to introduce early next year.

However, today, I rise to speak to you about another aspect of our Nation's water infrastructure—security. Since the events of September 11, I have worked with the members of the Environment and Public Works Committee and the Environmental Protection Agency to ensure that we are taking the steps necessary to protect our nation's water infrastructure system during these times. There are many short term actions that have already been taken.

Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, have established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the nation.

Through this partnership, the Environmental Protection Agency and the Association of Metropolitan Water Agencies are working to develop generic assessment tools that individual water utilities can use to assess their facilities for potential physical and cyber threats. I believe that the rapid completion of both these tools and the individual assessments is imperative. In early October, I sent a letter to the President with Senators SMITH, GRAHAM, and CRAPO and Representatives TAUZIN, DINGELL, GILLMOR, and PALLONE requesting that he use a portion of the $20 billion of discretionary funds provided to the Administration by Congress this year to provide assistance for these assessments to water utilities.

The legislation I am introducing today with Senator SMITH will take us one step further by authorizing support of both ongoing efforts under Presidential Decision Directive 63 and new research to assess potential threats to our water supply system and develop solutions.

This legislation authorizes twelve million dollars per year from 2002 to 2007 for the Environmental Protection Agency to use for grants to or cooperative agreements with research institutions. Projects conducted under these agreements will be used to conduct research addressing physical and cyber threats at water supply systems, improvements in information sharing and analysis efforts, and technical assistance and training. These projects will address both drinking water and wastewater systems that make up our nation's water supply infrastructure.

Eligible research institutions will include public and private entities, including national laboratories that perform research that will improve the security of water supply systems. Our legislation includes a provision to ensure that those entities conducting this research have the ability to effectively safeguard sensitive information.

Individual projects will fall into a series of categories designed to develop the information we need to protect our water supply system nationwide.

First, projects will assess the security issues for water supply systems by conducting assessments and developing and refining vulnerability assessment tools.

Second, projects will protect water supply systems from potential threats by developing technologies, processes, guidelines, standards, and procedures for the purpose of protecting water supply systems. Projects will also develop real-time monitoring systems to protect against chemical, biological, or radiological attack.

Third, projects will develop technologies and processes for addressing the mitigation, response and recovery of biological, chemical and radiological contamination of water supply systems.

Fourth, projects will implement requirements of Presidential Decision Directive 63 by refining and operating the Information Sharing and Analysis Center to capture and share threats, events and best practices.

Finally, projects will test and evaluate new technologies and processes by developing regional "pilot facilities" to demonstrate upgraded security systems, assess new technologies, and to determine operational and cost impacts due to enhanced security.

Individual awards may not exceed one million dollars. Test and evaluation projects will be cost-shared on a 50-50 basis.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect; clean, safe, fresh water is worth our investment.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce today the Nurse Retention and Quality Care Act of 2001 and to speak about the importance of nurses and the work they do. On September 11, nurses were among those who were on the front lines of the battle against terrorism. With courage, skill and determination, they were on the job, treating the injured, helping to save lives.

To this day, nurses are defending America. In clinics, hospitals and offices around the country, they are working to detect and treat actual or suspected cases of anthrax. Should our Nation face other biological threats or terrorist attacks, nurses will be there for us.

Today's news that a woman who works in the Manhattan Eye, Ear and Throat Hospital is in critical condition with possible inhalation anthrax is a reminder of the hazards faced by health care workers. And it is a reminder of how important it is that our public health system be fully staffed with trained health care professionals.

Sadly, America is facing a nursing shortage at a time when the need for more nurses is so clear. Our nurses are facing an emergency of their own and they need our help. The nursing shortage imposes increasing hardship on hospitals and nurses alike, and threatens the ability of our health care system to provide basic patient care, much less respond to health crises and terrorism.

Not only is the number of individuals entering the nursing profession falling, but hospitals are also facing difficulty retaining the nurses already on staff. Fifty percent of nurses say they have recently considered leaving their jobs for reasons other than retirement, and approximately half a million licensed nurses are not currently practicing nursing. Many of the nurses who have considered leaving the profession cite their low level of overall job satisfaction.

While we must do more to improve the number of nurses in training, we must also take steps to enhance the workplace to retain current nurses, and that is what the bill that Senator GORDON SMITH and I will be introducing today would address.

One way to retain nurses is to follow the example of those hospitals that have become nursing "magnets." They are successful because they involve nurses in decision-making, encourage collaboration among health professionals, give nurses the opportunity to pursue continuing education and advancement, and they organize care to improve patient outcome.

Our bill is designed to encourage more hospitals to follow these leads. And I am pleased that hospitals and nurses support this bill. It has been endorsed by the American Nurses Association and the American Hospitals Association.

It is also a good bill for patients and their quality of care as well. Research has shown that magnet hospitals have lower mortality rates, shorter lengths of stay, higher patient satisfaction and cost-efficiency.

As our Nation faces increasing threats of terrorist and biological attack, our health system must be stronger than ever before. One of the best ways we can do this is by taking steps to reverse the nursing shortage, and ensure that nurses on the front lines are well-prepared to respond to emergencies.

Our bill does both. First, it creates demonstration programs to encourage states to adopt magnet hospital practices, which will help attract and retain the nursing staff our hospitals need so they can cope with surges in patient volume.

And, second, our bill encourages nurses to pursue continued education. That is so important today, when we need more health care professionals who can detect the early signs of a bioterrorist attack. This legislation will promote the kind of training that the New York State Nurses Association, Bellevue Hospital and New York College provide for nurses in my state.

Mr. SMITH of Oregon. Mr. President, I rise today to join my colleague from New York, Senator CLINTON, in introducing the Nurse Retention and Quality of Care Act of 2001. As most of my colleagues already know, our Nation is facing an unprecedented nursing shortage. A Northwest Health Foundation study released this year found that Oregon alone will have 3,200 nursing vacancies in 2010. It is critical that we act immediately to address this shortage, and we must start by retaining the highly skilled nurses that already constitute the foundation of our health care system.

Our Nation's nursing shortage is not merely the result of poor nurse recruitment, this shortage exists in large part because nurses are leaving the profession altogether. Half a million licensed nurses are not currently practicing.

These nurses represent some of our Nation's most compassionate and experienced health care professionals, but they feel compelled to look elsewhere for work, and we must do something to change this disturbing trend.

The Nurse Retention and Quality of Care Act will give hospitals incentives to develop and implement model practices for retaining nurses, such as the methods used by "magnet hospitals". Magnet hospitals have been in existence for a number of years, and share certain characteristics designed to make these hospitals attractive workplaces for nurses. These hospitals promote nurse participation in decision-making, collaboration and communication among health care professionals, opportunities for nurses to pursue education and career advancement, and a balanced and accommodating work environment for nurses.

Nurses in magnet hospitals stay twice as long on average as those in non-magnet hospitals, and consistently report greater job satisfaction. Patients also express higher satisfaction in magnet hospitals. There is one such hospital in my home state of Oregon, Providence St. Vincent Medical Center in Portland, OR, and I am not alone in hoping this legislation will lead to additional magnet facilities. Our legislation will authorize $40 million in demonstration grants for health care facilities to implement the model practices utilized by magnet hospitals, and I believe that this will be an important step toward fixing our Nation's impending nursing shortage.

Nurses are the human face of medicine, but the demands on them are increasingly difficult to bear. The Nurse Retention and Quality of Care Act paves the way for hospitals to implement practices that will improve the morale of nurses and encourage them to stay in the nursing profession. Now, more than ever, with the current health and safety concerns facing our Nation, we must let nurses know that they are important to us and that we value their expertise and compassion. By passing this bill, we can do just that, and take important steps to ensure an adequate supply of highly qualified nurses for years to come.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 80—EXPRESSING THE SENSE OF CONGRESS REGARDING THE 30TH ANNIVERSARY OF THE ENACTMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 80

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for protecting and enhancing the quality of the rivers, streams, lakes, wetland, and marine water of the United States;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and to ensuring abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas substantial progress has been made in protecting and enhancing water quality since the date of enactment, in 1972, of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) due to concerted efforts by Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the United States and significant challenges lie ahead in the effort to protect water resources from point sources and nonpoint sources of pollution;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 2002 is the 30th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That, as the United States marks the 30th anniversary, in October 2002, of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), Congress encourages the people of the United States and all levels of government to recognize and celebrate the accomplishments of the United States under, and to recommit to achieving the goals of, that Act.

Mr. BOND. Mr. President, it is a pleasure for me to submit a concurrent resolution with the House of Representatives to commemorate the 30th anniversary of the Clean Water Act next October 2002. Representative SHERRY BOEHLERT is introducing the House version and joining me in the Senate are Senators CRAPO, GRAHAM, and VOINOVICH.

Every time we look out onto a river, swim in a lake, or cast a line in search of a fish, we have the Clean Water Act to thank. Streams that were once devoid of fish and other aquatic life now support numerous and varied aquatic populations. Lakes that were once choked by pollution are now vastly improved. Wastewater discharges from municipal and industrial sources are being controlled.

One of the first and most successful national environmental laws to be passed by the Federal Government, the Federal Water Pollution Control Act, commonly known as the Clean Water Act, was enacted in 1972 and set the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. In the nearly three decades since its enactment, Clean Water Act programs have yielded measurable improvements in water quality.

We have come a long way, yet much remains to be done to achieve the Acts' goals of "fishable" and "swimmable" waters. Nonpoint sources of pollution from urban, suburban and rural areas are remain a significant threat to the nation's water resources. Science has given us the ability to detect pollutants in ever decreasing amounts. Technological advances, while providing solutions to pollution problems, also pose new pollution concerns.

Therefore, while commemorating a successful 30 years in clean water, we must also recommit ourselves to solving remaining clean water problems. The time until the 30th anniversary on October 18, 2002, will provide us a year to renew our commitment to clean our waters. As it did in 1992, America's Clean Water Foundation, ACWF, will coordinate the Year of Clean Water with activities: 1. highlighting the need to enhance collective appreciation for the importance of our water resources, 2. educating our nation's youth 3. building a better understanding of remaining challenges and solutions, and 4. rekindling the stewardship ethic begun in the 1970's.

The Year of Clean Water activities, scheduled throughout 2002, will provide the opportunity for citizens and governments to come together in support of clean water and water resource protection programs. For example, program planning is under way for a World Watershed Summit, a Youth Watershed Summit, a National Stormwater Conference, a Legal and Economic Issues Forum, and a national water quality monitoring effort to gather water quality data from around the country. Please join me in support this legislation.

SENATE RESOLUTION 174—EXPRESSING APPRECIATION TO THE UNITED KINGDOM FOR ITS SOLIDARITY AND LEADERSHIP AS AN ALLY OF THE UNITED STATES AND REAFFIRMING THE SPECIAL RELATIONSHIP BETWEEN THE TWO COUNTRIES

Mr. MILLER (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 174

Whereas the United Kingdom has been a stalwart and loyal ally to the United States;

Whereas in response to the September 11, 2001 terrorist attacks on the United States the Prime Minister of the United Kingdom, Tony Blair, declared that "America is our closest ally and friend. The links between our two peoples are many and close and have been further strengthened over the last few days. We believe in Britain that you stand by your friends in times of trial just as America stood by us";

Whereas the United Kingdom has worked with the United States to build and consolidate an international coalition of countries determined to defeat the scourge of terrorism;

Whereas Prime Minister Tony Blair and other senior officials of the Government of the United Kingdom have personally traveled to foreign capitals, including Moscow, Islamabad, and New Delhi, as part of the effort to build this international coalition; and

Whereas British military forces participated in the initial strikes against the Taliban and the Al Qaeda terrorist network and continue to fight side by side with United States forces in this war against terrorism: Now, therefore, be it

Resolved, That the Senate—

(1) extends its most heartfelt appreciation to the United Kingdom for its unwavering solidarity and leadership as an ally of the United States; and

(2) reaffirms the special relationship of history, shared values, and common strategic interests that the United States enjoys with the United Kingdom.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2017. Mr. HARKIN (for himself and Mr. Specter) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 2018. Mr. INOFE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2019. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2020. Mr. DOMENICI (for himself, Mr. Wellstone, Mr. Kennedy, Mr. Reid, Ms. Stabenow, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Byrd, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Frist, Mr. Graham, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Ms. Mikulski, Mr. Miller, Mrs. Murray, Mr. Nelson, of Florida, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Shelby, Ms. Snowe, Mr. Specter, Mr. Thomas, Mr. Torricelli, Mr. Warner, Mr. Wyden, and Mr. Stevens) proposed an amendment to the bill H.R. 3061, supra.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2022. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2023. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2024. Mr. DORGAN (for himself, Mr. Harkin, and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra.

SA 2025. Mr. BINGAMAN (for himself and Mr. Domenici) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2026. Ms. COLLINS (for herself, Mr. Chafee, Mr. Kerry, and Mr. Wellstone) submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2027. Mr. GRAHAM (for himself, Mr. Biden, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2035. Mr. BYRD (for himself and Mr. Stevens) proposed an amendment to amendment SA 2020 submitted by Mr. Domenici and intended to be proposed to the bill (H.R. 3061) supra.

SA 2036. Mr. SMITH, of New Hampshire (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table.

SA 2037. Mr. REID (for Mr. Kohl (for himself and Mr. Cochran)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2017. Mr. HARKIN (for himself and Mr. Specter) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $3,070,281,000 plus reimbursements, of which $1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which $1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including $1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $402,000,000 under section 132(a)(2)(B) of the Act, and $87,000,000 under section 132(a)(2)(A) of the Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,751,000 for formula grants, $5,000,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: *Provided further*, That funding provided herein under section 166 of the Workforce Investment Act shall include $1,711,000 for use under section 166(j)(1) of the Act: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which $100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $880,800,000 under section 132(a)(2)(B) of the Act, and $179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $191,452,000, together with not to exceed $3,238,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $191,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87: *Provided further*, That notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,571,000, including $5,903,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $112,418,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: *Provided*, That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $375,164,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $31,558,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $22,590,000 for transfer to Departmental Management, "Salaries and Expenses"; $328,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $450,262,000, including not to exceed $92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $256,093,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $396,588,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $361,524,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits

Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $43,263,000, of which not to exceed $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,800,000, of which $7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Labor Appropriations Act, 2002".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,488,843,000, of which $10,000,000 shall be available for construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,418,910,000, of which $250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which $154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: *Provided*, That $126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $348,767,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,014,044,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $281,584,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $236,408,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $306,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center and of which $53,000,000 shall be for the animal vivarium: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,073,456,000.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, $291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

Center for Medicare and Medicaid Services

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of

Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.'

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of an official budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $435,224,000 to remain available through September 30, 2004: *Provided*, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care: *Provided further*, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.9 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 100–485, $8,592,496,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,600,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: *Provided further*, That $105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $33,000,000 is for Maternity Group Homes: *Provided further*, That $89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,200,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,209,756,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $416,361,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; $50,000,000 is for minority AIDS prevention and treatment activities; and $15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, and 2002"; and

(B) in subsection (e), by striking "October 1, 2001" each place it appears and inserting "October 1, 2002"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: from National Institutes of Health, "National Institute of Allergy and Infectious Diseases", $25,000,000; from National Institutes of Health, "Buildings and Facilities", $70,000,000; and from Departmental Management, "General Departmental Management", $5,000,000.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2002".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $11,879,900,000, of which $4,104,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $8,568,000,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,632,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority for fiscal year 2001 or the amount each State and local educational agency would receive if $8,568,000,000 for basic grants and $1,632,000,000 for concentration grants were allocated in accordance with section 1122(c)(3) of title I of the Elementary and Secondary Education Act of 1965 as in effect prior to the Senate passage of H.R. 1: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964; $8,717,014,000, of which $1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers: *Provided further*, That of the amount made available for subpart 4 of part B of title V of the ESEA, $925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: *Provided further*, That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: *Provided further*, That of the funds appropriated for part F of title XI, $10,000,000 shall be available for dropout prevention programs under part H of title I and $100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $516,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,439,643,000, of which $3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,932,617,000, of which $60,000,000 shall remain available through September 30, 2003: *Provided*, That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: *Provided further*, That each State shall be provided a minimum of $500,000 and each outlying area $150,000 for activities under section 101 of the AT Act and each State shall be provided a minimum of $100,000 and each outlying area $50,000 for activities under section 102 of the Act: *Provided further*, That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: *Provided further*, That

$26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,976,000, of which $5,376,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $97,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,818,060,000, of which $1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That $10,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: *Provided further*, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,764,223,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That $18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which $6,000,000 shall be used for construction and renovation: *Provided further*, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: *Provided further*, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $232,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), $431,567,000: *Provided*, That $53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: *Provided further*, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, $1,500,000 shall be used to conduct a violence prevention demonstration program and $500,000 to conduct a native American civic education initiative: *Provided further*, That $12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants under the heading "School Improvement Programs" in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities (hereinafter in this section referred to as the "State entity"), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

(A) relative percentage of children from low-income families;

(B) need for school repairs and renovations;

(C) fiscal capacity; and

(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available:

If the percentage is:	**Then the Federal share shall be:**
40 percent or greater	100 percent
30–39.99 percent	90 percent
20–29.99 percent	80 percent
10–19.99 percent	70 percent
less than 10 percent	60 percent.

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

This title may be cited as the "Department of Education Appropriations Act, 2002".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $321,276,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $395,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, $25,000,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71),

$40,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $226,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,277,412,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(c) Subject to the provisions in section 510 (a) and (b), Federal dollars are permitted, at the discretion of the President, solely for the purpose of stem cell research, on embryos that have been created in excess of clinical need and will be discarded, and donated with the written consent of the progenitors.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling $500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: *Provided*, That no notification shall involve funds that are not available for obligation.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Mark-to-Market Extension Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.
Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as "that Act");

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

"(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.".

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking "Secretary may provide not more than $10,000,000 annually in funding" and inserting "Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,"; and

(2) by striking "entities), and for tenant services," and inserting "entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),".

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "restructured mortgages in any fiscal year" and inserting "portfolio restructuring agreements".

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Subject to" and inserting the following:

"(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

"(2) ASSISTANCE AND MOVING EXPENSES.—Subject to".

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

"(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties."; and

(2) in the last sentence of section 512(2), by inserting ", but does include a project described in section 524(e)(3)" after "section 524(e)".

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking "(7)" and inserting "(1)"; and

(B) by adding at the end the following new paragraph:

"(2) Addition of significant features.—

"(A) Authority.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

"(B) Funding.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

"(C) Limitation on owner contribution.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

"(D) Applicability.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001."; and

(3) by inserting after paragraph (6) of subsection (b) the following:

"(c) Rehabilitation Needs and Addition of Significant Features.—".

(f) Look-Back Projects.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: "Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.".

(g) Second Mortgages.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking "no more than the" and inserting the following: "not more than the greater of—

"(i) the full or partial payment of claim made under this subtitle; or

"(ii) the"; and

(2) in paragraph (5), by inserting "of the second mortgage, assign the second mortgage to the acquiring organization or agency," after "terms".

(h) Exemptions From Restructuring.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: ", or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)".

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

"SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

"(a) In General.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

"(b) Rent Standards.—The rent standards described in this subsection are as follows:

"(1) Enhanced vouchers.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) Mark-to-market.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

"(3) Contract renewal.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.".

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: "Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).".

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking "under this Act: *Provided*, That the principal" and inserting the following: "under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

"(A) the principal";

(2) by striking "except that (A)" and inserting "except that (i)";

(3) by striking "(B)" and inserting "(ii)";

(4) by striking "(C)" and inserting "(iii)";

(5) by striking "(D)" and inserting "(iv)";

(6) by striking ": *Provided further*, That a mortgage" and inserting the following "; and

"(B) a mortgage";

(7) by striking "or" at the end; and

(8) by adding at the end the following new subparagraph:

"(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or".

SEC. 616. TECHNICAL CORRECTIONS.

(a) Exemptions From Restructuring.—

(1) In general.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to "Section 514(h)(1)" instead of "Section 514(h)".

(2) Retroactive effect.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) Other.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking "this Act" and inserting "this title";

(2) in section 513, by striking "this Act" each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting "this title";

(3) in section 514(f)(3)(B), by inserting "Housing" after "Multifamily";

(4) in section 515(c)(1)(B), by inserting "or" after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking "; and" at the end and inserting a period;

(6) in section 520(b), by striking "Banking and"; and

(7) in section 573(d)(2), by striking "Banking and".

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Repeals.—

"(1) Mark-to-market program.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

"(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.";

(2) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2006";

(3) in subsection (c), by striking "upon September 30, 2001" and inserting "at the end of September 30, 2004"; and

(4) by striking subsection (d) and inserting the following new subsection:

"(d) Transfer of Authority.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.".

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) In General.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

"(a) Appointment.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the

United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.''.

(b) Applicability.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) In General.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

''(b) Vacancy.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.''.

(b) Applicability.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) In General.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

''All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.''.

(b) Report.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Secretary'' and inserting ''Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner''.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''2-year period'' and inserting ''1-year period''.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 2001'' and inserting ''through 2003''.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after ''insurance contract for the mortgage for such housing project'' the following: ''(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)''.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) In General.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) Effectiveness Upon Date of Enactment.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) In General.—Section 101(a) of Public Law 100-77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106-400 (114 Stat. 1675) were made to ''Section 101'' instead of ''Section 1''.

(b) Retroactive Effect.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106-400 (114 Stat. 1675).

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002''.

SA 2018. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike lines 5 through 17, and insert the following:

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SA 2019. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 19, insert before the period the following: '': *Provided further*, That of this amount, $7,500,000 shall be transferred to the Rural Health Outreach Office of the Health Resources and Services Administration so that a total of $12,500,000 will be available to such Office to improve access to automated external defibrillators in rural communities.''.

SA 2020. Mr. DOMENICI (for himself, Mr. Wellstone, Mr. Kennedy, Mr. Reid, Ms. Stabenow, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Byrd, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Frist, Mr. Graham, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Ms. Mikulski, Mr. Miller, Mrs. Murray, Mr. Nelson of Florida, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Shelby, Ms. Snowe, Mr. Specter, Mr. Thomas, Mr. Torricelli, Mr. Warner, Mr. Wyden, and Mr. Stevens) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MENTAL HEALTH EQUITY

SEC. 01. SHORT TITLE.

This title may be cited as the ''Mental Health Equitable Treatment Act of 2001''.

SEC. 02. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

"SEC. 712. MENTAL HEALTH PARITY.

''(a) In General.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) Construction.—

''(1) In general.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) Medical management of mental health benefits.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

"(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

"(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

"(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 03. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended to read as follows:

"SEC. 2705. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant, beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

"(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

"(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

"(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.";

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 04. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 05. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. 06. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, insert before the period the following: ": *Provided*, That from amounts made available under this title for the Center for Substance Abuse Treatment (discretionary account), $16,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals".

SA 2022. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BAN ON HUMAN CLONING

SEC. 01. SHORT TITLE.

This title may be cited as the "Human Cloning Prohibition Act of 2001".

SEC. 02. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

"Sec.
"301. Definitions.
"302. Prohibition on human cloning.

"§ 301. Definitions

"In this chapter:

"(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

"(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

"(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

"(1) to perform or attempt to perform human cloning;

"(2) to participate in an attempt to perform human cloning; or

"(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

"(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

"(c) PENALTIES.—

"(1) CRIMINAL PENALTY.—Any person or entity that violates this section shall be fined under this title or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

"(d) SCIENTIFIC RESEARCH.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning .... 301".

SEC. 03. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this title, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section 02 of this title.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate.

SA 2023. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15 the following:

"CHAPTER 16—HUMAN EMBRYO CREATION

"Sec.
"301. Definition.
"302. Prohibition on the creation of human embryos for research purposes.

"§ 301. Definition

"In this chapter the term 'human embryo' includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gamates or human diploid cells.

"§ 302. Prohibition on the creation of human embryos for research purposes

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

"(b) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

"(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Embryo Creation .... 311".

SA 2024. Mr. DORGAN (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE —INFORMATION ON PASSENGERS AND CARGO

SEC. 01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) PRODUCTION OF MANIFEST.—Any manifest" and inserting the following:

"(b) PRODUCTION OF MANIFEST.—

"(1) IN GENERAL.—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) ADDITIONAL INFORMATION.—

"(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2025. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . ELECTION OF ANNUITY FOR A QUALIFIED MAGISTRATE JUDGE.

(a) DEFINITION.—In this section the term "qualified magistrate judge" means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SA 2026. Ms. COLLINS (for herself, Mr. CHAFEE, Mr. KERRY, and Mr. WELLSTONE) submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills from November 2000 through February 2001 (referred to in this section as the "winter of 2000").

(3) Congress directed that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000.

(4) In the winter of 2000 there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000, heating oil prices were 36 percent higher than from November 1999 through February 2000 (referred to in this section as the "winter of 1999"), and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999 even though the weather was 10 percent colder than the winter of 1999.

(7) In the winter of 2000, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2001 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SA 2027. Mr. GRAHAM (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, strike "$3,073,456,000" and insert "$3,083,456,000: *Provided*, That 10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)".

On page 54, between lines 15 and 16, insert the following:

SEC. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on pro rata basis by $10,000,000, except that nothing in this section shall be construed to apply to amounts made available for the Food and Drug Administration or the Indian Health Service.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike "$305,000,000" and insert "$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by $70,000,000".

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in New Jersey that have tested and treated, and continue to test and treat, New Jersey residents that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . (a) Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the semicolon and inserting ", and"; and

(3) by adding at the end the following new clause:

"(v) the number of children who are under the age of 3 and enrolled in the State plan under this title and the number of those children who have received a blood lead screening test;".

(b) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking "and" at the end;

(2) in paragraph (65), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (65) the following new paragraph:

"(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

"(A) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

"(B) coverage of qualified lead treatment services described in section 1905(x) including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.".

(c) Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking "and" at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following new paragraph:

"(27) qualified lead treatment services (as defined in subsection (x)); and"; and

(2) by adding at the end the following new subsection:

"(x)(1) In this subsection:

"(A) The term 'qualified lead treatment services' means the following:

"(i) Lead-related medical management, as defined in subparagraph (B).

"(ii) Lead-related case management, as defined in subparagraph (C), for a child described in paragraph (2).

"(iii) Lead-related anticipatory guidance, as defined in subparagraph (D), provided as part of—

"(I) prenatal services;

"(II) early and periodic screening, diagnostic, and treatment services (EPSDT) described in subsection (r) and available under subsection (a)(4)(B) (including as described and available under implementing regulations and guidelines) to individuals enrolled in the State plan under this title who have not attained age 21; and

"(III) routine pediatric preventive services.

"(B) The term 'lead-related medical management' means the provision and coordination of the diagnostic, treatment, and follow-up services provided for a child diagnosed with an elevated blood lead level (EBLL) that includes—

"(i) a clinical assessment, including a physical examination and medically indicated tests (in addition to diagnostic blood lead level tests) and other diagnostic procedures to determine the child's developmental, neurological, nutritional, and hearing status, and the extent, duration, and possible source of the child's exposure to lead;

"(ii) repeat blood lead level tests furnished when medically indicated for purposes of monitoring the blood lead concentrations in the child;

"(iii) pharmaceutical services, including chelation agents and other drugs, vitamins, and minerals prescribed for treatment of an EBLL;

"(iv) medically indicated inpatient services including pediatric intensive care and emergency services;

"(v) medical nutrition therapy when medically indicated by a nutritional assessment, that shall be furnished by a dietitian or other nutrition specialist who is authorized to provide such services under State law;

"(vi) referral—

"(I) when indicated by a nutritional assessment, to the State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and coordination of clinical management with that program; and

"(II) when indicated by a clinical or developmental assessment, to the State agency responsible for early intervention and special education programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(vii) environmental investigation, as defined in subparagraph (E).

"(C) The term 'lead-related case management' means the coordination, provision, and oversight of the nonmedical services for a child with an EBLL necessary to achieve reductions in the child's blood lead levels, improve the child's nutrition, and secure needed resources and services to protect the child by a case manager trained to develop and oversee a multi-disciplinary plan for a child with an EBLL or by a childhood lead poisoning prevention program, as defined by the Secretary. Such services include—

"(i) assessing the child's environmental, nutritional, housing, family, and insurance status and identifying the family's immediate needs to reduce lead exposure through an initial home visit;

"(ii) developing a multidisciplinary case management plan of action that addresses the provision and coordination of each of the following items as appropriate—

"(I) determination of whether or not such services are covered under the State plan under this title;

"(II) lead-related medical management of an EBLL (including environmental investigation);

"(III) nutrition services;

"(IV) family lead education;

"(V) housing;

"(VI) early intervention services;

"(VII) social services; and

"(VIII) other services or programs that are indicated by the child's clinical status and environmental, social, educational, housing, and other needs;

"(iii) assisting the child (and the child's family) in gaining access to covered and non-covered services in the case management plan developed under clause (ii);

"(iv) providing technical assistance to the provider that is furnishing lead-related medical management for the child; and

"(v) implementation and coordination of the case management plan developed under clause (ii) through home visits, family lead education, and referrals.

"(D) The term 'lead-related anticipatory guidance' means education and information for families of children and pregnant women enrolled in the State plan under this title about prevention of childhood lead poisoning that addresses the following topics:

"(i) The importance of lead screening tests and where and how to obtain such tests.

"(ii) Identifying lead hazards in the home.

"(iii) Specialized cleaning, home maintenance, nutritional, and other measures to minimize the risk of childhood lead poisoning.

"(iv) The rights of families under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

"(E) The term 'environmental investigation' means the process of determining the source of a child's exposure to lead by an individual that is certified or registered to perform such investigations under State or local law, including the collection and analysis of information and environmental samples from a child's living environment. For purposes of this subparagraph, a child's living environment includes the child's residence or residences, residences of frequently visited caretakers, relatives, and playmates, and the child's day care site. Such investigations shall be conducted in accordance with the standards of the Department of Housing and Urban Development for the evaluation and control of lead-based paint hazards in housing and in compliance with State and local health agency standards for environmental investigation and reporting.

"(2) For purposes of paragraph (1)(A)(ii), a child described in this paragraph is a child who—

"(A) has attained 6 months but has not attained 6 years of age; and

"(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or after 2 consecutive tests, equals or exceeds 15 micrograms per deciliter, or the applicable number of micrograms designated for such tests under prevailing guidelines of the Centers for Disease Control and Prevention).".

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount determined as follows:

(1) $25 per each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention, if the State rate for such screenings exceeds 65 but does not exceed 75 percent of all 2 year-old children in the State.

(2) $50 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 75 but does not exceed 85 percent of all 2 year-old children in the State.

(3) $75 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 85 percent of all 2 year-old children in the State.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: ":*Provided further*, That $10,000,000 shall be used to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment".

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: ": *Provided further*, That $6,400,000 shall be used to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center".

SA 2035. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2020 submitted by Mr. DOMENICI and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

SA 2036. Mr. SMITH of New Hampshire (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . PAYMENT OF ANTI-TERRORISM JUDGMENTS.

Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1542)), is amended by inserting "June 6, 2000," after "March 15, 2000,".

SA 2037. Mr. REID (for Mr. KOHL (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike "$542,580,000" and insert "$542,842,000".

On page 13, line 15, strike "$85,040,000" and insert "$84,850,000".

On page 13, line 25, strike "$134,262,000" and insert "$134,452,000".

On page 15, line 24, strike "$434,038,000" and insert "$433,546,000".

On page 39, line 23, after "depression" insert the following: "(P.L. 106–387), with five percent for administration and capacity building in the state rural development offices".

On page 81, line 1, after "sistance" insert "relating".

On page 88, line 3, strike "(e)" and insert "(c)".

On page 89, strike Section 757 on lines 1 through 8 and insert:

"SEC. . In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: Provided, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.".

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.".

On page 89, after line 8, insert the following:

"SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

'The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.' ".

On page 89, after line 8, insert the following:

"SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

'(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

'(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

'(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.'; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'.".

On page 89, after line 8, insert the following:

"SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.".

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.".

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 24, insert before the period the following: ":*Provided further*, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather".

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 13, before the period insert: ":*Provided*, That of the funds made available to carry out programs of regional and national significance in the Center for Mental Health Services under title V of the Public Health Service Act, $5,000,000 shall be made available for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, October 30, 2002, at 2:30 p.m., on the future of insuring terrorism risks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS, AND THE SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, October 30, 2001, at 9:30 a.m., to hold a joint hearing entitled "Terrorism Through the Mail: Protecting Postal Workers and the Public."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Low Income Home Energy Assistance Program during the session of the Senate on Tuesday, October 30, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Lisa Bernhardt of my staff, Sudip Parikh and Emma Ashburn of Senator SPECTER's staff be granted the privilege of the floor for the duration of the consideration of H.R. 3061.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that privileges of the floor be granted to Kelly O'Brien, a detailee on my staff, during the pendency of H.R. 3061, the Fiscal Year 2002 Departments of Health and Human Services, and Education and Related Agencies Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask unanimous consent that Debra Whitman and Mahdu Chagra, two fellows in my office, be given privileges of the floor during the debate of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Ellen Gerrity and Cindy Conolly of my staff be allowed floor privileges for the duration of H.R. 3061.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On October 25, 2001, the Senate amended and passed H.R. 2330, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2330) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,992,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,648,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,766,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,978,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,261,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,335,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $647,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $187,581,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., $15,665,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,684,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $32,627,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $573,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $67,200,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C.

1621–1627, Public Law 105–113, and other laws, $113,786,000, of which up to $25,350,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $999,438,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $99,625,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $542,842,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $34,604,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $84,850,000, of which $500,000 shall be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on micro-optoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination), and of which $500,000 is for the Environmental Biotechnology Initiative at the University of Rhode Island; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,691,000; for competitive research grants (7 U.S.C. 450i(b)), $134,452,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $898,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), $800,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), $998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,492,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $20,568,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $433,546,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $275,940,000, of which $3,600,000 may be used to carry out Public Law 107–19; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $4,700,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $1,000,000; payments for youth-at-risk programs under section 3(d) of the Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $5,000,000; payments for Indian reservation agents under section 3(d) of the Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,500,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $31,181,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,529,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,350,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the national agriculture pesticide impact assessment program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $2,495,000; and payments for the organic transition program, $1,000,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $654,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329–1331) (7 U.S.C. 426–426c); and to protect the environment, as authorized by law, $602,754,000, of which $4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $79,157,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, $84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,874,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $34,000,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $715,747,000, of which no less than $608,730,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $606,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $939,030,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity

Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,993,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans; operating loans, $2,616,729,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $505,531,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $8,366,000, of which $4,500,000 shall be for guaranteed loans; operating loans, $175,780,000, of which $52,650,000 shall be for unsubsidized guaranteed loans and $68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $118,400; and for emergency insured loans, $3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $280,595,000, of which $272,595,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $73,752,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $730,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $807,454,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $8,515,000 is for snow survey and water forecasting, and not less than $9,849,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): Provided further, That $5,000,000 shall be available to carry out a pilot program in cooperation with the Fish and Wildlife Service of the Department of the Interior to determine migratory bird harvest, including population monitoring, harvest information, and field operations.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,413,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, *That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.*

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $48,048,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $7,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act, $1,004,125,000, to remain available until expended, of which $83,903,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $842,254,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $77,968,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)); $4,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)); $16,000,000 shall be available for grants for drinking water and waste disposal systems pursuant to section 306C of such Act (7 U.S.C. 1926(c)) to benefit Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program; and $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)), of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed $17,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones, of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (P.L. 106–387), with five percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated $30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $133,722,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,233,014,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,137,968,000 shall be for unsubsidized guaranteed loans; $32,324,000 for section 504 housing repair loans; $99,770,000 for section 538 guaranteed multi-family housing loans; $114,068,000 for section 515 rental housing; $5,090,000 for section 524 site loans; $11,778,000 for credit sales of acquired property, of which up to $1,778,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,274,000 of which $40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,386,000; section 538 multi-family housing guaranteed loans, $3,921,000; section 515 rental housing, $48,274,000; section 524 site loans, $28,000; multi-family credit sales of acquired property, $750,000; and section 523 self-help housing land development loans, $254,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $422,241,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $708,504,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $38,914,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $28,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be for Federally Recognized Native American Tribes and of which $3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,171,000: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Ared Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,733,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, $3,616,000 shall not be obligated and $3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $8,000,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,107,000; 5 percent rural telecommunications loans, $74,827,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000 and rural telecommunications, $120,000,000; and $750,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $3,689,000, and the cost of telecommunication loans, $2,036,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $36,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That, $25,000,000 may be available for the continuation of a pilot project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106–553 for the purpose of facilitating access to signals of local television stations for households located in nonserved areas and underserved areas, $322,580,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $25,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $2,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,087,246,000, to remain available through September 30, 2003, of which $4,746,538,000 is hereby appropriated and $5,340,708,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to $4,507,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,247,086,000, to remain available through September 30, 2003: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $20,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That once the amount for fiscal year 2001 carryover funds has been determined by the Secretary, any funds in excess of $110,000,000 may be transferred by the Secretary of Agriculture to the Rural Community Advancement Program and shall remain available until expended.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $22,991,986,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from producer-owned cooperative organizations: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than $145,000,000 made available in previous years may be obligated in fiscal year 2002: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $139,991,000, to remain available through September 30, 2003: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That $5,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $127,546,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $121,563,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $130,218,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,005,000, of which $1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $972,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,277,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $790,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,345,386,000, of which not to exceed $161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total *amount appropriated: (1) $311,926,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $350,578,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $14,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee), and of which not less than $500,000 shall be available for a generic drug public education campaign; (3) $155,431,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $81,182,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $178,761,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $36,984,000 shall be for the National Center for Toxicological Research; (7) $31,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which $6,000,000 for costs related to occupancy of new facilities at White Oak, Maryland shall remain available until September 30, 2003; (8) $105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $93,610,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That $1,000,000 to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the Dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.*

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $70,400,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

Sec. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

Sec. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

Sec. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

Sec. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

Sec. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

Sec. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

Sec. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Sec. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

Sec. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

Sec. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

Sec. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the local television loan guarantee program; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

Sec. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

Sec. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

Sec. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to *cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.*

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2002 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 725. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 726. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 727. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 728. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 729. In addition to amounts otherwise appropriated or made available by this Act, $1,996,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 730. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 731. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 732. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 733. Notwithstanding any other provision of law, the Secretary may transfer up to $26,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary may elect to enroll no more than 340,000 acres for continuous signup, conservation reserve enhancement, or wetland pilot purposes and no acres for regular enrollment into the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, during fiscal year 2002 and any savings derived from such action may be transferred, not to exceed $18,000,000, for technical assistance to implement the Conservation Reserve Program, with funds to remain available until expended.

SEC. 734. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

SEC. 735. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "2001" and inserting "2002".

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of $150,000 to the Mallard Pointe project in Madison County, Mississippi.

SEC. 737. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in cooperation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: Provided, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: Provided further, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

SEC. 738. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide $450,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

SEC. 739. Notwithstanding any other provision of law, $3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project.

SEC. 740. Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 741. Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SEC. 742. Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed $400,000 for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project.

SEC. 743. (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible State or eligible county in the Forest Service document entitled "P.L. 106–393, Secure Rural Schools and Community Self-Determination Act", dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by March 1, 2002.

(c) ADDITIONAL OPT-OUT OPTION.—Notwithstanding section 102(b)(2) of Public Law 106–393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a county that has elected under section 102(a)(2) the full payment amount, then that county may revisit their election under section 102(b)(1).

(d) DEFINITIONS.—In this section, the terms "eligible State", "eligible county", "eligibility period", "25-period payment", and "safety net payments" have the meanings given such terms in section 3 of such Act.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).

(f) MINERAL PAYMENTS.—Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence, the following new sentence: "The preceeding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).".

SEC. 744. ALASKA PERMANENT FUND. Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) For purposes of this title, for fiscal years 2002 and 2003, the term 'income' does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.".

SEC. 745. Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: Provided, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SEC. 746. Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance relating to the Tanana River bordering the Big Delta State Historical Park.

SEC. 747. None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as "catfish" unless the products are taxonomically from the family Ictaluridae.

SEC. 748. The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to $499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SEC. 749. Of funds previously appropriated to the Bureau of Land Management under the heading "Wildland Fire Management", up to $5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau's use of herbicides in the State of Idaho: Provided, That nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau's use of such herbicides.

SEC. 750. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE. (a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

SEC. 751. SPECIALTY CROPS. (a) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)"; and

(D) in subsection (c) (as so redesignated), by striking "subsection (c)" and inserting "subsection (b)".

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking "section 1236(d)" and inserting "section 1236(c)".

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term "horse breeder" means a

person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SEC. 752. During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term "and potatoes" read as follows: ", potatoes, and sweet potatoes".

SEC. 753. Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the $21,700,000 in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

SEC. 754. CITRUS CANKER ERADICATION. (a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a) by striking "The" and inserting "Subject to subsection (e), the"; and

(2) in subsection (c), by striking "2001" and inserting "2002".

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SEC. 755. From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

SEC. 756. Section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

"(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in States with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission's determination, will result in the long-term availability to rural communities in such States of affordable broadband telecommunications services which can be used for the provision of high speed internet access.".

SEC. 757. In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor Counties, Kentucky: Provided, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.

SEC. 758. Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 759. Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

"The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.".

SEC. 760. Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by—

(1) in paragraph (1)(E), by striking "2001" and inserting "2003"; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

"(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

"(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection."; and

(B) in subparagraph (B), by striking "report" and inserting "reports".

SEC. 761. From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.

SEC. 762. Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 490 through 503; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

J. Edward Fox, of Ohio, to be an Assistant Administrator of the United States Agency for International Development.

E. Anne Peterson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Joseph M. DeThomas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Brian E. Carlson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

John N. Palmer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

John Malcolm Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Bonnie McElveen-Hunter, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Robert V. Royall, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Margaret K. McMillion, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PASSAGE OF S. 1510 VITIATED AND INDEFINITELY POSTPONED

Mr. REID. Madam President, I ask unanimous consent that Senate passage of S. 1510 be vitiated and that the measure then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

Mr. REID. Madam President, I ask unanimous consent that the Kohl amendment, which is at the desk, to H.R. 2330, be in order, notwithstanding passage of the bill, and that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2037) was agreed to, as follows:

AMENDMENT NO. 2037

(Purpose: to amend H.R. 2330)

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike "$542,580,000" and insert "$542,842,000".

On page 13, line 15, strike "$84,040,000" and insert "$84,850,000".

On page 13, line 25, strike "$134,262,000" and insert "$134,452,000".

On page 15, line 24, strike "$434,038,000" and insert "$433,546,000".

On page 39, line 23, after "depression" insert the following: "(P.L. 106-387), with five percent for administration and capacity building in the state rural development offices".

On page 81, line 1, after "sistance" insert "relating".

On page 88, line 3, strike "(e)" and insert "(c)".

On page 89, strike Section 757 on line 1 through 8 and insert:

"SEC. . In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: *Provided*, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.".

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.".

On page 89, after line 8, insert the following:

"SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

'The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.' ".

On page 89, after line 8, insert the following:

"SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

'(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

'(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

'(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.'; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'.".

On page 89, after line 8, insert the following:

"SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.".

On page 89, after line 8, insert the following:

"SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.".

AMENDING THE RECLAMATION RECREATION MANAGEMENT ACT OF 1992

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2925, just received from the House, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2925) to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2925) was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 31, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator STEVENS, 20 minutes; Senator REID of Nevada or designee, 10 minutes; and further, at 10:30 a.m., the Senate resume consideration of the Labor-HHS Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the Senate, even though we had a number of matters that took a lot of time on and off the floor, did make progress. We have a finite list of amendments that has now been placed in the RECORD. We have paper to work from, in effect. Beginning tomorrow, at 10:30, we are going to start working our way through these amendments. It would be possible to complete the bill by tomorrow evening or maybe late afternoon. But regardless of when we are going to complete it, we are going to complete it, and it is going to be done at the earliest possible date.

All Senators should understand that there could be some late nights the next couple of nights. The majority leader has told me I should relay this to all Senators: that if we are going to complete the business we have prior to the Thanksgiving recess, which I think is the 16th—I am not sure of that date—we have a lot of work to do. We have this appropriations bill to do, and two others, one of which is a very big Defense appropriations bill. We have bioterrorism. We have a stimulus package. We have a number of bills that are going to take some time. So everyone should understand there could be some votes into the evening.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, October 31, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 2001:

DEPARTMENT OF DEFENSE

R. L. BROWNLEE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY, VICE GREGORY ROBERT DAHLBERG, RESIGNED.

PETER B. TEETS, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE CAROL DIBATTISTE.

DEPARTMENT OF STATE

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT). (NEW POSITION)

DARRYL NORMAN JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

ANITA K ABBOTT, 7467
CHRISTOPHER B ADAIR, 3855
CHRISTOPHER E ALEXANDER, 5686
KYLE G ANDERSON, 4926
LEIGH A ARCHBOLD, 3199
JOHN J ARENSTAM, 4639
CHRISTOPHER E AUSTIN, 3177
MATTHEW T BELL JR., 5826
MELISSA BERT, 2737
BRIAN R BEZIO, 5598
DAVID R BIRD, 5429
MELVIN W BOUBOULIS, 4643
JOHN L BRAGAW, 3661
WYMAN W BRIGGS, 8982
WAYNE P BROWN, 9720
DEAN C BRUCKNER, 9689
ROBERT S BURCHELL, 7378
GEORGE E BUTLER, 2777
CHRISTOPHER P CALHOUN, 6956
JOHN R CAPLIS, 3861
LINN M CARPER, 1178
JAMES M CASH, 3539
THOMAS E CRABBS, 1188
GARY T CROOT, 9967
JOHN T DAVIS, 9425
SCOTT N DECKER, 5164
DENNIS D DICKSON, 3526
MARK R DIX, 3618
JERRY D DOHERTY, 0325
BRYAN R EMOND, 6440
BENJAMIN A EVANS, 5610
THOMAS H FARRIS JR., 3838
JAMES O FITTON, 9989
JOHN M FITZGERALD, 6952
PAUL E FRANKLIN, 0344
JOHN D GALLAGHER, 2603
PETER W GAUTIER, 8347
GLENN L GEBELE, 4212
ANTHONY R GENTILELLA, 1221
VERNE B GIFFORD, 4876
ERIC A GUSTAFSON, 7638
CARL B HANSEN, 6113
EDWARD J HANSEN JR., 3721
JOHN E HARDING, 3928
SAMUEL L HART, 9220
THOMAS C HASTINGS JR., 6290
JAMES E HAWTHORNE, 1629
ROBERT J HENNESSY, 8914
MICHAEL R HICKS, 8606
WILLIAM G HISHON, 3136
GREGORY P HITCHEN, 9763
HENRY M HUDSON JR., 8288
RICHARD R JACKSON JR., 5805
JEFFREY W JESSEE, 9551
GREGORY W JOHNSON, 7780
RICHARD C JOHNSON, 1848
ERIC C JONES, 1150
GWEN L KEENAN, 8235
WILLIAM G KELLY, 5864
JOHN S KENYON, 5991
ADOLPH L KEYES, 5869
ANDREW P KIMOS, 7881
ROBERT J KLAPPROTH, 0054
DONALD A LACHANCE II, 3539
PAUL D LANGE, 9113
JOHN K LITTLE, 6678
GORDON A LOEBL, 7906
DOUGLAS C LOWE, 0395
KEVIN E LUNDAY, 7195
DAVID W LUNT, 0070
ARLYN R MADSEN JR., 5827
SEAN M MAHONEY, 1321
RAMONCITO R MARIANO, 6366
DONALD J MARINELLO, 3552
DWIGHT T MATHERS, 6908
MARK E MATTA, 2516
KEVIN J MCKENNA, 1964
STUART M MERRILL, 5761
JOHN J METCALF, 4539
THOMAS M MIELE, 4185
JONATHAN P MILKEY, 7769
ROBERT P MONARCH, 8265
JOANNA M NUNAN, 2088
STEPHEN G NURRE, 6533
WILLIAM H OLIVER II, 2433
PATRICK P OSHAUGHNESSY, 8236
RICHARD A PAGLIALONGA, 7399
SALVATORE G PALMERI JR., 5579
ANTHONY POPIEL, 5394
SUSAN K POWERS, 5076
RAYMOND W PULVER, 9323
DREW A RAMBO, 0281
STEVEN J REYNOLDS, 9836
MARK D RIZZO, 7289
MATTHEW T RUCKERT, 7539
JUNE E RYAN, 3741
MICHAEL S SABELLICO, 8701
STEPHEN S SCARDEFIELD, 6587
TODD P SEAMAN, 2053
JAMES W SEBASTIAN, 9852
JOSEPH SEGALLA, 8832
STEVEN A SEIBERLING, 0507
JOHN M SHOUEY, 7430
CHRISTOPHER M SMITH, 7782
DUANE R SMITH, 0441
MARC D STEGMAN, 1375
STEVEN D STILLEKE, 9099
GRAHAM S STOWE, 8013
JOHN L STURTZ, 0333
CRAIG S SWIRBLISS, 4241
MATTHEW J SZIGETY, 5495
ROBERT J TARANTINO, 2592
WESLEY S TRULL, 8778
KEITH J TURRO, 3997
ANTHONY J VOGT, 7437
SAMUEL WALKER VII, 3620
SCOTT E WILLIAMS, 4635
SPENCER L WOOD, 1362
STEVEN G WOOD, 1397

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant commander

ALBERT R AGNICH, 0829
JOYCE E AIVALOTIS, 0892
CHARLES G ALCOCK, 3207
WAYNE R ARGUIN, 9174
DARNELL C BALDINELLI, 1070
DANIEL P BARAVIK, 5942
AMY L BARIBEAU, 6274
JERRY R BARNES, 8404
MICHAEL A BAROODY, 8458
JAMES W BARTLETT, 3177
DALE K BATEMAN, 4202
MATTHEW T BECK, 3352
WILLIAM A BIRCH, 3311
DALE A BLUEMEL, 7451
ALAN L BLUME, 1898
EDWARD L BOCK, 2320
COREY BONHEIM, 9731
GEORGE L BOONE, 7873
DENNIS E BRANSON, 5769
JERRY J BRIGGS, 3100
CHARLOTTE B BROGA, 9650
KEVIN F BRUEN, 7778
MARK J BRUYERE, 7542
DAVID A BULLOCK, 7200
JOSEPH R BUZZELLA, 0203
DOUGLAS R CAMPBELL, 2347
JOSEPH M CARROLL, 3730
GREGORY L CARTER, 7654
CHARLES A CARUOLO, 0043
STEPHEN H CHAMBERLIN, 3816
BRUCE D CHENEY, 0329
MICHAEL A CLYBURN, 7337
MICHAEL R COCKLIN, 3736
ROBERT I COLLER, 3803
JASON C COLLINS, 4553
ISMAEL CURET, 0608
JOHN P DAILEY, 9535
DEAN J DARDIS, 7249
BENJAMIN L DAVIS, 8078
MICHAEL H DAY, 8320
NICHOLAS DELAURA, 1300
ANDRES V DELGADO, 2221
DIMITRI A DELGADO, 2799
TIMOTHY D DENBY, 0873
PAUL E DITTMAN, 5119
DEREK A DORAZIO, 1978
KARL D DORNBURG, 6833
MARK A EMMONS, 7760
KENT W EVERINGHAM, 1420
BOB I FEIGENBLATT, 3366
BRIAN E FIEDLER, 7540
JAMES H FINTA, 1140
DEAN L FIRING, 9921
CHARLES E FOSSE, 4687
GEOFFREY P GAGNIER, 9991
ROBERT C GAUDET, 6205
EDWARD J GAYNOR, 8906
CLAUDIA C GELZER, 9964
GREGORY S GESELE, 5705
THOMAS W GESELE, 5566
ERIC S GLEASON, 7180
DAVID J GODFREY, 9587
DANIEL J GOETTLE, 1375
LAWRENCE E GREENE, 5269
THOMAS W HARKER, 0759
MITCHELL L HARVEY, 4762
BENJAMIN J HAWKINS, 6636
ROBERT M HENDRY, 7405
GREGORY F HEROLD, 3293
CHRISTOPHER M HILL, 9283
SCOTT A HINTON, 3495
CHRISTOPHER M HOLMES, 1771
DAVID E HOTEN, 1668
JOHN S IMAHORI, 1631
WILLIAMSTUART W IRWIN, 4446
CHAD L JACOBY, 7656
GARY L JONES, 9722
MATT N JONES, 4769
SAMUEL R JORDAN, 1094
TERI L JORDAN, 5441
VIRGINIA J KAMMER, 3544
BRENDAN D KELLY, 3681
LAWRENCE A KILEY, 3071
THOMAS H KING, 5445
RICHARD M KLEIN, 9066
SUSAN R KLEIN, 5064
KEVIN N KNUTSON, 6417
TAMARA I KOERMER, 8181
GARY G KUNZ, 5334
MICHAEL P LEBSACK, 5342
JOSEPH F LECATO, 0232
SEAN F LESTER, 8127
THOMAS L LEVIN, 9941
CAROLA J LIST, 2230
LARRY L LITTRELL, 7136
KEVIN J LOPES, 5211
JOHN S LUCE, 8464
JAMES D LYON, 8151
SEAN C MACKENZIE, 5529
DANIEL H MADES, 5884
MARK MARCHIONE, 8042
CHRISTOPHER K MARCY, 3854
MICHAEL T MCBRADY, 4117
JEFFREY R MCCULLARS, 7082
PATRICK S MCELLIGATT, 3891
MATTHEW R MCGLYNN, 6996
MALCOLM R MCLELLAN, 1418
MARYJO MEILSTRUP, 6244
MATTHEW T MEILSTRUP, 0441
KARIN E MESSENGER, 1161
KARL I MEYER, 6734
STEPHEN M MIDAS, 9663
JAMES B MILLICAN, 4727
RAYMOND C MILNE, 5323
JOHN B MILTON, 8745
JAMES H MORAN, 1194
MARK J MORIN, 3947
MITCHELL A MORRISON, 7591
MICHAEL A MULLEN, 0424
ROBERTO J MUNIZ, 2780
MARK M MURAKAMI, 0366
LEE B MYNATT, 2951

JASON D NEUBAUER, 5590
JEFFREY F NEUMANN, 4981
DANIEL R NORTON, 1983
PETER C NOURSE, 8851
JAMES A NUSSBAUMER, 2005
KEVIN D ODITT, 3294
RAMON E ORTIZVELEZ, 1494
DAVID J PALAZZETTI, 5885
JAMES A PASSARELLI, 3596
DAVID L PETTY, 6695
SUSAN POLIZZOTTO, 1642
JOSEPH PONSETI, 8410
LISA A RAGONE, 3194
DAVID W RAMASSINI, 3165
STEPHEN E RANEY, 0189
WIFORD R REAMS, 3949
KEVIN L REBROOK, 2472
JOHN D REEVES, 9946
KURT W RICHTER, 9246
KEVIN W RIDDLE, 2087
BRADLEY J RIPKEY, 6165
GREGORY S ROBERTSON, 4136
JOSEPH F ROCK, 0324
LUIS M ROLDAN, 2200
BARBARA A ROSE, 7955
WILLIAM E RUNNELS, 2367
RIN E RUSH, 0332
JOSE A SALICETI, 5913
THOMAS J SALVEGGIO, 8927
MICHAEL K SAMS, 4864
EDWARD W SANDLIN, 0448
MARTIN G SARCH, 0867
ROSS L SARGENT, 2444
DAVID SAVATGY, 8090
SEAN R SCHENK, 7600
RONALD K SCHUSTER, 7981
NEIL H SHOEMAKER, 1044
JOSEPH R SIEMIATKOWSKI, 6569
JANIE S SMITH, 8549
PATRICK T SMITH, 0240
ROBERT L SMITH, 8131
ROGER A SMITH, 6440
RICKY N SORRELL, 5234
JONATHAN S SPANER, 2877
JAMES P SPOTTS, 8716
JOSEPH E STAIER, 9205
JEFFREY D STEWART, 2595
SCOTT D STEWART, 2508
ROS A STROEBEL, 8061
CLIFFORD D TAYLOR, 2789
ROBERT F TAYLOR, 6540
ERICH M TELFER, 4771
RICHARD T TEUBNER, 5614
JEFFREY W THOMAS, 7478
THOMAS N THOMSON, 0514
TUAN L THOMSON, 8973
WILLIAM R TIMMONS, 7970
MICHAEL F TREVETT, 8444
ERIC L TYSON, 3804
JOHN C VANN, 8982
STEVEN E VIGUS, 3689
ALDANTE VINCIGUERRA, 6299
ROBERT J VOLPE, 9915
HEATHER J WADDINGTON, 7341
RANDALL G WAGNER, 2144
SCOTT K WAGNER, 3576
ANTHONY E WALKER, 4755
ROBERT W WARREN, 3367
BRIAN P WASHBURN, 9155
SCOTT WASHBURN, 1653
LAURA H WEEMS, 2502
EDWARD A WESTFALL, 5647
JEFFREY C WESTLING, 0555
BRIAN R WETZLER, 9206
DAVID J WIERENGA, 2358
BRYON D WILLEFORD, 6227
KEVIN E WIRTH, 3605
STEVEN P WITTROCK, 9319
ALBERT W WYLIE, 8103
MARK S YOUNG, 6701
JOSE M ZUNIGA, 3223

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant General

MAJ. GEN. BRUCE A. WRIGHT, 5759

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD G. COOK, 6452

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

CESARIO F. FERRER JR., 1302

To be major

RAYMOND Y. HOWELL, 4424

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL CALDERON, 7071
DALE D. ELLENS, 5456
DAVID S. ELMO, 2363
GEORGE D. FORTENBERRY, 5604
BRIEN P. HORAN, 3399
JEFFREY A. JACOBS, 1498
BERT K. MIZUSAWA, 6652
DOUGLAS F. OXBORROW, 6025
WILLIAM J. SMITH, 6803
VINCENT T. TAYLOR, 4229
ERIC R. WALDKOETTER, 8971
FRANK E. WISMER III, 9083

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BRADFORD W BAKER, 0135
THAD A BIGGERS, 4137
EDWARD S BLUESTONE, 9635
MICHAEL J BOONE, 5622
ROBERT A CASPER JR., 3309
ANGEL C CRUZ, 6916
BRIAN J FINMAN, 4216
STEPHEN F FULLER, 9826
ERIC E GEORGE, 7585
JEFFREY J HOPPE, 8412
ADOLFO H IBARRA, 3475
BRIAN W JONES, 3895
ETTA C JONES, 1105
BRIAN D KIRK, 9538
MARK A LAKAMP, 7208
ANDY M LEAL, 3738
ANTHONY J LINARDI III, 4889
MICHAEL J LYDON, 9363
ANGEL M MELENDEZ JR., 6729
STEPHEN E MILLS, 8374
DAVID K NUHFER, 8442
RODNEY M PATTON, 0052
BRIAN M PETERSON, 0662
GARY PETERSON, 0959
ROLANDO RAMIREZ, 8364
ROBERT B ROBERTS, 0201
ASHLEY C ROSE, 6610
KURT J ROTHENHAUS, 5432
ROME RUIZ, 8213
JASON B SCHEFFER, 1435
MICHAEL J SCHILLER, 2781
JOHN R SCHMIDT, 4635
MARC S SCOTCHLAS, 0288
LEE P SISCO, 7208
WILLIAM A SMITH IV, 5232
NICHOLAS H TAYLOR, 3255
ROBBIE J THOMAS, 7482
RAY R WETMORE JR., 5738
DAVID J WICKERSHAM, 6954

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 2001:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

J. EDWARD FOX, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

E. ANNE PETERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

JOSEPH M. DETHOMAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

BRIAN E. CARLSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JOHN N. PALMER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

JOHN MALCOLM ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

BONNIE MCELVEEN-HUNTER, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

ROBERT V. ROYALL, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

MARGARET K. MCMILLION, OF THE DISTRICT OF COLUMBIA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, October 30, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 30, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

MISSED OPPORTUNITIES TO RESPOND TO TRUE NEEDS OF AMERICANS

Mr. BROWN of Ohio. Mr. Speaker, many years ago I was attending church with my father in the early 1960s; and he pointed to a gentleman sitting in the back of the church whom he had gone to high school with, and my dad said during World War II, when my dad and most people in the community went off to war, my dad told me this gentleman stayed home, feigned some injury and made a lot of money during the war. My dad referred to him, the first time I heard that term, as a war profiteer.

I remember the night of September 11, 2001, when service stations around my district in Ohio and other States in the Midwest, when gas station owners raised their price on that evening to $4, $5, $6 a gallon, also something you might call war profiteering.

Then I have watched this Congress respond to the events of September 11; and while in many cases the Congress and the President have worked well together, bipartisanly, putting differences aside, I have seen that same kind of profiteering, let us call it political profiteering, in the way that many people in the majority party have acted in response to September 11.

For instance, Congress spent $15 billion to bail out America's airlines. They required no shared sacrifice from the executives, no give-backs from executives in bonuses and salaries. They spent not a dollar on airport security in this $15 billion gift to the airlines, and they gave nothing to the 100,000 workers laid off as a result of September 11.

Turn the clock up a little bit further and look at what happened last week when Congress considered the bill to stimulate our economy. Instead of taking care of workers through health insurance, instead of taking care of laid off workers with unemployment compensation, instead of taking care of workers who got no tax break, people making $20,000 to $40,000 a year, instead of taking care of them, this Congress again, in the name of answering the problems of September 11, this Congress again gave huge tax cuts to the richest people in our society.

Eighty-nine percent of the tax relief in the Republican stimulus package went to tax breaks for corporations, including a $25 billion gift to the largest companies in the country. IBM got $1 billion, General Motors got between $800 million and $900 million in checks from the Federal Government, all in the name of let us take care of September 11 and what is happening with the economy.

Now we are seeing some leaders in this Congress, particularly Republican leaders in the Committee on Ways and Means and the Speaker, have said that in order to counter terrorism, we need to pass Fast Track, we need to give Trade Promotion Authority to the President, we need to extend NAFTA to Latin America.

So what we are saying is we are sending our young men and women in harm's way in Afghanistan; then when they come back to this country looking for jobs, some of those jobs will have been sent abroad because this Congress has passed failed trade agreements for those workers laid off. There is not unemployment compensation; there is no help with their health care.

When you talk about the events of September 11, Mr. Speaker, most of us talk about shared sacrifice. When this Nation has been troubled in World War I and World War II, there was shared sacrifice. Wealthy people actually paid a higher proportion of taxes, working people got some breaks on their taxes, working people got some benefits.

This is all different this year; and the response to September 11, we have seen that kind of political profiteering from the majority party. When Democrats have worked with the President bipartisanly, we have seen instead bailouts for the airlines with nothing for the airline workers; we have seen tax cuts for the richest people in our society, but no health care for laid-off workers; no tax breaks for middle-income and working-class workers. And now this week we are going to see an ideological battle where the most conservative members of this body, in opposition to bipartisan legislation in the Senate, with airline security, we are going to see Republicans in the House continuing to try to push forward a failed airline security bill.

In fact, I know people who are making $6 and $7 an hour that work at airport security, and some of them actually have left to go work at McDonald's because it pays better. Instead, we should federalize airport workers and security workers at the airports. They should be paid a living wage, they should be paid health insurance, they should be paid other benefits, and they should be trained better so they are there for a long time and they will do their job.

Why should we continue this failed system of airline security, of airport security, all in the name of a conservative ideology? Mr. Speaker, it is time we believe in shared sacrifice. It is time we federalize the airport security people, that we build a tax system fair to all people, and that we take care of workers laid off and victimized by the events of September 11.

HONORING THE PHYSICALLY IMPAIRED AND THOSE THAT WORK WITH THEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, recently the distinguished gentleman from Georgia (Mr. KINGSTON) took a Special Order honoring Rush Limbaugh, who is undergoing a hearing loss. Many people are unaware and/or indifferent to those who experience physical infirmities, including deafness and blindness. When celebrities become affected, however, attention is focused on the celebrity,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as well as the infirmity or disability. Fanny Crosby, the beloved hymn composer, was visually impaired, as are entertainers Doc Watson and Ray Charles. Helen Keller overcame blindness as well as deafness.

Many are prone to dismiss deafness as a mere inconvenience when compared to other infirmities. I have a personal familiarity with the hearing impaired, Mr. Speaker. My mom has been legally deaf most of her adult life. My first cousin at the time of her retirement served as superintendent of the North Carolina School for the Deaf.

Several years ago, while motoring in North Carolina on a Sunday morning, I was listening to the Lutheran Hour on the automobile radio. The host, Dr. Ozzie Hoffmann, was discussing physical infirmities. He said if offered a choice of losing the sense of sight or the sense of hearing, most people would opt to retain their vision. The host of the program then presented an interesting aside. Blindness, he noted, removes the visually impaired from objects and things; deafness, he declared, removes the hearing impaired from people.

Oftentimes persons who have impaired hearing are mistakenly accused of being unfriendly or aloof, when the truth of the matter is their deafness, as Dr. Hoffmann indicated years ago, has removed them from people. Their skills for communication, Mr. Speaker, have been adversely affected.

My mom was an outstanding parent and wife, despite having been deprived of normal hearing. Rush Limbaugh, hopefully, will not be removed from contact with his vast listening audience.

Finally, permit me to urge my colleagues in this House and in the other body as well to be consciously aware of difficulties encountered by those who are visually and hearing impaired. We who enjoy normal vision and hearing oftentimes take these luxuries for granted.

These are indeed luxuries which we should not embrace casually, and those who do not enjoy these luxuries deserve a tip of our hats for the extra effort they are required to expend to make it through life. Most of the blind and deaf people I know are upbeat, optimistic and rarely bitter as a result of their infirmities. They are indeed unsung heroes and thoroughly deserve our admiration and respect, as do the men and women who work with the visually and hearing impaired to make their lives more complete and more fulfilled.

ENFORCING AIRLINE SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it has been 7 weeks since the attacks, and the House of Representatives has yet to consider one bill relating to aviation security enhancements. Not one.

Two weeks ago the Senate passed a bill 100 to zero, nothing passes the Senate 100 to zero of any substance, 100 to zero; yet this House has failed to take up that or any other measure, because of one item in disagreement: Who should provide the critical screening function for baggage, carry-on bags and individuals passing into the secure areas of the airport? Should it be the private sector, as the majority whip and the majority leader say, or should it be a Federal law enforcement-national security function provided by competent, well-paid, professional Federal law enforcement personnel, the same way we do INS, Customs, and even agriculture inspection? Those are Federal law enforcement agents.

But somehow, when it comes to the security of the public traveling on airplanes, no, they get second-class treatment. They get security on the cheap. The majority wants to maintain the status quo, which is failing them miserably.

Guess what? That same majority has not mandated that we put private security firms at the doors of the Capitol. If they feel so good about this and if they can provide such a great service, why do they not do that? Because they are mindful of protecting themselves. But they do not care quite so much about the traveling public. They care more about their political sponsors.

Let us look at who the political sponsors are here. There are three foreign owned, hear that, foreign owned huge companies that do most of the private airport security in the United States; and one of them, Securicor of Europe, threatened last week to sue the United States Government if we usurp their function at the airports.

Let us look at how their subsidiary is doing in the U.S. Their subsidiary is Argenbright, one of the three largest security firms providing airport security to more than 40 major airports in the United States of American, including Boston's Logan, Washington's Dulles and others.

Well, they have got a few problems. They were criminally convicted just a year ago of hiring known felons, maintaining known felons on staff, falsifying documents as to the screening and training of the known felons that they had hired. At Dulles Airport, 84 percent of their workers are foreign national; but, they assure us, most of them are legal immigrants. "Most."

Most? This is extraordinary, and this is the system that the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) want to perpetuate under pressure from these generous firms. They are generous. Their U.S. subsidiaries can contribute to campaigns, and they do, generously.

Now, let us talk about how they are going to resolve the problems. They do admit it is a little bit of a problem that they are hiring and maintaining known felons on staff; that FAA inspectors are able to get hand grenades, fully assembled guns and other things through the security; that many, many other lapses have been noted. Most notably, last weekend a gentleman was on a Southwest Airlines plane with a fully loaded gun in his briefcase which they had not noticed. They noticed, when he got up to altitude and told the pilot. It was nice of him to do that. But the security screening people from the private firm did not notice the gun.

Now, so what the majority says is well, look, we will make it better. We will have Federal regulations. Well, guess what? We have got Federal regulations now. They are ignoring them. They are ignoring them to the point where they are about to be criminally convicted, in terms of Argenbright, for the second time.

□ 1245

But not removed. But forbid we would remove them from doing this function and fail the American traveling public.

They say they will also mandate wages, not usually something the Republicans want to do. So they say they will mandate wages, they will mandate benefits, they will mandate, and the Federal Government will conduct background checks since the private firms falsify the documents all the time, and then the Federal Government will either directly train or supervise the training by these firms because they falsify the documents about the training of these people, and the Federal Government will provide supervisors but it will be a private undertaking.

Now, wait a minute. Did they just describe a Rube Goldberg device or what? So the Federal Government is going to do all of these things, but we are going to maintain these private firms, so-called, in place because why? They are doing such a good job? No. Why? Why are we going to maintain them in place? This system that they are describing is so much less efficient than an all-Federal system like we do with Customs, INS, agriculture inspection, and like we do here at the United States Capitol to provide our screening security. Why do they want to give Americans security on the cheap? Change this system. Change it this week. Agree to what the Senate did 100 to zero.

AMERICANS SHOULD BE ENCOURAGED

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, as my colleagues are aware, trace elements of the anthrax bacillus were discovered in my office in the Longworth Office Building, along with the offices of two of my distinguished colleagues, the gentleman from Maine (Mr. BALDACCI) and the gentleman from New Jersey (Mr. HOLT). Mr. Speaker, all of us have been busy, to say the least, since we received the call from leadership and security on Friday night, not only meeting with health officials, but security officials, and contacting constituents who came into contact with our office. It has been a busy time.

But I rise today, Mr. Speaker, to announce proudly that another attack on our national government has failed. As a Christian believer, I begin my remarks today by giving thanks to God, who I believe protected my family and my staff from this unseen menace. In our family, we often say that the safest place in the world is to be in the center of God's will, and we believe that we had his protection. As the Bible says, "It is good for me to be near God, I have made the sovereign Lord my refuge, I will tell of all your deeds," and thus I do so humbly today.

To the people we serve in Indiana, our message today is simple. They should be confident. My family and my staff are well and show no signs of infection. We have all been treated, as has virtually every individual that came into contact with our office. This incident should not, Mr. Speaker, be cause for alarm but of encouragement. The system worked, thanks to the outstanding work of the Capitol Hill security, the CDC, and the Office of the Attending Physician, who I rise to commend today. We are requesting in all of our offices that anyone who visited our office from October 12 to October 17 see their physician and begin a prophylactic treatment of antibiotics over the next 60 days.

To the people who did this, whoever you are, you have failed again. You have failed to reach your target, and you have failed in a much more profound way, because by your actions you have steeled the resolve of every member of this national government whose duty it is to bring you to justice or to seal your fate.

Finally, Mr. Speaker, a word on behalf of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, whose decision to close the House offices and commence this environmental sweep was so deeply maligned by many in the national media and even by some of our own colleagues in the U.S. Senate. On behalf of my wife, my children, Michael, Charlotte and Audrey, the nine full-time staffers in my office, from my heart to the bipartisan leadership I say thank you. Thank you for putting my family and my staff's well-being ahead of any concern about public relations or image.

Indeed, Mr. Speaker, these times have fallen on broad shoulders, men and women willing and able to make the tough choices and stand by them. So I say to the troops in the field, our investigators at home, the postal workers who find themselves on the frontline of this domestic terrorism, and to the public at large, be encouraged. God has indeed put strong men and women in leadership of this national government for such a time as this. As it is written, fear is usless. What is needed is trust.

Mr. Speaker, over this last weekend my family again learned that our national leadership and the leadership in both parties in this Congress is worthy of our trust in these difficult days, and I am grateful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address remarks in debate to the Chair and not to others who may be following the proceedings.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

Mr. Tony Incashola, Confederated Salish and Kootenai Tribes, Pablo, Montana, offered the following prayer:

God, Creator, I come before You today to ask that You look upon the Members of the House of Representatives and gift them with Your knowledge and wisdom. Creator, I pray for those who have gone before us, our ancestors and forefathers, who with their mighty words, deeds and sacrifices made this the great Nation it is. I especially ask You, Creator, to wrap Your loving arms around those whose lives have been forever altered by the tragic events of September 11. We truly are one Nation under God, and seek Your guidance in all decisions, small and large, that affect the diverse peoples of America.

We have reached a point in our history, Creator, where Your guidance and wisdom are of great importance. I ask Members of the House of Representatives to look to You for the path to follow so that justice and righteousness will be served. I implore You to listen to the prayers and needs of these men and women who have been chosen to lead this Nation. Give them the strength to make decisions, popular or not, to lead the United States of America into the 21st century. Now is the time for people of all races, colors, origins, and religions to come together to stand and show our strength as one. We must remember, as we move forward, that united we stand, one Nation, under God, indivisible, with liberty and justice for all.

I ask this in Your name, God, Creator, and thank You for the many blessings You have already bestowed upon us. Thank you. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO GUEST CHAPLAIN

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, it is my pleasure to introduce the guest chaplain, Tony Incashola, Director of the Salish-Pend d'Orielle Culture Committee, of the Flathead Indian Reservation.

The Flathead Indian Reservation is home to the Confederated Salish and Kootenai Tribe, consisting of the Salish, Pend d'Orielle, and Kootenai peoples.

Today, Tony is a highly respected tribal and community leader. For over 25 years, Tony, a fluent Salish language speaker, has served on the Culture Committee.

As young men, both Tony and his brother, Baptiste, left home to serve their country in Vietnam. Tony accompanied his brother's body home after he was killed in action.

Tony and his wife, Denise, have four children and have raised several foster children.

Finally, Mr. Speaker, I thank the Tribal Chairman Fred Matt for requesting that Tony be today's guest chaplain.

TRIBUTE TO FORMER MEMBER GERALD SOLOMON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I think most of my colleagues now are aware of the very sad news of the passing of our former colleague, Gerald Solomon, last Friday.

Jerry Solomon was a wonderful individual. He was a beloved figure both in this House and in his district in New York and across the country. He was an inspiration to so many of us. I had the privilege of succeeding him as chairman of the House Committee on Rules, and he provided me with a lot of direction, a lot of encouragement, and he often gave me lots of orders, too, some of which I followed.

He was an individual who was so proud of the United States of America. Today, people are regularly wearing American flags on their lapel. Jerry Solomon, when I first met him in 1978, wore a flag on his lapel and always did because he was a dedicated Marine. He was an individual who obviously loved his family, and he loved this institution and the United States of America.

Mr. Speaker, I would simply like to, on behalf of all of our colleagues, extend condolences to his wonderful wife, Freda, and the Solomon family, and to say that we truly miss a very, very dear friend, and we are all proud of the wonderful service that he provided to the United States of America.

STATE DEPARTMENT SHOULD GET ON MESSAGE WITH WHITE HOUSE

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this country is united in supporting the determination of President Bush to fight the terrorists across the world, to fight all those terrorist groups, as he said, with global reach. Apparently, however, the State Department has not gotten the message.

What are we to make of the fact that the State Department incessantly criticizes Israel for attacking terrorists who have attacked civilians in Israel in exactly the way the United States is trying to apprehend and kill Osama bin Laden and his followers; and the State Department spokesman says, ah, it is different, because there is an agreement with Israel to negotiate with the Palestinians. When the Palestinians engage in terror and break their agreement not to use violence, apparently our position is that Israel should remain defenseless and do nothing to reply; either do nothing or face the condemnation of our State Department.

The State Department should get on message with the President and the rest of the United States that is opposed to terror and thinks that people who are attacked by terrorists have the right to self-defense.

MEDAL OF VALOR FOR AMERICA'S HEROES ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, we will consider House Concurrent Resolution 243, the Medal of Valor for America's Heroes Act.

Our Nation continues to mourn the many, many innocent citizens that were lost in the tragic events of September 11 and terrorist events since then. However, our Nation also celebrates the courage and dedication of the firefighters, police officers and medical personnel who worked around the clock to find survivors amidst the rubble in New York and Washington. These brave men and women were first on the scene and risked their lives to help their fellow Americans, and many of these brave souls made the ultimate sacrifice.

Mr. Speaker, it is only proper that the United States recognize these heroes and award them the Medal of Valor for their service. I encourage all my colleagues to support this resolution and for America never to forget our fallen heroes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

EXTENDING ELIGIBILITY FOR REFUGEE STATUS OF UNMARRIED SONS AND DAUGHTERS OF CERTAIN VIETNAMESE REFUGEES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees, as amended.

The Clerk read as follows:

H.R. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR REFUGEE STATUS.

(a) ELIGIBILITY FOR IN-COUNTRY REFUGEE PROCESSING IN VIETNAM.—For purposes of eligibility for in-country refugee processing for nationals of Vietnam during fiscal years 2002 and 2003, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States (within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a qualified national;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.

(c) QUALIFIED NATIONAL.—The term "qualified national" in subsection (b)(1) means a national of Vietnam who—

(1)(A) was formerly interned in a re-education camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

(B) is the widow or widower of an individual described in subparagraph (A);

(2)(A) qualified for refugee processing under the Orderly Departure Program re-education subprogram; and

(B) is or was accepted under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City—

(i) for resettlement as a refugee; or

(ii) for admission to the United States as an immediate relative immigrant; and

(3)(A) is presently maintaining a residence in the United States or whose surviving spouse is presently maintaining such a residence; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam or whose surviving spouse is awaiting such departure formalities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1840, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1840 extends eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees. It stems from the Orderly Departure Program which was established in 1979 to give eligible nationals of Vietnam an alternative method of emigrating to a foreign country, rather than undertake illegal hazardous departures by boat or land.

In 1989, the INS began adjudicating applications for refugee status in Vietnam for certain Vietnamese nationals who had been in reeducation camps for at least 3 years and widows of Vietnamese nationals who died as a result of confinement in the reeducation camps. The INS included unmarried sons and daughters 21 years and older based on case eligibility guidelines set up by the State Department 10 years earlier. However, this contradicted immigration regulations. INS had been treating those unmarried sons and daughters as derivative refugees, but the Immigration regulations defined derivative refugees as spouses and unmarried children under 21 years of age.

In April of 1995, the INS, with concurrence of the State Department, stopped accepting sons and daughters 21 years of age or older. In response to this modification, the McCain amendment was enacted to reestablish refugee eligibility to unmarried adult sons and daughters of the qualifying Vietnamese nationals. The legislation was retroactive to April 1, 1995, the date on which the modification had taken effect. It was extended in 1998.

The INS has denied derivative refugee status to those unmarried sons and daughters who failed to prove their family relationship with the principal applicant. The INS mistakenly denied some for no proof of family relationship when the applicant could not show he or she continuously resided with the parent. After determining that it was incorrectly denying some derivatives based on co-residency, the INS identified the entire caseload of improperly adjudicated derivative family member cases. The agency had until September 30, 2001 to correct the cases adjudicated on or after April 1, 1995, where the original denial was based solely on the issue of co-residency with the principal applicant.

The INS needs additional time to adjudicate pending cases under the McCain amendment. As such, H.R. 1840 extends the time to adjudicate these cases by 2 years. The intent of H.R. 1840 is to extend the same eligibility criteria applied to cases currently being processed under the McCain amendment to individuals whose parent's case was processed prior to April 1, 1995. Accordingly, the act removes the date of April 1, 1995, imposed by the McCain amendment.

In addition to failure to prove co-residency, the INS has denied some cases because the applicants were unable to prove their family relationship to a principal applicant. Due to new identification methods, such as DNA, H.R. 1840 permits the INS to reconsider cases that were previously denied for failure of proof rather than just those cases that were denied based on the issue of cohabitation with the principal alien.

Finally, some sons and daughters have been denied derivative refugee status because their principal applicant parent has died, although the surviving parent resides in the United States or is awaiting departure formalities from Vietnam. Accordingly, H.R. 1840 expands eligibility to include these adult unmarried sons and daughters.

The bill has the support of its author, the State Department, the Justice Department, the INS, and it passed the Committee on the Judiciary unanimously. I urge my colleagues to support this bill.

Mr. Speaker, I reserves the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. It is a reasonable bill that is based on a bipartisan agreement between members of the Committee on International Relations and the Committee on the Judiciary. The bill passed the Committee on the Judiciary by a voice vote.

Prior to April 1, 1995, refugees accepted for resettlement into the United States were allowed to bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the INS changed its interpretation of the then existing law to exclude children who were over 21, even if they were unmarried and living with their parents.

□ 1415

Mr. Speaker, in the case of South Vietnamese combat veterans and others who had suffered long terms in reeducation camps because of their wartime associations with the United States, this imposed a particularly harsh burden on the refugees and their children. These children had already been without their fathers throughout the time they were in reeducation camps, in some cases for 10 or 15 years.

The new rule was particularly harsh on young women. In Vietnamese society, a 21- or 22-year-old unmarried woman either lives with her parents or she is regarded as vulnerable and unprotected.

Recognizing these realities, Congress has three times adopted the McCain amendment, which changes the INS interpretation of the law, so that refugees who are survivors of reeducation camps can once again be accompanied by their unmarried young sons and daughters.

Due to drafting mistake, the provision excluded sons and daughters who were mistakenly rejected before April 1, 1995. This bill will fix this problem once and for all, simply by enacting the very same rules for pre-April 1995 cases that already apply by law to cases after April 1, 1995. It is simple legislation, and it cures an injustice. It harms nobody, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the chairman for his courtesy and consideration in bringing this bill to the floor.

Mr. Speaker, I rise to express my strong support for H.R. 1840, a bill which will extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy is saying loudly and clearly and consistently to the United States, we want American investment dollars and we are willing to learn from the American economic system, but American values of religious and political freedom are not welcomed.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights needs to be central to our foreign policy toward Vietnam. One small step is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States, or simply because they share our values.

Mr. Speaker, until 1995, those refugees who were eligible to resettle in the United States under the HO component of the Orderly Departure Program, which is limited to persons who served 3 or more years in reeducation camps after the Communist takeover of Vietnam in 1975, were allowed to bring their children with them. This policy included unmarried children who had reached the age of 21 during the period of the refugee's incarceration or during the long wait to receive an exit visa from the Communist authorities.

I introduced this resolution several months ago to address a specific immigration concern. Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, INS changed its interpretation of the then-existing law to exclude children who were over 21, even if they were unmarried and living with their parents. This abrupt decision reversed our humanitarian pro-family policy. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

In 1996 Congress adopted the McCain amendment to make clear that unmarried adult sons and daughters of reeducation camp internees are refugees of special humanitarian concern under U.S. law. Unfortunately, difficulties in interpretation and implementation of this provision have left hundreds of refugee families still separated.

For South Vietnamese combat veterans and others who had suffered long terms in reeducation camps because of their wartime associations with us, this imposed a particularly harsh burden on both them and their children. These children had already been without their fathers when they were in reeducation camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a counterrevolutionary family and denied educational and employment opportunities by the Government of Vietnam. They would certainly go on suffering in Vietnam because of their families' participation in the war.

Additionally, the new INS rule was particularly harsh to young women. In Vietnamese society, a 21- or 22-year-old girl either lives with her parents or is regarded as vulnerable and unprotected.

Recognizing these realities, Congress on three occasions adopted the McCain amendment which changed the INS interpretation of the law so that refugees who are survivors of reeducation camps can once again be accompanied by their unmarried sons and daughters.

The latest extension expired on September 30. My bill will extend the McCain amendment for 2 years and fix a drafting problem in the language. This bill will allow over-21 unmarried sons and daughters and widows of qualified reeducation detainees to be considered for resettlement as refugees to the United States, regardless of the date of acceptance.

H.R. 1840 is a fair and equitable bill that will provide family reunification and allow us to keep our promise to the people who fought alongside U.S. troops during the Vietnam War. Their courage and valor must never be forgotten.

Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for their leadership, and their respective staffs. I urge my colleagues to give this legislation their support.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER), and I particularly want to thank the gentleman from Virginia (Mr. TOM DAVIS) for introducing this legislation.

This would appear to be a minor, technical correction; but it makes a major change in the lives of a great many American families. I use the term "American families" deliberately. I challenge Members to find any group of immigrants any more committed to the United States and its values than Vietnamese refugees. The Vietnamese American families are extremely patriotic. They put many of us to shame.

The fact is that their sons and daughters are being stigmatized, penalized because of their family ties. The limitations, both social and economic that are placed on them, are unfair. The right thing to do is to let them be reunited with their families. This is a good bill. I am glad it is going to pass unanimously.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, upon assuming control of the entire nation of Vietnam, the Communist Government imprisoned many of its citizens in reeducation camps where they endured brutal conditions. Many died due to abuse and deprivation. Most of those placed in these camps were sent there because of their service to the governments of South Vietnam and the United States during the Vietnam War.

In 1979, the Orderly Departure Program was created to provide a way for the immediate relatives of those who spent 3 years or more in those camps, and the widows of those who died in the camps to immigrate to the United States. I know a number of these people who now reside in my congressional district and work in a business that I founded. They are productive and patriotic citizens.

However, when the deadline to register for the program expired, many qualified beneficiaries were left behind. The bill of the gentleman from Virginia (Mr. TOM DAVIS), H.R. 1840, will offer these individuals an opportunity to be considered for admission under the Ordinary Departure Program through the fiscal year 2003. I support the bill. It is a fair and honorable way to help the families of the brave men and women who endured great suffering for their service to the cause of democracy and their support of the American military and civilian personnel during the Vietnam War.

Mr. Speaker, I ask Members to vote for H.R. 1840.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1840, which seeks to correct a technical flaw in the immigration and naturalization processes pertaining to refugees of Vietnam and their adult children.

In 1989 the INS granted refugee status to Vietnamese citizens imprisoned in Vietnamese forced reeducation camps. Approximately 200 adult children of those detained in camps were mistakenly denied admission into the United States due to a 1995 change in INS regulations. These regulations have since been changed to correct this error.

Current law stated that INS was to review all such applications by September 30, 2001. This deadline has been outfaced by events, and H.R. 1840 fixes this problem by extending the reapplication deadline to September 2003. I support this legislation because it seeks to remedy an injustice, and because the remedy it provides is comprehensive and narrowly constructed.

H.R. 1840 allows for petitions denied both before and after April 1995 to be reexamined for erroneous denials. Also, this bill will allow adult unmarried children with only one surviving parent with U.S. residency claims to apply as well. This is a further example of how successful our immigration policies can be at promoting societal stability. This legislation recognizes and rewards family bonds. It does so in a way that recognizes the temporal importance of remedying this problem for the health and well being of those Vietnamese refugees involved.

Mr. Speaker, many communities, including my own district in Houston, Texas enjoy thriving Vietnamese populations as a result of immigration. H.R. 1840 promotes greater stability in those communities, as adults who are growing older will be allowed to do so with increased peace of mind that their loved ones might be able to help them grow old with love and dignity. These benefits surely redound to larger society as well by promoting stable families and safer communities. I therefore urge members to support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1840, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.

Con. Res. 243) expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 243

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth in rural southwest Pennsylvania;

Whereas thousands of innocent Americans and many foreign nationals were killed and injured as a result of these surprise terrorist attacks, including the passengers and crews of the 4 aircraft, workers in the World Trade Center and the Pentagon, firefighters, law enforcement officers, emergency assistance personnel, and bystanders;

Whereas hundreds of public safety officers were killed and injured as a result of these terrorist attacks because they immediately rushed to the aid of innocent civilians who were imperiled when the terrorists first launched their attacks, many of whom would perish when the twin towers of the World Trade Center collapsed upon them;

Whereas thousands more public safety officers are risking their own lives and long-term health in sifting through the aftermath and rubble of these terrorist attacks to recover the dead;

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107–12; 115 Stat. 20) authorizes the President to award and present, in the name of Congress, a Medal of Valor to public safety officers for extraordinary valor above and beyond the call of duty;

Whereas the Attorney General of the United States has discretion to increase the number of recipients of the Medal of Valor under that Act beyond that recommended by the Medal of Valor Review Board in extraordinary cases in any given year;

Whereas the terrorist attacks in the United States of September 11, 2001, and their aftermath constitute the single most deadly assault on our American homeland in our Nation's history; and

Whereas those public safety officers who have perished and those who lead the efforts to rescue innocent civilians from the terrorist attacks, are the first casualties and veterans of America's new war against terrorism, which was authorized by the authorization for use of military force enacted September 14, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should award and present, in the name of Congress, a Public Safety Officer Medal of Valor to those public safety officers who were killed in the terrorist attacks in the United States on September 11, 2001; and

(2) the President should award and present a Public Safety Officer Medal of Valor to those public safety officers who have earned special recognition for outstanding valor above and beyond the call of duty as named—

(A) in consultation with the Mayor of the City of New York and Governor of the State of New York for the attacks on New York—

(i) Commissioner of the New York City Police Department;

(ii) Commissioner of the New York City Fire Department; and

(iii) Executive Director of the Port Authority of New York and New Jersey;

(B) in consultation with the Chair of the Washington Metropolitan Council of Governments, including the sitting Chairs of the Police and Fire Chief Committees; and the Fort Myer Federal Fire Chief, and the Governor of the Commonwealth of Virginia for the attack at the Pentagon—

(i) Fire Chief of Arlington County, Virginia; and

(ii) Police Chief of Arlington County, Virginia; and

(C) in consultation with the Governor of the Commonwealth of Pennsylvania for the plane crash in Pennsylvania—

(i) Commandant of the Pennsylvania State Police; and

(ii) Adjutant General of the Pennsylvania National Guard,

or any of their designees, for their heroic actions on September 11, 2001, and thereafter during the rescue and recovery missions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of the thousands of people killed on September 11, over 400 were public safety officers. These brave men and women dedicated their lives to the protection of life and property, and in so doing made the ultimate sacrifice. Since that day, thousands of their fellow officers from around the country responded to the attacks and have worked tirelessly at the World Trade Center, the Pentagon, and western Pennsylvania, and, indeed, all around America and the rest of the world.

I believe it fitting and proper that our Nation honor not only those public safety officers who gave their lives, but also the officers who have demonstrated the highest forms of heroism and valor in the wake of these tragic events.

Mr. Speaker, the Public Safety Officer Medal of Valor Act of 2001 was signed into law on May 30. This act established a national medal to be given by the President in the name of the United States Congress to a public safety officer who has displayed extraordinary valor above and beyond the call of duty. The Public Safety Officer Medal Of Valor is the highest national award for valor that can be given to a firefighter, law enforcement officer, or emergency services officer.

Under this new law, the Attorney General of the United States is charged with selecting the recipients of the medal and is limited to selecting not more than five recipients in a given year. However, in extraordinary circumstances, the Attorney General may increase the number of medals to be awarded in a particular year. Mr. Speaker, no one can argue that the events that occurred on September 11, and the acts of bravery and valor that followed, were anything but extraordinary circumstances. House Con. Res. 243 expresses the sense of Congress that the Public Safety Officer Medal of Valor should be presented to all the public safety officers who were killed in the terrorist attacks on September 11, 2001.

Further, the concurrent resolution states that the Medal of Valor should be presented to those officers who have earned special recognition for outstanding valor for their actions in the hours, days, and weeks following the terrorist attacks.

These officers will be selected in consultation with the Governor of New York, the Mayor of the City of New York, the Governor of Virginia, and the Governor of Pennsylvania, and other officials who have firsthand knowledge of the heroic efforts made by these men and women.

On October 11, 2001, a day of violence, horror and great sadness, America's public safety officers gave their lives trying to save others. They also performed their duties heroically in the face of adversity and tragedy.

Mr. Speaker, I urge my colleagues to support this concurrent resolution and to provide the many heroes around the country with appropriate recognition by urging the Attorney General to present them with the highest national public safety officer award for valor.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

□ 1430

The ruthless attacks on the United States by an organized band of terrorists stands in stark contrast to tremendously heroic efforts of our public safety officers who gave their lives so that others may live. Our firefighters, police, and emergency rescue personnel rushed to the scene and rescued thousands of people in what was probably the greatest rescue operation in history. Many lives were lost, but many, many more were saved, thanks to the courage of those we seek to honor here today with this resolution. Their actions are not simply commendable, they should serve as the definition of bravery. These men and women ran into not just a burning building, but two of the tallest buildings in the world that had just been hit by jet airplanes full of jet fuel. The flames were so hot they actually melted steel. Tragically, many victims chose certain death by jumping from the towers to escape the blazing heat. Yet into this heat our firefighters charged. We have heard stories of firefighters who climbed 60, 70, even 80 stories to rescue victims. As survivors came down the stairs, they told the stories of firefighters last seen headed up the stairs. Countless people have come forward to acknowledge that firefighters and police officers saved their lives on September 11. Tragically, many of them were on the scene when the towers came down all around them. They made the ultimate sacrifice, as they too became victims of the terrorist attacks.

And even the collapse of these mammoth buildings was not enough to scare off our public safety officers. After the buildings came down, again police, firefighters and rescue personnel were on the scene, rescuing those whom they could reach, evacuating the area, tending to the injured, and dousing flames that threatened others. Thankfully, the media has done a wonderful job of telling their stories and making the public aware of the heroes amongst us. Sadly, there are too many stories to tell, because the magnitude of the tragedy was so great. It is for us here today to once again honor their sacrifice and bestow high honor upon these American heroes.

This bill will express the sense of the Congress that the President should award and present, in the name of Congress, a Public Safety Officer Medal of Valor to those public safety officers who were killed in the terrorist attacks on September 11 or who have earned special recognition for outstanding valor above and beyond the call of duty. The bill urges the President to work with the State and local elected officials and the various police and fire commissions in New York, Pennsylvania and Virginia to select those individuals who should be awarded the Medal of Valor.

I want to thank the majority for bringing this resolution to the floor in an expeditious manner, and I want to commend the sponsor of the resolution, the gentleman from New York (Mr. CROWLEY).

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. CROWLEY), the sponsor of this bill.

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me this time.

I introduced this legislation, the Medal of Valor for America's Heroes Act, with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. ENGEL) and well over 250 other Members of Congress as a way to thank those brave men and women and dedicated public safety officers who risked their lives and, in far too many cases, lost their lives to protect countless thousands of others, whether it be on September 11 or any of the other 364 days of the year. This bill will provide a Medal of Valor award, the highest national award for valor for a public safety officer, to the public safety officers who perished in the attacks of September 11 of this year, as well as allow other officers who served above and beyond the call of duty to also receive recognition.

By honoring those who died, we also honor those who live on and embody the spirit of those who paid the ultimate sacrifice for the well-being of others. Over the coming years, we will hear tremendous stories of heroic measures. One such story I have heard already is that of Captain Patrick Brown of the 3 Truck on 13th Street in Manhattan. My cousin Michael, whose brother John was killed on that fateful day, works in 3 Truck on 13th Street and was a close friend to Pat and 11 of the members of that firefighter unit that were lost that day.

He told me of a radio message that day from the 32nd floor of Tower One. Mike had told me that Pat and other members of 3 Truck were with about 40 injured people on their way down from the building. Pat Brown was one of the most decorated members of the FDNY and when he spoke, everyone listened. A few moments after giving his location in the tower, he radioed again, except this time it was a May Day call and that the walls of the building were buckling. This was a full 10 minutes before the building actually collapsed. It gave firefighters and unknown numbers of rescue workers and victims time to evacuate the building.

Pat Brown and the other men of 3 Truck were in impeccable condition and could have easily gotten out of the building, but Pat Brown called back on his radio that he would be staying behind, that he and the other members from Truck 3 would be staying behind with the injured victims, knowing that they too would meet the same fate. If that is not heroism, I do not know what is.

While these people do not want our accolades, we the survivors and mourners feel the need to extend to them not only our gratitude but also something larger that states that they are not forgotten. This is the first time that this award will be bestowed, and I am encouraging the Attorney General to use the remains of the World Trade Center as the metal for this award, the metallic structure that is now a debris on Staten Island, an award that is an official recognition of the heroic works of the people who do not view their work as heroic. It is a way to say thank you to those who do not believe they deserve thanks for doing their job, and it is a way for us to recognize the heroic actions, not only for those who died but those who still work on protecting all of us each day. It is a way that someone like myself, who was affected by the tragedy on so many levels, can say thank you to my cousin John Moran, who did what he considered was his job and what I consider an act of bravery.

For far too long, many of us have taken our fire, police and emergency medical personnel for granted. This bill acts as a public thank you, both to those that perished and those that still work on to protect our civil society. But let us not all support this resolution and think we have done all we need to do for our public safety officers. We need to not only salute them and respect them every day, but we need to advocate for them as well. Congress needs to pass legislation to create a new Fire Corps to bring up to 75,000 new firefighters into our communities. And every community and our Federal Government needs to remember the heroism seen in Virginia, Pennsylvania and especially in New York City when calculating their budgets. We can no longer shortchange these people with respect to their livelihoods, with respect to their pay and benefits.

My friend and colleague the gentleman from New York (Mr. WEINER) successfully led the charge to increase the Public Safety Officers Benefit. I salute him for that. And our New York delegation has worked to ensure that emergency medical personnel are covered under the PSOB program as well in this case. But they should be completely covered under this valuable program in all circumstances.

The work of the police, fire and EMT professionals, and they are professionals, is not very glamorous but it is critical and should be celebrated. While everyone in our Nation hopes and prays that we never have a tragedy like the one of September 11 again, let us hope that we all learn from it. Let us hope that we never take these people for granted, the people who run into burning buildings when everyone else is running out; the people that chase after criminals rather than hide and get out of their way; the people that resuscitate and provide for our sick and dying rather than panic and overreact. And let this award serve as a beginning and not an end to the accolades that these heroes so rightly deserve.

On that terrible day of September 11, 2001, Osama bin Laden, al-Qaeda and all those responsible for these terrorist attacks only saw the twin towers of the World Trade Center. They failed to see the millions and millions of patriots behind them, and that will lead to their downfall. The men and women of the New York Fire Department, Police Department, Port Authority Police and EMS and EMT and volunteer workers were the first in line behind the twin towers.

In conclusion, I want to thank Chairman SENSENBRENNER, Ranking Member CONYERS and my good friend and colleague the gentleman from New York (Mr. NADLER) for the committee's expedited treatment of this bill, as well as the outpouring of support from my colleagues in Washington, my neighbors in New York and all the people of the country for their appreciation of America's everyday heroes.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague the gentleman from New York (Mr. NADLER) for yielding time.

Mr. Speaker, on September 11, the world watched in horror as the symbol of our Nation's wealth, the World Trade Center, and our Nation's military might, the Pentagon, were viciously attacked. There is an aching in our hearts as we mourn for the senseless loss of life and we share the grief of the victims' families, friends and coworkers.

As the list of casualties from Pennsylvania, the World Trade Center and the Pentagon grows to over 5,000 people, it is frightening to imagine that the toll would have been higher were it not for the extraordinary courage and valor exhibited by our firefighters, police officers and emergency rescue workers. That is the reason that I so strongly support House Concurrent Resolution 243, which will allow us to honor the valor of the public safety officers who answered the call of duty on September 11. In my own congressional district, the brave and heroic men and women of the Arlington County, City of Alexandria and Fairfax County Fire and Rescue Departments and Police Departments should be particularly honored.

These, along with the Federal firefighters at Fort Myer and the Defense Protection Service, were the emergency personnel who first responded to the attack on the Pentagon. Every day these men and women face risks and challenges that few of us can relate to. It is our natural reaction when there is a fire to run away from it. Their professional responsibility is to run into it. On September 11, with little regard for their own safety and well-being, they responded within minutes after the attack on the Pentagon. The Arlington County Fire and Police Departments, which have primary responsibility for first response at the Pentagon, were right there on the scene along with the firefighters and Emergency Medical Service personnel from Alexandria and Fairfax Counties who were assisted by any number of other response teams from around the area and really around the country. They courageously fought the flames, rescued victims trapped inside the building, and treated and transported the injured.

Mr. Speaker, I would like to express my wholehearted gratitude towards these men and women on behalf of the families whose loved ones were saved because of their heroic efforts. Together with the Fire and Police Departments of New York City, they do deserve our admiration and our pride. I trust that this resolution will pass unanimously. I commend the gentleman from New York for offering it, and I appreciate the opportunity to support it.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of this resolution to provide the Public Safety Office Medal of Valor to some of the greatest heroes our Nation has ever known. I want to thank my colleague from New York for introducing and shepherding this through the House so quickly. I also want to take this opportunity to extend my heartfelt condolences to him for the personal loss he has suffered as a result of September 11th.

The men and women who responded to the World Trade Center, Pentagon, and Pennsylvania crash site put themselves in harm's way in order to save the lives of countless others. In the case of New York, we all know that there were tragic results. As I watched from my apartment in the Bronx, not only did the World Trade Center Towers come crashing down, but hundreds of firefighters lost their lives. I must admit at that moment I was full of despair.

But then, like a light shining through the dark storm clouds, I saw even more emergency personnel going into Ground Zero. Through the horror of the events, my spirits rose as I saw time and time again, firefighters, police officers, and emergency medical personnel pull people out.

It is very fitting that we honor these men and women with this medal. I urge my colleagues to vote yes on this resolution.

Mr. FERGUSON. Mr. Speaker, I stand in support of H. Con. Res. 243.

Earlier this year we had the opportunity to create the Public Safety Officer Medal of Valor.

Today we have the obligation to use this medal to honor those who have served the public safety of our Nation.

Mr. Speaker, this bill does more than urge the president to award the Medal of Valor—the highest honor for public safety officers—to those who were killed in the terrorist attacks of September 11.

It also honors those who displayed valor above and beyond the call of duty through their heroic actions on that fateful day, and during the rescue and recovery missions that followed.

These brave souls, although not public safety officers, still acted in line with and gave their lives for the highest ideals of that fine profession.

Mr. Speaker, I think of the courageous men and women of the Port Authority who, because of where they worked, felt empowered and compelled to risk and, in some cases, sacrifice their lives to help their fellow workers in the World Trade Center. By going above and far beyond the call of duty, these real heroes gave us something to be proud of and someone to look up to.

These valiant individuals are also public safety officers, employed by a situation out of their control and paid by an opportunity to serve their fellow man.

Mr. Speaker, I would also like to offer my thanks and praise to New Jersey Port Authority Chairman Lew Eisenberg. I struggle to imagine what these past weeks would have been like without his leadership and caring attention to the technical and human concerns we have all shared.

I can think of no more fitting tribute to these men and women than the awarding of the Public Safety Officer Medal of Valor.

I ask my colleagues to remember their support for the creation of this medal, and ask them to recall why we did it.

I believe it was for such an occasion of bravery as September 11 inspired that we voted Yes on that day, and why we must also vote Yes today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, last May this body established the Public Safety Officer Medal of Valor to honor those firemen, police officers, EMTs, and other who demonstrate "extraordinary valor above and beyond the call of duty."

That action was prescient because we are now faced with a situation that warrants the distribution of this highest honor to a number of heroes within the public safety sector that exemplify its standards. H. Con. Res. 243 rightly expresses the sense of this body that those public safety officers that lost their lives in the September 11 attacks on American soil should be conferred this high honor. This body is also right to declare that there are other public safety officers who deserve special recognition for their actions in the aftermath of these attacks.

As we continue to fight this new war, Americans are constantly reminded that the nature of a public safety officer's job involves the potential for the ultimate sacrifice. As the representatives of the American people, our actions today reflect the gratitude of our constituents to those who work to ensure a stable, safe, and just society.

In his famous 1838 address before the Young Man's Lyceum of Springfield, Illinois, Abraham Lincoln spoke the following words regarding danger within our nation's borders:

> "At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It

cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time . . ."

Though Lincoln's words did not portend the blending of home and abroad in the manner that it has presented itself, his sentiment is as relevant now as it was then. Our public safety officers allow us the best hope of destroying the dangers we now see before us. Finding a fitting testament to their bravery is the obligation of this great Nation.

Mr. GILMAN, Mr. Speaker, I rise in strong support of H. Con. Res 243, respectfully calling on the President to award and present, in the name of Congress, a public safety officer Medal of Valor to those public safety officers who were killed in the terrorist attacks in the United States on September 11, 2001. This resolution also requests that the President honor other select public safety officers who displayed valor and courage above and beyond the call of duty on September 11th and in the subsequent rescue and recovery efforts that followed the terrorist attacks on our Nation.

On that horrible day in September, a day of infamy, our Nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of our firefighters, law enforcement officers, emergency personnel, and our fellow citizens.

It is incumbent upon our Nation to honor these heroes, be they here or departed. Bestowing the Public Safety Officer Medal of Valor on these deserving men and women. It is a fitting tribute to their memory and their contribution to our Nation's freedom. Accordingly, I urge my colleagues to fully support this important measure.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL LONG-TERM CARE INSURANCE AMENDMENTS ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2559) to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

The Clerk read as follows:

H.R. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF AN ANNUITANT.

Paragraph (2) of section 9001 of title 5, United States Code, is amended to read as follows:

"(2) ANNUITANT.—The term 'annuitant' means—

"(A) any individual who would satisfy the requirements of paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection; and

"(B) any individual who—

"(i) satisfies all requirements for title to an annuity under subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government (whether based on the service of such individual or otherwise), and files application therefor;

"(ii) is at least 18 years of age; and

"(iii) would not (but for this subparagraph) otherwise satisfy the requirements of this paragraph.".

SEC. 2. PREEMPTION.

Section 9005 of title 5, United States Code, is amended—

(1) by inserting "(a) CONTRACTUAL PROVISIONS.—" before "The"; and

(2) by adding at the end the following:

"(b) PREMIUMS.—

"(1) IN GENERAL.—No tax, fee, or other monetary payment may be imposed or collected, directly or indirectly, by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid for an insurance policy under this chapter.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to exempt any company or other entity issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by such entity from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of section 1002 of the Long-Term Care Security Act (Public Law 106–265; 114 Stat. 762).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2559.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2559. Last year, Congress enacted the Long-Term Care Security Act. That bill established a program to permit the Federal Government to offer private long-term care insurance at a group discount as an employment benefit. Beginning in October of 2002, Federal employees, civilian retirees and active and retired members of the military will be eligible to purchase long-term care insurance through this new program.

□ 1445

H.R. 2559 will improve that program. This bill expands the population served by the Federal Government's long-term care program.

Mr. Speaker, many individuals leave Federal employment before they are entitled to an immediate annuity, even though they worked long enough to earn retirement at a later date. Currently they are not eligible to participate in the long-term care insurance program. H.R. 2559 will rectify this situation. Such individuals will be eligible to buy long-term care insurance through the program when they file for their deferred annuity.

In order to hold down premium costs, the bill also exempts policies issued under the program from premium taxes imposed by States, local governments, and the Commonwealth of Puerto Rico. Similar exemptions already exist for premiums paid under the Federal Employees Health Benefits Program and Federal Employees Group Life Insurance Program.

Exempting premiums from these taxes will reduce premiums in two ways. First, of course, the cost of long-term care insurance will be lower simply because the premiums will not have to build in the amount of the taxes. Second, the carriers will not have to incur the cost of complying with the wide array of premium tax laws that differ from jurisdiction to jurisdiction.

Lower costs mean lower premiums. The Office of Personnel Management estimates that the exemption will shave long-term care premiums by 2.5 percent. This is important because potential consumers of long-term care insurance are very sensitive to price.

I would also note, Mr. Speaker, that the Long-Term Care Security Act intends that the Office of Personnel Management will perform many of the consumer protection functions traditionally conducted by State insurance commissioners. These changes will be effective as if enacted in the Long-Term Care Security Act and will substantially improve the Federal Government's long-term care insurance program.

I encourage all Members to support H.R. 2559.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2559. It will improve the Federal long-term care insurance program, which was created last year by the Long-Term Care Security Act.

Last session, the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Florida (Mr. MICA), and the gentleman from Maine (Mr. ALLEN) worked in a bipartisan way to bring a long-term care insurance program to Federal employees.

The Long-Term Care Security Act authorizes the Office of Personnel Management to purchase group long-term insurance policies from qualified private sector contractors, thereby making long-term care insurance available to Federal employees, Federal retirees, and their family members. The corrections to the Long-Term Care Security Act proposed in H.R. 2559 will continue to ensure that the best possible program is being designed for Federal employees.

Under the Long-Term Care Corrections Act, all Federal employees entitled to an annuity under the Federal Retirement System will be eligible to participate in the long-term care program, as was intended when the Long-Term Care Security Act was enacted.

Additionally, as in the case with the health and life insurance policies issued through the Federal Employees Health Benefits Program and the Federal Employees Group Life Insurance Program, long-term care insurance policies issued through the Federal long-term care program would be exempt from premium taxes imposed by States and local governments, making premiums competitive for Federal employees. Obviously, this program improves substantially the health benefits program for Federal employees.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding me time.

Mr. Speaker, I just want to rise to reflect the broad-based support that this provision has within the Congress. This is not going to cost the American taxpayer any money, but it will provide some personal security for the great many Federal employees who need long-term care insurance.

This was a good idea. There were any number of Members, particularly from the Washington metropolitan area, who pushed it. It is an important benefit, and it is one that all of the Federal workers throughout the country are going to appreciate. And particularly at this time when they are working under such fear and anxiety, it is the appropriate thing to do. I know it will be much appreciated.

So I strongly support this measure. I thank the gentlewoman from Virginia and the gentleman from Illinois for bringing it to the floor today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply reiterate my strong support for this excellent legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2559 has strong bipartisan support. The Office of Personnel Management and long-term care insurers also support it. It will substantially improve the Federal Government's long-term care insurance program, and I urge all Members to support this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2559.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING BARRY BONDS FOR RECORD-BREAKING SEASON

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball.

The Clerk read as follows:

H. RES. 266

Whereas Barry Bonds has brought distinction to Major League Baseball and excellence to the San Francisco Giants, following in the baseball footsteps of his father, Bobby Bonds, and his godfather, Willie Mays;

Whereas Barry Bonds has had an outstanding career that so far includes 3 Most Valuable Player awards, 10 All-Star Game appearances, 8 Rawlings Gold Glove awards, and the distinction of being named Player of the Decade for the 1990s by the Sporting News;

Whereas in 2001 Barry Bonds had one of the greatest seasons in Major League Baseball history, achieving 73 home runs, a slugging average of .863, and an on-base percentage of .515;

Whereas Barry Bonds has established himself as the most prolific single-season home run hitter in Major League Baseball history, hitting his 73rd home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGwire in 1998;

Whereas Barry Bonds has attained the rank of 7th place on the all-time Major League Baseball home run list with 567;

Whereas Barry Bonds drove in 136 runs to set a Giants franchise record for runs batted in by a left fielder, and has recorded at least 100 RBI's in each of 10 different seasons;

Whereas of Bonds' 73 home runs, 24 gave San Francisco the lead and 7 tied the game;

Whereas Barry Bonds also hit the 500th home run of his career during the 2001 season, a 2-run game-winning home run which landed in the waters of McCovey Cove, San Francisco;

Whereas Barry Bonds, at age 37, is the oldest player in Major League Baseball history to hit more than 50, 60, and 70 home runs in a single season;

Whereas Barry Bonds has recorded 484 stolen bases in his career, becoming the only Major League Baseball player to both hit more than 400 home runs and steal more than 400 bases;

Whereas Barry Bonds' 233 stolen bases achieved while playing for San Francisco place him 6th on the Giants franchise list behind his father, Bobby, who is 5th with 263 stolen bases;

Whereas Barry Bonds has proven himself to be an active leader not only in the Giants clubhouse but also in the community, donating approximately $100,000 to the September 11th Fund to aid the victims of the terrorist attacks in New York, Washington, D.C., and Pennsylvania; and

Whereas Barry Bonds has also devoted his time and money to support the Link & Learn Program of the United Way, and has been an active participant in numerous other San Francisco Bay area community efforts: Now, therefore, be it

Resolved, That the House of Representatives congratulates Barry Bonds on his spectacular record-breaking season in 2001 and outstanding career in Major League Baseball, wishes him continued success in the seasons to come, and thanks him for his contributions to baseball and to his community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (MR. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 266.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my distinguished colleagues, the gentlewoman from California (Ms. PELOSI), the author of this resolution; and the gentleman from California (Mr. OSE), who sponsored a similar resolution. House

Resolution 262, for introducing these measures.

This resolution congratulates Barry Bonds for his spectacular record-breaking season in 2001 and his outstanding career, wishes him continued success, and thanks him for his contributions to baseball and his community.

Mr. Speaker, no player has hit as many home runs, 73, in a single season, as San Francisco Giants outfielder Barry Bonds did during this baseball season; but he also accomplished much more than just setting this record. To fully appreciate the remarkable season that Barry Bonds had this year, we must also consider these other achievements.

During this season, Barry Bonds had the highest slugging percentage in a single season at .863. He joined the immortal Babe Ruth as the only hitter to finish a season with a slugging percentage over .800. Furthermore, Barry Bonds had an on-base percentage of .515 in the past 100 years, only four other players finished a season above the .500 mark. Barry Bonds is the first to do so since 1957. He also broke the single-season record for walks with 177.

These accomplishments further adorn a career noted for excellence. Barry Bonds has received three Most Valuable Player awards, eight Gold Gloves, and was named Player of the Decade for the 1990s by the Sporting News.

Mr. Speaker, Barry Bonds's roots in California run deep. He was born in Riverside, California. He graduated from Sierra High School in San Mateo. After attending college at Arizona State, he now both plays professional baseball and resides in California.

His community activity has included generous support of the United Way's Link & Learn Program and many other San Francisco Bay Charities. He also donated around $100,000 to the September 11 fund to aid the victims of the terrorist attacks.

Barry Bonds has been a beacon of quiet resolve and hard work and an inspiration to his teammates and to all Americans. I urge all Members to recognize Barry Bonds's extraordinary athletic achievements and his community spirit by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must confess that I grew up as a Brooklyn Dodgers and St. Louis Cardinals fan; and then after moving to Illinois, I became a White Sox and a Cubs fan. But on Sunday, October 7, I think everybody who loves baseball was a San Francisco Giants fan, because it was on Sunday, October 7, 2001, that Barry Bonds, the San Francisco Giants outfielder, hit his 73rd home run, a Major League record, and shattered the slugging percentage record that Babe Ruth held since 1920.

16 years ago, Bonds started out as a Pittsburgh Pirate, when he was sixth in Rookie of the Year. Today, Bonds has passed some of baseball's greatest legends on the career home run list.

Bonds finished the season with a .328 batting average, career high 137 RBIs, and a slugging percentage of .863, easily surpassing the mark of .847 that Ruth set in 1920. Bonds also broke Ruth's major league record by walking 177 times this season, ending up with an on-base percentage of .515, best in the majors since 1957, and tops in the National League since John McGraw's mark of .547 in 1899.

Bonds homered every 6.52 at-bats this season, beating the Major League record of a homer each 7.27 at bats that Mark McGwire set while hitting 70 home runs in 1998.

Voted Player of the Decade for the 1990s by the Sporting News, Bonds was the first player ever to win the league's Most Valuable Player award three times in four seasons.

This resolution congratulates Barry Bonds for his hard work and extraordinary achievements, and I certainly join with the 'gentlewoman from California (Ms. PELOSI) in supporting House Resolution 262.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me time.

Mr. Speaker, I cannot tell you how pleased I am to be down here. Having been born and raised in California, I have been a life-long San Francisco Giants fan, even though they only arrived in 1958.

It gives me great pleasure to stand today and commend this resolution to my colleagues. My connection with Barry Bonds is not only that I come from Northern California and bleed San Francisco Giants colors; but his agent is a family friend of mine, Mr. Scott Boras.

How many of you can recall the names McCovey, Mays, Marichal, Haller, Tito Fuentes, Jimmy Davenport, Jim Ray Hart? It is a long list of names that are steeped in Giants history that lead us to today's proceedings.

Barry Bonds, in fact, may have started with the Pittsburgh Pirates; but in fact he is a San Francisco Giants. His father, Bobby Bonds, came up into the majors serving with the San Francisco Giants; and in his first at-bat hit a grand slam home run, something that has not been often repeated in the major leagues.

Orlando Cepeda, the Hall of Famer with the San Francisco Giants, is one of those who also served with the Giants; Ron "Bear" Bryant, who in 1973 won 24 games; John "The Count" Montefusco, anybody from San Francisco or Northern California knows that name. Frank Robinson, who was the National League's first black manager, served with the Giants beginning in 1981. Jim Ray Hart and Jim Davenport; Tom Haller, Will Clark, "Will the Thrill" Clark. And his teammate Kevin Mitchell, who last took the Giants to the World Series with the Oakland A's.

More recently we have had others. We have had Jeff Kent, Rich Aurilia, and Robb Nen, all adding to the Giants legacy.

But in 2001, we had Barry Bonds and no one else. On August 11, he became the oldest player to ever hit 50 home runs. But do you know what? He did not stop there. He kept swinging. He kept popping that ball out into McCovey Cove, and the Giants kept winning.

As the gentleman from Illinois said, on October 7, as everyone sat riveted in their living rooms and their family rooms across this country, Barry Bonds went yard a 73rd time.

☐ 1500

In the process, he broke Mark McGuire's single season record and, I have to say, a few years back when I watched Mr. McGuire make his challenge, that was a stirring time also.

Bonds broke Maris' record for the most home runs for a left-hander; no asterisk, no nothing, he just did it. He broke McGuire's and Babe Ruth's record for most home runs on the road and, as the gentleman from Illinois (Mr. DAVIS) said, with a home run every 6.5 at bats, he broke McGuire's record there also. He broke Babe Ruth's record of 170 walks in a single season by walking 177 times. Can anyone imagine that? In the major leagues, the pitchers chose to walk Barry Bonds 177 times. Let me tell my colleagues, the other 29 franchises in the major leagues, you guys are a bunch of chickens; you would not pitch to him. Who knows how many he would have had. He could have had 100 home runs if you would have pitched to him.

He had a slugging percentage of 863, breaking Roger Hornsby's previous single season record of 76 and passing Babe Ruth's major league record of 847. He was on base over half the time. Counting the walks, he was on base every other time he came to bat. That is the first time since 1957 anybody has bat over 500 and the first time in the National League since 1924.

Mr. Speaker, the San Francisco Giants are a long and storied franchise. I have to say these names: Mays, Marichal, McCovey, Cepeda, Tito Fuentes, and the others that I grew up rooting for. These are all great giants, but none have been greater than Barry

Bonds in this past year. Just remember that number: 73.

We have struggled over the past 6 or 7 weeks in this country trying to keep things together. My heart goes out to everybody who has suffered a loss. In this time of trouble, and in this time of tragedy, and in this time of trial, I have to say that America has looked to those boys of spring and those boys of summer and, finally, we have looked to Barry Bonds to give us that shining example of what one person can do, even when the other 29 teams are working against him.

Mr. Speaker, I commend this resolution to my colleagues in this House. I compliment the gentlewoman from California (Ms. PELOSI) for bringing this forward. I am a Giants fan from day one and I will be a Giants fan to the last day and the last breath. Thank God for Barry Bonds and the Giants this year. I urge an "aye" vote on this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentleman from California (Mr. LANTOS). I do not know how many home runs the next speaker has hit, but I can tell my colleagues that he has struck many a blow for human rights and for the rights and liberties of people all over the world.

Mr. LANTOS. Mr. Speaker, I first would like to thank my dear friend and distinguished colleague, the gentleman from Illinois, for yielding. I want to congratulate the gentlewoman from California (Ms. PELOSI), my friend, neighbor, and whip-elect, for bringing this resolution to the floor. I am truly delighted that my training, Mr. Speaker, is in economics, because a knowledge of statistics is indispensable in dealing with this giant in American politics.

Mr. Speaker, I am delighted to urge all of my colleagues to join the gentlewoman from California (Ms. PELOSI) and me in supporting House Resolution 266, which congratulates Barry Bonds for his achievement in breaking the major league baseball record for home runs in a single season, and to thank him for his contributions both to baseball and our community.

On October 7 of this year, in beautiful PacBell Stadium in San Francisco, Barry Bonds hit his 73rd home run. This took him past Mark McGuire's previous record of 70 home runs in a single season. In addition, Barry also broke Babe Ruth's record for slugging average, once thought to be untouchable. Mr. Speaker, Barry Bonds did not merely eclipse Ruth's record; he shattered it, setting the new average 16 points above the previous mark. He also set the major league record for walks, drawing 177, a testament to the fear he instilled in opposing pitchers.

Mr. Speaker, at the end of this year's baseball season, Barry Bonds had finished in the top 10 in four major offensive statistical categories: home runs, batting average, runs batted in, and runs scored. He finished the season in seventh place on the all time home run list with 567 career home runs, and I can relate to that, Mr. Speaker. He became the oldest player in major league history to hit more than 50, 60 or 70 home runs in a single season. This dazzling offensive output is what the fans of the San Francisco Giants as well as baseball fans around the Nation have come to expect from this three-time National League Most Valuable Player. This past Sunday, Barry's peers added yet another accolade to his resume: 2001 Players' Choice Player of the Year.

Mr. Speaker, I say this with local pride, but I firmly believe that Barry Bonds' talents can be traced to the fact that he grew up in San Mateo, California, which, I might add, is at the very heart of my own congressional district. His domination of the baseball diamond at Sierra High School in San Mateo is legendary to this very day. Barry grew up around baseball and from a young age he showed star potential. Both Barry's father Bobby and his godfather, Willie Mays, were professional baseball players.

In addition to his baseball exploits, Barry Bonds has been actively involved in community and public service. Since September 11 he has donated $100,000 to the fund to aid the victims of the September 11 terrorist attacks. His generous contribution was matched by both major league baseball and the San Francisco Giants, bringing the total of $300,000 for the assistance of the victims of this horrific tragedy. Barry's involvement in the community also includes the Barry Bonds family foundation, which he established 7 years ago, which is headed by his mother, Pat Bonds. The foundation supports activities and programs to improve education and quality of life for the Bay Area's African American youth. The foundation also supports other charities, such as the Adopt a Special Kid Program and the Joe DiMaggio Children's Hospital. Both Barry Bonds and his foundation are also involved in the United Way's "Link and Learn" program. This educational program focuses on raising student achievement by increasing parent involvement, access to tutoring, and exposure to interactive educational technology among low-income children and their families.

Mr. Speaker, it is crystal clear that Barry Bonds is an exceptional baseball player, and he used his celebrity and talents to benefit our community. I encourage all of our colleagues to join me in supporting this resolution, which appropriately honors Barry Bonds for his record-breaking achievement.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5½ minutes to the gentlewoman from California (Ms. PELOSI), the author of this resolution, who functions with the passion of a gladiator herself and is victorious most of the time in whatever it is that she sets out to do.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS), the ranking member, for his generosity in yielding time and his kind words, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for bringing this resolution to the floor. I am pleased to join my colleague, the gentleman from California (MR. LANTOS), a big Giants fan, in representing San Francisco and in honoring Barry Bonds today. I want to thank the gentleman from California (Mr. OSE), who also had a resolution about Barry Bonds, for his generosity in allowing the gentleman from California (Mr. LANTOS) and I to bring this resolution to the floor as we represent San Francisco. But as the gentleman knows, the Giants family extends well beyond that, and we are pleased to share this honor for Barry Bonds today with our California colleague, and I thank the gentleman. I appreciate his kindness. I also thank the Republican leadership for allowing a Democratic resolution honoring Barry Bonds to come to the floor.

Mr. Speaker, in an uncertain time in our country's history, this fall has been as bad as it gets for us. Our spirits were lifted as Barry Bonds hit his 73rd home run on October 7. For those of us who go to the Giants games, we could only say, just think what he would have done if they would have pitched to him, as my colleague said in his remarks. I was there for number 58 on Labor Day. I kept going to the games thinking I would see many more home runs and I saw some, but again, they did not always have the courage to pitch to Barry Bonds. I really hope that all of our colleagues will, in the spirit of friendship and competition, join in congratulating Barry Bonds on his spectacular record-breaking season for the San Francisco Giants and major league baseball.

Our resolution says, whereas Bonds has brought distinction to major league baseball and excellence to the San Francisco Giants, he was following in the footsteps of his father Bobby Bonds and his godfather Willie Mays. My colleagues have to come to San Francisco to see the Willie Mays statue on Willie Mays Plaza there. Barry Bonds has had an outstanding career and that so far includes 3 Most Valuable Player awards, 10 All Star Game appearances, 8 Rawlings Gold Glove awards and the distinction of being named Player of the Decade for the 1990s by Sporting News; whereas also, in 2001, Barry Bonds had one of the greatest seasons in major league baseball history, achieving the aforementioned 73 home runs, a slugging average of 863, and an on-base percentage of 515. Barry Bonds has established himself as the most prolific single season home run hitter in major league baseball history, again hitting his 73rd home run on October 7, 2001, eclipsing the previous record of 70 home runs set by Mark McGuire in 1998, and that seemed like an unachievable goal to break that record. Of Bonds' 73 home runs, 24 gave San Francisco the lead and 7 tied the game.

Bonds also hit the five-hundredth home run of his career during the 2001 season, a two-run game-winning home run which landed in the waters of McCovey Cove, something my colleagues must come visit as well when they come to San Francisco to our PacBell Stadium, which, by the way, is privately funded, very exceptional, again under the leadership of the Giants family headed by Peter McGowan.

Barry Bonds at 37 is the oldest player in major league baseball history to hit more than 50, 60 and 70 home runs in a single season. My daughter is 37 years old, and I remember when we went to Barry Bonds' 30th birthday, which seems like just yesterday. But in any event, he has even at that ripe old age of 37 broken many records.

Barry Bonds has recorded 484 stolen bases. Can we imagine that: Becoming the only major league baseball player to hit both more than 400 home runs and to steal more than 400 bases. Barry Bonds' 233rd stolen bases achieved while playing for San Francisco placed him sixth on a Giant franchise list behind his father, Bobby, who was fifth, with 263 stolen bases. So this is indeed a family affair.

Perhaps more important to Barry Bonds than even his baseball success is his record of community service. He has proven himself to be an active leader, not only in the Giants' club house, but also in the community, donating privately approximately $100,000 already to the September 11 Fund to aid the victims of the terrorist attacks in New York, Washington, and Pennsylvania. Barry Bonds has also devoted his time and personal financial resources to support the "Link and Learn" program of United Way and has been an active participant in numerous other San Francisco Bay Area community efforts, just too numerous to mention.

□ 1515

Mr. Speaker, I urge all of my colleagues to join in very enthusiastically and resolve that the House of Representatives congratulate Barry Bonds on his spectacular, record-breaking season in 2001, and outstanding career in major league baseball.

This House wishes him continued success in the seasons to come, and thanks him for his contribution to baseball, and especially his contribution to the community.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I would like to just share with the gentlewoman from San Francisco, I know Mr. Bonds hit number 73 against the Houston Astros, but in San Francisco, and in fact in the northern California area, in baseball, the ultimate opponent is the Los Angeles Dodgers, without any doubt.

I have to say, I do not know where the gentlewoman was when he hit number 71, but it was against the Los Angeles Dodgers. I just want to get that in the RECORD. When he turned on that fast ball, imagine the audacity on number 71.

It was the ninth inning and the Dodgers had some rookie in pitching, a little right-handed pitcher. He was throwing heat. Bonds was up and the game was basically over. This guy kept bringing the heat, and he would pitch one and it got by Bonds on strike one, and I think on strike two, I think Bonds actually turned to the catcher and said, "You just put that ball there one more time."

And the pitcher brought the fast ball again, and Bonds turned on, and there was never any doubt. I have to tell the Members, all over San Francisco and in northern California, Mr. Speaker, people jumped to their feet and said "Yes, we broke the record against the Dodgers; life is good, congratulations, Barry Bonds; and we won the game."

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As one who used used to try and emulate those basket catches of Willie Mays, I am pleased to urge strong support for this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I again commend the distinguished gentlewoman and the gentleman from California for introducing the resolution to recognized Barry Bonds' achievements and working so hard to assure passage. I thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS), the chairman and ranking member of the Subcommittee on Civil Service and Agency Organization, for expediting consideration by the House.

I might add that the gentleman from Indiana (Mr. BURTON) wanted it known that he was personally very pleased that Mr. Bonds hit number 73.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 266.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2362) to establish the Benjamin Franklin Tercentenary Commission, as amended.

The Clerk read as follows:

H.R. 2362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Benjamin Franklin Tercentenary Commission Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Benjamin Franklin was one of the most extraordinary men of the generation that founded the United States. Around the world, he remains one of the best-known Americans who has ever lived.

(2) Benjamin Franklin's achievements include his literary work, his creation of philanthropic and educational institutions, his significant scientific explorations, and his service to the Nation as a statesman and diplomat.

(3) Benjamin Franklin was the only American to sign all 5 enabling documents of the United States.

(4) All people in the United States could benefit from studying the life of Benjamin Franklin and gaining a deeper appreciation of his legacy to the Nation.

(5) January 17, 2006, is the 300th anniversary of the birth of Benjamin Franklin, and a commission should be established to study and recommend to the Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Benjamin Franklin.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Benjamin Franklin Tercentenary Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

(a) STUDY.—The Commission shall have the following duties:

(1) To study activities by the Government that would be fitting and proper to honor Benjamin Franklin on the occasion of the tercentenary of his birth, including but not limited to the following:

(A) The minting of a Benjamin Franklin tercentenary coin.

(B) The rededication of the Benjamin Franklin National Memorial at the Franklin Institute in Philadelphia, Pennsylvania, or other activities with respect to that memorial.

(C) The acquisition and preservation of artifacts associated with Benjamin Franklin.

(D) The sponsorship of publications, including catalogs and scholarly work, concerning Benjamin Franklin.

(E) The sponsorship of conferences, exhibitions, or other public meetings concerning Benjamin Franklin.

(F) The sponsorship of high school and collegiate essay contests concerning the life and legacy of Benjamin Franklin.

(2) To recommend to the Congress in one or more of the interim reports submitted under section 9(a)—

(A) the activities that the Commission considers most fitting and proper to honor Benjamin Franklin on the occasion of the tercentenary of his birth; and

(B) the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

(b) POINT OF CONTACT.—The Commission, acting through its secretariat, shall serve as the point of contact of the Government for all State, local, international, and private sector initiatives regarding the tercentenary of Benjamin Franklin's birth, with the purpose of coordinating and facilitating all fitting and proper activities honoring Benjamin Franklin.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(1) The Librarian of Congress.

(2) 14 qualified citizens, appointed as follows:

(A) 2 members appointed by the President.

(B) 2 members appointed by the President on the recommendation of the Governor of the Commonwealth of Pennsylvania.

(C) 2 members appointed by the President on the recommendation of the Governor of the Commonwealth of Massachusetts.

(D) 2 members, at least 1 of whom shall be a Senator, appointed by the majority leader of the Senate.

(E) 2 members, at least 1 of whom shall be a Senator, appointed by the minority leader of the Senate.

(F) 2 members, at least 1 of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(G) 2 members, at least 1 of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(b) QUALIFIED CITIZEN.—For purposes of this section, a qualified citizen is a citizen of the United States with—

(1) a substantial knowledge and appreciation of the work and legacy of Benjamin Franklin; and

(2) a commitment to educating people in the United States about the historical importance of Benjamin Franklin.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of the Congress, and ceases to be a Member of the Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to be a Member of the Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(i) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair.

SEC. 6. ORGANIZATION.

(a) HONORARY MEMBERS.—The President—

(1) shall serve as an honorary, nonvoting member of the Commission; and

(2) may invite the President of France and the Prime Minister of the United Kingdom to serve as honorary, nonvoting members of the Commission.

(b) ADVISORY COMMITTEE.—The Commission shall form an advisory committee, to be composed of representatives of the major extant institutions founded by or dedicated to Benjamin Franklin, including the following:

(1) The Executive Director of the American Philosophical Society.

(2) The President of the Franklin Institute.

(3) The Librarian of the Library Company.

(4) The Director and Chief Executive Officer of the Philadelphia Museum of Art.

(5) The President of the University of Pennsylvania.

(c) ADMINISTRATIVE SECRETARIAT.—The Commission shall seek to enter into an arrangement with the Franklin Institute of Philadelphia, Pennsylvania, under which the Institute shall do the following:

(1) Serve as the secretariat of the Commission, including by serving as the point of contact under section 4(b).

(2) House the administrative offices of the Commission.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) PROCUREMENT.—The Commission may enter into contracts for supplies, services, and facilities to carry out the Commission's duties under this Act.

(g) DONATIONS.—The Commission may accept and use donations of—

(1) money;

(2) personal services; and

(3) real or personal property related to Benjamin Franklin or the occasion of the tercentenary of his birth.

SEC. 8. DIRECTOR AND STAFF.

(a) APPOINTMENT.—The Commission may appoint a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 9. REPORTS.

(a) INTERIM REPORTS.—The Commission shall submit to the Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—The Commission shall submit a final report to the Congress not later than January 16, 2007. The final report shall contain—

(1) a detailed statement of the activities of the Commission; and

(2) any other information that the Commission considers to be appropriate.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting its final report pursuant to section 9(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000 for the period of fiscal years 2002 through 2007 to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2362, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the distinguished gentleman from Pennsylvania (Mr. BORSKI) for introducing H.R. 2362. H.R. 2362 establishes a Benjamin Franklin Tercentenary Commission. This 15-member Commission will be charged with studying and recommending to Congress activities it considers most fitting and proper to honor Benjamin Franklin.

The Commission will also recommend the entity or entities in the Federal Government the Commission believes most appropriate to carry out those activities. It will coordinate and facilitate such activities.

The Commission will terminate in 2007. The bill authorizes appropriations for $500,000 over the life of the Commission.

January 17, 2006, is the 300th anniversary of Benjamin Franklin's birth. As the bill's findings observe, Franklin was one of the most extraordinary men of the extraordinary generation that founded the United States. Both here and abroad, he remains one of the best-known Americans who ever lived.

Mr. Speaker, it is impossible in the short time allotted for debate on this bill to fully recount Benjamin Franklin's achievements and his contributions to our Nation. The tenth son, and the fifteenth of the 17 children fathered by Josiah Franklin, a Boston soap and candlemaker, Benjamin Franklin became one of the most illustrious men of his age. He was the only American to sign all five enabling documents of the United States.

The achievements of this largely self-educated man included his literary work; his creation of philanthropic and educational institutions, including what became the University of Pennsylvania; his scientific explorations; and his service to the Nation as a statesman and diplomat.

Almost all Americans are familiar with Franklin's Poor Richard's Almanack, and such pithy sayings as "A penny saved is a penny earned." We all know about his famous kite-flying experiment.

But Benjamin Franklin was also a prolific inventor. He invented bifocals; a catheter; the Franklin stove; a musical instrument, the glass harmonica; the lightning rod; and the odometer.

Franklin also founded the first fire department, and he established the first fire insurance company.

Franklin's political contributions to the Nation were also invaluable. To take just a few, Mr. Speaker, Franklin participated in drafting the Declaration of Independence. The Articles of Confederation in Perpetual Union that he submitted to the Second Continental Congress eventually served as a model for our first Constitution, the Articles of Confederation.

The secret committee that Franklin established at the request of the Second Congress to gain foreign support for America's fight for independence eventually evolved into the State Department.

During the Revolutionary War, Benjamin Franklin himself represented the fledgling Nation in France. In recognition of Franklin's diplomatic work both before and during the Revolutionary War, this bill permits the President to invite the President of France and the Prime Minister of the United Kingdom to serve as honorary nonvoting members of the Commission.

Mr. Speaker, everyone in the United States can benefit from studying the remarkable life of Benjamin Franklin and gaining a deeper appreciation of his legacy to the Nation.

For this reason, Mr. Speaker, I urge all Members to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me commend and congratulate the gentleman from Pennsylvania (Mr. BORSKI) for putting forth this resolution. I think it is not only timely, but absolutely important.

Mr. Speaker, during the Revolutionary War, Ben Franklin was quoted as saying, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Ben Franklin's words have new meaning today as America engages in a war against terrorism and those who would strip us of our liberty and freedom by threatening our safety.

Though Benjamin Franklin stands tall among a small group of men we call our Founding Fathers, he identified with the ordinary citizen and strived to make their lives better.

He served as postmaster, helping to set up the postal system in Philadelphia, a system that is today being challenged by biochemical terror attacks.

In order to make Philadelphia a safer city, Mr. Franklin started the Union Fire Company in 1736. Those who joined the Union Fire Company in 1736 had the same mission as the brave men and women who ran to their deaths to save lives in two Twin Towers that were ablaze in New York City on September 11.

Benjamin Franklin knew all about liberty and freedom. He helped write the Declaration of Independence and the Constitution.

He was the only person to have signed all four of the documents which helped to create the United States: the Declaration of Independence, 1776; the Treaty of Alliance, Amity, and Commerce with France, 1778; the Treaty of Peace between England, France, and the United States, 1782; and the Constitution, in 1787.

What would he say about the terror attacks that threaten the very foundation of our country and his and our beliefs?

At the signing of the Declaration of Independence on July 4, 1776, Benjamin Franklin stated: "We must all hang together, or assuredly we shall all hang separately." In these trying and challenging times, we must all hang together as Americans, as people who respect the differences of others, as people who believe in life, liberty, and the pursuit of happiness.

I urge my colleagues to support H.R. 2352, which will establish a Commission to recommend to Congress activities to celebrate the 300th anniversary of the birth of Benjamin Franklin. His words and deeds are part of our history, but will help us to overcome the challenges we face today and are sure to face tomorrow.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, let me first thank the distinguished gentleman from Illinois (Mr. DAVIS) for yielding me this time.

I also want to commend the leadership of the floor manager, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for her leadership.

I also want to take a moment to thank the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. WELDON), and particularly thank the chairman of the full committee, the gentleman from Indiana (Mr. BURTON), for his guidance in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 2362, the Benjamin Franklin Tercentenary Commission Act. This legislation would properly pay tribute to a Founding Father, statesman, inventor, and philosopher on January 17, 2006, the 300th anniversary of his birth. Benjamin Franklin is truly one of our Nation's great citizens.

This bill would establish a commission to study and recommend government activities to honor Benjamin Franklin on his 300th birthday, including the minting of a coin and sponsorship of a high school and collegiate essay contest concerning the life and legacy of Benjamin Franklin.

Additionally, this legislation would serve as a contact point for State, local, international, and private sector initiatives.

H.R. 2362 would seek to have the Franklin Institute of Philadelphia, which was founded under Mr. Franklin's bequest, and is the most frequently visited museum in the Commonwealth of Pennsylvania, serve as the Secretariat of the Commission and house the Commission's administrative offices.

Mr. Speaker, without question, this legislation would hallmark the admiration we have for Mr. Franklin, who was considered a citizen of the world, a friend to all, and an enemy to none.

Mr. Franklin's accomplishments include founding the Pennsylvania Gazette, founding the Nation's first library, founding the first volunteer fire brigade; serving as Philadelphia's postmaster, and later as Postmaster General of the American Colonies; proposing the creation of the University of Pennsylvania; performing the first kite-flying experiment, which led to the evolution of electricity; establishing the first fire insurance company; and, of course, Mr. Speaker, serving the Continental Congress, signing the Declaration of Independence, and presiding at the Constitutional Convention.

In 1801, President Thomas Jefferson stated that "Ben Franklin was the greatest man, an ornament of the age and country in which he lived. This father of American liberties became the object of general respect and love."

H. W. Brands, a celebrated historian, in his most recent book, The First American—The Life and Times of Benjamin Franklin, compliments President Jefferson's statement with his words that "His ingenuity would not die with him, nor his concern for his fellow citizens."

During the wake of the Revolutionary War, in Paris during the war and peace negotiations, at the Constitutional Convention back in Philadelphia, Mr. Franklin served his new country with unsurpassed energy, devotion, and skill. In the eyes of much of Europe, Mr. Franklin was America.

Not only did Franklin make a significant contribution to the establishment of our Republic, but also, as H.W. Brands penned, "He sought knowledge not for his own sake, but for humanity's. His passion for virtue reflected not hope of heaven, but faith in his fellow mortals."

Mr. Speaker, I urge support for this legislation. I want to note that it was cosponsored by the entire Pennsylvania congressional delegation, as well as all the members of the Massachusetts delegation, and I urge support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply urge passage of this bill, and add that Benjamin Franklin is probably the most quoted of all Americans who ever lived.

I grew up in a family where both my mother and father were great Benjamin Franklin fans. They would put us to bed at night and make us go to sleep early and by saying "Benjamin Franklin said, 'Early to bed and early to rise makes a man healthy, wealthy, and wise.'"

Mr. Speaker, I yield back the balance of my time.

□ 1530

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from Pennsylvania (Mr. WELDON) for expediting this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2362, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NORMAN SISISKY POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2910) to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building".

The Clerk read as follows:

H.R. 2910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NORMAN SISISKY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, shall be known and designated as the "Norman Sisisky Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Norman Sisisky Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Virginia (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2910.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2910. I commend my good friend and fellow Virginian, the gentleman from Virginia (Mr. FORBES), for introducing this measure to honor his distinguished predecessor, the late Congressman Norman Sisisky.

H.R. 2910 honors Norman Sisisky's service to his district, his State and his country by designating the post office located at 3131 South Crater Road in Petersburg, Virginia as the "Norman Sisisky Post Office Building." This bill has the strong support of all Members of the Virginia delegation.

Although born in Baltimore, Maryland, Norman Sisisky grew up in Richmond, Virginia. He graduated from Virginia Commonwealth University in 1949. Following a brief stint in the Navy, he became president of the Pepsi-Cola Bottling Company of Petersburg, Virginia. Under his leadership, that company became one of the largest soft drink bottling operations in the South.

From 1973 to 1982, Norman served in the Virginia House of Delegates. In 1982, he was elected to the House of Representatives where he served until his untimely death in March of this year. During his 18 years on Capitol Hill, Norman Sisisky compiled a moderate voting record. In fact, he was one of the first members of the conservative Blue Dog Coalition.

He often worked across the aisle to achieve what he believed best for the American people. Few were more effective, especially in matters of national defense. He was the second ranking Democrat on the Committee on Armed Services and was widely praised for his devotion to military and defense issues.

Among the other numerous highlights of his distinguished career was the passage of a balanced budget.

Mr. Speaker, Norman Sisisky left many friends and admirers in this House. He has been rightly remembered as a bridge between the parties and for his sense of humor. I urge all Member to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a former Member of the Committee on Government Reform, I am very happy to join my colleague in the consideration of H.R. 2910, introduced by the gentleman from Virginia (Mr. FORBES). It has met the committee co-sponsorship requirement and is supported by the entire Virginia Congressional delegation.

Norman grew up in Richmond, Virginia, served honorably in the Navy during World War II. He graduated from Virginia Commonwealth University, became a successful businessman as president of the Pepsi-Cola Bottling Company of Petersburg where he lead what was a small business to one of the largest and most profitable in the South.

Norm Sisisky served in Virginia's General Assembly representing Petersburg, Virginia. After serving five terms in the assembly, he was elected to U.S. Congress where he represented Virginia's Fourth Congressional District until his untimely death in March of this year.

Norman Sisisky served as a senior member of the Committee on Armed Services and ranking member of the Subcommittee on Military Procurement. He was always a strong defender and advocate of the armed services, and I know he will be particularly missed in that area. He already has been.

He was a member of the Subcommittee on Military Readiness and the Panel on Military Morale, Welfare and Recreation. He knew the importance of maintaining a strong military. He will always be remembered for standing behind our military families and veterans. He was also one of the most effective advocates in Congress for a strong Navy, particularly, and its ship building program at Newport

News. Throughout his career in public service, he helped in a substantial way in making our military second to none.

Norm Sisisky was a hard-working colleague and a dedicated public servant. I think we should also say he was, too, a very witty, urbane and engaging friend to so many of us. And in addition to his public service, we miss his friendship. He leaves a great legacy to the people of Virginia and to our entire Nation.

I commend my colleague, the gentleman from Virginia (Mr. FORBES), and all of the Virginia Congressional Delegation. And it is not just confined to Virginia. We have the gentleman from Maryland (Mr. HOYER) speaking. It should be said that Norm was one of the best-liked Members of this body. I urge swift passage of this bill, and I trust it will be unanimous. This is one small way of remembering Norm Sisisky.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield the balance of my time to the distinguished sponsor of this bill, the gentleman from Virginia (Mr. FORBES), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to pay tribute to one of our former colleagues, Norman Sisisky, the late Congressman from the Fourth District of Virginia.

Congressman Sisisky passed away earlier this year having lived a rich life of public service and loving commitment to his family. He served his Nation during World War II as a veteran of the U.S. Navy. He went on to serve Virginia in the House of Delegates for 8 years. During his tenure there, his dedication to improving the lives of children earned him the Outstanding Service to Children in Virginia Award in 1978. He served the citizens of both the Commonwealth and the Nation by representing the people of Virginia's Fourth District for more than 18 years in the United States Congress.

Norman Sisisky was well respected by Members from both sides of the aisle, gaining a reputation as a personable man with a keen interest in and knowledge of national security issues. In fact, he is best remembered for his service on the Committee on Armed Services where he helped to shepherd through years of bipartisan legislation to improve the lives of men and women who wear the uniform that he once wore.

Norman Sisisky was a life-long Virginian, born in Richmond and later settling nearby in Petersburg.

He attended college at Virginia Commonwealth University, where he earned a degree in business administration. He built an outstanding career in soft drink bottling as president and owner of the Pepsi-Cola Bottling Company of Petersburg and chairman of the board of the National Soft Drink Association.

Norman and his wife, Rhoda, had four sons and later seven grandchildren. They are a living and gracious legacy to Norman's life, just as the work he did here is a legacy to his career in public service.

Today, we join together to recognize those legacies by dedicating the facility of the United States postal service at 3131 South Crater Road in Petersburg, Virginia, as the Norman Sisisky Post Office Building. Though he spent much time in Washington and traveling the fourth district to represent his constituents, his home was in Petersburg; and it is fitting that this building bear his name.

I want to thank the gentleman from Illinois (Mr. HASTERT), the Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for helping to bring this tribute to the floor so quickly; and I would like to thank my colleagues, particularly in the Virginia delegation, for joining me as cosponsors of this resolution and for speaking on its behalf on the floor.

Mr. Speaker, I urge my colleagues to support this resolution and honor the memory of the late Congressman Norman Sisisky.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may want to consume to the gentleman from Virginia (Mr. SCOTT), Norman's next door neighbor.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding the time.

It is with great pleasure that I rise in support of H.R. 2910, to designate a post office in honor of my friend and distinguished colleague, the late Norman Sisisky.

President John F. Kennedy once said: "A Nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers." While the news of Norman's death was met by great sadness by all of those who knew him, the legacy of his life and his accomplishments are to be acknowledged, revered and celebrated.

I knew Norman for almost 25 years. For 5 of those years, we served together in the Virginia House of Delegates. We served together here in the House of Representatives for over 8 years. During that time, I had the honor to represent a district adjacent to his in southeast Virginia. The proximity of our districts allowed us to work side by side on many issues; and as a result, we became close, and our staffs in Washington and our district offices also became close associates.

The Fourth Congressional District, all of Virginia, the entire Nation, were all well served by Norman's leadership on the House Committee on Armed Services. He was the ranking member on the Subcommittee on Military Procurement and also served as a member of the Subcommittee on Military Readiness and Subcommittee on Morale, Welfare and Recreation. He worked diligently to ensure that our Nation's military was second to none.

Due to his efforts, Newport News Shipbuilding has remained a world leader; and we have been able to continue to excel in nuclear aircraft carrier and submarine construction.

When Virginia's military facilities came under threat of being closed during the base closings of the 1990s, Congressman Sisisky successfully protected Fort Lee, Norfolk Naval Shipyard, and other bases in Virginia that have been critical to the readiness of our Armed Forces.

Mr. Speaker, it is, therefore, fitting that a private man that worked so tirelessly behind the scenes, without the need for fanfare and accolades, should now be honored today as the Norman Sisisky Post Office serves the public. We will be reminded of his driving spirit and tireless commitment to public service.

Therefore, Mr. Speaker, I urge my colleagues to support this bill. With this designation of a post office in honor of Norman Sisisky, we will say a job well done.

Mr. FORBES. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. FORBES) for bringing this legislation to the floor of the House.

It is very appropriate that we honor Congressman Norman Sisisky, who will always be remembered as a true gentleman, a dedicated public servant. He was a good person. He was a good father. He was a good husband, and in the delegation we could not have been closer.

I see the gentleman from Virginia (Mr. MORAN); and I would ask the gentleman if he remembers at our delegation lunches, it was Norman that would always make us laugh, that would always have that witty comment and somebody who could reach across the aisle in a way that really very few Members can.

His public service career began when he was elected, as was said, a member of the House of Delegates in 1973 representing Petersburg. He served for five terms in the Virginia General Assembly before being elected to Congress in 1982, and it was when I first met him.

Norman, like another of our late Virginia colleagues, Herb Bateman, was a senior member on the House Committee on Armed Services. In fact, he and Bateman, Sisisky and Bateman, worked hand in glove on so many issues with regard to their portion of the State and so many issues with regard to the national defense. From their vantage point, they both were protectors of our national security. Norman was the ranking member of the Subcommittee on Military Procurement and also served on the Subcommittee on Military Readiness and the Panel on Morale, Welfare, and Recreation. The American men and women in the military had no finer friend than Norman Sisisky. No matter what their rank, from the lowest rank to the highest rank, Norman was their friend.

Also, Norman was instrumental in working to get the funding to build the newest aircraft carrier, U.S.S. *Ronald Reagan*, which was recently christened.

He worked tirelessly as an advocate for production of shipbuilding to strengthen our national defense, and it is appropriate that we honor his dedication to improving our defense and intelligence resources, especially in light of recent events with regard to what is taking place in the country.

This Congress is honoring a very faithful servant and a wonderful man. Our lives have been forever enriched by having Norman Sisisky as our friend and colleague. Norman lived his life to the fullest. He had a great time, great sense of humor. He was hardworking and friendly and was a Member who truly worked in a bipartisan way by reaching across the aisle to work in the best interests of America. It was a privilege to work with Norman for 18 years and to work with him in the Virginia delegation on issues of importance, not only to the State of Virginia but to the Nation.

□ 1545

Norm Sisisky's commitment and devotion to public service is deserving of recognition and it is appropriate that the postal building at 3131 South Crater Road in Petersburg, Virginia, be renamed in his honor.

Again, I want to thank the gentleman from Virginia (Mr. FORBES) for bringing this to the floor, and let Norman know, as he is I am sure watching somewhere, that we do miss him very, very much.

Mr. Speaker, I appreciate my colleagues on the Government Reform Committee in bringing this legislation to the floor to designate a U.S. postal building in Petersburg, Virginia, to honor the late Congressman Norman Sisisky, who served Virginia's Fourth Congressional district for nine terms.

It is appropriate that we honor Congressman Sisisky, who will always be remembered as a true gentleman and dedicated public servant.

Norman Sisisky was born June 9, 1927, and graduated from John Marshall High in Richmond, Virginia. He joined the Navy after high school and served through World War II until 1946. He graduated from Virginia Commonwealth University in 1949 with a degree in business administration.

Norm's work as a public official was undoubtedly strengthened by his success in the private sector. After graduating he transformed a small Pepsi bottling company in Petersburg, Virginia, into a highly successful distributor of soft drinks throughout Southside Virginia.

His public service career began when he was elected as delegate to the Virginia House of Delegates in 1973 representing Petersburg. He served five terms in the Virginia General Assembly before being elected to Congress in 1982.

Norman, like another of our late Virginia colleagues, Herb Bateman, was a senior member on the House Armed Services Committee and from that vantage point was a protector of our national security. He was the ranking member of the subcommittee on military procurement, and also served on the subcommittee on military readiness and the panel on morale, welfare, and recreation.

Before his untimely passing this past March, he had been appointed to the House Permanent Select Committee on Intelligence. Norman was also a member of the "Blue Dog" coalition in the 104th through the 107th Congresses and led bipartisan efforts through that work. Norman was instrumental in working to get funding to build the newest aircraft carrier, USS *Ronald Reagan, which was recently christened.*

He worked tirelessly as an advocate for production of shipbuilding and strengthening our national defense. It is appropriate that we honor his dedication to improving our defense and intelligence resources, especially in light of recent events and our new attention to these priorities.

He presented with pride Virginia's Fourth Congressional District in the southeastern corner of the Commonwealth, the home of the First Permanent English Settlement in North America, and today the home of one of the largest concentrations of military power in the world.

This Congress is honoring a faithful servant and wonderful man, and our lives are forever enriched for having had Norman Sisisky as our friend and colleague. Norman lived his life to the fullest. He was hard-working and friendly and he was a member who truly worked in a bipartisan way. He reached across the aisle to work for the best interests of America. It was a privilege to serve with him the over 18 years he was in Congress and to work with him in the Virginia delegation on issues of importance to our state and union.

Congressman Sisisky's commitment and devotion to public service is deserving of recognition, and it is appropriate that the postal building at 131 South Crater Road in Petersburg, Virginia, he renamed in his honor. I urge our colleagues to join me in supporting this legislation to honor his former member for his dedicated public service.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may consume to the honorable and very distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I was elected to the House in 1981 in a special election. I came here in early June, so I had been here some 18 months before Norm Sisisky was sworn in in January of 1983 to the House of Representatives. But because Virginia and Maryland are members of the same organizational region for our caucus, and because Norm and I had a number of interests in common, we became very good friends. I am pleased, therefore, to rise on behalf of this legislation.

This legislation, of course, will pass unanimously, as it should. It is appropriate that the gentleman from Virginia (Mr. FORBES) introduced this resolution to honor his predecessor. They come from different parties, but they come from the same State, the same region, and the same district, and the gentleman from Virginia (Mr. FORBES) knows full well of the affection and respect with which Mr. Sisisky was held in his district.

Norm Sisisky, some of my colleagues may not know, was born in Baltimore, Maryland, in 1927. His parents had come from Lithuania; emigrated to this country. When Norm was a very young boy, his family moved to Virginia. He grew up in Richmond and, after he graduated from high school, he enlisted in the Navy for the final years of World War II. He was very young. He enlisted at almost his first opportunity, as soon as he graduated from high school.

After completing his naval service, Norm graduated from Virginia Commonwealth University. History would prove that his service to the Navy in World War II did not end until his death, for the Navy had no better friend than Norm Sisisky. Indeed, the Armed Services of America, the defense of our Nation, the defense of freedom throughout this world had no better friend nor more tenacious supporter than Norm Sisisky.

When he graduated from college and completed his naval service, he entered into the soft drink bottling distribution business. He bought a small distribution plant that he then built into a giant distribution plant and was so respected by his colleagues that he became the President of the National Soft Drink Association.

Norm Sisisky was a man of faith, active in his synagogue and in many Jewish organizations. Indeed, he served as president of his congregation. Norm and his wife, the former Rhoda Brown, had four sons, Mark, Terry, Richard and Stuart, and seven grandchildren. Norm and Rhoda were and are extraordinarily proud of those four sons and those seven grandchildren, and I know they will be proud to point to this post office that will be named for Norm Sisisky.

By the way, let me, as an aside, make a suggestion. The first bill that I passed as a Member of this House was to name the District Heights Post Office for E. Michael Roll, who had been the mayor of the town in which I lived for over 20 years. And I can remember as a young kid, the town was small enough that the mayor would get on you if you were not riding your bike in the proper place or he saw you throw an ice cream wrapper on the street or something of that nature. Mr. Roll had recently died, and I was so pleased to introduce a bill to honor him by naming the post office after him.

When they went out to the District Heights Post Office, and this is what I want my Virginia friends to hear, they were going to take off the words "United States Post Office." The post office had proposed putting E. Michael Roll's name in place of United States. I told them that E. Michael Roll would roll over in his grave if he knew his name was replacing the name of the country that he loved so deeply.

So I would suggest that perhaps rather than name this post office the Norm Sisisky Post Office Building, that we name it the Norm Sisisky United States Post Office as the official name of the place.

But to get back to Norm Sisisky, although we are talking about an appropriate act which need not be debated, we are talking about an individual whom this body is poorer for having lost. Born on June 9, 1927, he died on March 29 of this year. He died too soon. It could be said, of course, that perhaps all of us die too soon, but we particularly miss Norm Sisisky who was an expert on not only national defense but on national intelligence. He served on our Permanent Select Committee on Intelligence.

He was a quiet man, not bombastic, not rhetorical, not subject to self-aggrandizement or self-promotion. He was a man of substance. He was a man of commitment. He was a man of great intellect. He was a man of great energy. And he worked extraordinarily hard to make sure that America was strong, that we tended to our military, and that we made sure our intelligence was the best that it could be. How deeply in this time of trouble that confronts America today do we miss Norm Sisisky.

I am proud to rise on behalf of this legislation because, as was quoted earlier in talking about Ben Franklin and quoting John Kennedy, a nation is known by the men and women that it honors. It is absolutely appropriate that we honor Norm Sisisky; that we lament his loss, but glory in the service that he gave to this institution and to this country that he loved.

I ask all of us, as we vote on this legislation later today, to remember that contribution and perhaps to once again send a note or make a call to Rhoda and tell her we share her loss, not as poignantly, not as personally, but as his colleagues we share her loss, the loss of her sons, the loss of the grandchildren, and the loss of the great Commonwealth of Virginia.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding me this time, and it is my pleasure to rise today in support of H.R. 2910, being brought to us by the gentleman from Virginia (Mr. FORBES), which will honor our good friend Congressman Norm Sisisky.

The location of the post office in Petersburg, Virginia, bearing Norm's name is quite fitting. Norm represented the people of Petersburg for almost 28 years, as a member of the Virginia General Assembly for 10 years, and as a member of this body representing Virginia's Fourth Congressional District from 1983 until earlier this year.

Congressman Sisisky served America in World War II and brought this experience to Congress. Norm became a senior member of the House Committee on Armed Services where he became a champion of our military and veterans issues. Norm was the ranking member of the Subcommittee on Military Procurement and also served on the Morale, Welfare and Recreation Panel. He took the lead in protecting Virginia's naval and military facilities and was an ardent defender of our national defense, but worked at the same time to ensure that military spending decisions strike the proper balance between strategic necessity and fiscal prudence.

His record of distinguished service to our country and to the people of the Commonwealth of Virginia demonstrates to us all his commitment to the values and principles of freedom and public service. This facility we are naming today will remind us of his dedication to our country and to the Commonwealth of Virginia, and I urge my colleagues to support this legislation.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his very strong support for H.R. 2910, the Norman Sisisky Post Office Building Designation Act of 2001, which designates the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

This Member would like to thank the main sponsor of H.R. 2910, the distinguished gentleman from Virginia [Rep. RANDY FORBES]; the rest of the Virginia congressional delegation; the Chairman of the House Committee on Government Reform the distinguished gentleman from Indiana [Mr. DAN BURTON]; and the Ranking Member of the Committee, the distinguished gentleman from California [Mr. HENRY WAXMAN] for their instrumental role in bringing H.R. 2910 to the House Floor.

Mr. Speaker, the late Congressman Sisisky was in many ways bigger than life—he lived life to the fullest, worked as hard as any Member in this body, and always enjoyed his family and friends. We can all take great pride in the kind of person Norm was, and in his many important contributions to not only the State of Virginia, but also the United States as a whole. As many of you probably know, this Member traveled with Congressman Sisisky frequently on NATO Parliamentary Assembly (NATO PA) matters and to the annual Munich Conference on Security Policy (previously known as the Munich Wehrkunde Conference). In fact, Norm Sisisky participated in the Munich Conference on Security Policy longer than any sitting Member of the House and served as this Member's Democrat co-leader of the House delegation to this conference in February of this year.

This Member can still recall Norm's remarks during a NATO PA meeting where a discussion of the European Security and Defense Policy (ESDP), European burden sharing and the need for Europe to meet its own NATO military commitments brought Norm to his feet with the simple words of "Show me the money." He went on to explain that while he was supportive of ESDP, his support was conditional on the need for our European NATO allies to increase their own defense budgets to meet not only ESDP requirements, but more importantly their NATO requirements. The House NATO PA delegation was certainly proud of Norm Sisisky's blunt and forceful remarks, as Norm Sisisky wasn't one for beating around the bush nor for talking just to talk—when Norm spoke we all listened.

This was just one of the many examples of Norm Sisisky's keen knowledge of national defense matters and his forceful personality. This Member had great respect and appreciation for him as a person and as a congressional colleague. He was one of this Member's favorite people and we all miss him greatly! Therefore, this Member supports the naming of the Post Office Building in Petersburg, Virginia, the "Norman Sisisky Post Office Building". It certainly is a honor well-deserved which this Member strongly urges his colleagues to support.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to my friend and colleague from Virginia, Norm Sisisky, who served this body with dignity, honor and extreme dedication since 1983.

Norm was a true gentleman and a great patriot. I will never forget his kind and valuable tutelage when I first came to Congress, nor will I forget how he demonstrated to all of us the importance of caring more about doing good than getting credit. He certainly earned his reputation as a hard worker and skilled negotiator.

The son of Lithuanian immigrants, Norm was born in Baltimore. The family moved during the Depression to Richmond, Virginia where he grew up. Upon graduating from John Marshall High School, he enlisted in the Navy during World War II, serving through the end of 1946. Norm described himself as a self-made businessman, turning a local soft-drink company into one of the most successful Pepsi-Cola distributorships in the country at the time.

During his ten years in Congress, Norm secured committee assignments that paid great dividends to the residents and businesses in his district. He played a leading role in reforming the Defense Department's financial management system and worked tirelessly to preserve the nuclear shipbuilding industrial base so vital to employment rates in the Hampton Roads area. His was the proper and responsible balance: Protect Virginia's military facilities, but also make sure that military spending decisions are fiscally prudent and fair to taxpayers nationwide. He worked tirelessly in the Congress to improve procurement practices and streamline government to make it more effective and efficient.

Mr. Speaker, I continue to mourn the loss of Norm Sisisky as a friend and a colleague. Norm lived his life with exuberance and passion for serving his beloved Virginia. He was a true leader on behalf of all Virginians and Americans, and as a member of the Blue Dog Coalition, he worked across partisan divides, searching for the common good. I ask all of my colleagues to join me in support of this legislation, which will ensure that Norm Sisisky's contributions to his community will be remembered for generations to come.

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 2910, the Norman Sisisky Post Office Building Designation Act. I am honored today to pay tribute to Norman Sisisky, who was a colleague and familiar figure in Virginia politics for many years. It is fitting and proper that we should honor Norman today on the floor of this House where he acted so honorably as a public servant since he was elected to Congress in 1982 until his death earlier this year.

Norman Sisisky spent a lifetime serving Virginia and the United States, and we are all deeply indebted to this distinguished Virginia gentleman. Norman first displayed his love for this country when he enlisted in the Navy as a young man during World War II. His time in the Navy, though short, left a lasting impression and he never forgot that we must diligently tend to the needs of the men and women serving in the military.

At the conclusion of the war, he became a successful businessman and well known throughout the business community for transforming a small bottling company into a highly successful soft drink distributor. His business background and creative thinking proved invaluable when he later decided to enter elective politics. Norman served in the Virginia General Assembly for several years before being elected to the House of Representatives in 1982. Here in Washington, Norman was known as a staunch defender of our national security and worked tirelessly on behalf of the men and women who serve our nation in the military.

Norman was particularly effective in building coalitions in support for key programs and reaching across the aisle on matters of importance to Virginians. From ensuring adequate funding for aircraft carriers and submarines to modernizing our weapons systems, he was an ardent voice on the Armed Services Committee and an ally of every person who wears the uniform of the United States.

In his District, and throughout Virginia, his reputation as an outstanding Member of Congress was unparalleled. His legacy of constituent service, consensus building and selfless service is a model for all Members of Congress.

The people of the Fourth District, the Commonwealth of Virginia and the United States of America have truly benefited from his dedicated service and at this time of national crisis his military mind and Congressional experience are sorely missed. Norman was successful in every aspect of his life and we rightly dedicate this post office in his memory today.

Mr. MORAN of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORBES. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2910.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

USE OF TRUST LAND AND RESOURCES OF CONFEDERATED TRIBES OF WARM SPRINGS RESERVATION OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 483) regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon, as amended.

The Clerk read as follows:

H.R. 483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting ", the reservation of the Confederated Tribes of the Warm Springs Reservation of Oregon," after "Spanish Grant")"; and

(2) by inserting "lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon" before ", lands held in trust for the Cherokee Nation of Oklahoma".

SEC. 2. USE OF CERTAIN TRUST LANDS AND RESOURCES FOR ECONOMIC DEVELOPMENT.

(a) APPROVAL OF AGREEMENT.—The use of tribal lands, resources, and other assets described in the document entitled "Long-Term Global Settlement and Compensation Agreement", dated April 12, 2000 (hereafter referred to as the "GSA"), entered into by the Department of the Interior, the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the "Tribes"), and the Portland General Electric Company, and in the Included Agreements, as attached to the GSA on April 12, 2000, and delivered to the Department of the Interior on that date, is approved and ratified. The authorization, execution, and delivery of the GSA is approved. In this section, the GSA and the Included Agreements are collectively referred to as the "Agreement". Any provision of Federal law which applies to tribal land, resources, or other assets (including proceeds derived therefrom) as a consequence of the Tribes' status as a federally recognized Indian tribe shall not—

(1) render the Agreement unenforceable or void against the parties; or

(2) prevent or restrict the Tribes from pledging, encumbering, or using funds or other assets that may be paid to or received by or on behalf of the Tribes in connection with the Agreement.

(b) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—Congress hereby deems that the Secretary of the Interior had and has the authority—

(A) to approve the Agreement; and

(B) to implement the provisions of the Agreement under which the Secretary has obligations as a party thereto.

(2) OTHER AGREEMENTS.—Any agreement approved by the Secretary prior to or after the date of the enactment of this Act under the authority used to approve the Agreement shall not require Congressional approval or ratification to be valid and binding on the parties thereto.

(c) RULES OF CONSTRUCTION.—

(1) SCOPE OF SECTION.—This section shall be construed as addressing only—

(A) the validity and enforceability of the Agreement with respect to provisions of Federal law referred to in section 2(a) of this Act; and

(B) approval for provisions of the Agreement and actions that are necessary to implement provisions of the Agreement that the parties may be required to obtain under Federal laws referred to in section 2(a) of this Act.

(2) AUTHORITY.—Nothing in this Act shall be construed to imply that the Secretary of the Interior did not have the authority under Federal law as in effect immediately before the enactment of this Act to approve the use of tribal lands, resources, or other assets in the manner described in the Agreement or in the implementation thereof.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as of April 12, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, on April 12 of 2000, the Warm Springs Tribe, Portland General Electric Company, and the Department of the Interior as the Tribe's trustee entered into an agreement for the Tribe to buy one-third or more of the 440-megawatt Pelton Hydroelectric Project on Oregon's Deschutes River. About one-third of that project is on the Warm Springs Tribal trust land.

The Tribe plans to use bonds to finance the $30 million initial one-third acquisition of the project. A Federal law requires that any encumbrance of Indian trust resources be approved by the Interior Secretary. Interior asserts its current authorities are sufficient to authorize that approval for the Warm Springs trust resources. However, bond counsel asserts current authority is not express enough to allow for an unqualified opinion needed to issue those bonds. The Tribe and PGE also believe more express authority will help secure their agreement.

H.R. 483 addresses this situation by providing express approval specifically for the Pelton agreement so the bonds can be issued and the agreement is more secure. At the same time, it provides that this single case instance of approval is not to diminish Interior's existing authority to approve similar agreements.

The bill also authorizes Warm Springs trust land leases of up to 99 years at the Secretary's discretion.

Mr. Speaker, I hope that the House can unanimously support this piece of legislation. It is cosponsored by the entire Oregon delegation, and it will provide a needed economic development for the Warm Springs Tribes.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will permit the Confederated Tribes of the Warm Springs Reservation of Oregon to enter into various leases concerning their trust lands for up to 99 years.

Over the years, and at the specific request of the affected Indian tribe, we have passed numerous similar bills in order to give Indian tribes more flexibility to develop trust lands for the benefit of their members. What is different about this bill, however, is that we are also giving Congressional approval to a settlement and business agreement entered into among the Tribe, the Department of the Interior, and the Portland General Electric Company. The agreement benefits all parties and will help bring needed economic development to the reservation.

Similar agreements between Indian tribes and private companies occur upon the approval of the Secretary of the Interior. While I support the passage of this bill today, it is important to stress that in doing so we are not questioning the Secretary's authority over such matters nor the validity of agreements bearing her approval.

With that, Mr. Speaker, I urge my colleagues to support the passage of H.R. 483.

□ 1600

Mr. WALDEN of Oregon. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman from yielding me this time.

Mr. Speaker, I rise to join my colleague from eastern Oregon in support of this legislation, and I am pleased to cosponsor it along with the gentleman.

Mr. Speaker, we have a special obligation as Members of this assembly to be sensitive to the needs of Native Americans. Sadly, the history of the United States brings no great credit to the Government or this body, and there have been many lost opportunities. I rise in support of H.R. 483 because it is one way to seize an opportunity and do the right thing.

H.R. 483 gives the Warm Springs Tribe the same control over their sovereign lands that other governments already enjoy. This act will allow the Warm Springs Tribal Government to lease its own land in the same manner that the Cherokee Nation and State and local jurisdictions have for years.

Certainly the Confederated Tribes of the Warm Springs Reservation in Oregon have shown that they have earned this right. They are located on the largest land holding in our State. They have a long history of excellent official relationships with State and Federal authorities in Oregon. They operate their own tribal courts, health system, educational facilities, and law enforcement agencies. They have been leaders in economic development initiatives of which this provision would enable another chapter to move forward.

I have been pleased to work with the tribe in times past. I think it is high time for us to allow the tribe to express similar leadership that they have over their own land. The second provision approves the agreement by the tribes with General Electric to regulate projects on its land. As has been pointed out, this has been a long time in the making. It was approved a year and a half ago, and its time for Congress to add its seal of approval. I strongly urge my colleagues to vote for passage of H.R. 483.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his kind comments and his generous support of this legislation and express my appreciation to the tribes and to Jefferson County and to Portland General Electric for their continuous work as we have wordsmithed this bill, probably more than any other bill I have been around, to make it conform to the needs of all of the parties involved. They have been quite patient and helpful in this process. I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 483, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany H.R. 2590; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY ACT OF 2001

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2585) to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

The Clerk read as follows:

H.R. 2585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chiloquin Dam Fish Passage Feasibility Study Act of 2001".

SEC. 2. CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall, in collaboration with all interested parties, including the Modoc Point Irrigation District, the Klamath Tribes, and the Oregon Department of Fish and Wildlife, conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

(b) SUBJECTS.—The study shall include—

(1) review of all alternatives for providing such passage, including the removal of the dam;

(2) determination of the most appropriate alternative;

(3) development of recommendations for implementing such alternative; and

(4) examination of mitigation needed for upstream and downstream water users, and

for Klamath tribal non-consumptive uses, as a result of such implementation.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2585 is another of my bills that will address the current plight of fish and farmers in the Klamath Basin. The Klamath Basin is in both southern Oregon and northern California, and has Endangered Species Act-listed suckers, salmon and bald eagles. There are several tribes with treaty rights that must be respected.

The Klamath Project, operated by the Bureau of Reclamation, has historically delivered water to about 200,000 acres. This year, however, the basin is experiencing a severe drought, on top of which the Klamath Project has been asked to provide additional water for species listed under the Endangered Species Act.

The feasibility study required in this legislation is needed to address an imminent endangered species habitat claim against the Chiloquin Dam in southern Oregon, which is the Modoc Point Irrigation District's current gravity flow diversion source. This dam blocks suckers from reaching 95 percent of their former spawning and juvenile rearing habitat in the warm water reaches of the Sprague River.

Several parties have identified the Chiloquin Dam as constituting a significant habitat problem for endangered suckers. They include: the Klamath Tribes, U.S. Fish and Wildlife, Bureau of Reclamation, Oregon Department of Fish and Wildlife, and the Klamath Water Users Association.

I have worked in consultation with the Modoc Point Irrigation District and the Klamath Tribes to craft this legislation requesting this study of this dam. The study will include review of all alternatives for providing passage, including removal of the dam; determination of the most appropriate alternative; development of recommendations for implementing the alternative; and examination of mitigation needed for upstream and downstream water users as a result of such implementation.

I would also point out that this legislation was cosponsored by several members of this committee, including the gentleman from Oregon (Mr. DEFAZIO).

This legislation is long overdue. The need to study this impediment is long overdue. Despite the crisis our Nation faces today, the farmers in this basin continue to face a crisis of their own, both economically and for their future. We need to move forward to resolve the issues that have blocked their ability to get water and the other help they need. Madam Speaker, I ask for the support of the entire House for this common sense, straightforward and balanced legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2585, and I note that a long-standing member of the Committee on Resources, the gentleman from Oregon (Mr. DEFAZIO), is a cosponsor of this bill.

Restoring fish habitat in the Klamath Basin is complicated and often controversial. Making decisions based on scientific studies of water operations and habitat requirements can help prevent more confrontations over scarce water supplies.

The studies authorized by H.R. 2585 need to be carefully designed and carried out. These studies should consider all factors that affect fish survival in the basin, including the possible need to restore wetlands and riparian habitats. I thank the sponsor and cosponsors of this bill, and I urge my colleagues to support H.R. 2585.

Mr. WALDEN of Oregon. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, I am here to support H.R. 2585 introduced by the gentleman from Oregon (Mr. WALDEN). It is true that we have a great deal of tension and frustration in the Klamath Basin these days, and I commend the gentleman for taking specific steps to help relieve some of that pressure.

This bill is an important step in studying alternatives for the improvement of fish passage for the endangered species. These endangered species have generated a great deal of controversy and attention. I for one feel that in some instances some of the frustration was misplaced in terms of trying to divert the blame for the problem in the Klamath Basin somehow to the fish themselves.

I note with some interest that one of the Klamath Basin Native American leaders pointed out to me that blaming the fish for the water problem is a lot like blaming the gas gauge on your car if one runs out of gas. Having the gas gauge register empty, it is not the problem of the gas gauge, it is the fact that the car has run out of gas.

What we are facing here is a condition that is the result of systematic action on the part of the Federal Government for over a century of making too many demands on scarce water in this arid basin.

We must not lose sight of the big picture within the Klamath Basin. It once held 350,000 acres of shallow lakes, fresh water marshes, wet meadows, and seasonally flooded basins throughout southeastern Oregon and northern California. Today, nearly 80 percent of the basin's wetlands have been drained and converted to agriculture; in some cases, water-intensive agriculture. It is no mystery that we have run into problems. The Federal Government has not had appropriate policies to deal with the overcommitment of the water in this basin.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to the tribes of this area and to the entire ecosystem.

While I fully endorse this bill, which will authorize the feasibility study to improve the fish passage at Chiloquin Dam, I urge my colleagues and the Department of the Interior to remain aware of the interconnectedness of the resources and the user needs throughout the Klamath Basin.

I hope that this Congress will yet come forward, when we are spending hundreds of millions of dollars in disaster relief, when we have a whole host of pressing problems, that we do not turn our back on the needs of the environment of the Klamath Basin, of farmers who were encouraged to farm there as a result of government policies, and that we take steps to help reclaim some of that natural environment, reduce the stress on water in that basin.

Madam Speaker, this is an important step; but I hope we continue to look at the big picture.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the comments of the gentleman from Oregon (Mr. BLUMENAUER) and for his willingness to support this legislation, and to find balanced solutions for the problems that we face in the Northwest.

Madam Speaker, it is interesting, I had not visited this dam until a year or so ago, and at that point I invited the Modoc Point Irrigation District directors and the tribal leaders from there to both join me at the site of this dam. I did not know what to expect. I had not seen it, but I had heard and read a lot about it.

As we approached the dam, walked down, the skies were dark and it began to pelt rain and snow, not heavily, but it was one of those cold wet days. As I stood and looked at this concrete obstruction that backs water up and then allows water to be diverted into the Modoc Point District, we have to make sure that they continue to get access to water.

When one looks at the dam itself, the top is wood and wire and it is all kind of broken down and disheveled. It is a mess. There is evidence of three fish passage ladders, two of which have crumbled down to basically the rebar and the concrete. The third one against the side where we were standing seemed to function fairly well. The biologist told us there are some 700 suckers that make their way through and up to the upper end where the habitat is impaired, and there is a lot of work we can do there, I think.

I said, How many fish try to get up here? They do not know. It is hard to measure success if we do not know how many are trying to get up versus how many that do. The long and short of it is, this has been an impediment for at least a decade and yet nothing has happened. Like my colleague, I want to make something happen. I want to try to solve these problems so we have a viable environment and a vibrant agricultural economy because I think they can co-exist in the Klamath Basin. The comments of the gentleman regarding farmers invited to settle, not only were they invited, we invited our veterans, our men and women who wore the uniform of this country and defended our freedom abroad, to participate in a lottery. We promised to give them land and a guarantee of water for life if they would settle and develop this area.

□ 1615

It is one of the oldest irrigation projects in America. It was one of the first.

Over time, more and more promises have been given, more and more people settled. These are real people who are facing real bankruptcy right now. This Congress and this administration helped with a $20 million commitment to kind of tide them over, but it is not enough. We have got to do more. We have got to break through some of these barriers and solve some of these problems if we are going to have a long-term solution. We have got to act quickly. This study will still take a year, but it is a lot less time than it would have taken if we did not pass this legislation because they have had 10 years to try and figure it out.

The Klamath water users have put together a very comprehensive report on how to deal with a whole host of solutions in this basin, to improve habitat, to improve water quality and still have viable agriculture. A lot of those have fallen on deaf ears over time. Many of them were at the agency level and not enacted. We cannot stand by and let this happen. This is a huge crisis for many, many, many families. A thousands plus farms are affected right now, today. They do not know what is going to happen next year. They come to us and ask, will we have water? We do not know. We do not know. That is why this legislation and legislation to grant them other relief from operation and maintenance costs that is pending in the committee that is going to help me get it through here, and other emergency relief legislation we have just got to act on.

I commend the Committee on Resources. I thank them for their effort. I commend my colleagues. I ask for their approval of this legislation.

Mr. BLUMENAUER. Madam Speaker, I rise in support of H.R. 2585, the Chiloquin Dam Fish Passage Feasibility Study Act of 2001. This bill takes an important step into studying alternatives for the improvement of fish passage for endangered fish species.

However, we must not lose sight of the big picture within the Klamath Basin. The Klamath Basin once held 350,000 acres of shallow lakes, freshwater marshes, wet meadows, and seasonally flooded basins in Southeastern Oregon and Northern California. Today, nearly 80 percent of the Basin's wetlands have been drained and converted to agriculture.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to tribes in the area.

While I fully endorse this bill, which will authorize a feasibility study to improve fish passage at the Chiloquin Dam, I urge my colleagues and the Department of Interior to remain aware of the interconnectedness of resources and user-needs throughout the Klamath Basin.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BUFFALO BAYOU NATIONAL HERITAGE AREA STUDY ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, as amended.

The Clerk read as follows:

H. R. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Bayou National Heritage Area Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING BUFFALO BAYOU, TEXAS.

(a) FINDINGS.—The Congress finds the following:

(1) The area beginning at Shepherd Drive in west Houston, Texas, and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou", made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Buffalo Bayou is distinctive as the first spine of modern industrial development in Texas and one of the first along the Gulf of Mexico coast.

(3) The Buffalo Bayou played a significant role in the struggle for Texas independence.

(4) The Buffalo Bayou developed a prosperous and productive shipping industry that survives today.

(5) The Buffalo Bayou led in the development of Texas' petrochemical industry that made Houston the center of the early oil boom in America.

(6) The Buffalo Bayou developed a sophisticated shipping system, leading to the formation of the modern day Houston Ship Channel.

(7) The Buffalo Bayou developed a significant industrial base, and served as the focal point for the new city of Houston.

(8) There is a longstanding commitment by the Buffalo Bayou Partnership, Inc., to complete the Buffalo Bayou Trail along the 12-mile segment of the Buffalo Bayou.

(9) There is a need for assistance for the preservation and promotion of the significance of the Buffalo Bayou as a system for transportation, industry, commerce, and immigration.

(10) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within the Buffalo Bayou region to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Buffalo Bayou Partnership, Inc., the State of Texas, and other local and governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Texas, the City of Houston, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including

the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of sites in Houston, Texas, in an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou".

(d) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

H.R. 1776, introduced by my friend the gentleman from Texas (Mr. GREEN), authorizes the Secretary of Interior to complete a study on the suitability and feasibility of establishing the Buffalo Bayou National Heritage Site in Houston, Texas. The designation would highlight the cultural, historic, political and economic significance that Buffalo Bayou played in the formation of modern day Houston.

The Buffalo Bayou, nicknamed the "Highway of the Republic," played an important role in the history and development of the City of Houston and the State of Texas, particularly as an immigration and navigation route beginning in the 1820s. It was the most reliable route for navigation into the interior of Texas, which eventually led to the Houston Ship Channel. In addition, a multitude of historic sites, early ethnic neighborhoods, several segments of the Great Coastal Texas Birding Trail, and some of Houston's oldest park areas line the banks of the Buffalo Bayou.

Madam Speaker, this bill was amended at the subcommittee proceedings which specified criteria the Secretary shall consider in the development of the study, removed the appropriations authorization, and added the standard 3-year time limit for completing the study. The bill now has been agreed to by the minority and the administration. I urge my colleagues to support H.R. 1776, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1776 would authorize a study of an area in Houston, Texas known as Buffalo Bayou to determine whether it would be suitable and feasible to designate it as a National Heritage Area. The study would be governed by well-established criteria for making such determinations and the results would be presented back to the relevant committees in the House and Senate. Finally, the bill authorizes funding to complete the study.

Madam Speaker, the Buffalo Bayou is an important waterway both economically and historically. According to the findings in the legislation, the area played a significant role in the fight for Texas' independence as well as in the development of the petrochemical industry in Texas and in the Nation as a whole. Given this history, the area certainly sounds promising, but only a formal study can determine if Buffalo Bayou retains the kinds of resources required for addition to our National Park System.

We commend the gentleman from Texas (Mr. GREEN) on his hard work on this legislation and look forward to the results of this important study.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, as the author of this legislation, I would like to thank my colleague the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), also the gentleman from Utah (Mr. HANSEN), also former chairman of the subcommittee the gentleman from Colorado (Mr. HEFLEY) and also the gentleman from West Virginia (Mr. RAHALL) and the staff of the Committee on Resources for their great work on this bill.

H.R. 1776, the Buffalo Bayou National Heritage Area Study Act, begins a process of helping the people of Houston and east Harris County recognize the cultural significance of our community. The Buffalo Bayou waterway was the starting point for what is now the City of Houston.

The Allen brothers, Houston's original founders, first came through this stretch of water on their way to a new settlement that would eventually become Houston, Texas. As Houston grew, Buffalo Bayou grew with it as the heart of the early Gulf Coast industrial complex. The legislation being considered before us today authorizes the National Park Service to study whether this waterway should be designated as a National Heritage Area. Although the National Park Service feasibility study does not in itself mark Buffalo Bayou as a National Heritage Area, it is the first step in that process.

As a lifetime Houston resident, I believe that designating Buffalo Bayou as a National Heritage Area would further the redevelopment of the community by bringing more Federal resources to our area. Such a designation would highlight the historic significance of this waterway and the surrounding community.

Buffalo Bayou is the original industrial spine of Houston and was the building block for what is now the Port of Houston, the Nation's second largest port. In addition, the numerous historic sites and events which have taken place in and around Buffalo Bayou makes this waterway a perfect candidate for a National Heritage Area designation.

All these facts will be borne out as the National Park Service begins to contact our local sponsor, the Buffalo Bayou Partnership. Anne Olson, Executive Director of the Buffalo Bayou Partnership, brings tremendous organizational and fund-raising abilities to this effort, and I will continue to work closely with her organization to incorporate this designation into the overall master plan for east Harris County. It is the strong public-private partnership already in place that will help gain a positive recommendation from the National Park Service on our designation request.

I believe local support is vital for making a National Heritage Area work. Madam Speaker, I am working in close collaboration with our local elected officials to map out an action plan that will provide maximum local flexibility in determining how our local history will be told if we receive such a National Heritage Area. This legislation has the strong support of both our Harris County Judge Robert Eckles and our Houston Mayor Lee Brown, both of whom recognize that our community has a historic story to tell our visitors. Their help has been invaluable. I would like to thank them for their assistance in this endeavor.

Madam Speaker, I again thank the committee and the staff for their efforts.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in stong support of H.R. 1776, The "Buffalo Bayou National Heritage Area Study Act." This legislation is a welcome recognition of the historical background of my fair city, Houston, TX, and an opportunity to expand the rich cultural landscape of the American Southwest.

The Buffalo Bayou area in Texas helped to establish an economic foothold for settlers of the gulf coast region. Without this early industry, which included both shipping and refining petroleum, the Buffalo Bayou area might not have developed into the thriving metropolis it has become.

Madam Speaker, though the factual importance of Buffalo Bayou is clear, its significance to the socioeconomic landscape at place in America is not as fully known. This legislation will remedy that situation by authorizing the Department of the Interior to study the feasibility of establishing the Buffalo Bayou National Heritage Area in Houston. Passage of this legislation will allow this agency to analyze and document the area's natural, historic, and cultural resources. As I am confident that such a studies will lead to a full recognition of the wealth of Americana associated with what we now know as Houston, TX.

Madam Speaker, many Americans are unaware that many of this nation's most significant events have taken place in Texas. For example, Juneteenth, which is recognized by several States as the official holiday of Black emancipation, is based on events that took place in Texas. H.R. 1776 will help to discover and publicize other significant places and events in the development of our nation and way of life. By cooperating with local residents, public and private concerns, all relevant parties will be given an opportunity to work together to shape the collective memory of this historical treasure.

H.R. 1776 is an excellent example of the effective use Interior Department funds, and I encourage all Members to support this legislation.

Mr. BENTSEN. Madam Speaker, I rise in strong support of H.R. 1776, which authorizes a National Park Service study of a Buffalo Bayou National Heritage Area in Houston, Texas. I applaud our colleague Congressman GENE GREEN for introducing it. The City of Houston was founded on the banks of Buffalo Bayou by the Allen brothers and there Houston's future as a world shipping center was born. With the help of the U.S. Congress and the determination of early local leaders like Congressman Joseph C. Hutcheson, Congressman Thomas Henry Ball, and Mayor H. Baldwin Rice, the Houston Ship Channel was born out of the mouth of Buffalo Bayou.

Although Houston has achieved great prominence in maritime trade, Buffalo Bayou has meant more to Houston than just commerce. Buffalo Bayou retains a great scenic beauty as it flows across Harris County through Memorial Park and Downtown to the San Jacinto River and has the potential to provide a great deal more scenic, open space, and historic community value.

This legislation will allow the National Park Service to investigate the potential for a Buffalo Bayou national heritage area. I congratulate my colleague and friend GENE GREEN for his hard work on the bill, and I believe the Park Service will find the Buffalo Bayou a unique historic cultural area deserving of financial and planning assistance for historic preservation, revitalization, and beautification efforts. If the Park Service and Congress both approve the Buffalo Bayou Heritage Area, Houston communities will have access to $10 million in improvement funds along with Park Service planning expertise. Today is the first step towards obtaining a Park Service commitment to enhancing the birthplace of Houston, our Nation's fourth largest city.

Mr. WALDEN of Oregon. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING PROFOUND SORROW OF THE CONGRESS FOR DEATH AND INJURIES SUFFERED BY FIRST RESPONDERS IN AFTERMATH OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 233) expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 233

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;

Whereas following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, first responders reacted immediately in evacuating and rescuing innocent people from the buildings;

Whereas first responders also arrived quickly at the crash site of United Airlines flight 93 in southwestern Pennsylvania;

Whereas if it were not for the heroic efforts of first responders immediately after the terrorist attacks, numerous additional casualties would have resulted from the attacks;

Whereas as the first emergency personnel to arrive at the scenes of the terrorist attacks, first responders risked their lives in their efforts to save others;

Whereas while first responders were bravely conducting the evacuation and rescue after the terrorist attack on the World Trade Center, the two towers of that complex collapsed, and many first responders themselves became victims of the attack;

Whereas the everyday well-being, security, and safety of Americans depend upon the official duties of first responders;

Whereas in addition to their official duties, first responders around the Nation participate in planning, training, and exercises to respond to terrorist attacks;

Whereas emergency managers, public health officials, and medical care providers also invest significant time in planning, training, and exercises to better respond to terrorist attacks in the United States;

Whereas the Nation has not forgotten the heroic efforts of first responders after the bombing of the World Trade Center on February 26, 1993, and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995;

Whereas there are numerous Federal programs that help prepare first responders from across the Nation, including the Domestic Preparedness Program and other training and exercise programs administered by the Department of Justice;

Whereas there are also domestic preparedness programs administered by the Federal Emergency Management Agency, which together with the programs of the Department of Justice support State and local first responders with funding, training, equipment acquisition, technical assistance, exercise planning, and execution;

Whereas many of the first responders who participate in such programs do so on their own time;

Whereas an effective response of local first responders to a terrorist attack saves lives; and

Whereas in response to a terrorist attack, first responders are exposed to a high risk of bodily harm and death as the first line of defense of the United States in managing the aftermath of the attack: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its profound sorrow for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;

(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;

(3) honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;

(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and

(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and interagency communication and cooperation necessary to ensure that when another terrorist attack occurs, first responders will be as prepared as possible to respond to the attack effectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would first note that H. Con. Res. 233 was discharged from committee consideration and has been expeditiously brought to the floor for immediate action. Although this is not the normal process, in the interest of time the committee will occasionally discharge consideration, particularly for a measure as important as this. What the House will do in the next 40 minutes is important, and we will discuss, and this piece of legislation will honor true American heroes.

H. Con. Res. 233 recognizes the sacrifice and dedication of all of the emergency responders who risked their lives assisting in relief efforts following the terrorist attacks of September 11. Tragically, many of these initial responders became victims of the attacks and did not survive the collapse of the World Trade Center. Three hundred forty-three firefighters, 23 police officers, and 74 members of the Port Authority are all dead and many are still missing. Twenty-eight engine companies suffered losses in New York, and another 25 ladder companies. The Fire Department lost its chaplain and its heroic chief. In fact, Madam Speaker, so many commanders were lost that fateful morning that Mayor Giuliani needed to promote 168 new officers 2 days later. The sense of duty that these heroic men and women felt on the morning of September 11 is nothing short of extraordinary. Those on-duty, off-duty, retired, on medical leave and on vacation rushed to the scene. One group of firefighters even commandeered a city bus in order to get to the scene. They went in so thousands more could get out.

James Coyle, who was a rookie firefighter at age 26, was on vacation. He rushed to the scene to join Ladder Company No. 3 that morning and it cost him his life. Walwyn Stuart had left his job as a New York City narcotics cop when his wife became pregnant. He wanted safer work and he joined the Port Authority police. The morning of September 11 he was on duty at the PATH station at the World Trade Center. He helped evacuate the station and then went into the North Tower to save others. He has left behind a wife and a 1-year-old daughter.

James Corrigan, the World Trade Center fire marshal, is credited with leading a team of his men to get dozens of children out of day care facilities that morning. He and five of his colleagues died, but not before saving the children, some of whom were trapped because the exits near the day care center were clogged with folks trying to rush out of the building. Corrigan and his men broke through windows and carried the children through shattered glass to safety before rushing back in to help others.

Madam Speaker, there are so many stories of heroism and courage that have fortified our country since September 11. Americans have the most profound respect for our police and firefighters before and certainly now. These men and women were the first in, and to this day the rescuers have paused only to honor the dead and the missing. There are countless stories of firefighters having their charred, melted boots cut off their feet, of having their wounds bandaged and then defying doctors' orders and returning, battered and exhausted, to Ground Zero to try to find that one living miracle.

As a Nation, we are awed and humbled by their courage, their effort and their sacrifice. We thank those who rushed into the fiery World Trade Center and the Pentagon and rose to the challenge that was the core of their everyday lives and their beloved professions. We grieve for all those rescue workers who gave their lives, for the 4,700 innocent victims of this abhorrent terrorist attack, and for the family members and friends who are left behind.

So many lives were changed forever that morning. Fathers, mothers, sons, husbands, wives, daughters, coworkers and friends were lost. Those moments of terror forever changed the landscape of too many families in this country. Jean Palombo of Brooklyn, who was the wife of Frank Palombo of Ladder Company 105, became a widow at the age of 41. She is today left to raise 10 children, ages 11 months to 15 years, eight boys and two girls. Gigi Nelson was 8 months pregnant with her first child when her husband, Peter, went into the World Trade Center that morning. He was working overtime with Rescue Company No. 4 on September 11 to help out with the expenses of the new baby. Twenty-five days after the World Trade Center collapsed, Peter Nelson's first child, daughter Lyndsi Ann, was born. When she is old enough, Madam Speaker, she will learn of her father's heroism.

These children and so many others will grow up knowing what America knows, that their parents were heroes in the purest sense of the word. It is fitting that we take this opportunity to consider H. Con. Res. 233 to pay tribute to those first responders who perished while doing their jobs and while saving so many others.

I urge my colleagues to join in support of this resolution.

Madam Speaker, I reserve the balance of my time.

□ 1630

Mr. COSTELLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join the gentleman from Oklahoma (Mr. WATTS) and many of our colleagues in strong support of this legislation.

House Concurrent Resolution 233 honors and commends the first responders who responded to the call to evacuate and rescue thousands of people at the World Trade Center, the Pentagon, and the crash site of United Flight 93 in Pennsylvania following the horrific events of September 11.

This resolution also expresses our profound sorrow for the emergency service personnel who were injured or perished on September 11 and extends our sympathy to their families. It encourages the President of the United States to issue a proclamation calling upon the American people to support our emergency service workers and encourages all levels of government to continue to work together to coordinate emergency preparedness.

These first responders, our firefighters, law enforcement officers and emergency medical service personnel, risked and gave their lives so that others could get to safety.

In the immediate days following the attack, thousands of the first responders rushed to offer assistance, and many are still working around the clock at the World Trade Center and the Pentagon. We are very appreciative for what they have done and continue to do. Without their help, many more would have been injured or perished.

Our Nation's emergency preparedness is dependent upon our local first responders. Federal programs within FEMA and the Department of Justice help prepare and support first responder programs, but the strength of the program nationwide is that the service providers are local. They are often volunteers, and each of them is highly involved in their community.

I strongly encourage all levels of government to work together to more effectively plan and coordinate our Nation's domestic terrorism programs. As we have witnessed, the emergency responders are our first line of defense in the aftermath of a terrorist incident. It is critical that our Nation and our national preparedness programs assist our local first responders by providing them with the best information, training, and equipment.

Madam Speaker, our Nation's first responders deserve our gratitude for their heroic work on September 11 and what they do to protect and help all of us and our families 24 hours a day, 7 days a week, 365 days a year. I urge my colleagues to join me in supporting this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATTS), the author of House Concurrent Resolution 233.

Mr. WATTS of Oklahoma. Madam Speaker, I thank my friend from Ohio for yielding me time.

Madam Speaker, I rise to honor and respect and pay homage to the brave American firefighters, police officers, and emergency medical professionals who suffered injury and death as they helped those in need during the terrorist attack on our Nation.

September 11, 2001, stirs many feelings to many people. I feel happy to be an American. Witnessing the heroic actions by these first responders shows that even in the face of senseless violence, there can be good. Knowing that so many people came to the aid of their neighbors proves there is so much goodness in this great land that we all call home.

Just like the first responders 6 years ago in Oklahoma City, the emergency personnel in Manhattan, Pennsylvania, and at the Pentagon have done yeomen's work under the most difficult of circumstances. No one woke up that morning to know what would lie ahead. No one had warning or time to prepare that day. It was an immediate reaction of aid and rescuers, a life-saving effort of service to their country.

To the families of the fallen, nothing can bring back the lives of loved ones. But Congress today expresses its profound sorrow while offering its bottomless gratitude. We are sorry you are suffering over the loss of your family and friends. We are grateful for the heroism exhibited by first responders who put their country, their duty and their love of their neighbors before themselves.

The stories will be told for many years to come. There will be new anecdotes, new names and new faces. They will inspire generations of young first responders and offer reflection for all citizens alike.

First responders plan and train for mass casualties every day, hoping the need for such large and difficult rescue efforts remains an exercise. But September 11 was real. The loss of life and injury to first responders was real. The attacks on our Nation were real.

First responders will be there on the frontline for future tragedies. They will work night and day to rescue and assist the afflicted and the affected and the injured. We must never forget the work that they do. We must never forget the sacrifices that they make.

I thank my colleagues, and especially the gentleman from New York (Mr. ENGEL), who has cosponsored this resolution with me; and I urge all Members to support this tribute to the first responders who made the ultimate sacrifice during their service to our Nation.

Madam Speaker, I close by just reminding how often in the year 2001 in today's society, we often throw around the word hero, and we are pretty cavalier about the word hero. But if you want to go and see a real live hero, go look at the men and women who put on the uniforms every day to serve in our fire departments around the country, some on a volunteer basis, those men and women who put on the police uniforms every single day. I might add I am pretty proud to say my father was a police officer, so I know the sacrifices that those men and women make, the selfless commitment that they make to our communities, to our States, to our Nation.

On behalf of a grateful Nation, we say thank you to all of those first responders who go out every day and show us what real heroes are all about.

Mr. COSTELLO. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank my friend for yielding me time; and I thank my colleague, the gentleman from Oklahoma (Mr. WATTS), for working with me on this resolution, as we have worked on so many other things in the past and will continue to do so in the future.

This resolution was being put together prior to the events of September 11, but the events of September 11 have made us realize even more how fortunate we are to have the first responders. First responders obviously did not start on September 11. They have been there with us for all time; and we are very, very deeply grateful.

The events of September 11 will be with us always. My thoughts and prayers are with all the families affected by this terrible tragedy. Though my heart is heavy, my spirits have been lifted by the incredible heroism and outpouring of support that we have witnessed since that day.

The American spirit has not been diminished. Instead, it has been energized. On behalf of New York, I want to sincerely thank my colleagues and the American people for their outpouring of support to all of us during these very, very difficult times.

I am so pleased to be here today and have the House of Representatives considering this resolution. It is, of course, timely and, of course, very warranted.

I think it is particularly poignant that the gentleman from Oklahoma (Mr. WATTS) is the sponsor of this resolution. I am proud to be a sponsor with him. The people of Oklahoma also know personally of the tragedy of terrorism.

I do not know of anyone who does not get choked up when we hear the stories of people rushing away from the World Trade Center on the terrible day of September 11. But when they were rushing away, they were passing firefighters and police officers and emergency medical personnel who were running toward the World Trade Center. These first responders did not think of their own lives; they thought of saving other lives.

So this resolution honors and commends the first responders, law enforcement officers, firefighters, and emergency medical personnel, who participated in evacuating and rescuing people at the World Trade Center and the Pentagon after the terrorist attacks on September 11. It also expresses Congress' profound sorrow for the deaths and injuries suffered by first responders and extends its deepest sympathies to the families and loved ones of those who died.

I might say I visited ground zero a number of times and have again been overwhelmed by the outpouring of first responders again trying to pick through the rubble and trying to help and just trying to give comfort. First responders, ironworkers, my dad was an ironworker for 40 years. It is something that really makes us proud to be Americans, proud to be New Yorkers.

Like so many people, like so many New Yorkers, I have been personally affected by the attacks. My good friend and constituent, Sally Reganhard, lost her son Christian, who was also my constituent. Christian was a firefighter for only 6 weeks in New York City, and on September 11 he responded to the call of duty as he had during those past 6 weeks. We memorialized him last Friday at St. Patrick's Cathedral in New York. It was very, very difficult. There were thousands and thousands of people there, and firefighters from all around the country and Canada.

Although my friend is very sad, indeed she and I and everyone who knew Christian are also very proud. He will always be with us and will always be a great role model and hero, again, as will all the other first responders who responded on those days.

All Americans owe so much to these brave men and women that Congress is taking the time to recognize. It is the least we can do. Again I want to thank all my colleagues on both sides of the aisle who have done so much to make this resolution a reality. We will continue to provide aid and comfort to those who suffered the terrible tragedies of September 11.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I thank the chairman for yielding me time.

I want to thank the chairman and ranking member and the staff on both sides for bringing this resolution to the floor in what really is a timely manner for us to say a few words to, in the way we can, to honor those people who went to the tragedy to save lives and to comfort the afflicted.

Whether they were firemen or policemen or medical personnel or just an average citizen responding to a tragedy, they responded in a way to save lives. They responded in a way to comfort those who were injured. They did not respond to political ideology, they did not respond to religious differences, they did not respond to the cultural divide that separates us from much of the rest of the world. They responded, pure and simple, to human suffering, human tragedy and human need. This is what we come here today to honor.S0634

It is very difficult for us to comprehend the madness that caused this tragedy. That is in fact pervasive and persistent in a tiny fraction of the human population. But it is easy to understand why so many brave men and women gave their lives on that tragic morning of September 11. It is easy for us, and we should always remember the unity of purpose for which they gave their lives and for which we are here this afternoon honoring that courage and that strength. It is for those young men and women, those middle-aged men and women, and those senior citizens that gave their lives that morning and for their friends and for their relatives and for America, to never forget. We will prevail.

Mr. COSTELLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, to briefly close, we want to thank on the subcommittee and the full committee the work of the gentleman from Oklahoma (Mr. WATTS) and the gentleman from New York (Mr. ENGEL) for bringing this important piece of legislation to our attention. We want to thank the leadership of our committee, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), for making sure it is being expeditiously considered.

Madam Speaker, there are some things that you do not think you are going to see in life. Many in this Chamber and have had the opportunity to visit the carnage at the Pentagon and what was the World Trade Center, what is known as ground zero, but no one in this Chamber was there as it was occurring. But the men and women that we honor with H. Con. Res. 233 were in fact there.

I was struck, I come from a small town. I know my ranking member, the gentleman from Illinois (Mr. COSTELLO), does not come from a big area like the gentleman from New York City (Mr. ENGEL), but from time to time in our local newspapers we will see a display such as it this, and it will be the smiling graduating class of a police or fire academy.

□ 1645

On September 23, this ran in The New York Times. Madam Speaker, these faces are the faces of those who died in an attempt to save others, not just an attempt, they saved countless others on the morning of September 11. It is not until that we can look at two full pages in the newspaper of lives that were full and vibrant prior to that morning of September 11 that we recognize again not only the gravity of what these terrorists have done to our country, but the raw courage of the first responders and the fire, the police and the Port Authority of New York City and in Washington, D.C. as well. So I am certain that every one of our colleagues will support this legislation, and I urge them to do that.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 233. Passage of this resolution pays proper respect to those brave public servants who were first to arrive at the World Trade Center and the Pentagon after the events that unfolded September 11, 2001.

Madam Speaker, it has been nearly two months since the Nation was shocked into a new reality by agents of terror. In the days and weeks following these events, Americans of all races and creeds have been impressed with both the magnitude of the task those who responded first had to perform and the valor with which these public servants performed their duties.

People all over the world have taken to calling these men and women heroes because of their selflessness, and this body should be no exception. It is fitting, then that we take time here today to honor those heroes. Those first to respond must hear clearly that America says thank you. Those first responders who were injured or lost their lives must also be recognized. To those brave public servants and their families I say, "thank you for all you have sacrificed for this nation."

Madam Speaker we find ourselves in a new war. In this new war, we must develop new levels of respect for those who choose to save lives for a living. The contribution they have chosen to make to society has taken on a renewed importance. It is therefore of the utmost importance that we continue to find ways to integrate the actions of the various civic, state and federal institutions whose personnel must coordinate actions at the scene of a tragedy.

This Congress is united in its support for those citizens whose job it is to save the day. We thank you and honor you for the work that you have done, and we ask that God continue to bless you as we face this uncertain future.

Mr. CROWLEY. Madam Speaker, first I would like to thank Congressman WATTS and my friend, Congressman ENGEL of New York for sponsoring this important resolution.

Who are first responders?

First responders are the brave policemen and women who raced to the scene of these horrific crimes against humanity. They are the firemen and women who raced to crumbling buildings veiled in stinging smoke and filled with fire without any thought to their personal safety. They were the emergency rescue personnel, EMT's, that perished in last month's terrorist attacks so that others may live.

I do not think it is not an overstatement to say that the American spirit is embodied in the way these brave men and women lived and died.

What makes a nation great?

Our nation is built upon the principle that all men and women are created equal and free. Our government institutions, our economic might and our preeminent military strength all make America an envied model. But they are more the result than the cause of greatness.

The true source of our greatness is a national spirit that imbues so many with the will to give what Abraham Lincoln called, "the last full measure of devotion." Defending a cause larger than one's self. Risking their lives so that others may be saved. That is what these men and women did, and I ask my colleagues to join me in honoring these fallen heroes.

This bill is in memory of those who have made the ultimate sacrifice. May we always remember those who died so that others may live. And may we honor these brave men and women for their last full measure of devotion.

Mr. GILMAN. Madam Speaker, I rise in strong support of H. Con. Res. 233, expressing Congress' profound sorrow for the death and injuries suffered by first responders in the aftermath of the September 11 Terrorist attacks.

As our Nation resolutely moves forward in the wake of the recent terrorist attacks, we remember the bravery and selfless sacrifices of all the men and women in uniform who rushed in to save their fellow citizens in the myriad emergency situations which arose from the September 11th barbaric, terrorist attacks on our Nation.

In my own district we lost over 35 firefighters and policeofficers in the September 11th attacks on New York, in addition to over 65 next of kin. These brave first responders paid the ultimate sacrifice in the valiant execution of their duties and their heroism will remain an enduring legacy to our Nation. We must never forget that thousands of innocent American citizens were saved by the actions of these first responders. We thank and honor them for their service to their country and to their fellow citizens. Accordingly I urge my colleagues to support this important measure.

Mr. SMITH of Michigan. Madam Speaker, with this resolution we honor those who on September 11 paid the ultimate sacrifice—the firefighters, emergency medical personnel, and police who are the first to arrive at the scene of an emergency, and the last to leave.

According to the International Association of Fire Fighters, more public safety officers were lost in the attack on the United States yesterday than any other single event in modern history.

As the Nation mourns the deaths of thousands of our fellow citizens, as we take stock of the destruction caused by last week's terrorist attacks, we should also pause for a moment to reflect on the brave men and women in New York City who put their lives on the line to protect fellow citizens.

In every small town and suburb and big city across America, there are people just like the over 300 first responders who gave their lives in New York. In Michigan, we too have experienced the loss of emergency personnel. Last year alone, four Michigan firefighters lost their lives. Each of these deaths is a tragedy for family, friends, and community.

What happened at the World Trade Center in New York will live in our memories forever. We can be proud that at a time of great peril, the Nation's first responders answered the call, conducting themselves with a selflessness and dedication that does credit to themselves, their city, and their country.

Many thousands of people would not be alive today if it were not for the heroic efforts of these men and women. In one of the country's darkest hours, they kept faith with their colleagues, with those in need, and with their country.

Our Nation's founders were deeply committed to the idea that the individual had an obligation to serve the community. The Nation's first responders live this ideal every day. They lived it again on September 11, and because they did, they gave their lives.

While we have cause to mourn these deaths, we should also celebrate the values their lives exhibited, values that represent the very best of America.

We have suffered a grievous loss. But the wonderful thing about America is that we will bounce back. For every firefighter who fell on September 11, someone else will take his place. For every emergency responder who paid with his life, another will emerge. For every police and port authority officer who fell in the line of duty, another citizen will answer the call. That is the American way.

On September 11, the Nation's firefighters showed the world what courage means. If we expect the fire services—many of whom depend on volunteers—to deal with terrorist attacks, we have a responsibility to provide them with the help they need so that they can continue to protect lives and property.

Madam Speaker, as a member of the conference on the defense authorization bill, I will be pushing for a large increase in the authorized funding for the Assistance to Firefighters Grants Program to $1 billion for each fiscal years 2002, 2003, and 2004.

Our thoughts and our prayers are with the families of the fallen heroes to whom we owe so much. God bless those who have died, God bless their families, and God bless America.

Mr. WALSH. Madam Speaker, I also rise in support of this resolution sponsored by Congressmen ENGEL and WATTS, that expresses our profound sorrow for the senseless loss of life and injuries suffered by our heroic first responders as a result of the World Trade Center, Pentagon, and Pennsylvania tragedies on Tuesday, September 11, 2001. My prayers, thoughts and deepest sympathies are with their families and loved ones at this definitive moment in American history.

Tocqueville once said of Americans, "They show with complacency how an enlightened regard for themselves constantly prompts them to assist one another and inclines their willingness to sacrifice a portion of their time and property to the welfare of the state." These words describe the 300 firefighters and 70 police officers that have died in this senseless tragedy. Their names are forever inscribed on the portals of fame. America now truly understands how much we as a nation owe these heroic people, both those who have made the ultimate sacrifice, and those who continue to serve with honor day in and day out. God help us always to have these men and women who believe in what they are doing and who will fight to the very end for what they believe.

This resolution also speaks to the unity of public safety officers. There is an old saying in the fire service that goes, "Firemen are a brotherhood. They do not care what department a man belongs, if he is a fireman enrolled for the same purpose, fighting under the same banner, they are ready to extend the hand of fellowship." This is true literally and figuratively. Literally, there are many families who serve together as firefighters and police officers or both in New York City. Currently, they are working to help recover their figurative brothers and sisters. This figurative bond was also evident with the outpouring of help that came into the New York City, and Virginia from around the country and the world. So much help, that some of it had to be turned away. The literal and figurative unity is stronger than ever as a result of the attacks on our country.

When I visited the Pentagon and "Ground Zero" with President Bush in New York, I saw first hand the destruction and the tireless rescue efforts underway. I thought to myself, "why do these people, the firefighters and police officers, do what they do?" I soon recalled a book I had read in the 1970's by Dennis Smith, a retired New York City fireman and founder of Firehouse Magazine who also assisted in the rescue efforts. In his classic book "Report from Engine Co. 82", an account of his life on a South Bronx fireman, Smith said after recovering a victim who had perished in a fire, "I don't say anything further, nor does Billy, as I look up to his eyes. They are almost fully closed, but I can see they are wet and teary. The corneas are red from heat and smoke, and light reflects from the watered surface, and they sparkle. I wish my wife, my mother, and everyone who has ever asked me why I do what I do, could see the humanity, the sympathy, the sadness of these eyes, because this is the reason I continue to be a firefighter." America saw this same scene played out time and time again on September 11th and the following days. As a result, we as a nation can start to understand why they continuously sacrifice their lives and pay them a long overdue thank you.

We thank them, we praise them, and we will never forget them. God bless these heroes, their families and God bless America.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 233.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 46 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 243, by the yeas and nays;

H.R. 2559, by the yeas and nays;

H.R. 2910, by the yeas and nays;

House Concurrent Resolution 233, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 243.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 243, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 408]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte

Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boucher
Brady (TX)
Carson (OK)
Conyers
Cooksey
Cubin
DeGette
DeLay
Dooley
Dunn
Granger
Greenwood
Hooley
Keller
McCrery
McHugh
Menendez
Murtha
Northup
Riley
Rogers (KY)
Shows
Thompson (MS)

□ 1824

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 408 I was inadvertently detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL LONG-TERM CARE INSURANCE AMENDMENTS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2559.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2559, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 25, as follows:

[Roll No. 409]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)

Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—25

Boucher
Brady (TX)
Cantor
Carson (OK)
Conyers
Cooksey
Cubin
DeGette
DeLay
Dooley
Dunn
Frelinghuysen
Granger
Greenwood
Hooley
Keller
McCrery
McHugh
Menendez
Murtha
Riley
Rogers (KY)
Sandlin
Shows
Thompson (MS)

□ 1835

So (two-thirds present having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CANTOR. Mr. Speaker, on rollcall No. 409 I was unavoidably detained. Had I been present, I would have voted "yea."

NORMAN SISISKY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and passing the bill, H.R. 2910.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2910, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 410]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—27

Boucher
Brady (TX)
Carson (OK)
Conyers
Cooksey
Cubin
DeGette
DeLay
Dooley
Dunn
Edwards
Evans
Granger
Greenwood
Hunter
Keller
McCrery
McHugh
Menendez
Murtha
Northup
Quinn
Riley
Rogers (KY)
Shows
Thompson (MS)
Young (AK)

□ 1843

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 410 I was inadvertently detained. Had I been present, I would have voted "yea."

TRIBUTE TO THE HONORABLE JERRY SOLOMON, FORMER REPRESENTATIVE FROM NEW YORK

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SWEENEY. Mr. Speaker, as the Member who succeeded Congressman Jerry Solomon to this body 3 years ago, I am sad to report his untimely passing.

Jerry Solomon served in this body with distinction for 20 years, since 1978. We are all familiar with the phrase "My country, right or wrong." With Jerry, it was more basic than that; it was "My country is right."

Congressman Solomon has many friends in this House, and I count myself among them. I doubt there is one among us who did not respect him. He was an American's American, a Marine's Marine, a veteran's veteran.

Devoted to his wife, Freda, his five children, and his six grandchildren, Jerry Solomon became a great statesman but always remained a loving husband, father, and grandfather.

He was a man who "called 'em as he saw 'em." Over his career, he led the way on veterans' issues, culminating in the establishment of a cabinet post for veterans affairs.

He led the way in fighting to secure an amendment to our Constitution to protect our flag.

He brought a National Cemetery to Saratoga, New York, where he himself will be laid to rest tomorrow.

In the final years in this House, Jerry Solomon served as chairman of the Committee on Rules. That achievement speaks volumes about the man, the leader, and the legislator.

What I learned about Congressman Solomon many among us know: If he cared enough to tell someone something, they had better listen.

Mr. Speaker, Congressman Jerry Solomon has left us, but neither he nor his achievements will ever be forgotten.

EXPRESSING PROFOUND SORROW OF THE CONGRESS FOR DEATH AND INJURIES SUFFERED BY FIRST RESPONDERS IN AFTERMATH OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 233.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree the concurrent resolution, H. Con. Res. 233, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 411]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—27

Boucher
Brady (TX)
Carson (OK)
Conyers
Cooksey
Cox
Cubin
DeGette
DeLay
Dooley
Dunn
Ganske
Granger
Greenwood
Keller
Lowey
McCrery
McHugh
Meeks (NY)
Menendez
Murtha
Riley
Rogers (KY)
Shows
Thompson (MS)
Watts (OK)
Young (FL)

☐ 1854

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN, Mr. Speaker, on Tuesday, October 30, 2001, I was not present for rollcall votes 408 through 411 due to a family emergency. Had I been present, I would have voted "yea" on rollcall No. 408, "yea" on rollcall No. 409, "yea" on rollcall No. 410, and "yea" on rollcall No. 411.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE THREAT OF AIDS STILL WREAKS HAVOC DOMESTICALLY AND INTERNATIONALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the world we live in is becoming more complex each and every day. The tragic and heinous events of September 11 transformed the way Americans and people in this world respond to news.

In the aftermath of recent events, our country and the world is experiencing a state of high anxiety directly related to threats of bioterrorism, and most recently, anthrax contamination. House offices were closed, and some remain closed, while anthrax contamination is eliminated. Postal offices have been shut down for periods of time, and postal workers have succumbed to anthrax inhalation and died from their exposure to this very deadly chemical agent.

Indeed, a war is being waged on numerous fronts to preserve freedom and the health of our Nation and its world partners. However, Mr. Speaker, there is another deadly vital threat that has been wreaking havoc domestically and internationally. That threat is the scourge of HIV/AIDS.

□ 1900

While our Nation and its global neighbors have undertaken a campaign to stave off the threats of terrorism poised by ideological fanatics, millions have died and millions are suffering from HIV/AIDS. Their plight is there. Yet global concerns revolve around potential terrorism. Perhaps that is because the specter of 6,000 lives lost to terrorist acts still looms large. However, the reality is that HIV/AIDS has claimed the lives of over 25 million people including an estimated 4 million children, most of whom live in Sub-Saharan Africa.

The global AIDS crisis in Africa is without question the most vexing humanitarian crisis in recent history. The statistics are shocking and alarming. Eight thousand people died from AIDS every day last year and six people died every minute. Fifty-eight million people have been infected since the virus was first recognized 20 years ago. Recent projections are that the total will exceed 100 million by 2007. These numbers are mind-boggling. As a mother and grandmother, I am struck by the fact that AIDS has orphaned over 10 million children in Africa. By 2010 there would be more than 40 million AIDS orphans. Therefore, proactive measures must be initiated.

I and many of my colleagues in a bipartisan way responded to the challenge put before us. On September 5, I introduced the Peace Corps HIV/AIDS Training Enhancement Act of 2001. This legislation provides an additional $5 million to the Peace Corps to pay for health volunteers working with HIV/AIDS treatment and prevention efforts, particularly the training of HIV/AIDS trainers. Currently, there are 7,300 Peace Corps volunteers who work in 76 countries worldwide including 25 countries in Africa; 1,431 of these Peace Corps members are health volunteers who serve in Africa.

The volunteers work in rural and urban settings in a variety of health activities, including teaching HIV/AIDS education and prevention methodologies to local people. The Peace Corps would like to increase its capacity in HIV/AIDS education and prevention activities, especially in the area of training HIV/AIDS trainers; but it cannot do so without this additional appropriation.

I believe that Peace Corps volunteers work and perform God's work. They are the vanguards of humanitarian efforts in the struggle to eradicate HIV/AIDS. The volunteers' efforts target training literate peer educators and community health workers who will be training others in the community. Their work is commendable and critical. Much of their work is targeted in Sub-Saharan Africa where 25 percent of the population may be infected. They have to garner the trust of the people in the community and then work to establish the building blocks necessary to transform the attitudes and behavior of at-risk populations, especially children and women.

Their messages are directed at people living with HIV as well as those who are not currently infected. Children are the focus because they are impressionable and vulnerable. Young African American girls must be educated because they are more likely to contract HIV and AIDS than young boys of the same age, and that goes for African kids too.

Peace Corps volunteers are the front line because reality is that new drugs are expensive and not usually available throughout Africa. Additionally, the infrastructure does not exist for monitoring the immune system of victims overcome by the disease who are undertreated. That is why we must use the human factor, Peace Corps volunteers, to stem the pandemic of HIV/AIDS.

The Peace Corps HIV/AIDS Training Enhancement Act of 2001 can be a useful tool in transforming the plight of many throughout the world. We are all members of a global village that is interdependent. Consequently, global threats in different forms such as terrorism, bioterrorism and the global pandemic of HIV/AIDS must be fought on many fronts simultaneously. We must be vigilant on all fronts.

CARING FOR THE ORPHANS OF THE TERRORIST ATTACKS

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, on September 11 Americans witnessed carnage and harrowing images that will be imprinted forever in our memory. These acts of terror helped Americans grow stronger. But as we pull together to rebuild our Nation and work toward a heightened sense of security to restore our lives, we must not forget the thousands of children who lost a parent or a guardian in the September 11 attacks. All the money and all the services in the world could never replace the loss of their loved ones, but although money cannot heal their scars, the passage of House Con. Resolution 228 can help begin to bandage their deep wounds.

I am a proud original co-sponsor of H. Con. Res. 228, a resolution which calls for the immediate benefits for children who lost one or both parents or guardians in the multiple tragedies. This legislation, which is being spearheaded by my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), will ensure the children of September 11 attacks will receive foster care, medical assistance and psychological services, all of which they so desperately need.

As co-chair of the Congressional Children's Caucus, the gentlewoman from Texas (Ms. JACKSON-LEE) and I recently held a briefing to discuss the need to prioritize Federal services and benefits for these children. Ron Houle of the American Red Cross, Dr. Bernard Arons from the Substance Abuse and Mental Health Services Administration, and Cindy Friedmutter of the Evan B. Donaldson Adoption Institute in New York were among the many speakers who informed us on their ability to deliver services to these children.

But most touching of all was the testimony of Merino Calderon and two of his children, Naomi, 4 years old and Nephtali, who is 20 months old. Their children were with us that day. And Merino, a school bus driver lost his beloved wife. His two children lost obviously their mother at the World Trade Center. Merino shared with us the difficulty of having to answer to his children every day the questions that they pose to him: "When is mommy coming back? When is she taking us to the park again?"

He is emotionally exhausted and his financial situation is increasingly difficult. But, Mr. Speaker, Merino Calderon is one of the fortunate ones because his daughter is receiving counseling, as he is as well. But his loving church and his loving church family have many other church-goers who have not had the ability to get this assistance. Many surviving family members and particularly children of the September 11 attack have yet to receive the benefits they need.

Children who lost a parent or a guardian in this national tragedy need psychological and other services right now. So I ask my colleagues to cosponsor and work towards passage of H. Con. Res. 228 because, although we will remember September 11, it is for the children for whom we will pass this bill because we will not forget them and we will not forget the sacrifices that their parents have made for our country.

FOOD AID FOR AFGHANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I know the American people want to help the suffering people of Afghanistan. And I am sorry to say that we already stand condemned by Medecins Sans Frontieres for conducting nothing more than a propaganda campaign regarding our food drops.

Our brave young men and women are risking their lives to deliver this food, and how will we be judged, however, by this latest blunder?

I ask my colleagues to take a look at this object and this object. To more than just a casual observer, they might even get mistaken for the same thing. And that is what has got the U.S. military quaking in their boots. Can one imagine the horror if this object, a cluster bomb, gets mistaken for this object, a food packet? One is life and the other one is death. The squarish one is the food. The roundish one is a cluster bomb. That is what the poor starving people of Afghanistan must now contend with.

The U.S. military is dropping little notes to inform people not to pick up this one, the cluster bomb, thinking it is food because if they pick up this one, which is the wrong one, they will get blown to smithereens.

Is it not bad enough that our military is dropping cluster bombs on Afghanistan anyway? Well, it is really bad because in the war in Kosovo, then-Major General Ryan refused to allow cluster bombs to be dropped because of the civilian deaths associated with cluster bombs, especially the children. But now our Air Force Chief of Staff Ryan refuses to issue such a directive, it appears, as the U.S. comes under fire from humanitarian organizations around the world for dropping cluster bombs on the people of Afghanistan.

I have written a letter to our President asking that we please refrain from using cluster bombs. But a funny thing about cluster bombs. They have little bomblets that look like things; and so when kids see them, they think they are a toy or something.

Now, Afghanistan already has 10 million landmines, and the unexploded bomblets from the cluster bombs add to that number. So now if the food looks like this object, what will hungry children do? But if the food looks like this object and the bombs look like this object, what would any hungry person do? The military bets that they are going to try to find something to eat. And so the Pentagon is concerned that people who are hungry for food that looks like this object will confuse it with bomblets that look like this object. The Pentagon is now worried that hungry Afghan people will try to eat the bombs thinking that it is American food.

So the Pentagon has sent messages to the Afghan people. One message says, "As you may have heard, the Partnership of Nations is dropping yellow humanitarian daily rations. Although it is unlikely, it is possible that not every bomb will explode on impact. These bombs are a yellow color and are can-shaped."

Another Pentagon message is more to the point. It says, "Please, please exercise caution when approaching yellow unidentified objects in areas that have been recently bombed."

Mr. Speaker, not only do innocent Afghans have to worry about the Taliban, not only do they have to worry about landmines left over from the last war, not only do they have to worry about starving to death and the approaching winter, now they have to worry about bombs that look like food. I think I have heard it all now, Mr. Speaker.

BIOTERRORIST ATTACKS AND ANTIBIOTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we in Congress cannot go home to our districts and say we have taken the steps necessary to prepare for future bioterrorist attacks unless and until we confront the issue of antibiotic resistance. The links between antibiotic resistance and bioterrorism are clear. Antibiotic resistent strains of anthrax and other microbes are among the most lethal of biological weapons, and they are a reality. There are published reports of an anthrax strain engineered by Russian scientists to resist the penicillin and tetracycline classes of antibiotics. We can only assume that anthrax and other lethal agents will be engineered to resist new antibiotics like Cipro.

Antibiotic resistance is significant in other important ways. Overuse and misuse of antibiotics will render most microbes resistent to our current stockpile of drugs, potentially leaving the Nation poorly prepared in the event of biological attacks. To some extent this is a vicious cycle. Bioterrorist threats can lead to overuse of current antibiotics, which in turn render these antibiotics less effective against the lethal agents used in bioterrorism.

□ 1915

Look at Cipro, for example. Widespread use of Cipro, a broad-spectrum antibiotic, would kill bacteria that are susceptible to Cipro. The bacteria that are not killed will be those that evolve resistance to Cipro. Those Cipro resistant bacteria then flourish unchecked unless an even stronger antibiotic is available to kill them.

Many bacteria that cause severe human illness are already resistant to older antibiotics like penicillin. That is one reason the drug of choice is often one of the newer antibiotics like Cipro. If the U.S. and the rest of the world begin using Cipro indiscriminately, then Cipro, that antibiotic, will lose its effectiveness also.

To adequately prepare for a terrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic resistant strains of anthrax and other lethal agents. And to ensure the continued efficacy of our antibiotic stockpile, we must isolate emerging antibiotic resistant pathogens, track antibiotic overuse and misuse, and monitor the effectiveness of existing treatments over time.

Surveillance provides the data needed to prioritize the research and the development of new antibiotic treatments. Drug resistant pathogens are a growing threat to each of us as Americans. Examples of important microbes that are rapidly developing resistance to available antimicrobials include the bacteria that cause ear infections, that cause pneumonia, that cause meningitis, and skin and bone and lung and blood stream infections. Importantly, this list also includes food borne infections like salmonella.

The Nation's food supply has been identified as a potential vehicle for future bioterrorist attacks. Experts across the public health spectrum have testified to the seriousness of antibiotic resistance. Congress should respond appropriately and quickly to these warnings before the threat of what could be becomes what is.

Under last year's Public Health Threats and Emergencies Act sponsored by my colleagues, the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that equips State and local health departments to identify and to track antibiotic resistance. My friend, the gentleman from New York (Mr. BOEHLERT), and I are requesting that the Committee on Appropriations include at least $50 million for this grant program in the Homeland Security supplemental appropriations bill, which this body will take up later this week.

I urge Members on both sides of the aisle to weigh in on this issue. Let the appropriators know that funding this is absolutely critical to our Nation. We must help State and local health authorities and State and local health agencies combat antibiotic resistance. Our ability to fight bioterrorism absolutely depends on it.

AIRLINE SECURITY

The SPEAKER pro tempore (Mr. PLATTS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, some of us have come to the House floor tonight on the subject we have been speaking on for several weeks now, which is the importance of passing not just a sham airline security bill but a real solid, responsible, certain airline security bill that will accomplish what the American people need, which is to have full confidence that their airlines are safe.

Unfortunately, Mr. Speaker, the bill that is going to be introduced tomorrow or the next day falls short in several very, very important respects. We have had a long history in the last several decades of having failures in airline security which manifested themselves on September 11. We think the U.S. House cannot miss this opportunity tomorrow or Thursday to in fact plug not just some, and not just the easy holes to plug in airline security, but the ones that are meaningful, and to, in fact, plug all the holes in the net we have in order to catch terrorist activity. And we want to talk about some of those tonight.

Let me start with one that in my view is the most glaring hole in our airline security system today, and that is the stunning fact that I learned about 3 weeks ago. When I heard this I just about fell out of my chair. I was receiving a security briefing at a major airport in the western United States and we were talking about all the recent efforts and changes to try to make sure passengers do not bring sharp objects into the passenger compartment of the airplanes. I started asking questions about the checked baggage that goes into the belly of an airplane, and I asked where the equipment was to screen the baggage that goes into the belly of an airplane to make sure nobody put a bomb on it. The people I was talking to had this kind of sheepish look on their faces and they said, well, we do not do that all the time. I thought they were sort of joking. But it turns out they were not.

What I came to find out is that in airports across this country 90 to 95 percent of all the bags that go into the belly of an airplane have zero screening for explosive devices, and I mean zero screening. So nine out of 10 bags that go in the belly of an airplane that we are flying on with our loved ones are not screened for any explosive devices. That is a sad, pathetic state of affairs that this House needs to change this week with no ifs, ands or buts.

Now, the problem, Mr. Speaker, is that although we have technology to do this, and the good news is we have technology that screens for explosive devices very thoroughly, the fact of the matter is that the bill that the majority party is proposing for this week does not have a certain requirement in it that these bags be checked by a certain date. That is sad, and that needs to change.

We believe that the U.S. House needs to pass a law that requires 100 percent of all the bags that go into the belly of an airplane be screened for an explosive device with the best technology that we have. And we have some darned good technology. We have machines today that have been in use for several years, if the airline companies will turn them on anyway, that can find explosives with a high degree of probability. We need to make sure more of those machines are purchased. We need to require those to be turned on and put them in series so we can get in our airplanes in a timely fashion without bombs being in the baggage compartments.

Tomorrow, Mr. Speaker, we will be offering amendments, the gentleman from Ohio (Mr. STRICKLAND), myself, and the gentleman from Connecticut (Mr. SHAYS), a Republican, who has been working on legislation to require that 100 percent of these bags be screened. We are very hopeful that the majority party will allow our amendment to be considered on the floor of the House. It would be a shame if politics keeps this amendment from being considered. We are very hopeful that we can have a solid bipartisan vote in this Chamber to make sure all these bags get checked.

With that, Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND), who has been a great leader in advancing this issue.

Mr. STRICKLAND. I thank the gentleman from Washington State for yielding to me.

I think it is important for people to understand why we have not been able to bring a bill to the floor thus far, and why it may be that our amendment to require that all bags be checked will not even get a vote on this floor. I think the American people sometimes do not fully understand that there are certain rules and procedures that govern what happens in this House, and those rules and procedures are dominated by the majority party. And especially in terms of the amendment that we are trying to get brought to this floor, that is determined really by the Committee on Rules.

We were just upstairs not more than 10 minutes ago asking the Committee on Rules if we could bring our amendment to the floor so that here in this Chamber, comprised of all the representatives of the people, 435 of us from across this great United States, that at least we would have an opportunity to cast a vote and to make a decision regarding this vital public safety matter.

It is, I think, true that most Americans, in the past at least, when they have gone and purchased a ticket for air travel and placed themselves and perhaps their families, their children even on an airplane were assuming that all the luggage that went into the belly of that plane had been properly screened for explosives. We now know that that just simply does not happen.

We found out many years ago, about 13 years ago, when the plane exploded over Lockerbie, Scotland, that a simple explosive device, perhaps placed in a suitcase, if it is loaded into the belly of an airplane, can literally destroy that airplane. So many lives were lost there. And the gentleman and I had an opportunity just 2 or 3 weeks ago to meet with two fathers who lost sons in that Lockerbie explosion. So this is something that is a matter of life and death.

As I just said to the Committee on Rules, what we decide on this issue may determine whether or not at some point in the future Americans will lose their lives. The American traveling public has a right to travel in conditions that are as safe as we can make them. And if we pass an airline security bill this week that omits this vital loophole, then the American public will not be as safe as they have a right to be.

I would like to share just a few words from an editorial that appeared in the Columbus Dispatch, the major newspaper in Columbus, Ohio, which is the capital of the great State of Ohio, and this editorial pointed out the fact that the Department of Transportation's Inspector General recently reported that at 7 of the Nation's 20 highest risk airports there was no scanning of checked baggage.

The editorial goes ahead to point out that some time ago $441 million were used to buy 164 of these high-tech bomb detection machines that were to be used in 50 of the most busy airports in our country. The editorial then points out that after this huge expenditure of millions and millions of dollars, and the actual purchasing of these machines, that they were not used. They were just left in warehouses gathering dust.

So what our amendment does, it has a specific time line that will require that this be done. And unless there is a legislative requirement that it be done in a reasonable period of time, a date certain, I fear that it will never happen, and that at some point in the future we will lose an airplane needlessly because we have failed to take this action.

□ 1930

Mr. INSLEE. Mr. Speaker, I think that it is a necessity of the U.S. House of Representatives to have a date certain to do this by. It is made obvious by a couple of facts. The gentleman made reference to the Lockerbie bombing where there were hundreds of young people who were on that plane, and their families have now been working for 13 years to get the Federal Aviation Administration to move to require screening of checked baggage. Despite 13 years of advocacy with this agency, this agency has done nothing except give wish lists which they may do some day. Some day is just not good enough.

It would be a sad failure if this House passed something without some timeline when we have this kind of experience of agency failure over this long period of time.

Another example, the majority party's bill has language, and it is good rhetoric that rhetorically says these bags will be screened, I guess someday, we do not know when. But look what happened when we did similar language in 1995 when this House essentially directed the FAA to adopt regulations that would improve the screening and certification of the people who do the passenger screening. Six years later, the FAA had still not improved the certification and training of the folks who are supposed to keep weapons off airplanes.

If the FAA takes 6 years to try to figure out a regulation to try to figure how to keep people from bringing knives or box cutters on airplanes, do we think that this language in this bill is going to get them to get these machines in airports? We do not think so. I do not have confidence in that. The American people will not have confidence in that.

I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, there are those who say we cannot do that in a timely manner. But the fact is that we can do what we choose to do. If we think that it is important enough to do, we will see that it is done. This country is a technological giant. There is practically nothing we cannot do once we set our minds to it. To imply that we cannot build machines fast enough or modify the airports in a timely manner is simply underestimating the ability of the American people.

This is a puzzling issue because it is something that nearly everyone says we need to do. Yet there is a lack of will to actually proceed to do it.

Mr. INSLEE. Mr. Speaker, reclaiming my time, I disagree a little bit with the gentleman who says we are technological giants. I have a door knob on my house that I cannot get to work; but there are others who have developed this equipment which is incredibly accurate. We do not have a war mobilization plan from the U.S. Congress. When the Japanese bombed Pearl Harbor and President Roosevelt gave his speech from this Chamber, we immediately went on a wartime industrial mobilization process. Nobody said we cannot build the Pentagon in 12 months, we cannot do that. The Pentagon was built from conception to completion in 12 months.

When they needed big bombers, they built 12,000, maybe 14,000, I would need to check the numbers, B–24 complex bombers, 4-engine bombers, because they said we are going to do it.

Now the House has to get up on its hind legs and say we are going to build 2,000 of those machines by a time certain. If we give an agency language as soon as we get around to it, I am not sure that it is going to be in this millennium.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, we are going to pass a bill this week, and it is going to have this fairly meaningless language in it; and then we are going to tell people that we have solved the problem. The American people are going to be led to believe that we have done everything we can to make their traveling on airplanes as safe as possible, and it simply will not be true. We need to be specific. We need to have a mandate and a time certain.

If I can share a few other thoughts from this Columbus Dispatch editorial, it points out that the security procedures commonly in place have focused nearly entirely on the contents of carry-on baggage, and the screening for checked luggage is through a series of questions designed to reveal whether people had packed their own bags and kept them in sight and planned to board the plane for which they were ticketed.

These measures were imposed after the Lockerbie explosion, and they were based on the theory that no one would board a plane that was going to blow up because the theory was a person would be highly unlikely to blow up a plane and kill themselves. But on September 11 we learned something. We learned that there are terrorists, fanatical terrorists, who not only are willing to die, but seemingly are anxious to die for what they believe in.

We can no longer use this casual method of asking have you packed your own bag and has it been in your sight. We need to have the technology that will make it possible to screen for explosives. Some of these explosives are so powerful that a portion the size of a bar of soap can do incredible damage. We cannot afford to allow this to continue as it has.

As I said to my colleague from Washington State, we are going to be debating these matters here in the House of Representatives, and there are going to be some who are going to contend that this language, almost meaningless language, is going to provide protection to the American people. If that is all we get in this bill, it is going to be a real failure, in my judgment.

Mr. INSLEE. Mr. Speaker, if the majority party does not allow a vote on this amendment, we will have spent all of this energy debating who the employees will be doing the screening, and there will be substantial debate. There is a difference between the parties largely on that issue. Democrats believe there should be Federal responsibility like border guards, FBI agents, marshals, that these ought to be Federal employees because that is the safest way to go.

The majority has an ideological hang-up, and there will be debate. To not have a debate on who will take nail clippers away from passengers, and not have a specific promise to the American people that by a date certain the bags are screened to determine that the bags are not packed with 30 pounds of C–4 high explosives, would be a criminally negligent act by this House.

We are concerned and do not think that this ideological inhibition that my friends in the majority leadership have against Federal employees should stymie our ability to make a commitment to the American people that their bags are not going to have bombs in them.

I have good friends on the Republican side of the aisle who back this provision. The gentleman from Connecticut (Mr. SHAYS) has been a leader on campaign reform issues and has supported this. We have quite a number of other Republicans who are supporting this. We believe if we have a vote on this floor, we will have good bipartisan support for this provision.

Mr. Speaker, the problem is if the majority leadership has a stranglehold on the rules and does not allow a vote, we are not going to have this bipartisan solution adopted. We urge all Members to see that the majority party allows this to the floor for a vote. Then we can have the other vote about who these parties should be.

Mr. Speaker, I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, I was in Athens, Ohio, this past weekend; and I had a discussion with a young man who told me he had planned a trip to Florida for himself, his wife and children; and he said I am not flying. I have gone to the airlines and asked for my ticket money back. They will not return my ticket money, but they have told him that he can use his ticket during the next 12 months. He said, I hope after a few months I will feel safe enough to use those tickets.

We want the airlines to survive and prosper, and we hear talk encouraging the American people to go back to normal living and carry on their lives as they did prior to September 11, to buy goods, to enjoy themselves in social settings and the like. We also want them to fly.

Congress gave the airline industry a $15 billion bailout less than a month ago because we were afraid the airline industry would not survive in this country without that kind of governmental assistance. I opposed that bill at the time; but many, many of my friends in this Chamber thought it was the right thing to do and voted for it.

My feeling is the best way to get airlines healthy in an economic sense is to encourage people to fly. How can we encourage people to fly if flying is not as safe as it ought to be or could be? I want to be able to say to that young man in Athens, Ohio, and to all of my constituents, we have taken action in the House of Representatives that will keep you as safe as it is possible for you to be when you choose to use air travel.

Once we do that, then I think the American people will return to the airports and they will take their vacations and business trips.

I talked to another individual today who was in Florida, and he was coming back to Washington and I asked him how he was getting back here and he said, I am driving. Ordinarily this individual would fly, but he still does not feel comfortable in flying. We need to take this action. If we do, I believe the American people will return to life as they normally lived it prior to September 11.

Mr. INSLEE. Mr. Speaker, I appreciate the comment about confidence in the American people. The reason this has not happened to date is some folks have not wanted to make the investment to buy these machines or to take the trouble to install them. I cannot think of a more penny-wise and pound-foolish approach when it comes to safety. If we lose another plane, nobody is going to be getting on these airplanes. We are already down significantly.

As a person who represents thousands of Boeing workers in the Seattle area, we have had 12,000 people laid off this year because of the drop of people getting on airplanes. The U.S. economy cannot withstand the devastation that will occur if we lose another airplane. As far as the expenses, it will cost about $2 billion to install these measures. If we put it in context, it is $2 per ticket for 1 year. I am convinced that people think it is worth $2 a ticket to make sure there is not a bomb in the airplane. That is for 1 year. It is a one-time investment.

Our proposal has suggested that we simply appropriate funds from the general fund to make this investment. The other Chamber has made a proposal with a surcharge of $2 per ticket to assist in security. We think that it is just as well to take it out of the general fund. However it is financed, people who get on airplanes, if we poll them, do passengers want this $2 spent by somebody, they are going to say "yes" even if it is them. It is worth $2 to get over this known threat.

I am hopeful that the majority party will hear our request to allow a bipartisan consensus to develop; but I think we need to describe why this has not happened to date. The reason it has not happened to date is that there has been this ideological resistance to the idea of having the Federal Government act to take care of the citizens it is supposed to protect.

The first duty of government is to protect the physical security and safety of its citizens. That is the first duty of government. Frankly, government has not done as good a job as it should in this regard. Our government has engaged in an experiment in airline safety in the last 10 years. That experiment involved letting out to the low bidder the contracting out of the employees to screen passengers before they get on airplanes.

☐ 1945

We had that experiment and it was a grand failure on September 11, because we had multiple known failures of that system. We had these companies hiring ex-felons. We had these companies hiring people that had been fired at other places. We would have companies that did not screen their own employees for who their identity is. We have had test after test after test where we had these employees that were so poorly paid and so poorly trained and totally noncertified that at Dulles International Airport when they tried to get 20 weapons through out of 20, they got seven weapons through this alleged screening-porous system. So that was an experiment that failed.

We should not be having this theoretical argument because that experiment failed. Having private contractors with government supervision is a known recipe for disaster. We need to have a federalized system of Federal employees who the Federal Government certifies, trains and employs to give passengers what they deserve which is a high level of confidence. To me, I have to tell you, if you ask people who is more important to your personal security, whose eyes and ears and judgment is more important to your personal security, a border guard or a screener at an airport check-in counter, I have got to believe the check-in counter is at least and I think more important to our physical personal safety. We make sure that the people who do the border guards are Federal employees so we can make sure that they hew to the standards that we set. But we do not do that for the people who your personal safety is in their hands when you get onto an airplane.

I heard a flight attendant sort of ask a good question. She says Members of Congress have Federal employees protect their personal security, our police force here in the U.S. Capitol. We insist that we have government employees protect our personal security. But for the flying public, we let the lowest-priced, minimum wage, untrained, uncertified ex-felon get that job as long as a contractor can swing some low-ball deal. That is not the way we can do business anymore. So we are going to insist on having Federal employees do this work.

Mr. STRICKLAND. I would like to share an incident that happened with me at Dulles International Airport just within the last 2 weeks. I think it illustrates the fact that our current procedures are woefully inadequate and even dangerous. I went to the airport early one morning, I had a 7:20 flight so I arrived well before that time. I asked to have my bag checked. The person there at the ticket counter gave me my seat assignment and handed the ticket back to me. Then she said, Sir, you've been selected at random to have your bags further screened. They were screening them for possible explosive devices. Then she said to me, I would like for you to take your bag, walk down the corridor here until you come to the crossover, turn to the left, go to the next major corridor, turn to the left and you will see the machine where they are doing the screening over at your right.

I said to her, With all due respect to whoever is responsible for this process, what makes you think that if I've got an explosive device in that bag that I am going to voluntarily, without being escorted or without being observed, carry it over there and ask someone to screen it for explosives? It just does not make sense.

The fact is that if I had had an explosive device in that bag, I could have just simply left the airport and come back later in the day at a time when it was highly unlikely that I would be selected a second time at random to have that bag checked. But I think it points out a larger problem. I have been told that at Dulles, for example, 80 percent of the people who provide the screening are low-paid individuals with minimal training and some 80 percent are noncitizens. It is difficult to do adequate background checks and the like when you have those circumstances prevail.

I would like to share something that was written in the Dallas Morning News just a few days ago regarding this matter. I quote from this Dallas Morning News story:

> We normally favor private sector responses, but it was troubling to hear from the Justice Department last week that a major handler of security in the U.S. airports had hired screeners who had criminal backgrounds and drug problems and who had lied about their histories. That record does not bode well for a dual system of private employees and Federal standards. It's better to think of airline screeners as important as border guards or custom agents, all of whom work for the government. There is a time for ideological arguments, but there is also a time when legislators need to compromise. We have reached that moment. The Nation needs better airport security and the House should not stand in its way.

That, I think, is a very powerful statement from the Dallas newspaper, indicating that we need to move to have a system of screeners and employees that are answerable to Uncle Sam. My friend from Washington State said that we would not tolerate private employees guarding this wonderful Capitol building or providing security for those of us who are Members of the House of Representatives or the Senate of the United States. We want professional law enforcement, public law enforcement officials doing that. There should be no less concern for the traveling American public. They also deserve to have security personnel who are answerable to Uncle Sam, who are sworn, who are well-trained, who are dedicated to the public protection. Anything less than that will continue to put the traveling public at risk.

Mr. INSLEE. I appreciate that. I think you have to ask why there is such resistance to this idea. It is actually surprising to me. You have to ask, do the folks in the majority party who refuse to accept this idea, is it because they distrust the Capitol Police because they are employees of Uncle Sam? Is it because they distrust our border guards because they are employees of Uncle Sam rather than working for a private contractor? Do they distrust firefighters because they are governmental employees rather than working for private enterprise? I think the answer is no. My friends in the majority party would say, No, we trust firefighters. We trust our border guards. We trust our FBI agents. We trust our Capitol Police who work for Uncle Sam. It is not a lack of trust. And if you ask them what is it, then, they would say, I believe, in all sincerity, we just don't like government doing things. I think that is the bottom line. There is an ideological inhibition of some of our friends across the aisle who have refused to accept the proposition that there are times when Uncle Sam has to come to the aid of its citizens. And when you are under a threat from terrorists who are running airplanes into large buildings and somebody who is putting anthrax in our mail, it is time to accept the proposition that Uncle Sam needs to come to the physical assistance of its citizens. We hope that enough of our friends across the aisle forget the ideological debating points. This is not a Harvard debate. This is an issue of life and death, whether we are going to save people or not. And so we hope that this practical, common-sense attitude allows us to develop a bipartisan consensus here and for a moment we can put away these ideological, theoretical things, arguments we used to have in college at midnight. This is real life.

Mr. STRICKLAND. I have heard some of the leaders on the other side of the aisle say that they did not want the federalization of these employees because they would join unions. But I think it is appropriate for us to recall that the young firefighters who gave their lives in the trade towers in New York City were, by and large, members of a union, that the police officers that sacrificed their lives in service on that terrible day of September 11, they were members of unions. I do not think we should fight this battle on the basis of whether or not the employees would be able to join a union or not join a union. What we want are people who are responsible to the government, to the Federal Government, to provide the kind of protection that the American people need and deserve. I doubt very seriously that if the firemen and the police officers in New York City were paid little more than minimum wage, were private contractors, that they would have been willing to do what those brave men and women did on September 11 in New York City. We do not privatize our FBI, we do not privatize our customs agents, we do not privatize our border patrol folks. We do not privatize the Capitol Police that protect this wonderful Capitol and provide protections for Members of the U.S. Senate and Members of the United States House of Representatives. They are not privatized. Why should the people who provide the protection for our citizens who go to airports and get on airplanes have to suffer under the protection of lowly paid individuals who are poorly trained and who cannot, even though they try, under those circumstances, they cannot provide the depth and the quality of protection that the traveling public deserves?

Mr. INSLEE. I think that is a very good point, that the people who are working at these gates now, we are not blaming them. They are working hard. But they are given maybe minimum wage. They are given maybe a few hours of instruction. As a result of their poor treatment, some of these airports have a 300 to 400 percent turnover rate. And as long as you are having a low bid situation, you can expect those conditions to prevail.

Now, I think we should talk a little bit about why this system has failed. Why has this experiment of having private contractors provide this service failed? We had FAA supervision of them. This is what our friends across the aisle are proposing. Private contractors hire the people, the FAA has supervision. That is exactly what we had in the last 10 years. The FAA has drawn up these rules for these contractors to follow. So you have to ask yourself, why has this been such a miserable failure? The sad fact is, because the contractors and the airlines they serve have been successful with their armies of lobbyists who do a good job who have come up here and have blocked, in Congress and in the FAA, any rules or statutes to significantly increase the professionalism of this workforce, because it would cost another dollar. And they have been successful in strangling any progress in our political system to do this. It is clear to me that until that stranglehold is broken, we are not going to get to a professional law enforcement oriented screening system in this country. That is why it is important to us to move in this direction.

I would like to now yield if I could to my good friend the gentlewoman from Ohio (Mrs. JONES), the great prosecutor who knows something about law enforcement.

Mrs. JONES of Ohio. I would like to thank my colleague the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), and I see seated here with me also the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Speaker, I rise in support of the federalization of airline security personnel. Yesterday in the City of Cleveland, I joined with many other unions who represent the workers at the airport in support of airline security and a safety net for the workers of the airlines. I have a personal interest in this in light of the fact that my father, Andrew Tubbs, worked for United Airlines some 38 years as a sky cap. My sister, Mattie Still, worked for United Airlines some 30 years as a CTR operator. My brother-in-law, Robert Still, worked as a sky cap in California for some 30 years. And currently my niece, Lorri Still, is a flight attendant with United Airlines. So the workers of the airlines industry are very, very important and personal to me.

Yesterday, in the City of Cleveland we stood and said to the Congress, hurry up. Time is a-wasting. We need to enact legislation that will federalize the airline security personnel. We need to elevate the position of airline security to the level of those of law enforcement, to the firefighters, to the Cleveland police officers, police officers across this country, to the Federal marshals, to the Capitol Hill police. That way they will get the type of training and professionalism that they need in the job.

I want to say to the American public, get back on the airplanes like we are required to do. I want to say, have trust in what happens. But until we federalize airline security, that in fact is not going to happen.

□ 2000

I heard others say that they are worried about people joining unions. I wish my father had had a union. He used to tell me stories about the skycaps: no unions, no dollars for health care, no dollars for sick leave. And what they used to do, these guys used to pass the hat, so when they got tips on any evening, they used to divide those tips up among the folks that were there and put money in for those who were not there, so that those guys still had tips, as though they were working every day.

Why should workers have to do that? The company should provide that type of security. Why should we think that this job is any less honorable than any other job?

As I go back through the airport every weekend into the city of Cleveland, those skycaps walk up and say, "Stephanie, are you trying to get money for me?" The people working at the desk say, "Stephanie, are you trying to get money for us? Are you trying to secure and make sure the jobs we do on a daily basis are secure?"

I have friends, and I think about these guys. My father is 81 years old, and I think about all the guys that used to work with him who are still around and they say, "What a great group of men we had." So if skycaps right now make $2.88 an hour, imagine what they made back in the 1940s per hour to work and do the job.

So I am just standing here with my colleagues, the gentleman from Washington (Mr. INSLEE), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. STRICKLAND), and all of us who believe in the importance of airline security, that it is time out to the Congress. Step up to the plate. Say to the American public that we are going to secure you. We are going to make sure when you get on that plane, things are safe. Maybe even in the legislation that we pass, we will require that every piece of luggage that gets on a plane has been screened in some fashion.

But if we can elevate the position of airline security to an honorable position, a professional position, all of us will be better off. I am so happy to join the gentleman from Washington (Mr. INSLEE) and all of the Members this evening as we talk about this important issue that is important to the security and safety of all of us here in the United States and those traveling through the United States.

Mr. INSLEE. I hope the gentlewoman will report to your former skycap father that he has got something to be proud about, sending you to us.

Mrs. JONES of Ohio. I called him up and said, "Dad, turn it on. I am talking about you tonight."

Mr. INSLEE. I thank the gentlewoman very much.

I want to yield to the gentleman from Ohio (Mr. STRICKLAND) for some closing comments. I intend to yield to the gentlewoman from Ohio (Ms. KAPTUR) to finish the hour.

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding.

I would just like to close my remarks this evening by once again referring to the editorial in the Columbus Dispatch of October 16. The editorial ends with this question: Will there be no end to the revelations of how poorly the Federal Government, airport security workers and airlines have handled the job of protecting passengers? How many other rules are not being enforced, and how much evidence do House Republicans need to convince them that only a top-notch security force, paid by the taxpayers and not hired by the low bid contractors, will make the airways as safe as possible? A bill passed by the Senate and pending in the House would federalize airport security. The House should stop playing politics with this essential legislation and pass it.

I would just like to point out in closing that in the Senate, they voted 100 to zero to pass this vital legislation. We need to bring it to this floor, and we need to pass it this week. If we do not, the American people should hold us accountable.

Mr. INSLEE. Mr. Speaker, I thank the gentleman.

I would like to yield to a person who is always a voice for common sense, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) for bringing up this very important subject at a time when the American people are expecting to hear from us, their representatives, and also our beloved colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES), whose family obviously has enormous experience in this area, merely to say thank you to all of you for highlighting this important issue to the American public, the issue of safety in the airline industry and how important it is and what common sense it makes to have a Federal position at our various airports around the country, Federal positions, Federal responsibilities, Federal training and a program of instruction and of career advancement, so we can get the very best type of training and trained individuals to serve in these critical positions now and into the future.

It would be so very easy for us to merely take the Senate bill and to pass it here; yet it has been held in abeyance now for several weeks. So there is not a commitment by the leadership of this institution to federalize these security positions.

All of us flew back here over the last 2 days. We know the people out there at the airports are doing the very best that they can. But, honestly, we need to have the same kind of professionalism that we have in our security services around this country at different levels.

I just wanted to thank these gentlemen for telling the American people that it is high time we took up the Senate bill and passed it here.

I know that the gentleman has time remaining, and I want to give him a chance to close.

Mr. INSLEE. Mr. Speaker, just to make a closing comment, then I am going to yield to the Chair so the Chair can yield back to the gentlewoman for another subject. I wanted to thank the Members who have joined me this evening. This is the crunch time for the U.S. House. It has a duty. I certainly hope that we do our duty, which is to set a time-line to get every bag checked for explosive devices, that we have a professional force to do it. Heaven help us if we do not discharge that duty. I hope bipartisanship will actually blossom this week to get this job done.

Mr. Speaker, I yield the balance of my time to the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2330. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2330) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mrs. MURRAY, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS, to be the conferees on the part of the Senate.

EXPLAINING THE CONTEXT FOR AMERICA'S CONFLICT

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 15 minutes as a further designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as one Member, I feel a particular obligation at this time in our country's history to help provide information and insight to the American people, and indeed to the people around the world, who are looking to us for leadership and for an explanation of enduring freedom, the roots of the engagement in which we now find ourselves involved with a growing coalition around the world. From time to time I will be coming to the floor, as I did last week and now again, to talk about some of the events in past years that have created the context for the conflict in which we as a Nation have now been placed in dead center.

Last week we talked a bit about the economics of the Middle East and America's over-reliance on imported oil and the fact that each of the economies of the larger region in which this conflict is occurring make money primarily from oil, with Saudi Arabia being the largest supplier of petroleum to the United States.

In Toledo today, where I just flew from, gas prices are down to 99 cents to $1.01 a gallon. Do not tell me there is no relationship between the desire of the oil-producing countries to have America win this battle and therefore to manipulate a bit on the spot market and the price of petroleum. I am sure Americans in the short term think that is probably a good thing, but in the long run what it does is it connects us to a very unstable part of the world.

Indeed, 52 percent of the petroleum that we consume is imported from Saudi Arabia, from Nigeria, from Venezuela, from Mexico. America now consumes three times more in imported petroleum than she did 20 years ago. Oil and our inability to make ourselves energy self-sufficient here at home, simply because we have not had the will, is our major strategic vulnerability; and again we are faced with major unrest in the Middle East, this time some of that being brought to our own shores.

I wanted to talk a bit tonight about a wonderful book that I read 15 years ago and I have been rereading over the last few days called "Sacred Rage," by a very well known journalist in our country, Robin Wright, who is both courageous and I think has shades of genius. The subheading of this book is "The Wrath of Militant Islam."

I just finished the chapter on Kuwait. Last night I was reading about Lebanon. I cannot go into the entire book this evening, but I will reference one of the beginning chapters that deals with Iran and the turning point as she, the author, would view it in the Middle East back in March 1982 when over 300, nearly 400 mullahs, religious leaders from that part of the world, convened at a conference in Tehran in the Revolutionary Nation of Iran at that point, and Iran was turning from a monarchy to a theocracy, and the men that came together at that time, and I will quote from the book, because it is very insightful and it bears on what is happening today, agreed to several common goals.

They agreed, first, that religion should not be separated from politics. This is a very foreign thought to people of the United States in this democratic Republic.

Second, they agreed that the only way to achieve true independence was to return to their Islamic roots.

Third, they agreed there should be no reliance on superpowers or other outsiders in their region, and the region should be rid of them.

Fourth, they recommended that the Shia, which is one sect of Islam, should be more active in getting rid of foreign powers.

Now, the Persian Gulf War a few years after that, of course, engaged the United States in trying to hold the border of Kuwait as Iraq attempted to move into that country. After that particular war, the Persian Gulf War, which was largely fought for oil, in my opinion, and the preservation of those oil supply lines through the Persian Gulf to the United States, I do not think that was a moral goal, but it was a goal that this Congress voted for and the American people supported, but after that the American people kind of forgot. It was over. Sure, we deal with the veterans in our districts and the people that served over there, but we became more and more hooked through the decade of the 1990s on imported fuel.

Not everyone has ignored this unfortunate development; and today, or actually yesterday, a brilliant writer, Rob Nixon, who resides in Madison, Wisconsin, a professor at the University of Wisconsin, wrote an editorial entitled "A Dangerous Appetite for Oil," and I am only going to quote a couple sentences of it. I will enter it into the RECORD this evening.

He advises the most decisive war we can wage on behalf of national security and America's global image is the war against our own oil gluttony. He talks about the fact that for nearly a century, oil has been responsible for more of America's international entanglements and anxieties than any other industry. Oil continues to be a major source of America's strategic vulnerability and of its reputation as a bully in the Islamic world and beyond. Frankly, America made friends and supported regimes that could continue the oil lifeline to this country, and part of the "Sacred Rage" relates to the exclusionary manner in which the governments of those nations dealt with their own populations and the rather maldistribution of wealth that occurred.

Now, that is not America's fault; but we should be focused on those forces that create some of the rage that is directed against us and those forces that we contain here at home we should be about doing. One of those forces is to make ourselves energy self-sufficient here at home. That is what Rob Nixon writes about.

He talks about outside the West, the development of oil resources has repeatedly impeded democracy and social stability. The oil extraction industry typically concentrates wealth and power and provides many incentives for corruption and iron-fisted rule. In most oil exporting countries, the gap between rich and poor widens over time; and from the perspective of local people beneath whose land the oil lies, the partnership between oil transnationals and repressive regimes has been ruinous, destroying subsistence cultures while offering little in return. In fact, he quotes then the Nigerian writer, Ken Saro-Wiwa, who was hanged in 1995 for leading protests against such destruction and dubbed that process "genocide by environmental means."

Mr. Nixon writes, "Oil and related extractive industries have arguably done more to tarnish America's image abroad than any other commercial pursuit. By scaling back our reliance on foreign oil, we could reduce a major cause of anti-American feeling while simultaneously decreasing our vulnerability to oil embargoes and price spikes," and I might add the manipulation of the market which is occurring inside our borders today.

□ 2015

But we will never be able to drill our way out of this. In fact, even if we were to drill in the Arctic Wildlife Refuge, we would get about 140 days worth of supply for this country. And he, like many others across this country, talks about encouraging more quickly advances in developing wind and wave power, biomass research, which is something I so strongly support, particularly with the development of ethanol and biodiesel so I can buy it and you can buy it; transport fuels based on renewable oilseed crops, and photovoltaic modules that can convert, even diffuse, light into electricity, such as is being done by Solar Cells, a new company in my district.

We can do this. We can do this in the United States. We just have not had the will to do it. As far as having oil as our chief proxy of our foreign policy in the Middle East, what a dangerous dependence. What a dangerous dependence this has proven to be for our people.

Robin Wright, in her book Sacred Rage, was given many, many commendations by well-known Americans, one of them Roger Mudd from NBC News who said, "If ever there was the right book on the right subject for the right readers at the right time, Sacred Rage is it. The Kansas City Star wrote, when the book was published, "Robin Wright manages against all odds to get a fix on a phenomenon that is complex, elusive, and kaleidoscopic. Moreover, her style of writing is so vivid that the book reads like a novel." I know that those who are listening can also get this at local libraries.

Mr. Speaker, if one looks at page 69, one will see a poster from the Party of God, which is one of the groups operating, in this case in Lebanon at that time, and it shows a powerful image of how those who were engaged in this particular sect felt about the West. It is important for Americans to understand who is actually trying to exert this negative force against us and to understand why, because once the why is understood, we can begin to move the world forward.

Today in The New York Times, there was an editorial by Thomas Friedman, which I will also enter into the RECORD, called Drilling for Tolerance. And again, he talks about why there is such instability in that part of the world, the role of oil in shaping our foreign policy to too great an extent and, again, he proves the point that trade has not brought freedom. He talks about how little many who should have known here in the United States understand about the internal politics of Saudi Arabia, and, in fact, some of the very schools that are educating youth to hate us. He talks about all public schools, the religion classes in Saudi Arabia, students being required to learn the following, and it states, "It is compulsory for the Muslims to be loyal to each other and to consider the infidels their enemy." That is, anyone who is a non-Muslim is an infidel, someone who is an enemy. Imagine this being taught to 10-years-olds, 12-year-olds. He goes on to talk about how it is time to tell the truth. He says he was always for getting rid of oil imports before September 11, but now even more. He says, Why should we continue to purchase oil from countries like Saudi Arabia when they are using the very proceeds to buy textbooks to teach this kind of wrath to their youth?

So I just this evening very much want to urge the American people to have courage in these moments. The depth of this democracy of our great Republic will weather us again. We have educated all of our people. We believe in helping both men and women move forward in our country. We believe very much in free enterprise. We are not a monarchy. We believe in helping to distribute the resources of this land to all who work hard, and for those who are unfortunate and cannot, we try to take care of them as well. Those strengths, along with our military and with the great patriotism we have, will carry us through.

[From the Foreign Affairs, Oct. 30, 2001]

Drilling For Tolerance

(By Thomas L. Friedman)

In April 1988 Saudi Arabia asked the U.S. to withdraw its newly appointed ambassador, Hume Horan, after only six months. News reports said King Fahd just didn't like the U.S. envoy. What the Saudis didn't like about him, though was that he was the best Arabic speaker in the State Department, and had used his language skills to engage all kinds of Saudis, including the kingdom's conservative religious leaders who were critical of the ruling family. The Saudis didn't want someone so adroit at penetrating their society, so—of course—we withdrew Mr. Horan.

Ever since then we've been sending non-Arabic-speaking ambassadors to Riyadh—mostly presidential cronies who knew exactly how to penetrate the White House but didn't have a clue how to penetrate Saudi Arabia. Yes sir, we got the message: As long as the Saudis kept the oil flowing, what they taught in their schools and mosques was not our business. And what we didn't know wouldn't hurt us.

Well, on Sept. 11 we learned just how wrong that view was. What we didn't know hurt us very badly. On Sept. 11 we learned all the things about Saudi Arabia that we didn't know: that Saudi Arabia was the primary funder of the Taliban, that 15 of the hijackers were disgruntled young Saudis and that Saudi Arabia was allowing fund-raising for Osama bin Laden—as long as he didn't use the money to attack the Saudi regime.

And most of all, we've learned about Saudi schools. As this newspaper recently reported from Riyadh, the 10th-grade textbook for one of the five required religion classes taught in all Saudi public schools states: "It is compulsory for the Muslims to be loyal to each other and to consider the infidels their enemy." This hostile view of non-Muslims, which is particularly pronounced in the strict Saudi Wahhabi brand of Islam, is reinforced through Saudi sermons, TV shows and the Internet.

There is something wrong with this picture: Since Sept. 11, the president of the United States has given several speeches about how Islam is a tolerant religion, with no core hostility to the West. But the leader of Saudi Arabia, the keeper of the Muslim Holy places, hasn't given one.

The truth is, there are at least two sides to Saudi Arabia, but we've pretended that there's only one. There is the wealthy Saudi ruling family and upper middle classes, who send their kids to America to be educated and live Western-style lives abroad and behind the veil at home. And there is an Islamist element incubating religious hostility toward America and the West, particularly among disaffected, unemployed Saudi youth.

It is said that truth is the first victim of war. Not this war. In the war of Sept. 11, we've been the first victims of our own inability to tell the truth—to ourselves and to others. It's time now to tell the truth. And the truth is that with the weapons of mass destruction that are now easily available, how governments shape the consciousness, mentality and imagination of their young people is no longer a private matter.

We now have two choices: First, we can decide that the Saudi ruling family really is tolerant, strong and wants to be part of the solution, and thus we can urge its members to educate their children differently and ensure that fund-raising in their society doesn't go to people who want to destroy ours. If so, I don't expect the Saudis to teach their kids to love America or embrace non-Muslim religions.

But if countries want good relations with us, then they have to know that whatever religious vision they teach in their public schools we expect them to teach the "peaceful" realization of that vision. All U.S. ambassadors need to make that part of their brief. Because if tolerance is not made universal, then coexistence is impossible. But such simple tolerance of other faiths is precisely what Saudi Arabia has not been teaching.

If the Saudis cannot or will not do that, then we must conclude that the Saudi ruling family is not really on our side, and we should move quickly to lessen our dependence upon it. I was for radical energy conservation, getting rid of gas-guzzlers and reducing oil imports before Sept. 11—but I feel even more strongly about it now.

"Either we get rid of our minivans or Saudi Arabia gets rid of its text books," says Michael Mandelbaum, the Johns Hopkins foreign policy specialist. "But one thing we know for sure—it's dangerous to go on assuming that the two can coexist."

[From the New York Times, Oct. 29, 2001]

A Dangerous Appetite For Oil

(By Rob Nixon)

ADISON, Wis.—For 70 years, oil has been responsible for more of America's international entanglements and anxieties than any other industry. Oil continues to be a major source both of America's strategic vulnerability and of its reputation as a bully, in the Islamic world and beyond.

President Bush recently urged America to reduce its reliance on foreign oil. We can take his argument further: by scaling back our dependence on imported oil, we cannot only strengthen national security but also enhance America's international image in terms of human rights and environmentalism.

Importing oil costs the United States over $250 billion a year, if one includes federal subsidies and the health and environmental impact of air pollution. America spends $56 billion on the oil itself and another $25 billion on the military defense of oil-exporting Middle Eastern countries. There are additional costs in terms of America's international reputation and moral credibility: our appetite for foreign fossil fuels has created a long history of unsavory marriages of convenience with petrodespots, generalissimos and formenters of terrorism.

The United States currently finds itself in a coalition with Russia, Pakistan, Saudi Arabia and the Northern Alliance. Their human rights records range from bad to heinous. This is a conjuncture familiar to oil companies. From the Persian Gulf states to Indonesia, Turkmenistan, Kazakhstan, Colombia, Angola and Nigeria, they have cozied up to dubious, often brutal regimes that allow corporations to operate with few environmental or human rights constraints.

Outside the West, the development of oil resources has repeatedly impeded democracy and social stability. The oil-extraction industry typically concentrates wealth and power and provides many incentives for corruption and iron-fisted rule. In most oil-exporting countries the gap between rich and poor widens over time. From the perspective of local people beneath whose land the oil lies—Bedouins in the Middle East, the Huaorani in Ecuador, Nigeria's Ijaw and Ogoni, the Acehnese of Indonesia—the partnership between oil transnationals and repressive regimes has been ruinous, destroying subsistence cultures while offering little in return. The Nigerian writer Ken Saro-Wiwa, hanged in 1995 for leading protests against such destruction, dubbed the process "genocide by environmental means."

Oil and related extractive industries have arguably done more to tarnish America's image abroad than any other commercial pursuit. By scaling back our reliance on foreign oil we could reduce a major cause of anti-American feeling while simultaneously decreasing our vulnerability to oil embargoes and price spikes.

Long before the Sept. 11 attacks, President Bush adopted the slogan, "National security depends on energy security." How can America best come closer to energy self-sufficiency? To date, the Bush administration has changed our relationship to fossil fuels primarily by deregulating and decentralizing controls, while advocating increased drilling. Interior Secretary Gale Norton supports opening up many wilderness study areas, national monuments and roadless national forests for oil and gas leases.

But we will never be able to drill our way out of even our short-term energy problems, much less our long-term ones. America consumes 25 percent of the world's oil while possessing less than 4 percent of global oil reserves. Even opening the Arctic National Wildlife Refuge to drilling would provide a mere 140 days' worth of fuel. Such modest new supplies would take an estimated seven years to reach the consumer and would be more costly than imported oil.

We have to be more inventive about easing our reliance on all oil, foreign and domestic. A good start would be to reverse the administration's rollbacks in financing research into fuel efficiency and renewable, clean energy sources. We need to build on the encouraging advances in developing wind and wave power, biomass research, transport fuels based on renewable oilseed crops, and photovoltaic modules that can convert even diffuse light into electricity. Some of the most promising progress has been in energy efficiency: household appliances that require half the energy they did a decade ago; cars that can get 70 miles per gallon.

Changing public attitudes is going to be an even steeper challenge. Yet is it too much to hope that the S.U.V. will come to be viewed as an unpatriotic relic of the 90's, when America's dependence on foreign oil spiked by over 40 percent? Is it unreasonable to believe that with commitments from Detroit and government, hybrid cars could become not just more sophisticated but sexier, narrowing the gap between fashion and conscience while saving us money at the pump? Could hybrids and fuel-efficient vehicles emerge as the cars of choice for a more patriotic and worldly America?

Redesigning hybrids is one thing; the business of remodeling American consumer desire is an undertaking altogether more ambitious. But we do have precedents: remember the beloved Oldsmobile 88's and Ford LTD's that lost their appeal after the 1973 Arab oil embargo? With a combination of pocketbook incentives, government stimulus and industry inventiveness, perhaps we could tart uncoupling America's passion for the automobile from our dangerous and doomed appetite for oil. The most decisive war we can wage on behalf of national security and America's global image is the war against our own oil gluttony.

AIRLINE AND AIRPORT SECURITY: WHERE DO WE GO FROM HERE?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I want to talk tonight about an issue that was discussed in the last hour and will be discussed in this country and in this Chamber tomorrow and the day after. Indeed, it is a topic that all Americans have been focused on if they are watching the great debate here in this city. That topic is a critical one for this country; it is airline and airport security.

This country's economy depends on our national air system, on our air travel system, on the security of people who decide to take a flight, whether it is for recreation or business, from their home to some other location to conduct business or to go on a vacation.

We heard a discussion in the last hour about the bill that will be before us, and I think it is important for all Americans to understand the issues presented by this legislation. It is vitally important that we make America's airports and America's airlines and America's air travel system absolutely safe. However, it is also important in doing that that we have an informed debate, a debate about what needs to occur and a debate about what is wrong with the current system, and a debate about what the alternatives are for the future.

Unfortunately, a lot of the debate that we have had and that we heard in the last hour focused on the past and not accurately on the future or the issue that is presented for the future. We heard a lot of discussion in the last hour about the flaws in the current system and about what is wrong with the current system.

Mr. Speaker, I want to make it absolutely clear that no one is proposing that the current system be retained. No one is proposing that. I want to make it also clear that while a lot of the discussion in the last hour focused on this issue of a Republican versus a Democrat solution of philosophy or ideology, those really are not the issues. The issue which all Americans need to understand as the issue is the safety of our airlines, the safety of our airports, and the safety of air travel in America. On that issue, I and my Republican colleagues do not see it as partisan and do not see any benefit in discussing a partisan divide. We see it as one issue: how do we make the skies of America safe for every single American, black, white, Republican, Democrat, brown, red; every American needs and deserves the best possible protection system for our Federal aviation system to ensure that we are all safe.

I want to say that I think it is sad, absolutely sad when the debate on this kind of issue, which ought not to be partisan, sinks to a level of partisanship where one side is saying the other side is driven by ideology or bipartisan gain. This issue is about the safety of the American traveling public, and it is about how we make our airports and our airlines safe, the securist and the best it can be in the world. How do we create that system? It is not by creating a one-size-fits-all piece of legislation.

I would like to go down to the easel and walk through some of these points, because I think they are extremely important for all Americans to understand, and I have some graphics that I think will help make those points.

As I said just a moment ago, this is not about partisanship. And importantly, although we have heard a lot of discussion about what is wrong with the current system, it is not about the current system. Let me say it again. Let me make sure nobody misses this point. Nobody is debating the merits of the current system. The current system, whether it could have succeeded or not, has, in fact, failed. The current system has not provided the American people with the safety they deserve. So all the anecdotal stories we heard in the last hour, all the anecdotal stories we are going to hear tomorrow and the next day about the failures of the current system, about how the airlines are not doing security correctly; about the corruption, for example, of some of the current security providers, that is really not an issue, because the issue is not the current system. Nobody, again, is proposing the current system. Let us talk a little bit about that current system.

Under the current system, airlines hire private companies to supervise airline security. That is not in the Republican bill. That is not in the Democrat bill. That is not in the President's bill. That is not in any legislation. Nobody is proposing that we retain the current system where the airlines have responsibility for security and where private companies are hired by airlines to provide that security. Why discuss it? Why debate it? I was in a debate on this topic with one of my colleagues the other day who recounted to me over and over again the failings of the current security companies. Guess what? Nobody is proposing that we keep those systems. Under the current system there is no federalized and no law enforcement supervision of any kind. There is none. Right now, the Federal Government has no responsibility because we hand it over to airlines who hire private companies, and that system has failed.

So make no mistake about it, in the debate we are going to hear in the next few days, when we hear Republicans talk about the idea of having a mix of Federal Government employees and Federal supervisors and Federal training and Federal law enforcement personnel at every gate and at every site to supervise, but not requiring that every single employee as a mandate of Federal statute, which cannot be changed until this Congress meets again; when they talk about that, they are not talking about the current system, because that does not exist in the current system. Under the current system, airlines hire private companies. Let me make it clear. That does not exist anymore. It is gone, absolutely, totally gone.

So although the stories about what is going wrong today or what is going right today about the checks that Americans may have experienced or may not have experienced when Americans have been through airport security in the last few days, all of that is a part of the past. Indeed, we will talk a little bit later about one of the dangers about one of the bills, the Senate bill, which says what we should do is make sure that every single employee responsible for any aspect of screening is a Federal Government employee. One of the dangers is that they will go out and simply hire the people that do the job now and make them Federal employees.

I want to make another point here: the issue is not where the paycheck comes from. I have never had a single constituent come up to me and say, you know, Congressman, I think I would feel more secure when I fly in an airplane if I knew that when I got on the airplane the person who checked me through got a paycheck from the Federal Government. I have never had somebody say to me, Congressman, I think I would feel more secure if when I went through the security gate, I knew the person got a paycheck from a private company. Nobody has ever said that is the issue. Indeed, that is not the issue. The issue is and the issue that all of us need to focus on is how do we create the best system to make sure that Americans are safe and secure.

The question we have to ask ourselves is what are the constituent elements of that? Well, I can tell my colleagues that one is, we have decided not to have the airlines continue to hire private companies. We have decided that the Federal Government should take over the responsibility of making our skies safe for the traveling public.

□ 2030

And both the Republican bill and the Democrat bill will provide that. The airlines no longer hire private companies. The airlines indeed no longer have the responsibility for this task. It becomes a Federal Government responsibility.

That is a decision that has been made. That is a debate that no longer will even occur, although some are trying to get Members not to watch the ball, and they may talk about that. They may say that private companies mean we are going to keep the old system. Please understand that is not correct.

There is another point. Right now there are no federalized standards, no federalized law enforcement present, no federalized supervision at the gates. That is gone. That will not be part of any legislation that is before us tomorrow. But we need to talk about what is before us tomorrow and about the two different alternatives that are here.

One, quite frankly, is an approach by people who I think are genuine and sincere and are concerned about the safety of the traveling public, as I am, who think that the way we have to do that is to prescribe in Federal statute, locking it in forever and ever, until this Congress meets again and the Senate meets again and changes that, that the issue really is, where does the paycheck come from, and that the way to make our skies safe is to have those paychecks come from the Federal Government, because of course if they come from the Federal Government, our skies will be safer.

So the Senate bill, which will be offered here on the floor and which one of my colleagues just a moment ago called upon us to pass immediately, says that all screening of personnel and property must be done by Federal employees. It actually uses those words. It says it must be done by Federal employees, as if making them Federal employees would somehow accomplish the task.

I want to make it clear, I have a lot of friends who are Federal employees. I have great respect for Federal employees. I think they are sincere and hardworking people. I think this job could well be done by Federal employees.

But I do not think that it will be done by Federal employees correctly just because they were Federal employees. I think it could be done by Federal employees; I think it can be done by properly supervised private people, private employees, as well.

Again, the issue is not where their paycheck comes from. The issue is the standards and the training and the supervision, and, yes, the pay and the competence of the people who do these jobs.

The issues are: Are we intelligently thinking through the process; have we correctly assessed the threat; have we set proper security standards; are we training the personnel correctly to do the job; are we supervising them; are there law enforcement personnel present to supervise them; are there law enforcement personnel present to make arrests or to question people, if that needs to occur?

All of those things are true under the House Republican bill and, quite frankly, they are also true under the House Democrat bill, except the Democrat bill offers this premise: unless their paycheck comes from the Federal Government, they will not do it correctly. I simply reject that.

Now, the House Republican bill, and I regret using those terms, but those are the kinds of issues that we have here, and we will be discussing tomorrow a Republican and a Democrat bill, the House Republican bill says that the Secretary of Transportation can do this through either Federal employees, or a mix of Federal employees who are law enforcement-trained and who are screened and trained and supervised, all the personnel. But it says that if the Secretary determines that some of those employees should be private rather than get a Federal Government check, then that is okay. We give that discretion.

I think it is important to understand that this is really not a fight about anything other than should we legislate the Department of Transportation into a strait-jacket where one must have Federal Government employees and Federal Government employees only; or should we give that discretion, so somebody could make a judgment?

If it should be, on their determination, the Secretary's determination, all Federal employees, so be it, but if it should be a mix, we can make that decision, as well.

There are problems with the Senate bill beyond this that I think are worth some attention and worth talking about; and I also want to talk about the facts behind this debate, because there are facts in this debate.

First, however, before we get to those facts, which include how this is done in Europe and how this is done for El Al, the airline that flies in and out of Israel, probably the most-attacked airline in the world, let us talk a little bit about the Senate bill.

In the last hour, we heard people call for, why do we not just pass the Senate bill, and why did we not do it a long time ago, and what in the world could be wrong with this? How could we have such a partisan debate? Why have some Members not just rushed to pass the Senate bill?

First of all, we have this building, we have this Congress, to debate these issues. We have them to educate ourselves and to study these issues. We do not just pass the other body's piece of legislation because it is done. We have a duty. I have a duty to my constituents to read it. I have a duty to study it. I have a duty to think about it. I have a duty to inform myself about it, and I have a duty to consider whether or not it does the job right.

I commend those who wrote the Senate bill for doing a competent job. They addressed a number of these issues. They moved very quickly. They are entitled to credit for that effort. But I do not believe it strikes the right balance. That is why I hope that my colleagues here in this body and all of the people across America will take a careful look and carefully listen to this debate, because the Senate bill is not flawless. Let us talk about it.

One of the first things that is kind of surprising to me about the Senate bill is that it perpetuates a flaw in the current system. The current system has a different mechanism, a different level of security at smaller airports than at larger airports.

Now, maybe if, when we flew from a smaller airport to a larger airport, we had to in every case go back through security, there might be some rationale for drawing a distinction between small and big airports.

But that is not the way the system works. In my State of Arizona, we have two very, very large airports. We have Phoenix Sky Harbor Airport, and I fly in and out of that airport every single week. Let me assure the Members, I am part of the traveling public. I live in Phoenix every weekend, and I live in Washington during the week every week.

I have flown countless times since September 11. I have been through Reagan Airport, BWI, Dulles, and I have been through Orange County Airport, I have been through John F. Kennedy Airport, I have been through LaGuardia, and I have been through O'Hare and D-FW, all of those since September 11. So I am part of the traveling public, and this issue is of grave concern to me, not only for my safety but my family's safety and that of all the traveling public.

But I want to make this point: in Arizona we have two large airports, Phoenix Sky Harbor and Tucson International. But we also have multiple small airports at Flagstaff and at Page and at Prescott and at Yuma.

People should understand that if I get on an airline at a small airport in Flagstaff, Arizona, let us say it is the hometown airline, America West, and I fly out of Flagstaff, Arizona, and land in Phoenix, I am in the secure area at Phoenix Sky Harbor Airport. I do not have to go back through any security screening. I go straight from my arriving gate to my departing gate; and my departing gate can take me to any airport in the country, and indeed, to many airports around the world. It can certainly take me to LaGuardia and to Washington National, Reagan National. It can take me to Dulles and all the major airports of this country.

But if I got on at a small airport, I am in the system. The hijackers used that very advantage when they got on, when some of them got on for the attacks, the unspeakable horrors of September 11.

Yet the Senate bill allows different responsibilities for different airports. It says that the Secretary has the right to delegate the authority for certain smaller airports, but not for larger airports. So we have different levels of responsibility or different responsibility at different airports.

Explain that to me. As a Congressman, do I not have a duty to look at the facts, to look at what happened on September 11 and to say, well, why would the Senate bill say, well, we are going to have one level of security for the 100 or so largest airports in America, but we are going to have a separate and different responsibility at smaller airports, when that was one of the very loopholes that was either used or tried to be used by the hijackers on September 11?

For that reason alone, we should reject the Senate bill and reexamine it and rewrite it. I hope we will do that. I hope Americans across the country will understand that that is a critical flaw in the Senate bill.

Now, that is not a partisan flaw. It is not that I think that the authors of that bill were insincere. It is not that I think that they intended to leave a loophole in the Senate bill.

It is, however, that in their effort rather quickly to write a piece of legislation to address this very, very, very important topic, they thought, well, maybe we should have the Secretary have different authority for different airports, and maybe we should allow him to set different authority for different airports.

I would argue that that is a serious flaw, and a flaw that was exposed by the hijackers on September 11. That is the first part of the Senate bill, and that would be my response to my colleagues who were here on the floor an hour ago urging us to instantaneously pass the Senate bill.

Interestingly, I had a debate with the ranking member of the Committee on Transportation and Infrastructure, or I guess one member below him, an expert in this field who has done some very, very good work in this field. He said he thought the Senate bill was not perfect; and, indeed, he thought the House Democrat alternative was better than that. I commend him for at least acknowledging there are some problems with the Senate bill.

Let us talk about the second problem in the Senate bill, because I think it is also a very, very severe problem with that bill. I do not see this issue, again, as where the paycheck comes from. I see it as the competency, the training, the supervision, and the professionalism of the people who do this job. I do not see it as being solved by a quick and dirty, "well, we will just make them all Federal employees" solution.

But if we go down that road, we have to look at this. Even proponents of that solution say, well, what about the issue of the accountability of Federal employees? What about the issue of accountability of government employees? What about the accountability of the people who will be doing this? What laws should they be governed by?

In the Senate bill, they try to address that issue. In the Senate bill, they have written a sentence which says, notwithstanding any other law, the Attorney General may hire, discipline, and I think fire or terminate these employees. I think their goal there was to make sure that these employees would be accountable, so that is why I talk about accountability.

Right now, the authors of the Senate bill have apparently said, we do not want the same civil service protections for these new Federal airport screening personnel as we have for other Federal employees. They actually, I think, conceded that point and wrote the bill this way because there has been discussion across the country, and indeed, discussion in Europe, about the question of whether or not government employees with full civil service protection can be fired or disciplined as rapidly and as easily as they need to be.

I do not know if they can or not, but I know there was an effort on the Senate bill to say that we ought to do it differently, except that I think they did not do it right.

If we read their bill, we will see it says, as I said, "Notwithstanding any other law, the Attorney General may do these things." But in discussing that issue with one of the authors of the bill, he said he thought that made those employees at-will employees, meaning that if the Attorney General, who has the responsibility under the Senate bill, decided they ought to be fired or disciplined, he could just do it and there would be no civil service protection, no hearings, no nothing; it could just be done. Unfortunately, they do not use the words "at-will employees."

But more importantly, and this is a second key problem with the Senate bill, they do not cross-reference or refer the current civil service statute. What I mean by that is the current law gives civil service protection to all Federal Government employees, and there is a statute that gives that protection.

The U.S. Supreme Court, in a series of cases, has said that with that civil service protection, an employee may not be fired and may not be disciplined without certain due process rights.

The Supreme Court has said, Congress could choose not to extend those rights to either all Federal employees or some subset of Federal employees; and I think that is what the Senate was trying to do when they wrote this bill, but they did not. They did not cross-reference the Federal statute that gives government employees, Federal Government employees, civil service protection.

So I think, quite frankly, they have done nothing to ensure that the Attorney General, who has the authority under their bill to hire such employees or fire them or discipline them, in fact has that authority without civil service protection. So I think that is a very serious drafting problem with that bill.

When we hear people tomorrow and the next day urge people on the floor, just vote for the Senate bill, the Senate bill is perfect, the Senate bill is flawless, I hope Members will remember this. Because we can log on and find, all Americans and all my colleagues can find, this legislation and can look up these flaws. They can look up the fact that the Senate bill, which will be urged here on the floor, has different standards or allocates different responsibility for the security of airports that are large and those that are small; and it has this language which tries to make these new Federal employees accountable. But I think fails to do that, because, as we will see, there is no cross-reference to the title IX, section 5, statute that gives these employees civil service protection.

□ 2045

So can they be disciplined? Who knows? Can they be disciplined without a hearing? Who knows? Can they be fired? Who knows? Can they be fired without a hearing or do they have these civil service rights? That issue, unfortunately, under the Senate bill will have to be litigated.

Now there are other issues that I think are worth discussing and worth people understanding on this very, very important topic; and it is not just that I am against the Senate bill. I want to make that clear. I am for the Senate or the House bill, whichever will make America's airlines and America's airports as secure and safe as is humanly possible.

I give no quarter, absolutely no quarter to claims that this debate is about somebody who wants to protect or preserve the current system, because that is not true. We talked about that a minute ago. The current system of airlines employing security companies is gone. That is not in the House committee bill. It is not in any Democrat substitute that will be here.

I give no quarter to anybody who says Republicans do not care about security or about safe skies. Come on. Give me a break. As if I do not fly and my family members do not fly. I give no quarter to anybody who says this is about partisan divide or philosophy or some dislike of government employees. That is outrageous and unfair.

The question is, is the Senate bill written correctly, or should we pass an alternative that fixes a couple of these problems, and do that and go to conference committee and try to write a good piece of legislation that will provide the American people with the securest and safest airline and airplane passenger and air traffic system in the world? And the answer is we have to do the latter. We cannot do the rush to judgment. We cannot just pass the Senate bill when we know it has these kinds of problems in it.

Let us talk about another issue. The Senate bill says that all passengers and property shall be screened by Federal employees. I have already expressed my concern about whether just having them be Federal employees is the answer, but let us talk about all passengers and property. Here is the interesting issue there. The Senate bill does not define, or at least does not define very clearly, about the question of property. What do we do about property?

We understand and I understand and the House bill supports the fact that every single carry-on piece of luggage needs to be screened and screened carefully. It needs to be screened by people who are competent and people who are trained. I think they ought to be certified by the Federal Government to do their jobs. They ought to be supervised by Federal law enforcement personnel with the ability to question people and the ability to even make arrests on sight. That is what the House committee bill, the Committee on Transportation and Infrastructure bill does. But there are other issues besides that metal detector that we go through and carry our briefcases through, as I did this morning when I left Phoenix.

The other issues are what about our baggage? I think every single piece of checked baggage needs to be screened. It needs to be screened by personnel who are competent, by personnel who are trained, by personnel who know what they are doing and are paid well and are professionals. And they need the equipment to do that job right. That is in the House Committee on Transportation and Infrastructure bill. All of that is in the Committee on Transportation Infrastructure bill.

But when we use the word property we are raising the question of what about the employees who prepare the food that comes on to the airplane? Do they need to be Federal employees? Is that what the Senate bill is saying? What about the question of people who come on to the airplanes to clean them? Do they need to be Federal employees? Maybe they should be supervised by Federal employees. Maybe they should be screened by Federal employees. But do they need to be Federal employees?

One of things that we still do not know the answer to is in the tragic events of September 11 we know that those who carried out the attacks brought on board so-called box cutters. I first heard that term and I did not know what it was until I figured out it is the kind of razor knife that I use to cut open a box at home or to cut a piece of cardboard. It has a blade, it is in fact a razor blade, but the blade is exposed only about an inch.

Some of the speculation about September 11 and the attacks that occurred that day is that maybe those knives were not brought on board by the hijackers themselves, maybe they were brought on board by the cleaning crews. Maybe they were brought on board by the people who prepare the food. Maybe they were smuggled on board by mechanics. We do not know. But again it raises the question and I think the House bill address this, that we need a comprehensive system to ensure all security on those planes. And the idea of let us just make them Federal employees, we have to ask ourselves, where does that end?

Do all the people who cook the food have to be Federal employees? Do all the people who clean the planes have to be Federal employees? Do all the people who bring on boxes of Kleenex or rolls of toilet paper or big stacks of paper towels that we use to dry our hands, do they have to be Federal employees? What about the mechanics? What about the pilots? What about the stewardesses or flight attendants themselves? Do they all have to be Federal employees? That does not make any sense. But under the Senate bill where we have this broad definition of property and this definition of Federal employees, we raise this very serious issue. Are we going to make all of those people, the cooks and the caterers and the cleaners and the mechanics and whoever else might bring something on board, some property on board the plane, a Federal employee?

I think that highlights that the Senate bill, though well intended, I think it has huge sections that are very well written and thoughtfully written out, made a mistake in that vague definition. I think we have a duty, all of us here in this Congress have a duty to read that bill carefully and to reflect on it and not just to rush to pass it, as was mentioned in the debate earlier here tonight. Why can we not pass the Senate bill? We have a good bill in front of us. What is wrong with it?

That is why I get really sad and disgusted. And I would hope that all people of good will in the debate that will come tomorrow and the next day would be saddened and disgusted when the attack comes that says, oh, the only reason that they do not want to pass the Senate bill is because of partisanship; the only reason they do not want to pass the Senate bill is because Republicans do not like it; the only reason they do not want to pass it is ideology or philosophy or refusal to compromise.

These points that I have just made, different airports having different levels of responsibility, accountability being unclear, the vague definition of what is property and what is not property and who would have to be a Federal employee, all raise serious questions on the merits, substantive questions, that I challenge my opponents, opponents of the House bill whether they be on that side of the aisle or this side of the aisle, to address, deal with and talk with. Explain why these are not serious problems in the Senate bill and explain why the debate that will occur here on what we ought to pass to make America's skies as safe as humanly possible is not a meritorious debate.

That kind of leads me to the last point, and maybe the camera can look at it here, and that is the word strait-jacket. I would argue in crafting the Senate bill, its authors were, I think, genuine and sincere and did their best to write a good piece of legislation, have simply made a mistake by creating a strait-jacket, a strait-jacket written into Federal statute that says here is how we do it.

It does not say, we want safe skies and we are going to give the authority to some Federal law enforcement officials to create safe skies. No. It says, we want safe skies and we, the United States Congress, know the only way to make safe skies and so we are going to write into law forever and ever, or at least forever and ever until we pass some other piece of legislation, that way to make the skies safe. And by the way, that is to dictate that all of this be done by Federal employees.

Again, I do not criticize Federal employees. I have great respect for them. It is not about Federal employees or private sector employees. It is about professionalism. It is about training. It is about pay. And the critics who say the current people who do that job are underpaid are dead right. But, again, like I stated earlier, nobody is defending the current system. The House Committee on Transportation and Infrastructure bill drafted by the gentleman from Alaska (Mr. YOUNG) does not preserve the current system. It changes that system, as I outlined before. But what the Senate bill does is create a strait-jacket.

Now I want to talk just for a moment for people who understand the problem when you do that in Federal statute. All of us want clean air in America and all of us think that that is an important goal for us to have. We need the cleanest possible air for Americans to breathe. A few years back, the United States Congress wrote a law and said we will create clean air. And that was the right thing to do. But unfortunately the Congress went a step beyond that. And what we said was the way and the only way to create clean air is to mandate by Federal statute that we oxygenate the fuels. Guess what? It turns out in California that oxygenating the fuel is not the best way to create clean air. And out of this mess we have created TCE, which is in our water supply.

This raises a fundamental question about the debate that will go on here tomorrow. That is, when we as a Congress identify a problem, should we solve that problem by prescribing a standard and giving the authority to people who achieve that standard, or should we tell them how to do the job? Because the Senate bill says the only way to make the skies safe is already known, and it is known by the United States Congress. And it is to require everybody, though it is not clear who everybody is, who screens passengers and property to be a Federal employee. Well, that kind of strait-jacket did not work for clean air because we now have problems with clean air.

The answer is science moves faster than the United States Congress. The answer is scientists in the energy field have already figured out how to make cleaner air without using oxygenates. But the Federal Government knew the right answer, so it did not prescribe that we ought to have clean air. It said we ought to have clean air and this is how to do it. That is the problem with the Senate bill. The Senate bill creates a legislative strait-jacket. It does not say we want the safest skies in the world. It says we want the safest skies in the world and we, the Congress, in our arrogance, know the right way to do that. I want to say that that is just dead wrong. We do not know the right way to do it.

Let us talk for just a moment about the House bill and then the other experiences around the world and the facts. Here is the House bill. It probably is not perfect either, and if we pass the House Committee on Transportation and Infrastructure bill tomorrow we will go to conference and we can take the best of both pieces of legislation. But if we pass the Senate bill, it will be done and it will go to the President.

First of all, as I said, the House bill does not preserve the current system of airlines hiring private sector companies at the lowest bid, by the way, to provide the screening of passenger and baggage at airports. No. It says that all screening shall be done under the supervision of Federal Government employees. And it says that there will be Federal personnel at every single check point.

It is not a question of returning to the current system where we get to the gate and there is some private sector security person that was hired and they are the only one there. It is not that at all. It says that at every single check point in America there will be a presence of Federal Government supervisory personnel. And, by the way, they will either be law enforcement personnel or military personnel, and they will ensure that the screening is done properly. There will be Federal training, there will be Federal supervision, and there will be Federal standards, and there will be a law enforcement or military presence at every single check point. That is not the current system.

But to this key question of whether they have to be government employees every single one down to the last person, it leaves that open to the Secretary of Transportation. It says that we will let that job be done by the Secretary of Transportation to decide what is the proper mix.

I have said there are facts in this debate and there are facts in this debate. And I think it is important to talk about those facts. That dovetails into the way of House Committee on Transportation and Infrastructure wrote their bill because the system elsewhere in the world that is working does not follow the model of the Senate bill.

The system around the rest of the world that is working follows the model similar to the House bill, that is, national government supervision, a national government law enforcement presence at every check point, national government in those countries, national government standards and law enforcement presence; but it does not say that everyone shall be an employee of the Federal Government. Why? Because the issue, again, is not where their pay check came from. The issue is competence, training, supervision, pay, and professionalism.

Let us talk about the experience around the world. Again, I have charts that show this.

This chart, and it is maybe a little bit hard to see, is a chart of Europe. It shows, and I do not know how well it can be read, but it shows the various countries of Europe and it shows a trend. Beginning 20 or 25 years ago in all of those countries, there was one system. The system was the national government ran security at virtually every airport, indeed, so far as I know, every airport in those countries. But beginning in the 1980s they discovered that that system was not the best system. And so they began to move to a mix of private and public personnel at these airports.

Now let us just take a look at them. Belgium went partially private in 1982. They still have a federal government, federal Belgium Government presence at the airports, but they have some private contractors. Supervised, trained, overseen by government employees, but not every single person is a government employee.

□ 2100

The map goes on, I just want to make this point over and over and over again. You may have heard that security is much better in Europe than it is here in the United States and, indeed, that may be, although the first flight I took after September 11, a gentleman in line in front of me had just come from Europe and he said he had gotten on an airplane in Milan, Italy, and he had not been asked a single question or gone through any security screening whatsoever.

But, nonetheless, the argument goes that in Europe, and this is a false argument but it is an argument that has been raised at the outset of this debate, that in Europe they all use government employees. Well, that simply is not true. Belgium went partially private, partially government in 1982. In 1983, the Netherlands, a mix of private and public. In 1987, England had a mix of government supervision and private sector employees. In 1990, a number of countries, Sweden, Norway, Finland, all went to a mix of Federal Government employees of those countries supervising private contractors.

I will not go through the entire chart, but Ireland in 1998, Portugal in 1999, Spain in 1999, France in 1993, Switzerland in 1999, Italy in 1999, Germany in 1992, Austria, I believe in 1994, it is almost impossible for me to read so it has to be hard for you to read, Poland in 1998. Virtually every country in Europe, indeed a grand total of at least 16 of them, has moved to a mix of private sector employees on contract with standards and supervision and training done by the government. That is the system that they have found that has worked the best.

Now, I have tried to describe that mix by saying that it is a mix of personnel, and this is another chart which shows that mix of personnel. It shows what the ratio of private employees to public employees is at each of these European airports. And I can pick any one of them and perhaps read it. For example, in Oslo, Norway, there are 150 private sector employees supervised by 20 public sector employees. In Amsterdam, there are 2,000 private sector employees supervised by a total of 200 government employees. And the ratios are shown all through this map. In Brussels, for example, they use 50 government supervisors to oversee a total of 700 private sector contract employees. In, for example, Helsinki, Finland, over there, you can see the ratio is 20 government employees, supervisors, trainers, law enforcement personnel supervising 150 private sector employees.

Pick any one of these airports and it is, as you can see, a mix. In Geneva, we see it is 50 private sector employees to 250 government employees. So they flipped the chart there. But it is still a mix, and I think that makes the point very clear. The average ratio, as the chart says, is 85 percent private sector employees supervised or overseen by 15 percent government sector employees.

I think it is very important to understand, then, that when we hear people tomorrow on the floor say, look, anyone who opposes the Senate bill is just being stubborn or just being rigid or just being anti-government employee or just being partisan, I hope that these facts, and I assume they will come out again over and over in the course of this debate, will help us understand that at least in Europe there is a mix similar to what would be possible under the House bill.

Now, I think it is very important to understand because under the language of the House bill, the Secretary of Transportation is not placed in a straitjacket. He or she is not told they must all be private sector. Indeed, they are told they cannot all be private sector. But they are also not told they must be all government employees. That discretion is given.

If the Secretary were to decide they must all be, for his or her satisfaction to do the job properly, government employees, then that would be permissible under the House bill. If the Secretary decides it ought to be a mix, as is the case throughout Europe, then that would be possible under the House bill. But, again, under the straitjacket of the Senate bill, that simply is not permitted. That discretion is not given. The Federal Government decides that issue. They decide once and for all, by gosh, it is going to be Federal employees no matter what. That is it. That will assure safe skies, and we the Congress know the right answer. The heck with giving anybody any discretion. The heck with assuring professionalism by training.

They have no more training in the Senate bill than the House bill. Pay. They have no higher standards for pay in the Senate bill than the House bill. Supervision. They have no more supervision of the actual screeners in the Senate bill than in the House bill. Certification of compliance with training. That is not done any differently or any better or any more stringently in the Senate bill than the House bill. It is just that they think that what matters is where the paycheck comes from, and they think that what matters is that Congress ought to decide. I think that is wrong.

I think it is important to understand two more things in this trend while looking at Europe. Number of European airports with private security. I mentioned that there are 16 airports throughout Europe that have private security. Here is the trend. As I mentioned, it began in 1982 with one airport, it climbed in 1983 and all the way on up, and we can see by 1999 it had risen to 16 airports in Europe. I think the majority of airports in Europe who are a mix of government employees supervising private sector employees.

I also said that there were facts in this debate, and there are facts in this debate. It is not just bias or prejudice or philosophy or pro-union or anti-union, because I do not think those are the issues. Again, the issue is competence. And on the issue of competence, on the issue of what will best protect the American people, there are at least some facts that strongly support this structure, a structure where there is a mix of private employees supervised by government law enforcement personnel, as the House bill requires, and that is demonstrated by this chart.

This chart is a chart of the number of hijackings in Europe and Israel over time, beginning back in 1968, and it shows there were 8, I believe, in 1970, there were 4 in 1973, and on across. If we look at the red line, we will see that in Europe and in Israel, and I will talk about Israel in just a moment, in Europe and in Israel, as they have moved, beginning in about 1982, from a total government controlled system to a mix of government law enforcement supervision and professionalism and training and standards of private sector employees and away from mandating all government employees, the number of incidents has declined.

So the one really hard fact in this debate, what will make the skies of America the safest, is the fact that shows that at least in Europe and also Israel, where we have an airline that is probably the most targeted airline in the world, El Al, the airline that serves Israel, as we have moved from all government employees in the 1970s to a mix of contract employees supervised by government employees, the number of incidents has gone down.

Now, in this debate there was some discussion about Israel, and I mentioned Israel a few moments ago. I think it is extremely important to know that Israel has followed the same model as Europe. And that is to say in Israel there was a point in time when no private contractor was involved at all. The entire process was done by government employees. That system has been abandoned. The system in use now in Israel is a system which includes a mix of private sector contract employees supervised by government employees with law enforcement training.

It seems to me that when we look at the hard facts, when we look at the real issues here, it is fair to see that this is an honest debate. It is a debate which ought to go forward on the floor of the House, and it is a debate in which I hope my sincere and earnest colleagues on both sides of the aisle will understand there is no room for partisanship. There is no room for political attacks of who gets a political advantage or who loses a political advantage.

Indeed, I would hope the American people become enraged at anyone who attacks, one side or the other, saying, well, they are just doing this for philosophy or for political gain. I would hope the Members of this body have enough conscience and conscientiousness to put aside partisanship at this critical point in our country's history and ask themselves, what is the right way to do this job? How do we provide the American people, how do we provide my son and my daughter, or your wife and your husband, or your son or your daughter, or your sister or your brother the safest, most secure system?

I would argue to the depth of my soul that there is not just one answer. I would argue that anybody who says that there is just one answer and that just one answer is in one bill is wrong, whether they said that about the House bill or the Senate bill. The truth is at this critical point in America's history, if for no other reason than to honor the people who died on September 11 in the unspeakable horrors of those attacks, that we have a duty to look at these issues conscientiously, that we have a duty to analyze the facts, that we have a duty to actually read the legislation.

These are pretty short bills. They are not that hard to read. It is not that difficult to pick them up and leaf through them. The American people have the possibility and the ability to get on the Internet and to read every one of the bills that we will debate here on the floor of the House in the next few days. They can read the Senate bill that has been out for the past few days. They can see the good provisions in that bill on making cockpit doors more secure, on looking at the entire airport and trying to make it more secure. They can look at the House bill and see that we do in the House bill many of those same things. We make the cockpit doors more secure and more safe. We make airline travel safer. We provide for Federal air marshals.

But on this critical issue that seems to be dividing this body, I hope the American people will look, and I hope my colleagues will look at the key points of the legislation, and those key points are worth remembering. Number one, this debate is not about the current system or the current contractors.

I know that many of the contractors out there are doing a pathetic job. At my own airport at Sky Harbor Airport, there is a private contractor that has been fired because of their incompetence; not doing the job. Nobody, nobody is defending the current system or arguing that we should keep it. The current system says airlines hire private companies.

Now, maybe that system could have worked, maybe it never could work, but it certainly did not work. Although it is fair to point out, and I have a column here by John Stossel, who says he does not think the right answer is to give this entire function over to the Federal Government. But it is fair to point out that as flawed as the current system is, give it to the low bidder, do not pay them competent wages, do not screen them, and he says it is important to note are we closing the barn door after the horse got out or are we just simply whistling past this whole issue?

The reality is there is no evidence, not one shred of evidence, that the attacks of September 11 occurred because the screeners at the airports let them get by, let the hijackers get by with something they were not allowed to bring on the plane. Indeed, the Federal standards which did exist at the time for what you could carry on the plane made a box cutter legal to carry onto a plane because it had such a short little blade.

So it is important to note that as bad as this current system is, and as certain that we are going to replace it that we are, it is gone, we will not keep that system, there is no evidence that it was that system that let those hijackers get on to the plane. The box cutter knives they carried on board were allowed, and they were allowed to bring them on board.

Now, it is also important to understand that it is not true that only these lousy private contractors make mistakes and only private contractors hire incompetent people or indeed criminals. Because John Stossel points out in his column, a recent column that appeared, that there was a recent government study which found that 150 IRS, Internal Revenue Service, that is Federal Government, seasonal workers had criminal records.

□ 2115

Now, I do not defend the private security companies who have done a terrible job of screening their employees. I do not defend them when they have underpaid their employees. I do not defend them or their records, and I think they should be gone. I will vote for either of these bills because they are going to get rid of this terrible system.

But do not make the mistake that only private companies and only these private companies make tragic errors. Here is the IRS of the United States, government employees, who hired IRS workers, also government employees, 150 of them, seasonal workers who had criminal records.

What about the issue of the government never makes a mistake. How about in my State where a National Guardsman was allowed to carry a gun in the airport, turned out to be a felon. He was allowed to carry a gun. The question is not that the Federal Government or the private sector cannot make mistakes; the question is how do we ensure that the standards are set and enforced.

Again, we owe it to every American and every American business to create a system that will indeed protect all Americans. My daughter, my son, your daughter and your son, and your wife and your husband.

That system, I do not believe, is in the Senate bill. I urge my colleagues to log on and read it. There are problems in that bill.

Number one, the hijackers tried to slip into this country by using small airports. The Federal bill lets the Secretary delegate the responsibility for small airports to local law enforcement, but says he cannot do that for big airports. If it is not right in all locations, it should not happen in any location. But that is a flaw. Different responsibility at different size airports is a flaw in the Senate bill.

Accountability. The question of accountability is extremely important. We need professionalism, and people who do the jobs as professional. We need people who are trained and paid well. We need people who are supervised well and who are given the tools to do the job, not just at the metal detector gate that I went through today, but downstairs where bags go through.

The Senate bill and its defenders will be here tomorrow, and you have heard them say it can only be partisanship that causes people not to vote for that bill. The Federal bill leaves the accountability question of whether they have civil service protection, whether they can be hired or fired without a hearing and under what conditions unclear.

I do not accuse the Senate authors of that bill of having intentionally made either of these mistakes. I think they were sincere and doing their best; but it is the job of this body as well as the job of the other body to carefully scrutinize the words in these bills and to try to make them right.

The vague definition that I mentioned earlier, the question of does this new requirement of Federal employment extend to the people that clean the planes and bring food on the planes, to the mechanics or pilots, if the only way to make something safe is to be done by Federal employees, do we have to nationalize the airlines? I think the issue is professionalism and training and supervision, and indeed pay and competence. These are the issues that we ought to be looking at in this debate. On one there is a clear answer. I think giving a pure straitjacket for the United States Congress in its arrogance to say not only do we want the safest skies, of course we should say that. But to say there is one way and one way only and that is by making them Federal employees is simply wrong.

The head of airport security in Belgium, who is the head of a European task force on the issue of airport security, said as Europe privatized, he said as Europe moved, from an all government employee system to a mix of private sector employees supervised by government employees, said that they had better luck and better success in having responsive employees under the mixed system.

Maybe that is not always true, but I think it is important that this is a gentleman who is responsible for airport security in Belgium; and it is a gentleman who headed up the task force that oversaw that. It is important to understand the one immutable fact in this debate, and that is that when Europe moved from an all-government employee system, and this is true of Israel as well, from an all-national government employee system to a mixed system of private sector employees and public sector employees, the number of hijackings declined.

Mr. Speaker, to conclude, I do not think there is any one right answer, but we have a duty to debate these matters objectively. We owe it to the American people, to the victims of September 11, and we owe it to our families.

CHILDREN WHO LOST PARENT OR GUARDIAN ON SEPTEMBER 11, 2001, MUST BE PROVIDED FOR

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, so many of us continue to feel the overwhelming impact that Americans felt after the horrific attack on America on September 11, 2001.

My colleague just finished a very extensive discussion and explanation of the agreements and disagreements as it relates to Federal security and the airlines. We will have an opportunity, however, this week to debate that question on the floor of the House, those of us who support the Senate bill and the Democratic substitute that we hope will be presented; and of course the majority will have an opportunity to present their ideas to the floor.

A couple of weeks ago we debated the question of how the President would respond to these horrific acts. Although the time was not long enough, we had the opportunity to debate the war resolution and the War Powers Act and to include Congress' voice and Congress' desire to have oversight as we send our men and women to foreign shores.

Shortly thereafter, we debated the question of bailing out airlines. In the aftermath of September 11, we were told by the industry that they were in severe distress. Although it was not sufficient time, we debated that question on the floor of the House and provided the airline industry with approximately $15 billion.

I believe in providing an opportunity for these airlines to survive. This evening Members will hear me talk about providing an opportunity for employees to survive. So I do not fault what we ultimately did with assisting airlines. I am hoping, having the responsibility of representing Continental Airlines in my hometown, my congressional district, I do believe that we must ensure that the access to commerce, the free movement of people is supported. We are hoping as we begin to secure the airlines and to pass legislation that will provide Federal security for our airlines, we will see the American people accept the comfort, if you will, of the safety of traveling and more and more will travel.

Just today we passed H. Con. Res. 243, expressing the sense of Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

I supported this legislation. I am gratified that the House had an opportunity to debate the valor of these public safety officers, the great thanks that we owe them, the firefighters, the emergency preparedness officers, the police officers and all others who worked those days in New York and Somerset, Pennsylvania, and Washington, D.C.

We debated on the floor of the House H. Con. Res. 233. I am delighted that we were able to support legislation expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist acts on the World Trade Center and the Pentagon on September 11, 2001.

We, in a very unified manner, supported this legislation. I am proud that the Congress took time to debate this and voted on this unanimously, almost, to the extent that Members were here. This is good legislation, and I support it.

Interesting enough, however, in the aftermath of September 11, 2001, I have not heard one full debate on the floor of the House about the children who suffered and are still suffering. Not one hour, not one moment has been debated and allowed for legislation that focuses on the loss of these children.

H. Con. Res. 228 dated September 14, 2001, sponsored and cosponsored by over 40 to 50 Members of the United States Congress, focuses on these children. It seems to me that a Nation that prides itself on the value and investment of children and recognizes that our children are our future, it seems to me that the House leadership is going astray, that they cannot find minimal time in all of the time for suspensions and other initiatives, to be able to bring to the floor of the House a resolution that acknowledges to America we care about our children.

This evening I am going to discuss the plight of these children and wonder why this House leadership in conjunction with the many Members who have signed H. Con. Res. 228, have not been able to bring this legislation to the floor. Let me read simply what it says: expressing the sense of Congress that the children who lost one or both parents or a guardian on September 11, 2001, World Trade Center and Pentagon tragedies, including the aircraft crash in Somerset County, Pennsylvania, should be provided with all necessary assistance, services and benefits, and urging the heads of Federal agencies responsible for providing such assistance, services and benefits, to give the highest priority to providing such assistance, services and benefits to those children.

It is a simple proposition. It simply acknowledges in the law that if a child lost one parent or two parents, either through the tragedies of those airplanes or anyone lost on the ground, that you would be prioritized for benefits that the Federal Government might assist you in securing. Is it a handout legislation? No, it is not. Is it legislation that throws aside other needy children, children who have been abused, suffering from child abuse and other forms of abuse, sexual abuse? Absolutely not.

It takes the bully pulpit of the United States of America and acknowledges this family. Acknowledges Mr. Calderon and the loss of his wife, Lizzie Martinez Calderon. Mr. Calderon is a bus driver in New York. Immediately after he finally concluded that Lizzie was not coming home any more, he realized he was a single parent, like many other parents in the United States of America, but with a connection to a horrific day, a situation where he could not tell his children where their mommy had gone. Little Naomi, 4 years old, and his baby son, 20 months old.

They were here in Washington with me because I felt it was important to bring this family here to show to the Congress that he is but one example of the thousands and thousands of children who have lost a parent or both parents. Children who waved good-bye early morning on September 11, 2001, children who were left at baby-sitters and day-care centers and schools, and parents never came home to see them.

This resolution is simple. It simply says we need to get a handle on the children who have lost parents and who have lost a single parent, and we simply need to help them.

□ 2130

This does not have anything to do with children who are in the system, who are being taken care of, who are suffering from abuse. I have heard that excuse as to why this legislation is not moving. But I simply want to point to this family, and I will point to them time and time again about this great loss that this family has experienced. The tragedies of September 11, 2001, left thousands of victims from all around the world experiencing the devastation of the loss of a loved one. Those of us who have gone to Ground Zero, still seeing the seeping smoke, smelling the stench but most of all seeing the sense of loss, those of us who have seen the wall of honor, who have looked at those families, knowing they have come from places around the world and certainly those here in the United States, we realize that the words that the mayor of New York said are so close to our heart. Indeed, these attacks against all people and against all humanity are more than any of us can bear.

What do you think the children are experiencing today? What about the quagmire of red tape and bureaucracy as it relates to a variety of benefits that would provide them with assistance? This legislation simply wants to help the children. Specifically what it does is it works to provide them with the needed foster care assistance, adoption assistance, medical, nutritional and psychological care, such additional care or services as may be necessary. It seeks to help thousands of families like the Calderon family.

Let me talk a little bit about these tragedies. Let us just talk about these victims. Passengers and crew of Flight 77, Flight 11, Flight 93 and Flight 175, civilians and military at the Pentagon, thousands of civilians and rescue workers killed or injured at the World Trade Center, all of them, or many of them, left children behind. The children are what we are speaking about this evening. Let us begin to talk about the numbers.

One of the concerns that this legislation would be able to address, this sense of Congress, is to find out how many of our children are lost, estimates of children impacted. The estimates vary greatly. The reason is because we have not had a Federal presence to assist the local and State governments with being able to assess the number of children. Based on news sources, we understand there might be 10,000 children lost. Based upon a report in the New York Times, 15,000. We do know that 4,000 qualify as orphans under the Twin Towers Orphan Fund. One thousand five hundred children left by the 700 missing Cantor Fitzgerald employees alone. This is a tragedy. It is a tragedy that we must address. Four thousand orphans, between 10 and 15,000 children. H. Con. Res. 228 can help us solve that problem.

I am delighted that I see on the floor one of my colleagues who was an original cosponsor of this legislation, the cochair of the Women's Caucus, a strong and eloquent voice for the rights of women and children who realizes that this number, which will continue to grow, cannot be left unattended. What kind of Nation are we if we cannot even attend to the needs of these children? What kind of Nation are we if we cannot address the concerns of the Calderon family? What kind of Nation are we if we cannot eliminate the bureaucratic red tape and help assist those many families? I am delighted to yield to such a fighter for children, the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. I thank the gentlewoman from Texas for her leadership on this issue, an issue that she has garnered as the chair of the Congressional Issues on Children, especially the critical role addressing children and mental health. I am here to join her tonight in her efforts to try and push through H. Con. Res. 228 as it relates to our children, and especially the children who have been left parentless with either losing one or two parents.

I am really touched and heartened by the New York Times article today, "A Nation Challenged." Indeed, these are challenging times for all of us, given the events and the tragedy of September 11, but none that is more challenging than that of the children who have been left to try to carry on with either one parent or no parents left after this tragedy. I was reading about this young man, his name is Aidan Fontana, age 5, who lost his father in that tragic fire in New York. His father was a firefighter. This article continues to talk about the trappings of a funeral when his mother finally gave in to the notion that the husband would not be returning and she had the funeral just the other day. It states here that when this young boy, age 5, Aidan, looked out the window and saw the spectacle of a thousand firefighters saluting him, he said to his mama, "Mommy, I'll remember this day for the rest of my life." The mother said, "Good, that's why we did it." She was trying to bring some closure. But, yet, in the aftermath of this, the article goes on to say that he throws tantrums when it is time for bed, something he has never done before. That is where the whole notion of H. Con. Res. 228 comes into play, when it addresses the needs of these children. It talks about the foster care assistance. It speaks to adoption assistance. There are so many children, 15,000, as the Congresswoman out of Texas has so eloquently put on the floor. We are talking about medical care, nutrition and psychological care, educational services. Such additional care or services are necessary in light of this tragedy. I am so pleased that the Congresswoman has seen the need to bring such a critical and important piece of legislation to this floor, not just because of the Women's Caucus but that is indeed an element by which she has brought this resolution to us, and we have all embraced it, but it is because of this House speaking to and addressing this very Nation's tragedy, this challenge that parents now have before them, a Nation that has been challenged to try to address the needs of these children. And so as she spoke about the 4,000 qualified orphans under the Twin Towers Orphan Fund, when you talk about the different children missing at the Cantor Fitzgerald employees alone, some 1,500, I say to her, keep bearing, keep pushing on. This legislation is critically needed. We know that the children of our Nation are suffering in many ways and in need of mental health, but this is another group that has been added to those numbers that indeed need the mental health assistance, the psychological assistance and the nurturing assistance of all of us here in Congress.

I urge my colleagues to join with me and all of the others who are original cosigners of H. Con. Res. 228 that speaks to, addresses, listens to and helps in the assistance of the children who have been befallen by the death of one or two parents. I thank the gentlewoman so much for yielding.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to applaud the gentlewoman for putting a visual face on this young boy through the article of the New York Times to really translate to this House what this legislation does. What this legislation helps us do, first of all, is to have a debate about children, how the children were impacted on September 11, but then it moves to the next step, which says this is going to be a long journey. Remember, the President said the war is going to be a long journey. But the pain and the hurt that will be impacting these survivors, and then these children, is going to be a long journey. The gentlewoman just highlighted what has been quiet, what has been hidden, what these now single parents and certainly as I indicated earlier, we know children across the Nation have suffered the loss of a parent. We know children across the Nation need foster care and need adoption. But we have never experienced this in our entire lifetime.

Ms. MILLENDER-McDONALD. If I might say to the gentlewoman, this is absolutely true. Many kids have lost their parents at an early age, some to illness and other catastrophic events. But this event has taken us not only by surprise, it has knocked us off our feet. Yet we have so many children who have been knocked off their feet, off their pedestal, if you will, of having a father to come home at night and tuck them into bed, of having a mother who is a flight attendant to come in after having circled the globe, if you will, from one end of this country to the other and then back home. We can think of the flight attendants whose husbands have talked about the loss of their wives. Yet they talk about now having to be the parent for the children. I say to the gentlewoman, this debate must be taken on this floor, because we must continue to raise the bar on the importance of attention to these children who lost their parent or parents on September 11.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman. She is so absolutely right. The issue before us is long range. I would just simply refer to her, because I know that she is a parent. I know that in her legislative leadership in the State of California, certainly she was very active on education issues. We are told frequently in dealing with teachers, in dealing with the school system, there is some latent impact, if you will, on children who have gone through trauma. So we do not know how many months, years down the road we will be experiencing some of the impact of this particular incident through these children, as indicated by these findings. But what I want to say to the gentlewoman and I would like to yield to her for her response, the difference, I think, that will befall these children slightly different from certainly the other sad stories of children who have lost their parents, this is being repeated over and over and over again. This is going to be the discussion of Americans over and over and over again. Just yesterday, we were put on a high alert. We are living this. And so these children cannot put it to rest. They cannot get past this. They cannot heal. It is important for the Federal Government to take a public stand of being concerned about these children.

Ms. MILLENDER-McDONALD. I am reminded of the fact that when we both went to New York to Ground Zero, that the very able Mayor Giuliani said that they see 20 funerals a day. Just think of the 20 funerals a day that our children see on television or even being talked about by friends who were friends to their father or mother whose life was lost. Yes, in education, as a former teacher, I have seen children who have gone through different traumas. You would think that they have walked through and there has been some finality to it. But in a month or 2 months or even a year, it all comes back and they are back into the throes of a very imbalanced, they are just absolutely frustrated, confused, they cry. They do those things that get attention because they do not know what else to do given the hurt that they are bearing, that they are feeling because of the death of a parent. Just to think of these children who just in a matter of 30 minutes with the catastrophic thing that happened to the Twin Towers, their parent, one of their parents' or both of their parents' lives were taken. And so I challenge all of us to talk about and to get to the crux of the problem of how we are going to deal with these children who have lost their parent or parents, and who are now challenged with trying to continue on in their little lives with this type of traumatic mental and psychological issue before them. I challenge every one of the Members of this House to let us pass H.Con.Res. 228, let us debate upon it, and let us begin to start addressing the needs of our children.

□ 2145

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for joining me this evening, and I appreciate very much her leadership on this issue. The gentlewoman highlighted some very important issues and particularly talking about the little 5-year old. What a sense of maturity for a 5-year old to say he will never forget this day and then to hear that he experiences these traumatic events at night, these kinds of episodes that he is experiencing. None of us are psychologists but we can imagine that he is going through something so tumultuous that he cannot explain it.

In fact, the National Mental Health Association has highlighted that very point.

War-related violence of the Bosnian war paralleled attacks of September 11, 2001. Again, violence, war-related violence on our soil.

Years after the war, teens, from the Bosnian war of course, still experience chronic depression, post-traumatic stress disorder and grief.

Children's normal grievance process interrupted. That, of course, is the process that we are talking about. We cannot bring closure if in the instances of many of these children the loved one's remains were not found. I mentioned the loss of 700 employees from Cantor Fitzgerald. I know this is tragic to say. Someone may be listening and so I do not want to emphasize it, but they were at a very high height, and so many of these families have not had the ability to grieve, and those families include children who have not had the ability to grieve.

In addition, as we said earlier, this goes over and over again. If New York is showing 20 funerals a day, if the media is recounting these episodes, if we are still talking about finding terrorists, all of this reminds the children of the fact that this incident occurred but that they lost their parent.

I am told that in the State of New Jersey in one city 25 dads were lost in that one community. If that is accurate, can you imagine the need for an emphasis of care there?

This resolution does two things. One, it allows the Federal Government to speak in one voice about the children. Secondarily, it gives comfort and encouragement to State jurisdictions and local jurisdictions to formulate their own special task force that can assist the spiritual community, social service community in finding these families and guiding them through the process.

These families may not all need a welfare assistance. They may need the Social Security death benefit. They may need educational benefits, but they may not need the ongoing welfare system. I do not want anyone to think that all the families are alike, but I can assure you they may need the social services and to have the social service community focus upon their needs.

How many times I have spoken to parents who have gone through this traumatic event and they are just going through normal events, and they need the social service system.

I would be happy to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, when the gentlewoman talked about this legislation and the need for the local and State to integrate their coordination of services to address the needs of these children and families, I am reminded of the fact that we will soon have the aviation security bill on the floor. The one thing that we have talked about with that bill, with the anti-terrorism bill and all of the bills that have come since the tragic events of September 11, we have talked about the local and the States services getting together, public health, other health, mental health, psychological health services, getting together in a coordinated effort to address the needs that is addressed in the various pieces of legislation I have just mentioned.

It is so timely now for us to bring about the same type of coordinating of services that addresses the needs of our children. It is really I think unconscionable for us not to have the children as part of this whole package of legislation that we speak to with reference to healing, trying to bring closure, trying to bring some sense of caring and some sense of assistance to the myriad of needs out there, given the September 11, but our children, the most important investment that we have, the future of this country, we cannot tarry any longer from addressing those needs that are outlined in this legislation.

So, again, I thank the gentlewoman so much for her leadership on this and for bringing this to us, letting us now include in that final piece of that puzzle our children, the need to address their psychological and other needs given the tragic events of September 11.

Mr. Speaker, I will yield back.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I indicated, I thank the gentlewoman for her leadership. I think the working relationship between the Congressional Children's Caucus and the Women's Caucus has been a steady and ongoing friendship, and I look forward to us maybe collaborating on hearings, briefings that would bring families like Mr. Calderon, who I have had the pleasure of seeing and giving him encouragement, but maybe some more of these families can come and brief us and inform us as to what other services this whole community may need.

Again, it is New York. It is right here in Washington, D.C. I think we recall the fact that even children were lost on the planes, and I know that their parents are suffering.

We are speaking about children but I am reminded of the story of the little boy here from Washington, students, I guess there were more than one, going out for a special program out in California who lost their lives, but there are going to be a lot of children here, New York, Somerset and other places because we have not accounted for the passengers who lived in different locations other than these places, and that is the concern that I have, have we reached out to all these.

So I look forward to us maybe collaborating so that this House can understand better.

Let me again reemphasize to the House what we are speaking about as it relates to this legislation.

Foster care assistance. There may be a need if a single parent is the sole bread winner now that foster care be temporarily in place, because that parent is not willing nor desirous of giving up that child. He or she loves the child but because of the tumultuous experiences that both have gone through in losing another parent they need temporary assistance. We need to ensure that that is prioritized and those children are in the system in an expedited process.

In addition to the foster care that they might be given, that because of these unknowns, that the foster care parent, family that they select has the special resources and support to help that child go through trauma while they are separated from their parent.

Adoption. I indicated that there were children who lost two parents, remaining at day care centers, remaining at baby-sitters, remaining at schools. Some of them are in homes of relatives, but that may not be the final place for them. It may not be a place where they can continue to live. We appreciate families and friends that have taken in these children, but this may not be the final place where they are able to be maintained.

Medical, nutritional and psychological care. There is no doubt this particular list points to teenagers, but we just heard a story about a 5-year-old who is experiencing temper tantrums.

You just met Naomi, who is four and her younger brother, 20 months old, who are continuously asking even in my presence where their mommy was, calling out mommy's name.

How do you work with children unless the Congress, in collaboration with local governments, begins to ask the questions are there sufficient services like foster care assistance, adoption assistance, medical nutritional and psychological care and educational services? These children are going to be in our school systems all over the country. They are going to be in classes from preschool to kindergarten, to primary and middle school. They are going to be in high school and they are going to be looking to teachers and school guidance counselors and others. How can we help them if we do not have a sense of their need?

Additionally, we urge such agencies to maximize to the extent possible to take such steps to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian. That is a big step in this legislation.

What we are suggesting is we want these children to be out of the quagmire of bureaucracy. We want their needs to be addressed quickly and carefully. We would like these supporters, if single parent or relative or friends, who have these children right now, to be able to get in the social service system in the right way so that the stress is not overly emphasized.

It is very important that this Congress again speak to this issue. We had, as I indicated earlier, the Congressional Children's Caucus, a briefing on October 12, 2001, on the basis of moving this legislation forward. We had a briefing that would help to move the Congress' mind toward making sure our children are taken care of.

Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York, spoke to the very issue of how to take care of these children. She noted that after September 11 the Adoption Institute proposed the permanency project to minimize further trauma and uncertainty in lives of children who lost one or both parents in the attack.

This project is needed due to the uncertain future faced by children who have lost their parent, parents or guardian. For many of these children, extended family members become decision makers and permanent care givers for these children. Some children, however, may not have a relative or a friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved from place to place and relative to relative.

We need to embrace such programs in order to be able to step in and provide the social service embrace that these children need. This resolution will help the Department of HHS, Health and Human Services, begin to interface with organizations like the one represented by Cindy Freidmutter dealing with adoption and establishing a permanency project.

It is important that as adoption is looked at for these children that included in the determination are new parents who can address the question of trauma. Again, I repeat the point, these children will be living through this day after day after day, month after month after month because we are living through this as we speak.

Terrorists are here with us as we have come to understand. The Department of Justice and the Attorney General just yesterday announced that we are on high alert. These children will be engaged in that. Their classmates will be talking about it, asking them about their mommies and their daddies, have they come home yet, and because of that, this legislation is needed. We need to ensure that this legislation asks those agencies to be able to move quickly.

Medical and nutritional services. Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations.

□ 2200

That speaks particularly to those who may have stepped in now to help these children. As they have stepped in to help these children, they need support. The medical care covers the psychological care, and we do not know whether or not these children will face medical problems because of the stress. We do not know what the impact on little bodies and little minds will be, so it is important that we provide that kind of care.

According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, as I noted in the Bosnian war, we are able to tell that those children still are impacted. But even today, with the mental health crisis that we have in this Nation, we realize that less than the number of children that need access to mental health care get access to mental health care. In fact, that is one of our greatest tragedies in this Nation. We are not able to provide those resources. We do not have them in the schools. We do not have them in the communities.

That is why I have authored H.R. 75, Give a Kid a Chance mental health omnibus bill, to provide more community mental health centers in our Nation. But we do know that less than three-quarters of the children who need such care in America do not get the care. We have seen that during the months and years that we experienced enormous, terrible incidences of children using guns. Many of those children needed mental health services. So here we have a situation where a child is not themselves doing violent acts, but violent acts have been perpetrated on them by the violent loss of their parents.

I do not know how we can stay in this House and provide the assistance that the President asked for, fighting terrorists, which we all do support; I do not know how we can debate airlines, which we all do support, the airlines being bailed out, and we can now debate the security for the airlines; we all support that. My many friends who are on the airlines working, stewards and stewardesses, I am very supportive of them getting this assistance. We want the airline industry to remain strong, to get stronger, and to be part of this economy. But can we not have a debate and pass H. Con. Res. 228 to help the children of this Nation and the children that have experienced this terrible, traumatic event.

We need as well the educational services that this legislation focuses on. Clearly, children displaced from their homes, communities and families must be stabilized as soon as possible before further damage is done. The point being made is that many of these children may be moved from where they lived in order to stay with relatives and friends. They will be going into new school systems, new schools, and they will be there lonely and by themselves without the support assistance. Why? Because we have failed to establish the Federal Government's caring about these children in order to encourage local governments, wherever these children may find themselves, in whatever States they may find themselves, to encourage these local governments to be looking out for children who are the victims, if you will, of September 11, 2001, by the enormous loss that they have experienced.

So educational services are very, very important. One of the most important factors in providing such stability immediately and in preventing further destabilization is maintaining the level of education that existed prior to the loss of the parents, or guardian. This resolution would help encourage again, the Department of Education to begin to design certain kinds of services, to even do research to be able to determine what these children will actually need in these schools, whether or not what we already have would be the appropriate, if you will, kind of training that the teachers should get and the appropriate kind of educational processes that these children can develop and flourish in.

How important it is to insist that the children have as normal a life as possible. That is what we are trying to get with H. Con. Res. 228. We are trying to get the Federal Government to put its official concern behind this terrible loss. When we have debated everything else, the economics, the war, we have debated supporting and encouraging and applauding and certainly offering our sympathy to those first responders who lost their lives, to those public safety officers who lost their lives, and I am gratified to have joined in that legislation, then do we not think it is time that we recognize the thousands of children, 10,000, 15,000, orphans already declared eligible as orphans under the Twin Towers Orphan Fund. Now we need to ensure that this is not short-lived, but, in fact, we have it in an ongoing time frame. It is very important to insist upon the children being considered important.

Again, I would like to point out why that is the case and why this resolution should be passed and what it does. It is very simple. It urges the heads of Federal agencies to give the highest possible priority to those children. It is noncontroversial. It merely prioritizes the delivery of Federal benefits currently available under Federal law. When can we pass legislation in this House where we are not going into funds that we really do not have. Some members of the Homeland Security Task Force, led ably by the gentleman from New Jersey (Mr. MENENDEZ), and I had the pleasure of working with so many Members, we realized that to secure this Nation, to secure it with the right approach, which I believe the Homeland Security Report issued last week by the Task Force excellently presents to the American people on ways to safeguard this Nation. There are other issues that we will be addressing in the future, but it deals with the military and the health and public health system. It also deals with the military, as I said earlier, but also securing our borders. It deals with intelligence. But here we have an initiative that can be delivered to the children, benefits currently available under Federal law. It also urges such agencies, existing agencies to maximize the extent possible to take steps to ensure such assistance, services and benefits are provided within 60 days of the date of the determination of the death of a child's parent or guardian.

Does that seem too difficult, to be able to ensure that these children have a way of getting their benefits quickly? As I indicated, the Homeland Security Task Force recognized in its work that we would need financial assistance, some $3 billion to begin the process of securing this Nation. I am gratified that one of the focuses that they had was the whole idea of the public health system to ensure that we had a public health system that was connected throughout the Nation, rural areas and urban areas, and as we look to ensure that public health system, it would likely include access to mental health services. All of that certainly is something that we will look to the future to do. It is a very excellent road map, guide for legislative initiatives, but can we not, before we even begin that long journey to ensure the safety of this Nation, again, go back to assisting our children. I am unaware of why this is such a difficult proposition, to be able to get the heads of Federal agencies to be concerned about these vital needs. I raise them again. The Calderon family needs to have foster care assistance if that is what the family believes they may need to utilize. I applaud Mr. Calderon at this point because he is taking care of his family. But he is an example of the needs of families. There are families that may need adoption assistance, medical, nutritional and psychological care, educational services and such additional care or services as may be necessary in light of this tragedy.

Let me speak to number 5. What we want to happen there, of course, is we want these communities to be able to assess what new these children need. This is new for all of us. We have never had war on our soil. And this is, in essence, like war. We do not know what additional services these children may need, what kind of school services they may need, whether or not they may need to have some sort of break in their educational career, if you will, and put in another system to help them get through the trauma. Again, we reemphasize the point that these children will live through this trauma over and over again.

Let me share with my colleagues some of the letters from organizations that I have an enormous amount of respect for, with long histories in fighting for children's issues. Save the Children wrote, "We endorse the purpose of the resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the September 11, 2001 tragedies. On behalf of Save the Children, I am writing to lend our support for H. Con. Res. 228 which you introduced in the House of Representatives on September 14, 2001." This is from Kathleen Connolly, Director of Public Policy and Advocacy. "Save the Children applauds your efforts and recognizes the immediate needs of the children who suffered such a great loss as a result of this tragedy. We see this as an essential first step and hope that we can continue to build upon this initiative to meet the long term needs of children everywhere who have been affected by these tragedies and potential future events."

Child Welfare League of America, on behalf of the Child Welfare League of America: "I am writing to lend our support for H. Con. Res. 228 which was introduced in the House on September 14. We endorse the purpose of this timely resolution, which is to express the desire of Congress, which is to provide immediate relief to these children. We urge all Members of Congress to join you and the resolution's cosponsors in supporting this legislation." This is from Shay Bilchik, their executive director.

Orphan Foundation of America, on behalf of the Orphan Foundation of America: "I am writing to lend our full support for H. Con. Res. 228, which was introduced on September 14," and they too want the Members of Congress to pass this.

Children's National Medical Center has also sent its support on behalf of their organization to support H. Con. Res. 228, as "This resolution recognizes it is vital to prioritize the delivery of benefits and services already available under Federal law to children who have incurred these great losses in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, and other places. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits."

Let me emphasize this point. This is a very important point. Benefits are sometimes delayed due to statutory or administrative delay. This is why this resolution is needed. It gives, if you will, impetus to the engine of government to untangle the administrative red tape, untangle the statutory red tape, not to violate the law, but to move forward on the benefits that these children may need.

The National Association of School Psychologists likewise are supporting H. Con. Res. 228 and they are writing on behalf of the National Association of School Psychologists. "I am writing to lend our full support for H. Con. Res. 228." If there was ever a group that has dealt with children and their needs, they represent over 22,000 school psychologists who work with families and educators to promote youngsters' healthy development and learning. This organization strongly supports public policy that meet the mental health needs of all Americans and particularly those of children and youth. We have already spoken to youth about the potential of the losses that these children will experience, the potential psychological impact that they will have, and that they may need a great emphasis on psychological services right here.

We have already heard about the National Mental Health Association has already said to us that out of the Bosnian war, we saw teenagers who had long term post traumatic experiences and stress that had to be addressed. I do not see how we can even expect not to see these kinds of impacts on the children who lost their parents in that terrible tragedy.

□ 2215

I hope that all of them will be made whole, and that they will again see joy in America and joy in their lives. I know there are loving relatives who will be reaching out to take care of them, many of them. But in instances where they will need foster care or adoption assistance or psychological care or different kinds of educational care, can this Congress not step up to the plate?

The American Academy of Child and Adolescent Psychiatry likewise is offering their support: "On behalf of the Academy of Child and Adolescent Psychiatry, I offer our full support for H. Con. Res. 228. The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed."

Again, we emphasize that all Members of Congress should support this legislation. I thank Clarice J. Kestenbaum, M.D., president of this organization, for supporting this legislation.

This is crucial. Why we are delaying in the passage of this I cannot understand. I am gratified for the interest of the Senate, the other body, in its review of this legislation, and I do believe that we will have the opportunity to see this legislation passed.

I would hope that we will spend the next couple of days and weeks debating issues that will help the people who lost their loved ones; that we will spend time trying to help those who have been impacted even beyond the terrible violence of September 11, 2001.

I would like to add to my concerns the fact that this House has not brought forth legislation that I have cosponsored, and many others, the Gephardt legislation on the help and assistance for laid-off workers. The headline in USA Today: "Tough Times for Laid-Off Low-Income Workers."

"After attacks, the jobless rate climbs and assistance is harder to come by for America's working poor." This is a long article that indicates that Congress has yet not finished its job.

That is what I would say about what we owe families like the Calderons, who lost Lizzie Martinez Calderon, their mother. And there their dad is taking care of these two wonderful and beautiful children, children who I know will be loved so much by him and his family, though he indicated that he is here without many of his relatives. They need our help.

H. Con. Res. 228 is a legislative initiative that needs to be passed, and these laid-off workers need our help, as well. Can this Congress only talk about nuts and bolts and not talk about the human loss, the sense and the depth of the feeling that these families are having, having to take care of these precious children without any assistance?

Can we not encourage task forces where necessary, in areas where this impact is felt, that they begin to organize around assisting and providing for these children, making sure that the red tape, administrative red tape, the statutory red tape is not inhibiting or prohibiting the care and nurturing of these precious babies?

House Concurrent Resolution 228 is a simple proposition. It is a sense of Congress. It is a statement to the American people. It is a statement to those States where there is an impact from the tragedy of September 11, where there were so many dads possibly lost in one city, where 4,000 orphans were possibly created at the Twin Towers, where there are guesstimates of between 10,000 and 15,000 children who have lost a parent, guardian, or parents.

And yet on the floor of the House since September 11 we have not dedicated one moment to talk about our children and to pass legislation for these children, to encourage our Federal agencies, from the Department of Education to Health and Human Services to many, many others, to be able to talk about these children.

Health and Human Services has a whole department dealing with mental health issues. I believe they should be front and center in determining how we can help these children.

Mr. Speaker, as I close, let me simply say that I believe it is the obligation of this House to take some time to care about our babies and about our children. These children who have lost their parents, these children need our help, and we need to move H. Con. Res. 228 in order to help our children.

ON THE PASSING OF THE HON. JERRY SOLOMON, CHARLIE DANIELS, THE AIRLINE BAILOUT BILL, PROFILING, AMERICA'S BORDERS, AND BEING POLITICALLY CORRECT

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I will start out by saying I take issue with the comment the gentlewoman made that it is about time this House paid attention to some of the needs of the people out here. What does the gentlewoman think the House is doing? Everybody in the House, Republican or Democrat, cares about the horrible losses that occurred in New York City, that occurred in the Pentagon, the economic losses across the country.

I think it is wrong for any of my colleagues to stand up here and imply that one side or the other is not taking the time to care about the people of this Nation. I believe every Republican and every Democratic Congressman, and I do not agree with all of them, but I can tell the Members that all in one way or another are committed to moving this country forward in some type of positive fashion.

Since the tragedy of September 11, I have not come across any Congressman that does not care about the children or the people who have been hurt by the consequences of that horrible, horrible tragedy. So I think it is important, and I think it is a responsibility of every one of my colleagues when they stand up here and speak and we address each other, that we acknowledge at the very beginning that Republicans and Democrats care about the needs of these people; and that while we may have debates, the fact that we have a debate should not signify that for some reason that means that people do not care about the people who have been hurt or impacted out there in any kind of negative fashion.

So I do take exception with that comment, and I hope the clarification later resonates from some of my colleagues.

Mr. Speaker, I would like to mention, with due respect to my good colleague, Jerry Solomon, who passed away over the weekend, Jerry was a remarkable man. He was a Congressman from the State of New York, chairman of the Committee on Rules, and served 20 years in the United States Congress.

He had a lot of guts. He spoke very eloquently on the floor. He represented his interests, the interests of the State of New York, the interests of the things that he believed in so strongly, veterans affairs and business issues that he was very well-versed in. He used to be an insurance agent.

His unexpected loss last week is a loss to this Nation. I want to send my deepest regards to his family. I hear his service is going to be tomorrow. I intend to attend that service, and will represent my colleagues who cannot attend that. So our warm wishes and warm regards to the family of a very remarkable man who we all had the privilege of serving with in the House of Representatives.

Also tonight on Hannity and Colmes, the TV show on Fox Network, I saw Charlie Daniels, the country western singer. I can tell the Members, he was talking about this newest song where he talks about the flag, and the pride in the flag.

Charlie Daniels represents, in my opinion, a lot of people in this country. There are a lot of blue-collar workers out there. He is their hero. He is their singer.

I just wanted to say I hope Members get an opportunity, if they ever see him, tell him to stick to his guns, by gosh, because he is right. What happens is there is so much of this politically correct garbage going on out there: Oh, my gosh, look at this song, it is not politically correct because it may offend some group out there.

We need to move a little further away from political correctness and get back to realism. Charlie Daniels represents the views of a lot of people in this country. And how interesting, people who jump up and yell about his song, and they object to his song because at some point, through some type of interpretation, it might offend somebody, and therefore Charlie Daniels' song should not be allowed at some concert, those are the very same people that demand freedom of speech when they come up with a controversial issue.

I just wanted to pass on to my colleagues, if they get a chance to listen to Charlie Daniels in an interview, he obviously holds his own. I want to send a commendation to that song. I think it is a great song, and I think it represents a lot of the views across this country.

Tonight, for the main context of my remarks, there are a number of different things I want to talk about. First of all, I want to talk about the airline bailout bill. I am going to go into some of the promises and some of the thoughts that those of us who supported that bail-out bill have.

I am not the kind of person, Members can tell from my record, who is inclined for a government bail-out of any type of industry, but I felt some convictions about this, the need for the airline industry to stay afloat. Frankly, I felt some sense of betrayal this week by United Airlines, which has a large location in Denver, Colorado.

I want to visit a little about profiling, the need for profiling, who uses profiling in our society, and why I think profiling is an essential ingredient for law enforcement. Profiling is dictated by common sense, and every one of us in these chambers uses profiling every day in our life.

Why all of a sudden, when we talk about using profiling to protect the security of this Nation, to provide homeland security for this Nation, to hopefully prevent another terrorist act, why all of a sudden should profiling then become politically incorrect? It makes no sense. I want to go into that in a little more detail.

I want to talk about our borders. Clearly we have a problem on our borders. We have 500 million crossings, 500 million crossings every year on our borders. Maybe we ought to consider a dramatic tightening of those borders until we can get control of those borders.

Some people said it is impossible to track those kinds of numbers. If we have a huge amount of numbers crossing the border and it overwhelms the operation of tracking, the only obvious thing, if we cannot upgrade that operation quickly, and obviously we cannot do that, we need to downgrade the amount of volume coming in. It is a pretty easy decision to make. I want to go into more depth on that.

I want to talk a little more, again, coming back to this politically correct thing and the challenges that we face in this war that we are engaged in.

We cannot fight a war being politically correct. We cannot be a nice guy in a war. In a war, the nice guy always loses. The nice guy never wins in a war. We have to be in the war, we have to be in there tough, we have to be tenacious, we have to strike horribly against our enemy. We have to hit our enemy so hard they swear they would never want to see us again, never want to ever cross our path again.

When we tiptoe through the tulips, we are not made to go to war. This country has a war, here. This is not some far-off imagination of ours, this is a war that struck us in our homeland. We have to strike a horrible blow to those, I feel like calling them a horrible name, to those cancers, and I professionalize myself here on the floor and will not violate the rule. That is not what my gut says to call those people who brought across the ocean this horrible act against our country.

The fact is, they started this war. They are the ones responsible for casualties and consequential or collateral damages that occur here. We do not owe anybody any apologies. The United States of America did not start this war. The United States of America did not dare somebody to come and destroy the World Trade Center Towers, or strike the Pentagon.

The United States of America was the victim in this war, and now all of a sudden even U.S. citizens, I begin to sense some are becoming apologetic, politically correct, saying we have the Ramadan coming on, do not bomb during their holy holiday.

Do Members think those people would not have set off a nuclear weapon in this country on Christmas day? If we think that, we are crazy. These people will do whatever is necessary. Remember, most of the Muslims, by far, the largest number of Muslims killed so far in this engagement were killed by the terrorists who struck the World Trade Towers and killed 400 or 800, I forget the exact number, but it is in that range, of Muslims and people that practice the Islam faith.

That is where those casualties came from: They killed their own people. These people, these terrorists and bin Laden preached that they are standing up for Islam, and as part apparently of their interpretation of Islam they can go at will, at their choosing, at their timing, and kill other people of the faith. That is exactly what they did in New York City. That is exactly what they did at the Pentagon.

Now people are saying we should handle these people politically correctly? We should tiptoe through the tulips for these people? I will get into that in more detail, too. I anticipate having a full evening in this discussion with these topics. Let us go back and let us start with the airline bailout bill.

The airline bailout bill was about $15 billion. We face a situation which the airlines in this country have never faced in their history. No airline in the history of airline aviation has suffered two crashes, two crashes caused by an act of terrorism that hit a domestic target; two targets, two airplanes, two sets of terrorists, and a domestic target and thousands and thousands of casualties. United Airlines and American Airlines both suffered that fate on the same day, September 11.

□ 2230

We all know the facts. We know what happened there. It brought the airline industry to their knees, but it almost brought them right on the verge of collapse. The United States Government for the protection of its citizens ordered that all airlines cease business for several days. And the consequences of that terrorist attack are obvious to all of us.

Today I flew in on a plane in Denver, Colorado. It was United Airlines plane, a 737. My guess is it had the capacity to hold 120 passengers, I guess. We had 10 or 12 passengers outside of the crew on that airplane.

The consequences of that act of September 11 are devastating to the airline industry. Now it has been devastating to a lot of us and to a lot of economic factors in our society. But this society of ours, this Nation of ours, the security of this Nation, the business of this Nation, the ability to move around in this Nation is very, very dependent on an efficient airliner service. So it is to the best interest of all of us that we keep the airlines, at least kept them from the verge of collapse.

Sure we ought to let the Adam Smith philosophy of the market take place. I am a big fan of Adam Smith. I think he is right. But there are appropriate times for the government to step in. I believed when United Airlines talked and when the other airlines talked to us, I believed, even though some of my colleagues debated on the other side of the issue, I believed that this money would be well spent and that the airlines would exercise their responsibility in the utilization of this kind of money, and that the airlines would realize that they have a debt, not just to the stockholders as a corporation, but that they also have some responsibility to this Nation, that they too have to pitch in and be good neighbors. And a lot of those airlines did it, Jet Blue, American, some of these others, they have come, and they have risen to that responsibility.

What happened over at United Airlines? United Airlines has a chief executive officer which I think has run that airline into the ground. His name is Goodwin.

Well, Goodwin has been with United Airlines for 34 years. That is a lot of years of service. He has successfully done more to bring an airline to the verge of collapse than any airline executive I have known for a number of years. So over the weekend United Airlines decided because the capability of Mr. Goodwin to run United Airlines has been severely diminished by his own shortcomings, they decided they needed to pay the guy to leave. I want to give you an idea.

Some of the people who opposed the airline bailout bill said this money is just going to fatten the pockets of the chief executive officers. I felt, come on, give the airlines a break. Frankly, several of airlines, including United Airlines, froze the salaries of their executives. And I think that is good will that has been put forth by some of these airlines. But while they froze the pay of some of these executives, look at what United Airlines just did today.

By the way, I wanted to compare it. This morning I talked with a United employee in Denver, Colorado who had been with the company for 30-some years. Let us just call it 30 years. This particular employee was at the desk. I guess it is a ticket agent, an agent at the desk for United Airlines. This particular person was a 30-year employee over here to my left on this poster. Her retirement after spending 30 years with the airline is $2,000 per month which is approximately $65 a day. For the rest of her life she will receive approximately $65 a day. That is her retirement after serving for United with 30-plus years.

Now, she did not run that airline into the ground. She did not help contribute to the near demise of United Airlines. Her service has been recognized throughout by the company itself. Now ironically, her retirement falls within two days of Mr. Goodwin's termination. Her time, her service with the company of 30-some years falls very close to the same time and service with the company that Mr. Goodwin's does.

Now let us take a look at what United Airlines, after receiving assistance from the Federal Government to help bail them out, take a look at what that airline has just done to terminate their executive that has put their company on the verge of bankruptcy. I call it the United Airlines Bailout and then I move it over to Blowout after I saw this morning what the United Airlines has done for their executive.

They added 6 years of service to his retirement. Now, this employee over here spent 30-some years, 30 years and some months with United. When this individual was given a choice, frankly, 72 hours they wanted people over a certain time to retire, they did not offer to this individual to say, hey, we will move you from 30 years to 36 years. But they did it with their chief executive office. They went to Goodwin. Again, I want to stress how strongly I feel that Mr. Goodwin is where the buck stops. That is the individual who has brought this company to the verge of bankruptcy.

What do they do? They have given him 6 years added service. Although he did not work the 6 years, they will add it to his 34 years of service so his retirement treats him as if he had 40 years with United Airlines.

Now, what does that mean? That means that his pension will be $500,000 a year. That is his requirement; $500,000 a year for the rest of his life. What does that figure out to be?

Well, remember, my ticket agent over here that gets $65 a day for the rest of her life and this chief executive officer who almost runs the company into the ground will be making $1,400 a day. United Airlines agreed to pay him $1,400 a day every day for the rest of his life and his work is done with United. He walked out the door. That is not all.

Take a look: 611,450 stock options have been granted to this chief executive officer. This is a company that my colleagues here, that the House of Representatives, the U.S. Senate, the President of the United States has sent $15 billion to the airline industry and asked them to exercise responsibility in keeping their airlines above water and here is what they do: 611,450 stock options.

Now today those stock options are under water which means they have no value. But these stock options are for 10 years. So if there is any bet at all, if United recovers at all, imagine that every dollar of recovery that United has, his profit goes up $611,000. Every dollar that that United stock moves up from this point through the next 10 years, if it moves at all, he will make in proportion $611,000 for every dollar rise in that stock.

Now on top of it, it is not enough that United agreed to pay him $1,400 for every day for the rest of his life, United felt apparently that Mr. Goodwin who almost took their company into bankruptcy, Mr. Goodwin was not being treated well enough, so they decided to get him severance pay. What is that severance pay? Well, we cannot get an exact number. We think just to get him to walk out the door, they gave him $5 to $7 million. Here is your check for $5 to $7 million, Mr. Goodwin. Thanks for almost destroying the country. By the way, here is your $65 check, ma'am, for being a ticket agent at one of our counters for 30 years with United Airlines.

But it does not stop there for Mr. Goodwin. They continue to go on. Forty thousand more shares given to him on termination. So they give him $5 million in severance. They say they will pay him $1,400 a day every day for the rest of his life, and then on top of it because maybe his feelings have been hurt, the board throws in another 40,000 shares at today's values, another $700,000. That is not all. They decide just to make sure that Mr. Goodwin's future is well cared for, he get his membership at the country club.

Tell me when is the last time they ever bought a dinner at the country club for one of these employees, for one of the United Airline employees that was not in Mr. Goodwin's office. So they agree to keep his membership in the country club. They agree to provide him with a company car. They agree to continue to provide his life insurance.

Give me a break United Airlines. Where do you think your credibility is when some of us stand up and we are willing to take the heat that contrary to our philosophy and our support of Adam Smith, we decide to go out on a limb on your behalf and every other airliners behalf to try to save the airline industry as a result of the tragedy on September 11? This is what we are beginning to find out. This is where some of this money is going.

Where is your credibility, United?

I was really disgusted, and that is a strong word, but that is how I felt this morning. It just was ironic that I happened to run into that ticket agent whose last day is tomorrow after 30 years and to see she is going to be paid $65 a day for doing a good job for United Airlines, and then United Airlines turns around to the individual who has almost turned that company, and I would not be surprised if that company does go into bankruptcy, but to that individual who has almost driven that company into bankruptcy, they will pay him $1,400 a day, $5 million check on the way out, maybe a $7 million check on the way out, $700,000 for stock shares they just gave him that day. Go ahead. We will keep you in the country club. And, by the way, that car you are driving our there, we will pay for the car, the gas, et cetera, et cetera.

No wonder people feel there is some sort of class division in the country. No wonder people feel there is a little injustice. No wonder Congressmen like myself end up biting their tongue and having second thoughts about this airline bailout, and whether or not this money is really going where it needs to go, and that is to keep a healthy airline industry from collapsing through the floor as a result of acts of the terrorism against this country.

Let me move on from my dismay with the way that United Airlines has handled this situation and talk about profiling.

I think profiling is a pretty interesting subject. Recently I have heard politically correct shows and some of my colleagues here on the floor, do not dare reach out and profile people at the border. Do not profile people on the street. Profiling should have no place in law enforcement.

Yes, it is pretty ironic to hear that kind of argument. Profiling is used at every stage of our life. Everywhere you go. Everyone on this floor uses profiling. We use profiling in our own campaigns. We go out to our district and we have experts that come in, we have polsters that come in and they say, all right, in this age group, 18 to 23, we know this percentage of these people are going to register and, of the registered, these percentage of people are going to vote; and that percentage routinely is pretty low in your district. But over here that age group, 45 to 50, and they may be white male, they may be Hispanic, Irish, whatever it is, they tend to go along more with your issues. They have a much higher voter turnout. So we want you to target this age group. Do not go after the age 18 to 21 because there is not a high enough percentage.

They will tell you, go after the white male or the single parent or the head of household or the person that brings the income in, the income earner. They are very targeted. They profile in our own campaigns; and every one of my colleagues has been the beneficiary of this kind of profiling.

We use profiling with insurance. We know, for example, that if you have a young man who is between the ages of say 16 and 23 that that individual is more likely to drink and drive, more likely to drive a car at a high speed and much more likely to run a stop sign than somebody that is 45 to 50 years old. And as a result of that kind of profiling, we can determine where our higher risks are and we can adjust for that in regards to the insurance premiums that we charge.

So we use it in our campaigns. We use it to determine insurance. We use it to determine risks. We use it in schools, our testing mechanisms. We test and we profile. We profile in our school neighborhoods. We profile to see which particular segment of population, whether it is a white at certain poverty level, whether it is black, whether it is mixture, whether it is geographic location, et cetera, et cetera, we put a bunch of factors in there so we can determine which kind of education will get the best results and be the most benefit to that particular profile group.

So we use profiling for campaigns, we use profiling for insurance, we use profiling in our educational institutions.

Do not let the newspapers who run these editorials, some of the liberal newspapers in this Nation, who run editorials about profiling and how bad profiling is. Man, talk about hypocritical.

□ 2245

Take a look at that newspaper and see what kind of profiling they do, what kinds of marketing they do to figure out where their advertisers are, where their market is, who is going to buy their newspapers, who reads the sports page. Any newspaper in this country will tell you very accurately what percentage of their readers read their editorials, what percentage of their readers read the sports section, which is the most read page in the newspaper, what age segment reads the sports section. They probably do not have a lot of people 70 and above that read the sports section. They may read the social page. But they know between about 12 and, say 35 that that is their main focus in a newspaper.

Newspapers profile. They have very dramatic profiles. It is smart business. Of course they do it. No matter where we look in our society we see profiling. Even sports teams, they profile. They know who goes to their games, they know who buys their tickets and who to appeal to. They know where to place their advertising. Even in recruiting their athletes, they know which areas are more likely to produce a better athlete than other areas. They use this profiling extensively.

So, for God's sake, why do we not use profiling to protect the national security of this Nation? Why are some people out there saying the politically correct thing to do is, well, all in all we better not profile at our borders, we better not stop somebody who is suspicious just based on the fact that they, let's say for example they are Arab, come from the Islam faith and come from a particular age bracket. Listen, we know those statistics. We can develop risk statistics from profiling.

Now, obviously, I do not support, and I do not know any of my colleagues on this floor, not one Democrat or one Republican, that supports profiling based solely on race. That is discrimination. Nobody questions that. We ought to have zero tolerance for that. In other words, we should not just go and say, hey, that individual is Irish or that individual is black so they must be a suspect. We only take that so far. I mean if we have a bank robbery and the description, the profile, of the bank robber is a white male between 19 and 24, why would we be in the black neighborhood interviewing black people to see if they were the bank robber? Clearly, at some point, we begin to profile. But that is one of the factors.

I do not want my colleagues or anyone to be drawn into signing a statement or acknowledging that, look, profiling has no place in a war against people that want to tear our guts out, against people that killed thousands and thousands of people at the New York World Trade Center, or over here at the Pentagon where they killed hundreds of people. We ought to use every weapon we have against these people. We ought to be prepared to use whatever method, whatever weapon, whatever energies we have to win this battle. We cannot afford to be the nice guy here. Oh sure, war has kind of a parameter of what should be done, but the fact is that in that spectrum there is a lot of horrible things that happen in a war.

I wish we could avoid this war. I do not know anyone out there that wants to be engaged in the war we are in. I do not know anyone that chose to have us get into the predicament that we are in today. Maybe there are some out there. I hope not, but I do not know many people out there that think we had this coming. This is a war that was brought upon us. The United States did not strike out against anyone. Thank goodness we are too great a Nation to do that. We do not do those kinds of acts of terrorism. But when somebody strikes at the United States, the kind of blow they dealt us on September 11, and we have felt every hour and every minute and every day since September 11, we need to strike back with a horrible, horrible swift sword.

Now, there are a lot of people out there that are counting on the fact that the United States of America might be too timid to strike back and that the United States of America just does not have the resolve to strike hard, that there is going to be a little pretend bombing over here, hit a soft target there, and a soft target there and declare a victory. Well, thank goodness we have an administration that in my opinion is not going to go by that playbook. This administration, in my opinion, George W. Bush, Cheney, Rumsfeld, Condoleezza Rice, these people, they understand we are engaged in a war.

We cannot stop a war for the holidays. The Taliban would not stop for us. The Taliban wants one thing: They want every man, woman and child in the United States of America destroyed. They do not want to save the children of the United States. They do not want to avoid the loss of children. They do not want to save Muslims in the United States of America. They do not want to save the people of the Islam faith in the United States of America. They want to destroy them simply because of the fact that they are in the United States of America. You can take that to the bank.

Take a look at what happened at the World Trade Center. There were many people of the Islam faith that were destroyed and their families destroyed through the consequences of these actions. We had many Muslims that may not even have been of the Islamic faith that were destroyed, that were killed. They were slaughtered in New York City. So do not give this Taliban or bin Laden any kind of badge of courage. Do not give him any kind of credibility because you think they fight with honor. They do not fight with honor. They fight with cheap shots. They would just as soon gut you in the back as to fight you face-to-face.

That is the kind of war we are engaged in with these people. This is a tough situation that we have. We have to use the weapons and the tools that are available to us. There is a vast array of those, but the one I am focusing on here is profiling. Again, let me reiterate that profiling based solely, and the only reason to do it is to discriminate, we do not tolerate. That is not what I am talking about, and I do not know anyone who supports that.

But let me just say that we had 19 hijackers. Of those 19 hijackers, 19 of them were Arab. Of those 19, they were all within a certain age range. Of that, they were all male. All 19 were male. Of that, they were all active in this fundamentalist Islam faith. Not representative, by the way, of the general Islam faith, but active in a fundamentalist, corrupted, perverted view of that. So we can begin to put a profile together and we ought to be looking at people who fit in that category. If there are people that fit into that kind of category who attempt to cross the borders of the United States, we ought to pull them aside and ask them some questions. Obviously, we ought to detain them. Of course we should refuse them entrance into this country if they fit within certain risk factors. We would be crazy not to.

Let me reiterate that this kind of profiling is used in every stage of our life, even when we are born. What happens when a baby is born? They figure out how much the baby weighs, they figure out what the race is, they figure out if the parents are married. They send all this information in for statistical gathering. That is how we can determine, for example, in parts of the country, where we have a lot of unwed mothers. We profile unwed mothers. We go in and say, why do we have so many unwed mothers. Why do we have such a high level of teenage pregnancies. We profile it. We go out and figure out, okay, what can we do to alleviate teenage pregnancies like we have. We put it to a beneficial use.

My premise here this evening is that we can put to a beneficial use for the protection of the national security of this Nation profiling. So do not run away from it when a discussion is had on it. And my colleagues will hear about it back in their districts. I was asked the question, and when I started with my response, the reporter that was talking to me said, boy, you are taking on a hot potato. Do you really want to go into this kind of detail on profiling?

Do not run from it. We have to use it. My problem, again coming back, we cannot take this so-called theory of political correctness from the far left liberal side of the spectrum and let that determine whether or not we are going to use that tool to protect this Nation's security. The question here is can we reasonably and in compliance with the Constitution of the United States profile and use it as a weapon of our choice and a weapon for our benefit? Absolutely. The answer is absolutely yes. And every law enforcement agency in this country ought to use profiling as a tool for their assistance.

Again, do not let people try to drag you into, well, you must mean race profiling, or you are out to go and get the Irish or the African Americans. That is not what we are talking about. That is a nice side show, that is a nice diversion, but that is not the focus here. The focus here is the security of the United States of America. The focus is what tool do we have that we can use, and that is why I feel so strongly about standing up when we participate in discussions on profiling to tell the other side of it. Tell why it is important.

Take a look in our society and have discussions about where we use profiling and the benefits of profiling, because there are a lot of benefits of profiling. We have huge benefits, particularly if we profile and one of these people shows up at our borders and they fall within that risk category, and we are able to stop an act of terrorism. We have plenty of evidence to do it.

By the way, most countries use profiling. Regardless of how wide you want to use it, a lot of countries are using racial profiling. They use whatever profiling they darn well feel like using. I am not saying we should stoop to that, but I am saying that it has proved to be an effective weapon.

They stopped the bombing of, I think it was a Swedish airline about 15 years ago. A lady walks up and she fits into the category because she bought her ticket with cash. Bing. One element of the profile. She had no check-in baggage. Bing. She is going here with no check-in baggage, and she was going transcontinental. So they asked her where she was going. She said my destination is here. They said, we know that, you bought the ticket. How long are you going to stay there? Oh, three weeks. She has one little tiny bag, no check-in bags. She falls within a certain age that they know they have had problems with. Bing, bing, bing, bing. This profile begins to set itself up. It alerts them, so they ask her some more questions, this and that. All it does is bring up more red flags. Then they search her. Guess what they find? When the suitcase is emptied and they weigh it, it weighs more than an empty suitcase should weigh. Sure enough, they find a false bottom and it is filled with high-level plastic explosives intended to blow that airline out of the sky.

We better profile. It is to our benefit and to the benefit of this Nation's security. It is to all our benefit; no matter what background we are, to go to war with every tool that we can use.

Now, let me move on very briefly and discuss our borders. I want to give some statistics that I think are pretty interesting. Our borders are crossed 500 million times a year. Five hundred million times a year through 300 checkpoints we have people coming across those borders. Now, the largest number of people coming across the borders are tourists. The largest number by far, 99.9999 percent of the people that come into this country come in with good intentions. So how do we focus on that very, very small percentage? How do we get our sights on that very small percentage with the minimal impairment to the larger percentage while still accomplishing the security for the national interest?

It is a tough job. Just imagine trying to track 500 million crossings a year. I am not sure we have the technical capability. We certainly do not have the technical capability in place today to do it. Maybe we will have that technical capability within a few years, but not today. So the question comes up, should we continue to let the 500 million crossings occur every year or should we begin to clamp down on who comes across that border?

Now, I have a basic test, a litmus test, as to how to come across that border. My feeling is that I ought to treat it like somebody who wants to come into my house. When somebody knocks at the door of our house, rings the doorbell of our house, we look out the peephole. In other words, we do not allow them to come in right off the bat. We size them up, kind of profile them, look at them. We say, maybe we should ask this person a couple of questions. Then we may open the door but still not let them in the house yet. If I know them, I welcome them in. If I feel comfortable with them, I welcome them in. If they meet certain standards, I welcome them in. Obviously, if they fit the profile of a newspaper delivery person, and I know the person and they come by every time of the month about this period of time to collect a fee, I let them in the house and I give them a Coke or a Pepsi or something.

So what we ought to do here is look at our borders. I think for a temporary period of time we have to really clamp down on our borders until we begin to make significant strides in regards to this war. Right now that percentage of people that wants to do significant harm to the United States of America has grown rather dramatically. As we know, this United States of America is now under a national alert for an act of terrorism.

□ 2300

Mr. Speaker, I can tell Members that the likelihood of that act of terrorism, we can go ahead and put together what that group would look like. Number one, they probably are not native born

United States citizens. Number two, they probably have come across the borders in the last year or two. Number three, they probably had a background that if checked significantly, we would find that these are not the kind of people that we would want to let in our house or country.

I am not saying close the borders. That is not what I am saying here. Almost all of us are beneficiaries of the immigration policy of this Nation. I am saying in order for the immigration policy to work, we have to have rules of the game, and we have to enforce the rules. When we have somebody who violates the rules, we cannot let them continue playing the game if they are going to continue to violate the rules. You have to have enforcement of the rules and enforcement of immigration policy of this country.

Clearly if there has ever been a demand for enforcement of the policy currently in existence, it is right now. We have 3 or 4 million people a year come across our borders on visas, and they stay after their visas expire. Three or 4 million people a year stay in this country even when the rules of the game say you have stayed all you are allowed, now you have to go home. It is similar to a guest coming to your home for an hour for lunch, and pretty soon they are intending to spend the night.

The INS is doing a good job, but the reality is that the INS has two things they have been trying to do. One is to keep foreigners from turning into illegal U.S. residents. Two, to investigate domestic crimes involving foreigners. As quoted here, keeping track of foreigners' whereabouts in this country was not considered anyone's job. We have allowed these lax policies for much, much too long. It makes a lot of practical sense that one of the tools and one of the weapons that we can use in this war that we are engaged in is to tighten our borders.

That means the utilization of profiling. That means if somebody has a student visa, that we require that university confirm that person's presence, we set up a tracking system. That means that we start saying no to people. It means that we start getting numbers of people that we allow across our borders so we can manage. There was an ad, I do not know if it is still running on television or not, but some people set up a business on the Internet. They are waiting for their first order. They are worried. They have put in all of this investment, and all of a sudden order number one comes in. That is not much, but at least we got one order on the first day of business. All of a sudden 2, 3, 4. All of a sudden a hundred orders come across. They are smiling and happy. All of a sudden it does not stop and it goes to 1,000 orders to 10,000 orders to 100,000 orders. They are in panic. We cannot possibly manage 100,000 orders. We cannot manage it.

Mr. Speaker, the same thing is happening on our borders. Most people in the world dream of coming to the United States of America. A lot want to live here. It is the only country in the world where we do not have a problem keeping people. We cannot open the borders in such a way that the numbers are so huge we cannot manage them.

Today that is exactly where we are. We have so many people coming across the borders that we cannot manage it. We need to reduce those numbers so that it is at least manageable. So that we know that people that come across our border, those 3 million people that currently every year come across the border and do not go home when they are supposed to, that we can begin to develop management tools to fill that gap. That is one of the weapons we can use in our war against terrorism.

Mr. Speaker, I know it is not politically correct to talk about we had better cut down on our immigration. I know it is not politically correct to talk about tightening our borders, but we got a real dose of reality on September 11. We woke up in the morning leading a normal life, and those of us fortunate enough to be alive at the end of the day got a real wake-up call.

We have to change our management practices, and one of the management practices we have to change are our borders which have become unmanageable. There are other things we have to change. You notice people agree across the board that we have to change the check-in procedure and security at our airports and nuclear facilities. Members will notice that Secretary Mineta today ordered no flying of aircraft by nuclear plants, et cetera, et cetera. We are changing our management practices. We need to change our management practices in regards to these immigration policies.

Now the President, of course, has taken the lead on this. Yesterday the President talked about student visas. We have a big problem with student visas. We have a lot of people who never show up at the schools. Student visas have kind of become the popular tool of choice to get into America, and then not have to worry about being held accountable to anybody.

Frankly, we have some universities, institutions of higher education, that depend very heavily on student visas because of the tuition that they charge foreign visitors. Those golden days will have to come to an end, despite the lobbying up here on the hill to leave student visas alone. We ought to stop the abuses, limit the number of student visas that we grant until we can get a management grasp on it. That is what I am asking for. Get it in our control.

I think we should quit hesitating about what we do allowing students of countries that mean us harm. Do you think we ought to allow students of Libya or some of these other countries, Iran, Iraq, to come into this Nation? Should we educate them and train them how to fly planes? There are a lot of foreign students taking airline pilot instruction courses in this country as I speak this hour. We should not be ashamed of saying no to some people, and we should not be so worried about being politically correct that when we see someone from a country that is listed as a terrorist country, we ought to have enough guts to say at the border, You are not coming over here for your education and taking the benefit of our society to later on down the road turn against our society.

The National Journal, October 27, 2001 reported on a bill over on the Senate side which will require the airlines to submit their international passenger lists to the INS in advance so names can be run through the agency's look-out system.

Well, today most airlines voluntarily submit those lists. Today most airlines, notice I say most, voluntarily give their list to the INS to see if there is anybody on that list that is on a suspect listing or on the look-out system.

□ 2310

Guess which airlines that fly into the United States refuse to turn their lists over to the INS? Egypt, Jordan, Kuwait, Pakistan and Saudi Arabia. My response to that is if the airline coming out of Saudi Arabia, if the airline coming out of Kuwait, if the airline coming out of Egypt, if the airline coming out of Pakistan does not want to give us the list of their passengers that are flying into the United States of America, landing in an airport in the United States of America, to be dispersed once they get off the airplane into the cities of the United States of America, we should not allow those airlines to land in the United States. We are not asking too much to go to these airlines and say, we want your list. We want to know who you are bringing into this country. Is that asking too much? I do not think so. Just another example of sloppy management.

I want to commend the President. Yesterday he made comments about the tightening we need to take on these borders. He talked about student visas. The President and the administration is on the right track and he deserves the support of the United States Congress.

Let me move on to some final points I want to make, and that is about the battle that we are engaged in. I notice in the last week, there has been a lot of publicity about, gosh, maybe we're stuck in Afghanistan, maybe we're not accomplishing militarily what we hoped to accomplish. You know what people are doing, we are comparing the first few days. We controlled all the airspace over Afghanistan within 3 days. It is always when you go to pick fruit, at least when I picked fruit, when somebody hired me especially to pick fruit, I always filled my basket. The easiest time to fill a basket was when I first got to the tree because that was the fruit that hung the lowest. That was easy pickings. So the first couple of bushels came real fast. But when I had to get to the third and fourth bushel, it took a lot more work. It was not because I was bogged down in the apple tree, it was because of the fact you had to exert a little more energy. You had to climb up into the limbs, you had to reach out, you had to hunt those apples. You did not have four our five apples hanging where you could just put them right in the basket. You had to get up in the tree, you had to reach, you had to move the limbs to find them. That is exactly what we are engaged in right now. Do not try and urge the President to stop this war, or to slow down this bombing for some holiday that these terrorists would use simply as a shield to rebuild, take a fresh breath and recoordinate their strategies. We have got to go after those guys and gals that have instigated such horrible damage to this Nation. Actually the worst thing we can do and the best thing that could happen to them is for American people to begin to lose faith in the military effort that our administration is carrying forward. These are not tough warriors when you are able to get them out of their caves person to person. We will destroy them. There is no question about it. If you got them out of their caves, you got them in an open field, we destroy them. There is not even a contest there. Some people think that these Taliban fighters are supermen. They are not supermen. They have emotions. They are susceptible. I would much rather have our weapons than have their weapons. The fact is we have to locate them. They have extensive cave networks. They hide in the mosques. They hide in the schools. They move their weapons so that if you try and get them or their weapons, you have got to kill some of their civilians. That is exactly the kind of strategy they are using.

There is one other strategy they are using against the United States. When it comes down to it, they do not think the United States of America has the resolve to go after them. They think all they have to do is take a couple of Americans, capture them, skin them alive, torture them, send their bodies back in body bags and that the American people will lose their resolve to win this war against terrorism. If that happened, it would be the greatest military victory probably in history for an organization like the Taliban. It would be a huge defeat for the United States of America, because you are not eliminating the cancer. The Taliban is a cancer. If you do not get rid of that cancer, it will come back and it will come back in a harsher form than you ever believed it could return in. We have got to destroy the Taliban.

Last Friday, I think, in the Wall Street Journal, Senator MCCAIN, our colleague, wrote an excellent article about victory, victory in a war. This is a war. I would suggest to my colleagues, read this article. It is excellent. It talks about that war is dirty, that the consequences of war are horrible, but Winston Churchill once said, the only thing worse than war is losing it, and that is exactly what we face tonight. The only thing worse for us than this war that we are currently engaged in is to lose it. Do not try and urge our Armed Forces to lay down their arms until the job is finished. Support the administration until the job is finished. The President stood right here on this floor, right here at this podium, and he told us and he told the American people, this battle will be a long battle. This battle will be an intense battle. But that we have hereby resolved that we will eliminate terrorism, that we will fight this war. And so 4 weeks into it, I see some commentators saying, gosh, are you spinning your wheels? Are you stuck? How come we haven't wiped out the Taliban? How come you haven't found that miserable little guy in this cave somewhere? Give me a break. These are the very commentators that ought to drop that type of comment and ought to be saying, what can we do to help? This is our country, too.

I heard a commentator the other day that said, we have responsibilities in the media, to remember that yes, we are Americans, but we should not let that take away from the point that we should be a neutral party and that our obligation is to report the news. It sounded as though if you are a journalist, that you have a higher calling than being an American, you have a higher calling and that is of a journalist. And if it means that you leave the auspices of sanctity of your country to complete your job, that is the necessity of being a journalist. I could not disagree with that respected journalist more.

I do not care whether you are a journalist or a Congressman or whether you wash windows or drive taxis, America comes first. Your country comes first. Your obligation is not to your profession, your obligation is to your Nation. You need to stand for your Nation. We need to support our administration, and obviously our military troops, to carry out this mission until we win. Not until the Ramadan holiday starts. That was not a part of war. We need to carry this mission out until we destroy the enemy, until we cut their heads off, until we are so savage to these people, so horrible to the enemy that the enemy will never again have a future under which they would consider attacking the United States of America. The price that they will pay has to be so high that they never ever again want to be in that war. That is what we have got to do. We have a mission. Every citizen in America has this mission, and, that is, your country comes first. The values and the principles of America have never been matched in the history of this world. Never has there been a country as great as our country. Never has a country done as much for the poor people of the world as the United States of America. Never has a country gone to more aid and assistance and gone to war across vast oceans to help friends. Never has a country contributed more to health care, to education, to industrialization than the United States of America. The United States of America does not deserve what occurred, what has happened. But the United States of America must accept the fact that it has happened and that the United States of America must respond with a horrible, horrible sword, because anything short of it will make you think of what Winston Churchill said, and, that is, the only thing worse than war is to lose it. For our generation and for all future generations, we cannot afford to lose this war.

☐ 2320

CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–258)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) "making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of

Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $154,350,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to continue preconstruction engineering and design of the Murrieta Creek, California, flood protection and environmental enhancement project and is further directed to continue with the project in accordance with cost sharing established for the Murrieta Creek project in Public Law 106–377: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefer Slough Flood Control Project, Butte County, California, and is further directed to use funds appropriated herein for preconstruction engineering and design of the project: Provided further, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality, and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal, and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs: Provided further, That using $1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive watershed study at full Federal expense to provide a framework for implementing activities to improve environmental quality of the Lake Tahoe Basin and the Secretary shall submit a feasibility level report within 30 months of enactment of this Act: Provided further, That Appendix D, Chapter 5 of Public Law 106–554 is amended in the last sentence under the subheading titled "General Investigations" by striking "a cost shared feasibility study of" and inserting "planning, engineering and design activities for".

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,715,951,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $8,000,000;

Indianapolis Central Waterfront, Indiana, $9,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $15,450,000; and

Lower Mingo County (Kermit), Upper Mingo County (including County Tributaries), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $5,900,000:

Provided, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the Carr Creek Lake, Kentucky, project at full Federal expense to provide additional water supply storage for the Upper Kentucky River Basin: Provided further, That with $1,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake design deficiency repairs to the Bois Brule Drainage and Levee District, Missouri, project, authorized and constructed under the authority of the Flood Control Act of 1936 with cost sharing consistent with the original project authorization: Provided further, That in accordance with section 332 of the Water Resources Development Act of 1999, the Secretary of the Army is directed to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 years to 100 years using $700,000 of the funds appropriated herein, and the project costs allocated to the incremental increase in the level of protection shall be cost shared consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996: Provided further, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preparation of a General Reevaluation Report of the Oak Island, Caswell Beach, and Holden Beach segments of the Brunswick County Beaches project in North Carolina: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake the Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That the Secretary of the Army is directed to use $4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, using up to $200,000 of the funds provided herein, is directed to complete the Aloha-Rigolette, Louisiana, project at full Federal expense: Provided further, That using $500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Shoalwater Bay Shoreline, Washington, project: Provided further, That all studies for the Shoalwater Bay Shoreline project shall be cost shared in the same proportion as the construction implementation costs: Provided further, That using $2,500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico: Provided further, That using $750,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Missouri river Restoration Project and that erosion control measures implemented shall be primarily through nonstructural means such as planting of native vegetation, buffer strips, conservation easements, setbacks, and agricultural best management practices: Provided further, That with $10,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the deadline for the report required under section 154(g) of Public Law 106–554 is extended to December 31, 2002: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use unexpended funds appropriated in Public Law 105–62, under the heading Construction, General for Salyersville, Kentucky, to construct additional recreation improvements at the Buckhorn Lake, Kentucky, project: Provided further, That using $1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction on the Seward Harbor, Alaska, project in accordance with the Report of the Chief of Engineers dated June 8, 1999 and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $900,000 of funds previously appropriated to reimburse the City of Venice, Florida, for the costs incurred by the City prior to October 1998 for work accomplished by the City related to the relocation of the stormwater outfalls and the construction of the artificial reef that comprises an integral part of the project for beach nourishment, in Sarasota County, Florida: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein, for emergency bank stabilization measures at Lakeshore Park in Knoxville, Tennessee: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson

County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project: Provided further, That, for the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement the locally preferred plan for the element in the western portion of Middlesex Borough, New Jersey, which includes the buyout of up to 22 homes, the flood proofing of four commercial buildings along Prospect Place and Union Avenue, and the buyout of up to three commercial buildings along Raritan and Lincoln Avenues, at a total estimated cost of $15,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $3,500,000.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $345,992,000, to remain available until expended: Provided, That, the Secretary of the Army, acting through the Chief of Engineers, is directed to convey to the Board of Mississippi Levee Commissioners any and all fee owned real property interests deemed excess to Army needs for disposal by the U.S. Army Corps of Engineers at its Casting Plant and its Bank Grading and Mat Loading Fleeting Area located in Greenville, Mississippi. This real property shall be used by the Board of Mississippi Levee Commissioners for the operation and maintenance of the Mississippi River and Tributaries Project as it deems necessary.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,874,803,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed, within funds available for the Mobile Harbor, Alabama, project, to remove, transport, dispose, and remediate contaminated sediments in and adjacent to the Federal navigation projects for the Arlington Channel and the Garrows Bend Channel at Federal expense, and a non-Federal sponsor shall provide all necessary lands, easements, rights-of-way, and relocations that may be required for the disposal of dredged material: Provided further, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to perform cultural resource mitigation and recreation improvements at Waco Lake, Texas, at full Federal expense notwithstanding the provisions of the Water Supply Act of 1958: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to grade the basin within the Hansen Dam feature of the Los Angeles County Drainage Area, California, project to enhance and maintain flood capacity and to provide for future use of the basin for compatible purposes consistent with the Master Plan, including recreation and environmental restoration: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to fully investigate the development of an upland disposal site recycling program on the Black Warrior and Tombigbee Rivers, Alabama-Coosa Rivers, and the Mobile River projects: Provided further, That of funds appropriated herein for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed $1,277,000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to remove and reinstall the docks and causeway, in kind, and continue breakwater repairs at Astoria East Boat Basin, Oregon: Provided further, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia: Provided further, That the project for the Apalachicola, Chattahoochee, and Flint Rivers Navigation, authorized by section 2 of the River and Harbor Act of March 2, 1945 (Public Law 79–14) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities, to develop and implement a plan to be integrated into the long-term dredged material management plan being developed for the Corley Slough reach, as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of Florida to be determined in coordination with the State of Florida: Provided further, That the Secretary is authorized to acquire all lands, easements, and rights-of-way that may be determined by the Secretary, in consultation with the affected State, to be required for dredged material disposal areas to implement a long-term dredge material management plan: Provided further, That the long-term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this Act: Provided further, That, of the funds provided herein, $4,900,000 shall be made available for these purposes and $8,000,000 shall be made available for normal operation and maintenance of the Apalachicola, Chattahoochee, and Flint Rivers navigation project.

Flood Control and Coastal Emergencies

(Rescission)

Of the funds made available under this heading in Public Law 107–20, $25,000,000 are hereby rescinded.

Regulatory Program

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $127,000,000, to remain available until expended.

Formerly Utilized Sites Remedial Action Program

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

Administrative Provisions

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

Corps of Engineers—Civil

SEC. 101. (a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey to the Blue Township Fire District, Blue Township, Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 4.35 acres located in Pottawatomie County, Tuttle Creek Lake, Kansas.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 102. For those shore protection projects funded in this Act which have Project Cooperation Agreements in place, the Secretary of the Army is directed to proceed with those projects in accordance with the cost sharing specified in the Project Cooperation Agreement: Provided, That the Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law: except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the

Secretary is authorized to accept said contributions.

SEC. 103. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 105. The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: Provided, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project.

SEC. 106. GUADALUPE RIVER, CALIFORNIA. The project for flood control, Guadalupe River, California, authorized by section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of $226,800,000, with an estimated Federal cost of $128,700,000, and estimated non-Federal cost of $98,100,000.

SEC. 107. DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY. (a) DESIGNATION.—

(1) IN GENERAL.—The Secretary of the Army (referred to in section as the "Secretary") shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

(2) DESCRIPTION OF AREAS.—The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County, New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28'50" E. 38.56 feet; thence

(ii) along the same N. 61°28'35" E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aformentioned Easterly line of Church Street—

(i) N. 11°28'50" E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19'51" W. 1590.16 feet; thence

(iii) N. 27°56'37" W. 3674.36 feet; thence

(iv) N. 35°33'54" W. 975.59 feet; thence

(v) N. 57°04'39" W. 481.04 feet; thence

(vi) N. 36°22'55" W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(vii) along the same line N. 53°37'05" E. 1256.19 feet; thence

(viii) still along the same, N. 86°10'29" E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44'20" E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44'20" E. 507.10 feet; thence

(xi) S. 31°01'38" E. 1062.95 feet; thence

(xii) S. 34°34'20" E. 475.00 feet; thence

(xiii) S. 32°20'28" E. 254.18 feet; thence

(xiv) S. 52°55'49" E. 964.95 feet; thence

(xv) S. 56°24'40" E. 366.60 feet; thence

(xvi) S. 80°31'50" E. 100.51 feet; thence

(xvii) N. 75°30'00" E. 120.00 feet; thence

(xviii) N. 53°09'00" E. 486.50 feet; thence

(xix) N. 81°18'00" E. 132.00 feet; thence

(xx) S. 56°35'00" E. 115.11 feet; thence

(xxi) S. 42°00'00" E. 271.00 feet; thence

(xxii) S. 48°30'00" E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09'50" W. 4120.49 feet; thence

(xxiv) N. 66°50'10" W. 251.78 feet; thence

(xxv) S. 36°05'20" E. 228.64 feet; thence

(xxvi) S. 58°53'00" W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31'35" E. 113.50 feet; thence

(xxviii) S. 61°28'35" W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45'47" W. 1104.21 feet; thence

(II) S. 69°06'30" W. 1758.95 feet; thence

(III) N. 23°04'43" W. 600.19 feet; thence

(IV) N. 19°15'32" W. 3004.57 feet; thence

(V) N. 44°52'41" W. 897.74 feet; thence

(VI) N. 32°26'05" W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(VII) N. 53°37'05" E. 2770.00 feet; thence

(VIII) S. 36°22'55" E. 870.00 feet; thence

(IX) S. 57°04'39" E. 481.04 feet; thence

(X) S. 35°33'54" E. 975.59 feet; thence

(XI) S. 27°56'37" E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19'51" E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28'50" W. 1052.14 feet; thence

(XIV) S. 61°28'35" W. 32.31 feet; thence

(XV) S. 11°28'50" W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28'50" E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27'40" W. 118.47 feet; thence

(II) N. 15°48'40" W. 120.51 feet; thence

(III) N. 77°53'00" E 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28'50" W. 183.10 feet to the point of beginning.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—

(1) IN GENERAL.—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

(2) APPLICABLE LAW.—All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

(A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) TERMINATION OF DESIGNATION.—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

SEC. 108. NOME HARBOR TECHNICAL CORRECTIONS. Section 101(a)(1) of Public Law 106–53 (the Water Resources Development Act of 1999) is amended by—

(1) striking "$25,651,000" and inserting in its place "$39,000,000"; and

(2) striking "$20,192,000" and inserting in its place "$33,541,000".

SEC. 109. Section 211 of the Water Resources Development Act of 2000, Public Law 106–541, is amended by adding the following language at the end of subsection (d):

"(e) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section.".

SEC. 110. Section 514(g) of the Water Resources Development Act of 1999, Public Law 106–53, is amended by striking "fiscal years 2000 and 2001" and inserting in lieu thereof "fiscal years 2000 through 2002".

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to modify the pump station intake structure and discharge line to preclude ice from interfering with pump operations at Fort Fairfield, Maine, flood control project: Provided, That all design and construction costs associated with the modifications of the Fort Fairfield, Maine, project shall be at Federal expense.

SEC. 112. CERRILLOS DAM, PUERTO RICO. The Secretary of the Army shall reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, carried out as part of the project for flood control, Portugues and Bucana Rivers, Puerto Rico.

SEC. 113. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE. Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking "(b) The Secretary" and inserting the following:

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary"; and

(3) by striking "The non-Federal share of the cost of any project under this section shall be 25 percent." and inserting the following:

"(2) COST SHARING.—

"(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

"(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

"(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.".

SEC. 114. The flood control project for the Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986, Public Law 99–662, as amended by section 301(a)(9) of the Water Resources Development Act of 1996, Public Law 104–33, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $18,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $4,500,000 less any credits allowed under applicable laws.

SEC. 115. Except for the historic scheduled maintenance dredging in the Delaware River, none of the funds appropriated in this Act shall be used to operate the dredge MCFARLAND other than for urgent dredging, emergencies and in support of national defense.

SEC. 116. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan. During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $762,531,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That $12,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, of which $1,000,000 shall be for remediation in the Central Basin Municipal Water District: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2001, and 2002" in lieu of "and 2001": Provided further, That of such funds, not more than $1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe-Pojoaque Regional Water System, New Mexico: Provided further, That the study shall be completed by September 30, 2002.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301–6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. SAN GABRIEL BASIN, CALIFORNIA. (a) ADMINISTRATION OF RESTORATION FUND.—Section 110(a)(2) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554) is amended by striking "the Secretary of the Army" and inserting "the Secretary of the Interior".

(b) PURPOSES OF RESTORATION FUND.—Section 110(a)(3)(A) of such Act is amended by striking clauses (i) and (ii) and inserting the following:

"(i) to provide grants to the San Gabriel Basin Water Quality Authority and the Central Basin Municipal Water District to reimburse such agencies for the Federal share of the costs associated with designing and constructing water quality projects to be administered by such agencies; and

"(ii) to provide grants to reimburse the San Gabriel Basin Water Quality Authority and the Central Basin Municipal Water District for the Federal share of the costs required to operate any project constructed under this section for a period not to exceed 10 years, following the initial date of operation of the project.".

(c) COST-SHARING LIMITATION.—Section 110(a)(3)(B) of such Act (114 Stat. 2763A–223) is amended by adding at the end the following:

"(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the San Gabriel Basin Water Quality Authority with the value of all prior expenditures by non-Federal interests made after February 11, 1993, that are compatible with the purposes of this section, including—

"(I) all expenditures made by non-Federal interests to design and construct water quality projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the water quality projects in compliance with applicable Federal and State laws; and

"(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a water quality project.".

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title

II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)).

SEC. 204. LOWER COLORADO RIVER BASIN DEVELOPMENT FUND. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on May 3, 2000, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)) is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 205. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 206. The Secretary of the Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than $6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of 15 years.

SEC. 207. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 208. None of the funds made available in this Act may be used by the Bureau of Reclamation (either directly or by making the funds available to an entity under a contract) for the issuance of permits for, or any other activity related to the management of, commercial rafting activities within the Auburn State Recreation Area, California, until the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 12151 et seq.) are met with respect to such commercial rafting activities.

SEC. 209. (a) Section 101(a)(6)(C) of the Water Resources Development Act of 1999, Public Law 106–53, is amended to read as follows:

"(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—

"(i) IN GENERAL.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and Reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam, and resulting in a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

"(ii) COST SHARING.—Seventy-five percent of the costs of the replacement water provided under clause (i) shall be paid for on a non-reimbursable basis by the Secretary of the Interior at Federal expense. The remaining 25 percent of such costs shall be provided by the Sacramento Area Flood Control Agency.

"(iii) LIMITATION.—To the extent that any funds in excess of the non-Federal share are provided by the Sacramento Area Flood Control Agency, the Secretary shall reimburse such non-Federal interests for such excess funds. Costs for replacement water may not exceed 125 percent of the current average market price for raw water, as determined by the Secretary of the Interior.".

(b) CONFORMING CHANGE.—Section 101(a)(1)(D)(ii) of the Water Resources Development Act of 1996, Public Law 104–303, is amended by striking "during" and all that follows through "thereafter".

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $666,726,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $236,372,000, to remain available until expended: Provided, That funding for the West Valley Demonstration Project shall be reduced in subsequent fiscal years to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary: (1) provides written notification to the Committees on Appropriations of the House of Representatives and the Senate that agreement has been reached with the State of New York on the final scope of Federal activities at the West Valley site and on the respective Federal and State cost shares for those activities; (2) submits a written copy of that agreement to the Committees on Appropriations of the House of Representatives and the Senate; and (3) provides a written certification that the Federal actions proposed in the agreement will be in full compliance with all relevant Federal statutes and are in the best interest of the Federal government.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $418,425,000, of which $299,641,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,233,100,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $95,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be

(1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $210,853,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $73,043,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $32,430,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 11 passenger motor vehicles for replacement only, $5,429,238,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $803,586,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $312,596,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,234,576,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $1,092,878,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $153,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $544,044,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2002, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,200,000 in reimbursements, to remain available until expended: Provided, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $171,938,000, to remain available until expended, of which $166,651,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,000,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and *representation expenses (not to exceed $3,000), $184,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $184,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $0: Provided further, That the Commission is authorized an additional 5 senior executive service positions.*

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas; and

(4) the Savannah River Plant, South Carolina.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)—

(1) by inserting "except as provided in subsection (c)," after "1321–349),"; and

(2) by striking "fiscal year 2002" and inserting "fiscal year 2005".

SEC. 312. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK. No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, $10,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $38,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $473,520,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $43,380,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce any part of 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except those parts which establish training and experience requirements for persons seeking licensing as authorized users, until such time as the Commission has reexamined 10 C.F.R. Part 35 and provided a report to the Congress which explains why the burden imposed by 10 C.F.R. Part 35 could not be further reduced.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended,

$6,180,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,933,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $247,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,100,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations

SEC. 503. The Secretary of the Army shall conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided, That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2002".

And the Senate agree to the same.

SONNY CALLAHAN,
HAROLD ROGERS,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ROGER F. WICKER,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
BILL YOUNG,
PETER J. VISCLOSKY,
ED PASTOR,
JAMES E. CLYBURN,
LUCILLE ROYBAL-ALLARD,
Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TOM HARKIN,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 107–112 and Senate Report 107–39 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the statement of the managers, and Senate report language which is not contradicted by the report of the House or the statement of the managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

INTRODUCTION

RESPONSE TO TERRORISM

The conferees commend the personnel of the agencies funded in this bill for their dedication and professionalism in their response to the heinous and cowardly terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

The Army Corps of Engineers had a very prominent role in crisis response, engineering assessment, and recovery at the attack sites. The conferees believe that this disaster has again shown the wisdom of the current structure and alignment of the Corps of Engineers within the Department of Defense. The conferees continue to expect the Congress to be fully consulted before any proposed changes affecting the Corps or the unique role of the Chief of Engineers are implemented.

The Department of Energy redoubled efforts to maximize and ensure absolute security of our Nation's nuclear weapons, nuclear materials, and critical scientific and weapons infrastructure. In a quiet, unheralded manner the professionals throughout the country at the Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation have spent much time and personal effort to ensure the safety of many of the Nation's critical water resources. The Nuclear Regulatory Commission remains vigilant about security at the nation's commercial nuclear power reactors. The conferees note that both Federal and contractor employees have made significant contributions at sometimes great personal sacrifice on behalf of our Nation, and we are grateful for their efforts.

The conferees are aware that a number of requirements have surfaced since the terrorist attacks to address the cost of improved security at facilities funded in this bill. These requirements are evolving and are expected to be addressed within the $40 billion emergency supplemental appropriation that the Congress provided immediately following the terrorist attack. If additional requirements are identified during the year, the conferees expect each agency to follow normal reprogramming procedures to address those requirements. For the Corps of Engineers Operation and Maintenance, General, account, the Corps of Engineers shall submit to the House and Senate Committees for approval, any reprogramming of funds directly related to enhanced security at its projects. If all known enhanced security requirements cannot be fully met through fiscal year 2002 appropriations, the conferees direct that each agency in this bill budget for any such remaining costs in the fiscal year 2003 budget submission to Congress. The conferees direct the Secretaries of the Army, Energy, and Interior to each submit a report to the Appropriations Committees of Congress by February 15, 2002 which specifically identifies in detail all known physical security requirements that have surfaced since the terrorist attacks, and the degree to which each has been met through fiscal year 2002 appropriations and the fiscal year 2003 budget request.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates $154,350,000 for General Investigations instead of $163,260,000 as proposed by the House and $152,402,000 as proposed by the Senate.

The conferees have agreed to provide $350,000 for the Corps of Engineers to initiate and complete a reconnaissance study to evaluate environmental restoration, recreation, and related purposes for the Middle Rio Grande, Bosque, New Mexico. The conferees are aware of the unique nature of this study and encourage the Corps of Engineers to establish a regional inter-agency and inter-state steering committee to leverage lessons learned from the Rio Salado, Phoenix and Tempe Reaches, Arizona, and Tres Rio, Arizona, environmental restoration projects as well as experience from within the agency.

The conference agreement includes $1,200,000 for the Upper Trinity River Basin, Texas, project as proposed by the House and the Senate. The additional amount provided will allow for completion of the Dallas Floodway and Stemmons North Industrial Corridor studies, for continuation of studies on the Clear and West Forks of the Trinity River including the evaluation of existing flood control improvements and the identification of additional measures at their confluence needed to protect the urban center of Fort Worth, and the Big Fossil Creek Watershed, and for initiation of a new study.

The conferees have provided $100,000 for the Corps of Engineers to address the historic flooding problem at the Sparks Arroyo Colonia in El Paso County, Texas.

The conferees have provided $100,000 for the Nueces River and Tributaries, Texas, project for a reconnaissance study of recharge structures located on the Edwards Aquifer Recharge Zone in the Nueces River Basin.

Within the amount provided for Flood Plain Management Services, $100,000 is to update a flood plain study for Tripps Run in the City of Falls Church, Virginia. In addition, the amount provided for Flood Plain Management Services includes $1,300,000 for the development of a Foundational Floodplain Management Geographic Information System for East Baton Rouge Parish, Louisiana, containing essential graphic and nongraphic detailed databases.

Within the amount provided for the Planning Assistance to States Program, $50,000 is for the preparation of a Comprehensive Drainage Basin Plan for Francis Bland Floodway Ditch (Eight Mile Creek) and tributaries in the vicinity of Paragould, Arkansas, and $100,000 is for the Corps of Engineers to provide planning assistance to develop a master plan for Elk Creek Lake in Fleming County, Kentucky. In addition, the conferees urge the Corps of Engineers to initiate an investigation of the streambank erosion problems in the East Baton Rouge Parish Canal in Baker, Louisiana, and desalinization efforts at Tularosa Basin in Alamogordo, New Mexico. The amount provided for the Planning Assistance to States program also includes $150,000 for the Corps of Engineers to provide planning assistance to the Choctawhatchee, Pea, and Yellow Rivers Watershed Management Authority. The conferees have also included $400,000 for the Corps of Engineers to conduct, at full Federal expense as required by section 1156 of Public Law 99-662, a review of plans developed by the Commonwealth of the Northern Mariana Islands for improvements to its water infrastructure in order to prepare a report for transmission to Congress that could be used as the basis for an authorization for the Federal government to assist the Commonwealth of the Northern Mariana Islands with those improvements.

The conference agreement includes $29,300,000 for Research and Development. Within the amount provided, $4,100,000 is to continue the National Shoreline Erosion Control Development and Demonstration Program authorized by section 227 of the Water Resources Development Act of 1996, including $1,300,000 for the Corps of Engineers to demonstrate the effectiveness of erosion control systems consisting of permeable groins installed perpendicular to the shoreline which reduce wave and current energy allowing a portion of the sediment load to fall out of suspension at Gulf State Park in Gulf Shores, Alabama, and $800,000 to continue the research being conducted at Allegan County, Michigan, in cooperation with Western Michigan University. In addition, the conferees encourage the Corps of Engineers to fully investigate the use of electro-osmotic-pulse technologies at facilities where chronic water seepage and floods are problematic. The conferees urge the Corps of Engineers to test the effectiveness of the Aqua Levee Emergency Flood Control System, and report back to the House and Senate Committees on Appropriations on the feasibility of deploying this emergency flood control system for use in fighting floods. The amount provided for Research and Development also includes $300,000 for the Corps of Engineers to prepare an implementation plan and complete a detailed project design for the Seabrook Harbor, New Hampshire, Demonstration Project under the authority of section 227 of the Water Resources Development Act of 1996.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to continue preconstruction engineering and design of the Murrieta Creek, California, project in accordance with the cost sharing established in Public Law 106-377. The language has been amended to delete the dollar amount; however, the conference agreement includes $1,000,000 for the project as proposed by the House.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefer Slough Flood Control Project in Butte County, California. The language has been amended to delete the dollar amount; however, the conference agreement includes $200,000 for the project as proposed by the House and the Senate.

The conference agreement includes language proposed by the House regarding the Southwest Valley Flood Damage Reduction Study in New Mexico which directs the Corps of Engineers to include in the study an evaluation of flood reduction measures that would otherwise be excluded based on policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality, and other purposes in Tuscaloosa County, Alabama. The language has been amended to delete the dollar amount; however, the conference agreement includes $100,000 for the study as proposed by the Senate.

The conferees have included language in the bill which directs the Corps of Engineers to conduct a comprehensive watershed study to provide a framework for implementing activities to improve the environmental quality of the Lake Tahoe Basin in Nevada and California.

The conference agreement includes language which amends the Consolidated Appropriations Act, 2001, to provide that funds for the Lower St. Anthony Falls, Minnesota, project may be used for planning, engineering and design activities.

The conference agreement deletes bill language proposed by the Senate providing $500,000 for the Port of Iberia, Louisiana, study. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes bill language proposed by the Senate providing $100,000 for a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the Lower Susquehanna River. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes bill language proposed by the Senate providing $300,000 for the North Georgia Water Planning District Watershed study in Georgia. Funds for this project have been included in the overall amount appropriated for General Investigations.

The conference agreement deletes language proposed by the Senate regarding drilling for oil or gas in the Great Lakes. This matter has been addressed in Title V, General Provisions.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,715,951,000 for Construction, General instead of $1,671,854,000 as proposed by the House and $1,570,798,000 as proposed by the Senate.

The conference agreement includes $2,000,000 for the St. Johns County, Florida, project. The conferees are aware that additional funds may be required in fiscal year 2002 to complete this project. Therefore, the Corps of Engineers is urged to transfer up to an additional $9,000,000 from available funds as necessary to complete this project. The conferees approve of this procedure and direct the Corps of Engineers to take all steps necessary to complete this project.

The conference agreement includes $40,000,000 for the Olmsted Locks and Dam project. The conferees agree that none of the funds are to be used to reimburse the Claims and Judgment Fund.

The conferees have provided $13,000,000 for the Inner Harbor Navigation Canal Lock project in Louisiana. While the conferees continue to support the renovation of the 80-year old locks in the Inner Harbor Navigation Canal, they are aware of recent allegations regarding potential adverse impacts of the project on vehicular traffic crossing the canal and direct the Corps of Engineers to work with the Old Arabi Neighborhood Association, Regional Planning Commission, St. Bernard Parish, the Louisiana Department of Transportation and Development, and the U.S. Coast Guard to determine if the project will cause vehicular traffic problems and on solutions to any confirmed problems.

The conference agreement includes $950,000 for the Chesapeake Bay Environmental Restoration and Protection program, including $200,000 for the Taylors Island marsh creation and shoreline protection project, and $750,000 for upgrades to the Smith Island wastewater treatment plant.

The conference agreement includes $4,000,000 for the Northeastern Minnesota Environmental Infrastructure program, including $250,000 to assist the City of Biwabik, Minnesota, with its sewer and water utility reconstruction along 7th and 8th avenues.

The conference agreement includes $500,000 for the Rural Montana project. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Helena, Laurel, and Conrad, Montana.

The conferees are aware of the urgent need to facilitate efficient construction of improvements for New York and New Jersey Harbor to meet the needs of navigation interests and save significant Federal and non-Federal resources. Therefore, the conferees direct the Secretary of the Army to combine the previously authorized Arthur Kill Channel, Howland Hook Marine Terminal, New York and New Jersey, project; the Kill Van

Kull and Newark Bay Channel, New York and New Jersey, project; the New York and Adjacent Channels, Port Jersey Channel, New Jersey, project; and the New York and New Jersey Harbor, New York and New Jersey, project into a single project designated the New York and New Jersey Harbor, New York and New Jersey, project. The conferees have combined the Construction, General and General Investigations budget amounts for these projects and provided $88,500,000 for the New York and New Jersey Harbor project. The Secretary of the Army is directed to use these funds to continue construction of the combined New York and New Jersey Harbor project to the depths authorized in the Water Resources Development Act of 2000.

The conferees have provided $8,000,000 to continue the Rural Nevada project. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Mesquite, Silver Springs, Lawton-Verdi, Moapa, Elko County, McGill, and Boulder City, Nevada.

The conference agreement includes $3,000,000 for the Mill Creek, Ohio, project as proposed by the House and the Senate. The additional funds provided above the budget request are to be used to accelerate completion of the General Reevaluation Report and develop an early warning system to alert businesses and residents in the watershed of possible floods.

The conference agreement includes $3,000,000 for the Ohio Environmental Infrastructure program. The amount provided includes $1,500,000 to assist the City of Springfield, Ohio, with its wastewater treatment and sewer improvement needs.

The conference agreement includes $10,000,000 for the South Central Pennsylvania Environmental Improvement Program. These funds are available to carry out improvements in Armstrong, Cambria, Indiana, Fayette, Somerset, and Westmoreland Counties in Pennsylvania.

The conference agreement includes $500,000 for the Corps of Engineers to complete preconstruction engineering and design of the Goshen Dam, Virginia, project. The conferees agree that upon completion of preconstruction engineering and design, the Corps of Engineers may initiate construction of the project using available funds.

The conferees have provided an additional $500,000 for the Mud Mountain Dam, White River, Washington, project for the design of fish passage facilities.

The conference agreement includes a total of $41,100,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. The amount provided includes funds for the individual project elements as described in the House and Senate reports.

The conference agreement includes $4,000,000 for the Aquatic Plant Control Program. With the funds provided, the Corps of Engineers is directed to undertake the projects listed in the House and Senate reports. The amount provided for the removal of aquatic weeds in the Lavaca and Navidad Rivers in Texas is $300,000.

The conferees direct the Corps of Engineers to undertake the projects listed in the House and Senate reports and any additional projects described below for the various continuing authorities programs. For those projects in the continuing authorities program that are named in both the House and Senate reports, the conferees direct the Corps of Engineers to use the higher of the two reports funding recommendation for that project. The recommended funding levels for these programs are as follows: Section 206—$20,000,000; Section 204—$1,500,000; Section 14—$9,000,000; Section 205—$40,000,000; Section 111—$1,470,000; Section 107—$15,000,000; Section 1135—$20,400,000; Section 103—$5,000,000; and Section 208—$1,000,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the intent of the conferees that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program.

The amount provided for the Section 1135 program does not include funds for the Garrows Bend Restoration project in Mobile, Alabama. That project has been funded in the Operation and Maintenance account. The amount provided for the Section 1135 program includes $250,000 for a feasibility study of restoration activities at Horseshoe Lake, Arkansas, and $400,000 for the Tunica Lake Weir, Mississippi, project.

The amount provided for the Section 206 program includes $100,000 for the Milford Pond restoration project in Massachusetts; $10,000 for the Borough of Fair Haven, Monmouth County, New Jersey, project; and $10,000 for the Grover's Mill Pond, Township of West Windsor, Mercer County, New Jersey, project. Funds are not included for the Lake Weamaconk, New York, project and the Oak Orchard Creek and Tonawanda Creek Watersheds, New York, project. As part of the fiscal year 2001 appropriations process, the Secretary of the Army was directed to reimburse the East Bay Municipal Utility District for expenses at Penn Mine located in Calaveras County, California. The conferees have learned that reimbursement has not occurred as required. The conferees direct the Secretary to reimburse the East Bay Municipal Utility District $4,100,000 from funds previously appropriated under the Section 206 program for costs incurred at Penn Mine for work carried out by East Bay Municipal Utility District for the project. Such amounts shall be made available to the East Bay Municipal Utility District not later than 60 days after the date of enactment of this Act.

The amount provided for the Section 205 program includes $424,000 for the Sumava, Indiana, project and $1,000,000 for the Deer Creek, Illinois, project. In addition, the conferees urge the Corps of Engineers to proceed with design of the Mad Creek flood control project in Iowa.

The amount provided for the Section 111 program includes $170,000 for the Dauphin Island, Alabama, project.

The amount provided for the Section 107 program includes $3,000,000 for the Lake Shore State Park, Wisconsin, project.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: San Timoteo Creek (Santa Ana River Mainstem), California, $8,000,000; Indianapolis Central Waterfront, Indiana, $9,000,000; Southern and Eastern Kentucky, $4,000,000; Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Floyd County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $15,450,000; and the Lower Mingo County (Kermit), Upper Mingo County (including County Tributaries), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $5,900,000.

The conference agreement deletes language proposed by the House regarding the San Gabriel Basin Restoration Fund project. Funds for this project are included in the Bureau of Reclamation's Water and Related Resources account.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to modify the Carr Creek Lake, Kentucky, project to provide additional water supply storage for the Upper Kentucky River Basin.

The conferees have included language proposed by the House directing the Corps of Engineers to undertake design deficiency repairs to the Bois Brule Drainage and Levee District, Missouri, project with cost sharing consistent with the original project authorization and to increase the authorized level of protection of the Bois Brule Drainage and Levee District, Missouri, project from 50 to 100 years.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to conduct technical studies of individual ditch systems identified by the State of Hawaii and to assist the State in diversification by helping define the cost of repairing and maintaining selected ditch systems. The conference agreement also includes language proposed by the Senate which directs the Corps of Engineers to use $1,300,000 to continue construction of the Kaumalapau Harbor, Hawaii, project.

The conferees have agreed to include language proposed by the Senate regarding the Brunswick County Beaches, North Carolina, project. The language has been amended to direct the Corps of Engineers to continue preparation of a General Reevaluation Report for the Oak Island, Caswell Beach, and Holden Beach segments of the project.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to undertake the Bowie County Levee, Texas, project.

The conferees have included language proposed by the Senate directing the Corps of Engineers to use $4,000,000 of the funds provided for the Dam Safety and Seepage/Stability Correction program to continue construction of seepage control features at Waterbury Dam, Vermont.

The conference agreement includes language directing the Corps of Engineers to complete the Aloha-Rigolette, Louisiana, project.

The conference agreement includes language directing the Corps of Engineers to proceed with the Shoalwater Bay Shoreline, Washington, project.

The conferees have agreed to include language in the bill directing the Corps of Engineers to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in Dulce, New Mexico.

The conference agreement includes language which directs the Corps of Engineers to proceed with the Missouri River Restoration project and which provides that erosion control measures implemented shall be primarily through nonstructural means such as planting of native vegetation, bugger strips, conservation easements, setbacks, and agricultural best management practices.

The conference agreement includes language directing the Corps of Engineers to construct the Dallas Floodway Extension, Texas, project in accordance with the Chief of Engineers report dated December 7, 1999.

The conferees have included language in the bill extending by one year the due date for a progress report required by the Consolidated Appropriations Act, 2001, on implementing a program of environmental infrastructure improvements in northern Wisconsin.

The conference agreement includes language directing the Corps of Engineers to use funds previously appropriated for the Salyersville, Kentucky, project to construct additional recreation improvements at the Buckhorn Lake, Kentucky, project.

The conference agreement includes language directing the Corps of Engineers to initiate construction of the Seward Harbor, Alaska, project in accordance with the Report of the Chief of Engineers dated June 8, 1999.

The conferees have included language directing the Corps of Engineers to use previously appropriated funds to reimburse the City of Venice, Florida, for work accomplished by the City as part of the Sarasota County, Florida, project.

The conference agreement includes language directing the Corps of Engineers to undertake emergency bank protection measures at Lakeshore Park in Knoxville, Tennessee.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to continue the Dickenson County, Virginia, Detailed Project Report.

The conferees have included language proposed by the Senate providing that the non-Federal sponsor for the Lebanon, New Hampshire, project shall receive credit toward the non-Federal cost of the project for work performed before execution of the project cooperation agreement.

The conference agreement includes language proposed by the House under Operation and Maintenance regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. The Senate had proposed similar language under General Provisions, Corps of Engineers—Civil.

The conference agreement deletes language proposed by the Senate regarding the Horseshoe Lake, Arkansas, project. Funds for this project have been included within the amount provided for the Section 1135 program.

The conference agreement deletes language proposed by the Senate providing funds for the Red River Emergency Bank Protection, Arkansas, project. The amount appropriated for Construction, General includes $3,000,000 for this project.

The conference agreement deletes language proposed by the Senate regarding the Embrey Dam, Virginia, project. Funds for this project have been included in the amount appropriated for Construction, General.

The conferees direct that $2,000,000 of the funds provided in the Consolidated Appropriations Act, 2001, for the Abandoned and Inactive Noncoal Mine Restoration Program shall be provided for clean-up activities in Nevada.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $345,992,000 for Flood Control, Mississippi River and Tributaries, instead of $347,655,000 as proposed by the House and $328,011,000 as proposed by the Senate.

The conference agreement includes $45,000,000 for the Channel Improvement construction program. The amount provided includes $500,000 to initiate dike construction at Keyes Point, Arkansas; Kate Aubrey, Arkansas; and Ashport-Goldust, Arkansas and Tennessee.

The conference agreement includes $49,547,000 for the Mississippi River Levees construction program. The amount provided includes $4,100,000 to construct improvements in the vicinity of New Madrid, Missouri, as described in the House Report. In addition, the conferees have included $600,000 for the Corps of Engineers to prepare a design and cost estimate for the Lower Mississippi River Museum and Riverfront Interpretive Site at Vicksburg, Mississippi, generally in accordance with the conceptual plan prepared by the City of Vicksburg, as authorized by the Water Resources Development Act of 1992, and amended by the Water Resources Development Act of 2000.

The conference agreement includes $12,000,000 to continue construction of the Grand Prairie project in Arkansas, including construction of features to withdraw water from the White River. The conferees are aware that the irrigation district that would be the local sponsor for this project has not yet been formed. Formation of the district would be a significant step in advancing this project.

The conferees have provided $25,400,000 for the Atchafalaya Basin project and direct the Corps of Engineers to use these funds for the Bayou Yokely pumping station and other projects within the basin. Further, the conferees restrict funds from being used on any action that would decrease the water quality on Bayou Lafourche until water quality experts responsible for municipal water supplies from the bayou support these project elements.

The conferees recognize that the realization of benefits derived from the Atchafalaya Basin Floodway System project is dependent upon the continuation of construction engineering and design work for water management and recreational features of the Myette Point, Buffalo Cove, and Flat Lake elements. The Corps of Engineers is directed to continue work on these components.

The conference agreement includes language directing the Corps of Engineers to convey certain real property to the Board of Mississippi Levee Commissioners.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,874,803,000 for Operation and Maintenance, General instead of $1,864,464,000 as proposed by the House and $1,833,263,000 as proposed by the Senate.

The conference agreement includes $29,600,000 for the Mobile Harbor, Alabama, project. The amount provided includes $5,000,000 for the Corps of Engineers to remove, transport, dispose, and remediate sediments in the Arlington Channel and in the Garrows Bend Channel in Mobile Harbor, Alabama, and in areas adjacent to these Federal navigation channels. The conferees have included language in the bill directing the Corps of Engineers to proceed with this work.

The conference agreement includes $1,000,000 above the budget request for the St. Mary's River, Michigan, project for additional dredging of the lower St. Mary's River.

The conferees have provided $9,911,000 for the Garrison Dam, Lake Sakakawea, North Dakota, project, an increase of $800,000 over the budget request. The additional funds are provided for maintenance and upgrading of recreational facilities and for mosquito control in Williston, North Dakota.

Of the amount provided for the Delaware River, Philadelphia to the Sea, project, $2,000,000 is for the Corps of Engineers to continue construction of facilities to control erosion of the shoreline in the vicinity of Pea Patch Island located in the Delaware River east of Delaware City, Delaware.

The conferees direct the Corps of Engineers to use the funds provided above the budget request for the Francis E. Walter Dam, Pennsylvania, project to conduct a road relocation study at the dam.

The amounts provided above the budget request for the Little Goose Lock and Dam, Washington; The Dalles Lock and Dam, Oregon and Washington; Bonneville Lock and Dam, Oregon and Washington; and John Day Lock and Dam, Oregon and Washington, projects are to fund new requirements implementing the Federal Columbia River Power System biological opinion.

Pursuant to Public Law 105–104 and Public Law 105–105, the States of Alabama, Florida, and Georgia have been engaged in negotiations since 1997 over the reallocation of water storage in Federal reservoirs operated by the Corps of Engineers in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallaposa River Basins. The conferees understand that the States may be close to reaching an agreement on new allocation formulas that will reallocate storage at the Federal reservoirs located on these river basins. The conferees recognize that these projects were constructed pursuant to Acts of Congress which prescribed how the reservoirs shall operate. The conferees therefore request that the Corps report to the House and Senate Committees on Appropriations on how the Corps will account for hydropower benefits lost as a result of the new allocation formulas.

The conference agreement includes $5,000,000 for the transfer of the Fox River project in Wisconsin to the State of Wisconsin. The conferees are aware that additional funds will be required to complete the transfer, and urge the Corps of Engineers to reprogram the necessary funds in fiscal year 2002. If the transfer cannot be completed in fiscal year 2002, it is the intent of the conferees to provide the additional funds in fiscal year 2003 for this effort.

The conferees are aware of the lead-time required to repair and rehabilitate recreational facilities for the upcoming Lewis and Clark Bicentennial Commemoration. Therefore, the Corps of Engineers may, within available funds, perform maintenance and repair of these facilities as is considered necessary to accommodate the anticipated visitor population.

The conference agreement includes language proposed by the House directing the Corps of Engineers to perform cultural resource mitigation and recreation improvements at Waco Lake, Texas. The language has been amended to delete the dollar amount; however, the conference agreement includes $1,500,000 for this project as proposed by the House.

The conferees have included language proposed by the House which directs the Corps of Engineers to grade the basin within the Hansen Dam feature of the Los Angeles County Drainage Area, California, project to enhance and maintain flood control and provide for future use of the basin for compatible purposes consistent with the Master Plan. The language has been amended to delete the dollar amount; however, the conference agreement includes $2,000,000 for this work as proposed by the House.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to investigate the development of an upland disposal site recycling program. The language has been amended so that the following projects are to be included in this program: Black Warrior and Tombigbee Rivers; Alabama—Coosa Rivers; and Mobile River. The language has been amended to delete the dollar amount; however, the conference agreement includes $1,000,000 for the work as proposed by the House.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to reimburse the State of Delaware for operation and maintenance costs incurred by the State for the SR1 Bridge over the Chesapeake and Delaware Canal.

The conferees have included language proposed by the Senate directing the Corps of Engineers to remove and reinstall the docks and causeway at Astoria East Boat Basin in Oregon. The language has been amended to also direct the Corps of Engineers to continue the breakwater repairs at the project. The language has also been amended to delete the dollar amount; however, the conference agreement includes $3,000,000 for this work.

The conferees have included language proposed by the Senate directing the Corps of Engineers to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia. The language has been amended to delete the dollar amount; however, the conference agreement includes $2,000,000 for this project as proposed by the Senate.

The conference agreement includes language proposed by the Senate which provides for the development of a long-term dredged material management plan for the Apalachicola, Chattahoochee, and Flint Rivers project. The language has been amended to provide that $4,900,000 shall be available for the dredged material management plan and the $8,000,000 shall be available for operation and maintenance of the project.

The conference agreement deletes language proposed by the House regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. This language has been included under the Construction, General account.

The conference agreement deletes language proposed by the Senate providing funds for a study of the best use of sand dredged from Morehead City Harbor, North Carolina, and providing funds for dredging of the Sagamore Creek Channel in New Hampshire. Funds for these projects have been provided in the amount appropriated for Operation and Maintenance, General.

The conference agreement deletes language proposed by the Senate providing funds for activities related to selection of a permanent disposal site for environmentally sound dredged material from projects in the State of Rhode Island. Funds for this work are included in the amount provided for the Providence River and Harbor project.

The conferees agree that centralized management of project funds is efficient and is allowed under current guidelines for certain activities. These activities include but are not limited to the program development system known as the Automated Budget System; the National Recreation Reservation System; the provision of uniforms for those required to wear them; the Volunteer Clearinghouse; the Water Safety Program; the transition from government-owned/contractor-operated to private ownership and operation of the SHOALS system; and the Sign Standards Program. The conferees direct the Corps of Engineers to disclose the costs of these activities in its budget justifications.

FLOOD CONTROL AND COASTAL EMERGENCIES

(RESCISSION)

The conferees have agreed to rescind $25,000,000 of the $50,000,000 appropriated in Public Law 107-20 for Flood Control and Coastal Emergencies. Corps of Engineers requirements under this program have been less than anticipated.

REGULATORY PROGRAM

The conference agreement appropriates $127,000,000 for the Regulatory Program instead of $128,000,000 as proposed by the House and the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House and the Senate.

REVOLVING FUND

The conferees have learned that the Corps of Engineers is considering a proposal to finance a major new software development from the assets of the Revolving Fund. This Fund was established in 1953 to acquire plant and equipment that would be utilized by more than one project. The conferees have noted that in recent years the Fund has been used to acquire and develop automation systems and have from time to time expressed concern with this use of the Fund. Before the conferees will concur in further use of the Fund in this manner, the Corps is directed to present appropriate justification to the House and Senate Appropriations Subcommittees on Energy and Water Development. This justification must include an appropriate and complete economic analysis.

GENERAL EXPENSES

The conference agreement appropriates $153,000,000 for General Expenses as proposed by the House and the Senate. The conference agreement includes language proposed by the House which prohibits the use of funds to support a congressional affairs office within the executive office of the Chief of Engineers.

GENERAL PROVISIONS

CORPS OF ENGINEERS-CIVIL

Section 101. The conference agreement includes language proposed by the House directing the Secretary of the Army to transfer property at Tuttle Creek Lake, Kansas, to the Blue Township Fire District, Blue Township, Kansas.

Section 102. The conference agreement includes language proposed by the House which directs the Secretary of the Army to carry out shore protection projects in accordance with the cost sharing provisions contained in existing project cooperation agreements with an amendment to include the text of section 111 of the Senate bill which provides that the Secretary of the Army may not accept or solicit non-Federal contributions for shore protection projects in excess of the minimum requirements established by law.

Section 103. The conference agreement includes language proposed by the Senate which places a limit on credits and reimbursements allowable per project and annually.

Section 104. The conference agreement includes language proposed by the Senate which directs that none of the funds made available in fiscal year 2002 may used to carry out any activity related to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay.

Section 105. The conference agreement includes language proposed by the Senate which provides that the non-Federal sponsor for the Lava Hot Springs Restoration project in Idaho shall receive credit for lands, easements, relocations, rights-of-way, and disposal areas acquired before execution of the project cooperation agreement.

Section 106. The conference agreement includes language proposed by the Senate amending the authorization for the Guadalupe River, California, project.

Section 107. The conference agreement includes language proposed by the Senate regarding a designation of nonnavigability for portions of Gloucester County, New Jersey.

Section 108. The conference agreement includes language proposed by the Senate making technical corrections to the authorization for the Nome Harbor, Alaska, project.

Section 109. The conference agreement includes language proposed by the Senate which amends section 211 of the Water Resources Development Act of 2000. The language has been amended to make a technical correction.

Section 110. The conference agreement includes language proposed by the Senate which extends the authorization for appropriations for the Missouri and Middle Mississippi Rivers Enhancement Project by one year.

Section 111. The conference agreement amends language proposed by the Senate regarding the correction of a design deficiency for the Fort Fairfield, Maine, project.

Section 112. The conference agreement includes language proposed by the Senate directing the Secretary of the Army to reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam project in Puerto Rico.

Section 113. The conference agreement includes language proposed by the Senate amending the cost sharing provisions of section 704 of the Water Resources Development Act of 1986.

Section 114. The conference agreement includes language amending the authorization for the Ramapo River at Oakland, New Jersey, project.

Section 115. The conference agreement includes language proposed by the House regarding the use of the dredge McFARLAND. The provision has been amended by deleting the reference to placing the dredge in the active ready reserve. The conferees agree that this limitation on the use of the McFARLAND should not be considered a precedent for any other Corps of Engineers dredge, especially any dredge operating in the ports and harbors of the Northwest, where fewer commercial dredges are available and travel times to move dredges to that part of country are longer than on the east and gulf coasts. The conferees direct the General Accounting Office to conduct an economic and technical study to evaluate the benefits and impacts of the minimum dredge fleet. The study shall include an assessment on the capability and capacity of the private dredging industry to effectively respond to and accomplish the unique work the dredge McFARLAND has historically performed, with the viewpoints of all stakeholders included. The conferees expect the study to be completed within 180 days and the results transmitted to the authorization and appropriations committees.

Section 116. The conference agreement includes language proposed by the Senate regarding revisions to the Missouri River Master Water Control Manual.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House regarding the San Gabriel Basin Restoration Project in California. This matter has been addressed in Title II.

The conference agreement does not include language proposed by the House regarding revisions to the Missouri River Master Water Control Manual.

The conference agreement deletes language proposed by the Senate regarding funding for the Demonstration Erosion Control project in Mississippi, and the Perry Lake, Kansas, project. Funding for those projects is included in the amounts appropriated for Flood Control, Mississippi River and Tributaries, and Operation and Maintenance, General, respectively.

The conference agreement deletes language proposed by the Senate regarding the Mad Creek flood control project, which has been funded within the amount provided for the section 205 program under Construction, General.

The conference agreement deletes language proposed by the Senate regarding dredging of the McClellan-Kerr Arkansas River Navigation Project. The conferees agree that the Corps of Engineers should undertake advance maintenance of the project when appropriate to facilitate the movement of commercial navigation traffic.

The conference agreement deletes language proposed by the Senate regarding the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project. This matter has been addressed under Construction, General.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	300	---	300	---
BALDWIN COUNTY SHORE PROTECTION, AL	100	---	100	---
BALDWIN COUNTY WATERSHEDS, AL	50	---	50	---
BAYOU LA BATRE, AL	50	---	50	---
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	300	---	---	---
BREWTON AND EAST BREWTON, AL	50	---	50	---
CAHABA RIVER WATERSHED, AL	160	---	160	---
DOG RIVER, AL	250	---	250	---
LUBBUB CREEK, AL	50	---	50	---
SPRING CREEK, TUSCUMBIA, AL	---	---	100	---
TUSCALOOSA, AL	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	---	100	---	100
ANIAK HARBOR, AK	---	---	100	---
ANCHOR POINT HARBOR, AK	50	---	50	---
ANCHORAGE HARBOR DEEPENING, AK	100	---	500	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	100	---	250	---
CHANDALAR RIVER WATERSHED, VENETIE INDIAN, AK	50	---	50	---
CHENA RIVER WATERSHED, AK	100	---	100	100
CRAIG HARBOR, AK	50	---	50	---
DELONG MOUNTAIN HARBOR, AK	200	---	500	---
DOUGLAS HARBOR EXPANSION, AK	---	100	---	100
FALSE PASS HARBOR, AK	---	100	---	313
FIRE ISLAND CAUSEWAY, AK	---	---	100	---
HAINES HARBOR, AK	150	---	---	165
HARDING LAKE WATERSHED, AK	50	---	100	---

KENAI RIVER BLUFF EROSION, AK	---	---	500	---
KETCHIKAN HARBOR, AK	50	---	100	---
KOTZEBUE SMALL BOAT HARBOR, AK	50	---	100	---
LITTLE DIOMEDE HARBOR, AK	50	---	150	---
MEKORYUK HARBOR, AK	50	---	100	---
MATANUSKA REOSION CONTROL, AK	---	---	100	---
PERRYVILLE HARBOR, AK	40	---	150	---
PORT LIONS HARBOR, AK	96	---	150	---
QUINHAGAK HARBOR, AK	50	---	50	---
SAINT GEORGE NAVIGATION IMPROVEMENTS, AK	50	---	150	---
SHIP CREEK WATERSHED, AK	50	---	50	100
SITKA HARBOR, AK	50	---	200	---
SKAGWAY HARBOR MODIFICATION, AK	138	---	138	---
SKAGWAY RIVER FLOOD CONTROL	---	---	100	---
UNALAKLEET HARBOR, AK	50	---	50	---
UNALASKA HARBOR, AK	---	226	---	226
VALDEZ HARBOR EXPANSION, AK	---	150	---	150
WHITTIER BREAKWATER, AK	150	---	150	---
AMERICAN SAMOA				
TUTUILA HARBOR, AS	124	---	124	---
ARIZONA				
AGUA FRIA RIVER, AZ	---	---	100	---
COLONIAS ALONG THE US - MEXICO BORDER, AZ	---	---	---	100
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ	143	---	143	---
LITTLE COLORADO RIVER, AZ	100	---	100	---
PIMA COUNTY, AZ	400	---	400	---
RILLITO RIVER, PIMA COUNTY, AZ	200	---	410	---
RIO DE FLAG, FLAGSTAFF, AZ	---	230	---	750
RIO SALADO ESTE, AZ	100	---	100	---
RIO SALADO OESTE, SALT RIVER, AZ	300	---	300	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	100	---	300	---
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	300	---	400	---
TRES RIOS, AZ	---	270	---	1,500

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
TUCSON DRAINAGE AREA, AZ.............................	---	208	---	410
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ..	100	---	400	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR.............................	---	187	---	187
ARKANSAS RIVER NAVIGATION STUDY, AR & OK..............	1,200	---	1,200	---
MAY BRANCH, FORT SMITH, AR............................	---	200	---	200
NORTH LITTLE ROCK, DARK HOLLOW, AR....................	---	400	---	500
PINE MOUNTAIN DAM, AR.................................	---	---	---	200
RED RIVER WATERWAY, AR, LA, OK, TX....................	---	---	100	---
RED RIVER NAVIGATION STUDY, SOUTHWEST ARKANSAS, AR....	450	---	500	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO..............	581	---	581	---
WHITE RIVER MINIMUM FLOWS, AR.........................	213	---	363	---
WHITE RIVER NAVIGATION, AR............................	---	---	169	---
CALIFORNIA				
ALISO CREEK MAINSTEM, CA..............................	50	---	200	---
AMERICAN RIVER WATERSHED, CA..........................	---	2,000	---	2,600
ARANA GULCH WATERSHED, CA.............................	---	---	100	---
ARROYO PASAJERO, CA...................................	---	20	---	20
ARROYO PASAJERO, CA...................................	318	---	480	---
ARROYO SECO WATERSHED, CA.............................	---	---	100	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA...............	---	---	100	---
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA..............	---	300	---	750
COYOTE DAM, CA..	---	---	100	---
CITY OF SAN BERNARDINO, CA............................	---	---	250	---
CITY OF SANTA CLARITA, CA.............................	---	---	100	---
CITY OF WESTMINSTER FLOOD CONTROL DRAINAGE STUDY, CA..	100	---	100	---
COAST OF CALIFORNIA, LOS ANGELES COUNTY, CA...........	---	---	400	---
GRAYSON AND MURDERER'S CREEK, WALNUT CREEK, CA........	---	---	100	---

HUNTINGTON BEACH COASTAL BLUFF EROSION, CA............	---	---	---	400
LAGUNA DE SANTA ROSA, CA.............................	200	---	200	---
LLAGAS CREEK, CA.....................................	---	250	---	500
LOS ANGELES COUNTY, CA...............................	200	---	350	---
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA.........	---	600	---	---
LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, CA.........	100	---	100	---
LOWER MISSION CREEK, CA..............................	---	150	---	150
MALIBU CREEK WATERSHED, CA...........................	200	---	200	---
MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA........	50	---	250	---
MARINA DEL REY AND BALLONA CREEK, CA.................	169	---	400	---
MATILIJA DAM, CA.....................................	400	---	523	---
MIDDLE CREEK, CA.....................................	---	300	---	300
MOJAVE RIVER FORKS DAM, CA...........................	200	---	200	---
MORRO BAY ESTUARY, CA................................	150	---	400	---
MUGU LAGOON, CA......................................	250	---	250	---
MURRIETA CREEK, CA...................................	---	250	---	1,000
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA..............	150	---	150	---
N CA STREAMS, LOWER CACHE CRK, YOLO CNTY, WOODLAND & V	568	---	568	100
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	100	---	100	---
NAPA RIVER, SALT MARSH RESTORATION, CA...............	300	---	300	---
NAPA VALLEY WATERSHED MANAGEMENT, CA.................	250	---	250	---
NEWPORT BAY HARBOR, CA...............................	---	280	---	600
NEWPORT BAY (LA - 3 SITE DESIGNATION STUDY), CA.......	---	---	300	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA............	300	---	450	---
OCEAN BEACH, CA......................................	---	---	100	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA.............	200	---	200	---
ORANGE COUNTY COAST BEACH EROSION, CA................	---	---	400	---
ORANGE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA........	---	---	139	---
PAJARO RIVER AT WATSONVILLE, CA......................	---	750	---	1,000
PAJARO RIVER BASIN STUDY, CA.........................	50	---	50	---
PENINSULA BEACH CITY OF LONG BEACH), CA..............	---	---	200	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,.	---	400	---	400
PORT OF STOCKTON, CA.................................	---	---	200	---
POSO CREEK, CA.......................................	200	---	200	---
RANCHO PALOS VERDES, CA..............................	---	100	---	---
REGIONAL CONSERVATION/CONJUNCTIVE USE PROJECT, CA.....	---	---	200	---
RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA.....	---	---	2,000	---
ROCK CREEK - KEEFER SLOUGH, CA.......................	---	---	---	200

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	300	---	300	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	300	---	300	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	4,479	---	5,500	---
SAN BERNARDINO COUNTY, CA	200	---	200	---
SAN CLEMENTE SHORELINE, CA	100	---	400	---
SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	1,000	---
SAN DIEGO COUNTY SHORELINE, CA	---	---	1,000	---
SAN FRANCISCO BAY, CA	300	---	300	---
SAN GABRIEL RIVER TO NEWPORT BAY, CA	---	---	400	---
SAN JACINTO RIVER, CA	300	---	300	---
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	---	200	---	200
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	350	---	350	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	25	---	100	---
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	---	100	---	100
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	50	---	50	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	200	---	350	---
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA	160	---	500	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	100	---	100	---
SAN LUIS OBISPO, CA	100	---	100	---
SAN PABLO BAY WATERSHED, CA	300	---	300	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	---	---	100	---
SANTA BARBARA AND VENTURA COUNTY SHORELINE, CA	---	---	100	---
SANTA CLARA RIVER, CITY OF SANTA CLARITA, CA	---	---	100	---
SANTA CRUZ PORT, CA	---	---	100	---
SANTA ROSA CREEK WATERSHED, CA	300	---	300	---
SANTA YNEZ RIVER, CA	100	---	100	---
SOLONO BEACH - ENCINITAS, CA	---	---	500	---
SONOMA CREEK & TRIBUTARIES, CA	300	---	300	---
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	100	---	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	75	---	75	---
SUTTER COUNTY, CA	300	---	300	---

TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA...........	200	---	200	---
TULE RIVER, CA..	---	400	---	---
UPPER GUADALUPE RIVER, CA.............................	---	300	---	300
UPPER PENITENCIA CREEK, CA............................	300	---	400	---
UPPER SANTA ANA RIVER WATERSHED, CA...................	200	---	200	---
VENTURA HARBOR SAND BYPASS, CA........................	250	---	400	---
WESTMINSTER, CA.......................................	---	---	300	---
WESTSIDE TRIBUTARIES TO YOLO BYPASS, CA...............	---	50	---	50
WHITE RIVER AND DEER CREEK, CA........................	25	---	25	---
WHITEWATER RIVER BASIN, CA............................	---	---	---	1,000
WILDCAT & SAN PABLO CREEKS, CA........................	---	---	100	---
YUBA RIVER BASIN, CA..................................	---	780	---	780
COLORADO				
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	250	---	250	---
FOUNTAIN CREEK AND TRIBUTARIES, CO....................	---	---	175	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO...	200	---	400	---
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS				
ROTA HARBOR MODIFICATIONS, CNMI.......................	25	---	25	---
TINIAN HARBOR MODIFICATIONS, CNMI.....................	25	---	25	---
DELAWARE				
CHRISTINA RIVER WATERSHEAD, DE........................	---	---	100	---
DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND...	---	---	---	200
FLORIDA				
BISCAYNE BAY, FL......................................	240	---	240	---
EGMONT KEY SHORELINE, FL..............................	---	---	500	---
ST. LUCIE COUNTY, FL..................................	---	---	100	---
HILLSBOROUGH RIVER, FL................................	300	---	375	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL...............	100	---	100	---
PORT EVERGLADES HARBOR, FL............................	---	300	---	300
ST PETERSBURG HARBOR, FL..............................	---	---	---	100
WITHLACOOCHEE RIVER, FL...............................	300	---	300	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
GEORGIA				
ALLATOONA LAKE, GA	300	---	300	---
ARABIA MOUNTAIN, GA	60	---	60	---
AUGUSTA, GA	252	---	252	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	100	---	100	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	100	---	100	---
METRO ATLANTA WATERSHED, GA	175	---	175	---
NEW SAVANNAH BLUFF LOCK AND DAM, GA	---	---	---	800
NORTH GEORGIA WATERSHED STUDY, GA	---	---	300	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	350	---	350	---
SAVANNAH HARBOR EXPANSION, GA	---	400	---	540
SAVANNAH HARBOR SEDIMENT CONTROL WORKS, GA	---	---	300	---
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	230	---	230	---
UTOY, SANDY AND PROCTOR CREEKS, GA	150	---	150	---
HAWAII				
ALA WAI CANAL, OAHU, HI	350	---	350	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	---	100	---	100
HONOLULU HARBOR MODIFICATIONS, OAHU, HI	101	---	101	---
KAHUKU, HI	50	---	50	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	225	---	225	---
KIHEI AREA EROSION, HI	50	---	160	---
NAWILIWILI HARBOR, KAUAI, HI	---	---	100	---
WAIKIKI EROSION CONTROL, HI	---	50	---	350
WAILUPE STREAM FLOOD CONTROL, OAHU, HI	---	---	---	100
IDAHO				
BOISE RIVER, BOISE, ID	50	---	50	---

GOOSE CREEK, OAKLEY, ID	150	---	150	---
KOOTENAI RIVER AT BONNERS FERRY, ID	50	---	50	---
LITTLE WOOD RIVER, GOODING, ID	256	---	256	---
PAYETTE AND SNAKE RIVER, ID	150	---	150	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	130	---	130	---
DES PLAINES RIVER, IL (PHASE II)	400	---	400	---
ILLINOIS BEACH STATE PARK (INTERIM 1), IL	---	---	---	250
ILLINOIS RIVER BASIN RESTORATION, IL	---	---	2,000	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	825	---	825	---
KANKAKEE RIVER BASIN, IL & IN	177	---	177	---
NUTWOOD LEVEE, IL	---	---	400	---
PEORIA RIVERFRONT DEVELOPMENT, IL	311	---	311	---
PEORIA RIVERFRONT DEVELOPMENT, IL	---	415	---	415
ROCK RIVER, IL & WI	300	---	300	---
UPPER MISS & ILLINOIS NAV STUDY, IL, IA, MN, MO & WI	3,724	---	3,724	---
UPPER MISS RIVER COMPREHENSIVE STUDY, IL	---	---	1,000	---
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	1,200	---	1,200	---
WAUKEGAN HARBOR, IL	---	160	---	160
WOOD RIVER LEVEE, IL	---	341	---	341
INDIANA				
INDIANA HARBOR, IN	250	---	500	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	2,100	---	2,100
LONG LAKE, IN	---	---	100	---
OHIO RIVER, MADISON, IN	---	---	100	---
WOLF LAKE, IN & IL	100	---	---	---
IOWA				
DES MOINES AND RACCOON RIVERS, IA	450	---	450	---
FORT DODGE, IA	---	---	420	---
LOWER DES MOINES RIVER, IA & MO	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
KANSAS				
TOPEKA, KS	133	---	133	---
TURKEY CREEK BASIN, KS & MO	---	122	---	400
UPPER TURKEY CREEK, KS	150	---	250	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	200	---	200	---
KENTUCKY				
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	2,372	---	2,372
LICKING RIVER, CYNTHIANA, KY	252	---	252	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	325	---	325	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	264	---	264	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	200	---	200	---
NORTH FORK LICKING RIVER, KY	---	---	100	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	1,500	---	1,500	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA.	300	---	300	---
ASCENSION PARISH, LA	100	---	---	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	100	---	300	---
BAYOU SORREL LOCK, LA	---	300	---	300
CALCASIEU LOCK, LA	400	---	500	---
CALCASIEU RIVER BASIN, LA	200	---	300	---
GULF INTERCOASTAL WATERWAY, BANK STABILIZATION AND ECOSYSTEM RESTORATION, LA	---	---	100	---
HURRICANE PROTECTION, LA	100	---	300	---
JEFFERSON PARISH, LA	---	50	---	300
LAFAYETTE PARISH, LA	---	400	---	400

LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA......	1,072	---	1,072	---
ORLEANS PARISH, LA....................................	---	50	---	50
OUACHITA AND BLACK RIVERS, LA & AR....................	---	---	100	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA............	100	---	300	---
PORT OF IBERIA, LA....................................	---	---	500	---
ST BERNARD PARISH URBAN FLOOD CONTROL, LA.............	300	---	400	---
ST CHARLES PARISH URBAN FLOOD CONTROL, LA.............	100	---	300	---
ST. JOHN THE BAPTIST PARISH, LA.......................	---	---	100	---
WEST BATON ROUGE PARISH, LA...........................	---	---	500	---
WEST SHORE, LAKE PONTCHARTRAIN, LA....................	197	---	197	---
MARYLAND				
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	458	---	458	---
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC.............	240	---	240	---
BALTIMORE METRO, GWYNNS FALLS, MD.....................	---	50	---	50
CHESAPEAKE BAY SHORELINE, MD, VA, PA & DE.............	---	---	100	---
CUMBERLAND, MD..	---	175	---	175
EASTERN SHORE, MD.....................................	250	---	250	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD.......	87	---	87	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD........	190	---	190	---
MIDDLE POTOMAC WATERSHED STUDY, MD & VA...............	---	---	100	---
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD............	---	300	---	300
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI.......	100	---	100	---
BOSTON HARBOR, MA (45-FOOT CHANNEL)...................	300	---	300	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA.......	100	---	100	---
MUDDY RIVER, BROOKLINE AND BOSTON, MA.................	---	330	---	600
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA & VT.	100	---	100	---
MICHIGAN				
BELLE ISLE SHORELINE, DETROIT, MI.....................	---	---	150	---
CASS RIVER, VASSAR, MI................................	---	---	100	---
DETROIT RIVER ENVIRONMENTAL DREDGING, MI..............	---	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
DETROIT RIVER MASTER PLAN, MI	---	---	100	---
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	501	---	501	---
ROUGE RIVER WATERSHED, MI	---	---	200	---
SAULT STE MARIE (REPLACEMENT LOCK), MI	---	1,530	---	---
ST CLAIR RIVER AND LAKE ST CLAIR, MI	---	---	200	---
MINNESOTA				
LOWER ST ANTHONY FALLS RAPIDS RESTORATION, MN	---	100	---	---
MINNESOTA DAM SAFETY, MN	---	---	600	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD & MANITOBA, C	500	---	500	---
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2,	200	---	200	---
MISSISSIPPI				
HANCOCK COUNTY, MS	---	---	100	---
MISSISSIPPI GULF COAST, MS	---	---	100	---
MISSOURI				
CHESTERFIELD, MO	---	605	---	605
HANNIBAL HARBOR, MO	175	---	175	---
KANSAS CITYS, MO & KS	580	---	900	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	180	---	180	---
NEW MADRID HARBOR, MO	---	---	50	---
RIVER DES PERES, MO	---	242	---	242
ST LOUIS FLOOD PROTECTION, MO	---	98	---	98
ST LOUIS HARBOR, MO & IL	---	284	---	284
ST LOUIS RIVERFRONT, MO & IL	---	---	500	---
SPRINGFIELD, MO	---	---	100	---

SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	150	---	150
WEARS CREEK, JEFFERSON, MO	---	---	100	---
MONTANA				
LOWER YELLOWSTONE RIVER DIVERSION DAM, MT	---	25	---	25
YELLOWSTONE RIVER CORRIDOR, MT	325	---	325	---
NEBRASKA				
ANTELOPE CREEK, LINCOLN, NE	---	400	---	400
LOWER PLATTE RIVER AND TRIBUTARIES, NE	350	---	350	---
LOWER PLATTE RIVER WATERSHED, NE	---	---	200	---
SAND CREEK WATERSHED, WAHOO, NE	---	656	---	656
WESTERN SARPY AND CLEAR CREEK, NE	---	90	---	590
NEVADA				
LAS VEGAS WASH, NORTH LAS VEGAS, NV	---	---	100	---
LOWER LAS VEGAS WASH WETLANDS, NV	50	---	725	---
TAHOE BASIN, NV & CA	---	---	1,000	---
TRUCKEE MEADOWS, NV	---	500	---	500
WALKER RIVER BASIN, NV	200	---	200	---
NEW HAMPSHIRE				
CONNECTICUT RIVER ECO SYSTEM RESTORATION, NH & VT	---	---	100	---
MERRIMACK RIVER BASIN, NH	300	---	500	---
NEW JERSEY				
BARNEGAT BAY, NJ	---	300	---	300
BARNEGAT INLET TO LITTLE EGG HARBOR, NJ	---	263	---	263
GOFFLE BROOK, BOROUGH OF HAWTHORNE, NJ	---	---	100	---
GREAT EGG INLET TO TOWNSEND INLET, NJ	---	69	---	200
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	200	---	200	---
LOWER PASSAIC RIVER, NJ	75	---	400	---
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	68	---	400

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ.	---	150	---	150
NEW JERSEY SHORE PROTECTION, HERFORD/CAPE MAY INLET...	---	---	200	---
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT	---	---	250	---
PASSAIC RIVER, HARRISON, NJ...........................	---	100	---	400
PECKMAN RIVER, NJ.....................................	---	---	100	---
RAHWAY RIVER BASIN, NJ................................	100	---	230	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ.........	50	---	300	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ...........	---	---	350	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ..........	250	---	450	---
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ.....	---	100	---	500
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ.......	44	---	44	150
SHREWSBURY RIVER AND TRIBUTARIES, NJ..................	50	---	250	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ..................	---	100	---	400
STONY BROOK, MILLSTONE RIVER BASIN, NJ................	100	---	250	---
UPPER PASSAIC RIVER AND TRIBUTARIES, NJ...............	169	---	169	---
UPPER ROCKAWAY RIVER, NJ..............................	200	---	200	---
WOODBRIDGE RIVER BASIN, NJ............................	100	---	250	---
NEW MEXICO				
MIDDLE RIO GRANDE, BOSQUE, NM.........................	---	---	350	---
NAVAJO NATION, NM, AZ & VT............................	---	---	100	---
RIO GRANDE BASIN, NM, CO & TX.........................	300	---	300	---
SANTA FE, NM..	---	---	100	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, NM............	---	---	475	---
NEW YORK				
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY...	50	---	50	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY........	50	---	50	---
BRONX RIVER BASIN, NY.................................	50	---	300	---
DELAWARE RIVER BASIN COMPREHENSIVE, NY,NJ,DE,PA.......	---	---	500	---

FLUSHING BAY AND CREEK, NY	409	---	409	---
FREEPORT CREEK, VILLAGE OF FREEPORT, NY	75	---	75	---
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY & NJ	400	---	400	---
HUDSON - RARITAN ESTUARY, NY & NJ	1,369	---	2,000	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY.	50	---	50	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	400	---	400	---
LAKE MONTAUK HARBOR,NY	100	---	400	---
LINDENHURST, NY	50	---	50	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	---	2,500	---	---
NEW YORK HARBOR ANCHORAGE AREAS, NY	200	---	200	---
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	50	---	400	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	100	---	400	---
ONONDAGA LAKE, NY	350	---	350	---
SAW MILL RIVER AND TRIBUTARIES, NY	50	---	50	---
SOUTH SHORE OF LONG ISLAND, NY	50	---	50	---
SOUTH SHORE OF STATEN ISLAND, NY	209	---	209	---
UPPER DELAWARE RIVER WATERSHED, NY	160	---	160	---
UPPER SUSQUEHANNA RIVER BASIN, NY	---	---	250	---
NORTH CAROLINA				
BOGUE BANKS, NC	400	---	400	---
CURRITUCK SOUND, NC	200	---	200	---
DARE COUNTY BEACHES, NC	100	---	600	---
DARE COUNTY BEACHES, NC (BODIE ISLAND PORTION)	---	500	---	1,000
LOCKWOODS FOLLY RIVER, NC	83	---	83	---
NEUSE RIVER BASIN, NC	100	---	100	---
SURF CITY AND NORTH TOPSAIL BEACH, NC	100	---	300	---
TENNESSEE RIVER AND TRIBS, FRANKLIN, MACON COUNTY, NC.	155	---	155	---
NORTH DAKOTA				
DEVILS LAKE, ND	---	1,700	---	1,700
GRAFTON, PARK RIVER, ND	---	60	---	60
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	583	---	583

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
BELPRE RIVERFRONT PARK, OH	---	---	200	---
BUTLER COUNTY, OH	100	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	178	---	178	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	200	---
LOWER BIG DARBY CREEK BASIN ENVIRONMENTAL RESTORATION,	370	---	370	---
MAHONING RIVER ENVIRONMENTAL DREDGING, HOH	---	---	300	---
MUSKINGUM BASIN SYSTEM STUDY, OH	400	---	400	---
OHIO RIVERFRONT STUDY, CINCINNATI, OH	---	---	100	---
RICHLAND COUNTY, OH	200	---	200	---
UPPER BIG DARBY CREEK BASIN ENVIRONMENTAL RESTORATION,	65	---	65	---
WESTERN LAKE ERIE BASIN, OH	---	---	300	---
OKLAHOMA				
CIMARRON RIVER AND TRIBUTARIES, OK, KS, NM & CO	226	---	226	---
MIAMI AND VICINITY, OK	---	---	300	---
OOLOGAH LAKE WATERSHED STUDY, OK	---	---	350	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	200	---	250	---
WARR ACRES, OK	174	---	174	---
WISTER LAKE WATERSHED, OK	---	---	375	---
OREGON				
AMAZON CREEK, OR	---	---	100	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	135	---	135	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	500	---	500	---
WILLAMETTE RIVER BASIN REVIEW, OR	130	---	130	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	369	---	369	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	170	---	170	---

PENNSYLVANIA				
BLOOMSBURG, PA	250	---	250	---
SCHUYLKILL RIVER, WISSAHICKON, PA	---	---	100	---
RHODE ISLAND				
QUONSET DAVISVILLE PORT, RI	150	---	150	---
RHODE ISLAND ECOSYSTEM RESTORATION, RI	50	---	50	---
RHODE ISLAND SOUTH COAST, HABITAT REST & STRM DMG REDU	---	160	---	160
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	655	---	655	---
BROAD RIVER BASIN, SC	125	---	125	---
CHARLESTON ESTUARY, SC	50	---	50	---
CHARLESTON HARBOR, SC	---	---	500	---
PAWLEYS ISLAND, SC	100	---	100	---
PAWLEYS ISLAND, SC	---	25	---	25
REEDY RIVER, SC	---	---	100	---
SANTEE DELTA ENVIRONMENTAL RESTORATION, SC	---	---	100	---
WACCAMAW RIVER, SC	195	---	195	---
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	---	50	---	50
SOUTH DAKOTA				
NIOBRARA RIVER AND MISSOURI RIVER, SD	25	---	225	---
TENNESSEE				
CHICKAMAUGA LOCK, TN	---	---	---	500
DAVIDSON COUNTY, TN	105	---	105	---
FORT DEFIANCE, MONTGOMERY COUNTY, CLARKSVILLE, TN	---	---	100	---
FRENCH BROAD WATERSHED, TN	280	---	280	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
BRAZORIA COUNTY, TX	---	---	100	---
BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX	---	---	100	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	150	---	1,100	---
CEDAR BAYOU, TX	---	---	---	400
COLONIAS-LWR RIO GRANDE BASIN ALONG TX & MEXICO BORDER	---	100	---	400
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX	378	---	378	---
CORPUS CHRISTI SHIP CHANNEL, TX	572	---	572	---
FREEPORT HARBOR, TX	---	---	100	---
FREEPORT HURRICANE PROTECTION LEVEE, TX	100	---	100	---
GIWW MODIFICATIONS, TX	400	---	400	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	810	---	810	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	---	540	---	540
GIWW, MATAGORDA BAY, TX	---	200	---	800
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	600	---	600	---
GREENS BAYOU, HOUSTON, TX	---	190	---	377
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	200	---	500	---
LOWER COLORADO RIVER BASIN, TX	950	---	950	---
MIDDLE BRAZOS RIVER, TX	100	---	100	---
NUECES RIVER & TRIBUTARIES, TX	---	---	100	---
NORTH BOSQUE RIVER, TX	---	100	---	100
NORTH PADRE ISLAND, CORPUS CHRISTI, TX	---	130	---	130
NORTHWEST EL PASO, TX	250	---	250	---
RAYMONDVILLE DRAIN, TX	---	50	---	750
RESACAS AT BROWNSVILLE, TX	100	---	325	---
SABINE - NECHES WATERWAY, TX	650	---	650	---
SABINE PASS TO GALVESTON BAY, TX	450	---	700	---
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	---	---	---	100
SOUTH MAIN CHANNEL, TX	---	380	---	600
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	---	---	200	---
TEXAS CITY CHANNEL, TX	---	---	250	---
UPPER TRINITY RIVER BASIN, TX	650	---	1,200	---

UTAH				
PARK CITY, UT	---	---	100	---
PROVO AND VICINITY, UT	100	---	100	---
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	---	475	---	475
CHESAPEAKE BAY SHORELINE, HAMPTON, VA	100	---	100	---
ELIZABETH RIVER, HAMPTON ROADS, VA	---	284	---	284
FOUR MILE RUN, VA	---	---	100	---
GOSHEN DAM, VA	---	---	---	500
JAMES RIVER CHANNEL, VA	---	295	---	295
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	400	---	400	---
LYNNHAVEN RIVER, VA	---	---	100	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	946	---	946	---
POWELL RIVER WATERSHED, VA	100	---	100	---
WASHINGTON				
BELLINGHAM BAY, WA	200	---	300	---
CENTRALIA, WA	---	500	---	1,000
CHEHALIS RIVER BASIN, WA	250	---	250	---
COMMENCEMENT BAY, WA	---	---	100	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	250	---	375
HOWARD HANSON DAM, WA	---	500	---	---
LAKE WASHINGTON SHIP CANAL, WA	254	---	1,050	---
OCEAN SHORES, WA	50	---	50	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	225	---	225	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	200	---	200	---
SKAGIT RIVER, WA	200	---	200	---
SKOKOMISH RIVER BASIN, WA	50	---	50	---
STILLAGUAMISH RIVER BASIN, WA	---	50	---	50
WALLA WALLA WATERSHED, WA	---	---	1,000	---
WHITE RIVER BASIN, WA	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WEST VIRGINIA				
ERICKSON/WOOD COUNTY PUBLIC PORT, WV	---	---	---	600
ISLAND CREEK AT LOGAN, WV	---	483	---	983
LITTLE KANAWHA RIVER, WV	---	---	100	---
MERCER COUNTY, WV	---	100	---	100
NEW RIVER BASIN, WV, NC & VA	200	---	200	---
PARKERSBURG/VIENNA, WV	---	---	---	300
WEIRTON PORT, WV	---	---	---	400
WISCONSIN				
BARABOO RIVER, WI	240	---	240	---
WYOMING				
JACKSON HOLE RESTORATION, WY	---	175	---	175
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,200	---	3,200	---
ENVIRONMENTAL DATA STUDIES	100	---	100	---
FLOOD DAMAGE DATA	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES	8,200	---	9,500	---
GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION	---	---	200	---
GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401)	---	---	2,000	---
HYDROLOGIC STUDIES	500	---	500	---
INTERNATIONAL WATER STUDIES	500	---	500	---
JOHN GLENN GREAT LAKES BASIN PROGRAM	---	---	500	---
NATIONAL SHORELINE	300	---	300	---
OTHER COORDINATION PROGRAMS	7,200	---	7,200	---

PLANNING ASSISTANCE TO STATES	6,500	---	6,900	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	400	---	400	---
PROJECT MONITORING	100	---	---	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	300	---	300	---
RESEARCH AND DEVELOPMENT	24,000	---	29,300	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	700	---	700	---
TRANSPORTATION SYSTEMS	700	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-24,050	---	-68,119	---
TOTAL, GENERAL INVESTIGATIONS	96,274	33,726	107,971	46,379

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
MOBILE HARBOR, AL	2,300	2,300
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	12,325	11,325
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	3,000	3,000
ALASKA		
CHIGNIK HARBOR, AK	3,300	3,300
NOME HARBOR IMPROVEMENTS, AK	2,200	2,200
ST PAUL HARBOR, AK	700	700
SEWARD HARBOR, AK	---	1,000
WRANGELL HARBOR, AK	---	1,000
ARIZONA		
NOGALES WASH & TRIBUTARIES, AZ	---	500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	13,200	20,000
ARKANSAS		
FOURCHE BAYOU BASIN, AR	---	180
GREERS FERRY LAKE WATER LINE, AR	---	300
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,000	3,000
MONTGOMERY POINT LOCK AND DAM, AR	18,000	23,000
RED RIVER WATERWAY, INDEX, AR TO DENISON DAM, TX	---	3,000
RED RIVER EMERGENCY BANK PROTECTION, AR	---	3,000
RED RIVER BELOW DENISON DAM, AR, LA, OK & TX	---	2,000
CALIFORNIA		
AMERICAN RIVER WATERSHED, CA	13,000	14,000
AMERICAN RIVER WATERSHED, CA (FOLSOM DAM MODIFICATIONS	4,500	7,000
CAMBRIA SEAWATER DESALINATION, CA	---	100
CITY OF SANTA CLARITA, CA	---	1,500
CORTE MADERA CREEK, CA	250	250
COYOTE AND BERRYESSA CREEKS, CA	600	750
FARMINGTON RECHARGE DEMONSTRATION PROGRAM, CA	---	600
GUADALUPE RIVER, CA	4,000	8,000
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	1,000	4,500
HARBOR/SOUTH BAY WATER RECYCLING, CA	---	5,000
IMPERIAL BEACH, SILVER STRAND SHORELINE, CA	500	929
KAWEAH RIVER, CA	3,000	4,500
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	---	2,825
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,431	1,431
LOWER WALNUT CREEK, CA	---	250
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	4,075	4,075
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	2,263	2,263
NAPA RIVER, CA	5,500	7,000
OAKLAND HARBOR, CA (50 FOOT PROJECT)	2,000	10,000
PETALUMA RIVER, CA	---	7,000
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	2,326	2,326
SACRAMENTO RIVER DEEP WATER SHIP CHANNEL, CA	---	300
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	2,284	4,000
SAN FRANCISCO BAY TO STOCKTON, CA	250	250
SAN LORENZO RIVER, CA	3,490	3,490
SAN RAMON VALLEY RECYCLED WATER, CA	---	500
SANTA ANA RIVER MAINSTEM, CA	26,800	34,800
SANTA BARBARA HARBOR, CA	100	100
SANTA PAULA CREEK, CA	1,700	1,700
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	2,100
STOCKTON METROPOLITIAN FLOOD CONTROL REIMBURSEMENT, CA	1,000	6,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)..............	1,000	1,000
SURFSIDE - SUNSET - NEWPORT BEACH, CA.................	300	2,500
TULE RIVER, CA..	---	1,125
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA........	1,463	1,463
WEST SACRAMENTO, CA...................................	1,368	1,368
DELAWARE		
DELAWARE BAY COASTLINE, ROOSEVELT INLET/LEWES BEACH, D	---	500
DELAWARE COAST PROTECTION, DE.........................	270	353
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE.....	100	100
FLORIDA		
BREVARD COUNTY, FL....................................	200	6,000
BROWARD COUNTY, FL (REIMBURSABLE).....................	200	1,000
CANAVERAL HARBOR, FL..................................	5,701	5,701
CENTRAL AND SOUTHERN FLORIDA, FL......................	95,278	95,278
DADE COUNTY, FL.......................................	8,000	12,000
DUVAL COUNTY, FL......................................	---	2,000
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	19,876	19,876
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL...........	---	500
FORT PIERCE BEACH, FL.................................	---	500
JACKSONVILLE HARBOR, FL...............................	1,457	5,300
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	4,300	4,300
KISSIMMEE RIVER, FL...................................	25,846	25,846
MANATEE COUNTY, FL....................................	---	1,000
MANATEE HARBOR, FL....................................	1,000	1,000
MARTIN COUNTY, FL.....................................	---	2,000
MIAMI HARBOR CHANNEL, FL..............................	5,274	5,274
PALM BEACH COUNTY, FL (REIMBURSEMENT).................	200	2,000
PALM VALLEY BRIDGE, FL................................	7,299	7,299
PANAMA CITY HARBOR, FL................................	1,215	1,215
PINELLAS COUNTY, FL...................................	---	2,000
PORT EVERGLADES, FL...................................	---	3,000
ST JOHN'S COUNTY, FL..................................	300	2,000
ST LUCIE INLET, FL....................................	---	4,000
TAMPA HARBOR, FL......................................	500	500
GEORGIA		
BRUNSWICK HARBOR, GA..................................	4,084	7,000
BUFORD POWERHOUSE, GA (MAJOR REHAB)...................	3,000	3,000
HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	4,500	4,500
LOWER SAVANNAH RIVER BASIN, GA & SC...................	1,300	1,300
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)...........	632	632
RICHARD B RUSSELL DAM AND LAKE, GA & SC...............	3,000	3,000
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	6,500	6,500
HAWAII		
HAWAII WATER MANAGEMENT, HI...........................	---	200
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR).........	400	400
KAUMALAPAU HARBOR, HI.................................	---	1,300
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI.................	1,275	1,275
MAALAEA HARBOR, MAUI, HI..............................	325	325

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	3,617	3,617
CHICAGO SHORELINE, IL	24,000	25,000
COOK COUNTY, IL	---	500
DEL PLAINES RIVER, IL	---	500
EAST ST LOUIS, IL	1,000	1,000
EAST ST LOUIS INTERIOR FLOOD CONTROL, IL	---	688
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	8,038	8,038
LOVES PARK, IL	1,600	1,600
MADISON/ST CLAIR COUNTIES, IL	---	1,000
MCCOOK AND THORNTON RESERVOIRS, IL	10,000	17,000
MELVIN PRICE LOCK AND DAM, IL & MO	500	500
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	34,000	40,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	21,000	20,000
INDIANA		
CALUMET REGION, IN	---	3,000
CITY OF INDIANAPOLIS, IN	---	250
INDIANA HARBOR, IN (CONFINED DISPOSAL FACILITY)	5,000	5,000
INDIANA SHORELINE EROSION, IN	---	1,000
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	9,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	3,600	3,600
LITTLE CALUMET RIVER, IN	4,000	4,500
MISSISSINEWA LAKE, IN (MAJOR REHAB)	8,500	9,000
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	2,400	2,400
IOWA		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)	---	500
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	4,906	4,906
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	11,000	12,609
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	8,500	9,200
PERRY CREEK, IA	4,000	4,000
KANSAS		
ARKANSAS CITY, KS	3,050	5,100
KENTUCKY		
CARR CREEK LAKE, KY	---	1,000
DEWEY LAKE, KY (DAM SAFETY)	2,900	4,500
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	14,400	22,000
LOUISVILLE WATERFRONT, KY	---	500
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	13,632	18,632
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	2,575	2,575
METROPOLITAN LOUISVILLE, POND CREEK, KY	1,400	1,400
POND CREEK, KY	---	425
SOUTHERN AND EASTERN KENTUCKY, KY	---	4,000
LOUISIANA		
ALOHA - RIGOLETTE, LA	---	200
ASCENSION PARISH (ENV. INFRASTRUCTURE), LA	---	150
COMITE RIVER, LA	500	7,000
EAST BATON ROUGE PARISH, LA	---	1,000
EAST BATON ROUGE PARISH (ENV. INFRASTRUCTURE), LA	---	150
GRAND ISLE AND VICINITY, LA	---	200
INNER HARBOR NAVIGATION CANAL LOCK, LA	10,000	13,000
J BENNETT JOHNSTON WATERWAY, LA	16,555	20,000
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	7,500	14,250

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)....	1,500	1,500
LIVINGSTON PARISH (ENV. INFRASTRUCTURE), LA..........	---	200
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	575	575
MISSISSIPPI RIVER, GULF OUTLET, LA...................	500	500
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)......	2,000	2,000
OUACHITA RIVER LEVEES, AR & LA.......................	---	1,500
SOUTHEAST LOUISIANA, LA..............................	51,908	60,000
WEST BANK AND VICINITY, NEW ORLEANS, LA..............	12,000	12,500
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD..................	---	1,000
ASSATEAGUE ISLAND, MD................................	10,000	10,000
ATLANTIC COAST OF MARYLAND, MD.......................	2,300	4,271
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA.....	8,000	8,000
CHESAPEAKE BAY ENV. RESTORATION AND PROTECTION, MD....	---	950
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA..............	1,500	3,000
CUMBERLAND, MD.......................................	---	650
POPLAR ISLAND, MD....................................	18,200	18,200
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)......	12,500	12,500
WEST HILL DAM, MA (MAJOR REHAB)......................	9,000	9,000
MICHIGAN		
GENESEE COUNTY DRAIN, GENESEE COUNTY, MI.............	---	250
NEGAUNEE, MI...	---	150
SAULT STE MARIE (REPLACEMENT LOCK), MI...............	---	3,000
TWELVE TOWNS DRAIN RETENTION TREATMENT FACILITY, MI...	---	250
MINNESOTA		
BRECKENRIDGE, MN.....................................	---	500
CROOKSTON, MN..	2,000	2,000
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)...	800	800
LOWER ST ANTHONY FALLS, MN...........................	---	600
MILLELACS REGIONAL WASTEWATER, MN....................	---	2,000
NORTHEASTERN, MN.....................................	---	4,000
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)..........	630	630
STILLWATER, MN.......................................	---	2,000
MISSISSIPPI		
DESOTO COUNTY, MS....................................	---	5,000
GULFPORT HARBOR, MS..................................	100	100
MISSISSIPPI (SEC. 592, P.L. 106-53), MS..............	---	3,400
PASCAGOULA HARBOR, MS................................	1,930	1,930
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO....................	675	675
BLUE RIVER CHANNEL, KANSAS CITY, MO..................	8,400	10,400
BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MO...........	---	1,200
CAPE GIRARDEAU, JACKSON, MO..........................	1,717	1,717
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO...........	1,200	1,200
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	4,000	4,000
ST LOUIS, MO...	---	4,000
STE GENEVIEVE, MO....................................	850	850
TABLE ROCK LAKE, MO & AR (DAM SAFETY)................	5,900	5,900

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MONTANA		
FORT PECK DAM, MT....................................	---	700
FORT PECK FISH HATCHERY, MT..........................	---	1,500
RURAL MONTANA, MT....................................	---	500
NEBRASKA		
ANTELOPE CREEK, NE...................................	---	300
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.........	1,800	1,800
WOOD RIVER, GRAND ISLAND, NE.........................	4,000	4,000
NEVADA		
RURAL NEVADA, NV.....................................	---	8,000
TROPICANA AND FLAMINGO WASHES, NV....................	22,000	30,000
NEW HAMPSHIRE		
ENVIRONMENTAL INFRASTRUCTURE, LEBANON, NH............	---	2,000
NEW JERSEY		
BRIGANTINE INLET TO GREAT EGG INLET, NJ (ABSECON ISLAN	100	1,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ..................	780	2,000
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE.............	10,000	10,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ............	130	250
LOWER CAPE MAY MEADOWS, NJ...........................	---	500
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	22,000	---
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	5,400	5,400
PASSAIC RIVER STREAMBANK RESTORATION, NJ.............	---	2,500
RAMAPO AND MAHWAH RIVERS, MAHWAH, NJ AND SUFFERN, NY..	100	100
RAMAPO RIVER AT OAKLAND, NJ..........................	4,949	4,949
RARITAN BAY AND SANDY HOOK BAY, NJ....................	100	400
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ........	10,000	10,000
SANDY HOOK TO BARNEGAT INLET, NJ.....................	5,000	5,000
TOWNSENDS INLET TO CAPE MAY INLET, NJ................	2,000	2,000
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM.......................	2,000	2,000
ALAMOGORDO, NM.......................................	3,500	3,500
CENTRAL NEW MEXICO, NM...............................	---	5,000
JICARILLA APACHE TRIBE, NM...........................	---	2,500
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	300	300
NEW YORK		
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	15,000	---
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	300	900
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,230	2,284
FIRE ISLAND INLET TO JONES INLET, NY.................	4,700	7,700
FIRE ISLAND INLET TO MONTAUK POINT, NY...............	2,275	2,275
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ.........	44,000	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ..............	---	88,500
NEW YORK CITY WATERSHED, NY..........................	---	3,000
ONONDAGA LAKE, NY....................................	---	8,000
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, OCEAN ISLE BEACH PORTION, NC	300	800
MANTEO (SHALLOWBAG) BAY, NC..........................	---	300

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
STANLY COUNTY WASTEWATER INFRASTRUCTURE, NC	---	500
WEST ONSLOW BEACH AND NEW RIVER INLET, NC	300	700
WILMINGTON HARBOR, NC	43,159	47,000
WRIGHTSVILLE BEACH, NC	550	1,140
NORTH DAKOTA		
BUFORD - TRENTON IRRIGATION DISTRICT LAND ACQUISITION,	3,000	5,000
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	7,000	7,000
GRAFTON, PARK RIVER, ND	---	500
GRAND FORKS, ND - EAST GRAND FORKS, MN	25,954	31,000
HOMME LAKE, ND (DAM SAFETY)	2,400	2,400
SHEYENNE RIVER, ND	2,000	2,000
OHIO		
LOWER GIRARD LAKE DAM, OH	---	1,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	2,700	2,700
MILL CREEK, OH	2,000	3,000
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH	---	3,000
OTTAWA RIVER, OH	---	300
WEST COLUMBUS, OH	7,200	11,000
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY)	1,800	1,800
TENKILLER FERRY LAKE, OK (DAM SAFETY)	3,700	3,700
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB).	10,000	10,000
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA...	5,000	5,000
ELK CREEK LAKE, OR	2,000	2,000
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA...	100	100
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	8,000	9,000
PENNSYLVANIA		
3 RIVERS, WET WEATHER DEMO PROGRAM, PA	---	400
JOHNSTOWN, PA (MAJOR REHAB)	3,082	3,082
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	34,470	40,470
NANTY GLO, PA	---	1,000
NORTHEAST PENNSYLVANIA, PA	---	3,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	392	728
SAW MILL RUN, PITTSBURGH, PA	4,138	4,138
SCHUYLKILL RIVER PARK, PA	---	1,000
SOUTH CENTRAL PENN ENVIRONMENTAL IMPROVEMENT PROGRAM..	---	10,000
WYOMING VALLEY, PA (LEVEE RAISING)	19,000	19,000
PUERTO RICO		
ARECIBO RIVER, PR	500	500
PORTUGUES AND BUCANA RIVERS, PR	5,409	5,409
RIO DE LA PLATA, PR	500	500
RIO GRANDE DE LOIZA, PR	500	500
RIO GRANDE DE MANATI, PR	1,500	1,500
RIO PUERTO NUEVO, PR	9,000	9,000
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	6,365	8,865
FOLLY BEACH, SC	---	200
HARTWELL LK,CLEMSON UPPER & LOWER DIVERSION, SC (DAM S	2,500	2,500
LAKES MARION AND MOULTRIE, SC	---	11,648

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD......................	6,000	6,000
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD.....	3,000	7,000
MISSOURI RIVER RESTORATION, SD........................	---	750
PIERRE, SD..	6,000	6,000
TENNESSEE		
BLACK FOX, MURFREE AND OAKLANDS SPRINGS WETLANDS, TN..	---	2,000
TEXAS		
BOSQUE AND LEON RIVERS, TX............................	---	2,500
BRAYS BAYOU, HOUSTON, TX..............................	4,066	4,066
CHANNEL TO VICTORIA, TX...............................	5,565	5,565
CLEAR CREEK, TX.......................................	1,200	1,200
DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX..	2,000	10,000
EL PASO, TX...	3,400	3,400
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX...........	28,785	33,785
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX.....	2,900	5,500
MOUTH OF COLORADO RIVER, TX...........................	---	1,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX....	8,068	11,000
NORTH PADRE ISLAND, PACKERY CHANNEL, TX...............	---	1,000
RED RIVER BASIN CHLORIDE CONTROL, TX & OK.............	---	2,100
RED RIVER BELOW DENISON DAM, TX,AR,LA.................	---	2,500
SAN ANTONIO CHANNEL IMPROVEMENT, TX...................	866	1,000
SIMS BAYOU, HOUSTON, TX...............................	9,000	9,000
WALLISVILLE LAKE, TX..................................	---	2,617
UTAH		
UPPER JORDAN RIVER, UT................................	500	500
VERMONT		
VERMONT DAMS REMEDIATION, VT..........................	---	200
VIRGINIA		
AIWW BRIDGE AT GREAT BRIDGE, VA.......................	7,000	7,000
EMBREY DAM, VA..	---	2,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)..	4,800	4,800
LYNCHBURG COMBINED SEWER OVERFLOW, VA.................	---	1,000
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA...........	486	486
RICHMOND COMBINED SEWER OVERFLOW, VA..................	---	1,000
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA........	3,000	3,000
SANDBRIDGE BEACH, VA..................................	3,380	3,380
VIRGINIA BEACH, VA (HURRICANE PROTECTION).............	9,000	9,000
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID...........	81,000	81,000
GRAYS HARBOR, WA......................................	325	325
HOWARD HANSEN DAM, WA.................................	---	3,000
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	2,555	2,555
MT ST HELENS SEDIMENT CONTROL, WA.....................	545	545
MUD MOUNTAIN DAM, WA (DAM SAFETY).....................	3,300	3,800
SHOALWATER BAY SHORELINE EROSION, WA..................	---	500
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	7,000	7,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	8,000	12,000
CENTRAL WEST VIRGINIA, WV	---	3,000
GREENBRIER RIVER BASIN, WV	---	1,200
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	16,700	41,100
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB).	4,300	8,700
LOWER MUD RIVER, WV	---	750
MARMET LOCK, KANAWHA RIVER, WV	6,200	27,100
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	1,300	3,000
SOUTHERN WEST VIRGINIA, WV	---	3,000
TYGART LAKE, WV (DAM SAFETY)	1,461	1,461
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	2,300
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	600	2,700
WISCONSIN		
LAFARGE LAKE, WI	5,150	6,150
MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	15,000	20,000
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)	1,500	1,500
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	5,000	9,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	9,000	5,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	7,000	9,000
EMPLOYEES' COMPENSATION	20,000	20,000
FLOOD CONTROL PROJECTS (SECTION 205)	30,000	40,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	1,470
NAVIGATION PROJECTS (SECTION 107)	7,000	15,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	21,000	20,400
SHORELINE PROTECTION PROJECTS (SECTION 103)	5,000	5,000
SNAGGING AND CLEARING PROJECT (SECTION 208)	1,000	1,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-156,580	-263,684
TOTAL, CONSTRUCTION GENERAL	1,324,000	1,715,951

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
ALEXANDRIA, LA TO THE GULF OF MEXICO	500	500
BAYOU METO BASIN	---	1,500
DONALDSONVILLE TO THE GULF, LA	700	1,100
SPRING BAYOU, LA	500	500
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	200	200
OLIVE BRANCH, MS	300	100
MEMPHIS METRO AREA, TN & MS	394	394
MORGANZA, LA TO THE GULF OF MEXICO	4,000	5,250
SOUTHEAST ARKANSAS, AR	---	400
WOLF RIVER, MEMPHIS, TN	205	205
TENSAS RIVER BASIN, LA	---	100
COLLECTION AND STUDY OF BASIC DATA	615	615
SUBTOTAL, GENERAL INVESTIGATIONS	7,414	10,864
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	43,405	45,000
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	915	915
GRAND PRAIRIE REGION, AR	---	12,000
HELENA AND VICINITY, AR	1,675	1,675
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	43,457	50,057
ST FRANCIS BASIN, AR & MO	3,230	4,230
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,160	7,600
ATCHAFALAYA BASIN, LA	23,400	25,400
LOUISIANA STATE PENITENTIARY LEVEE, LA	3,022	3,022
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	25	25
MISSISSIPPI DELTA REGION, LA	1,600	2,900
TENSAS BASIN, RED RIVER BACKWATER, LA	2,628	3,653
HORN LAKE CREEK AND TRIBUTARIES, MS	---	300
YAZOO BASIN:	(8,550)	(35,249)
BACKWATER PUMP, MS	500	4,000
BIG SUNFLOWER RIVER, MS	1,000	1,250
DEMONSTRATION EROSION CONTROL, MS	---	19,000
MAIN STEM, MS	25	25
REFORMULATION UNIT, MS	25	25
TRIBUTARIES, MS	200	200
UPPER YAZOO PROJECTS, MS	6,800	10,749
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	150	1,000
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS	1,300	1,615
WEST TENNESSEE TRIBUTARIES, TN	25	25
SUBTOTAL, CONSTRUCTION	140,542	194,666
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	61,462	61,462
HELENA HARBOR, PHILLIPS COUNTY, AR	434	434
INSPECTION OF COMPLETED WORKS, AR	480	480
LOWER ARKANSAS RIVER, NORTH BANK, AR	419	419
LOWER ARKANSAS RIVER, SOUTH BANK, AR	10	10
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,650	8,250
ST FRANCIS BASIN, AR & MO	6,678	12,000
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,000	3,250
WHITE RIVER BACKWATER, AR	1,102	1,102
INSPECTION OF COMPLETED WORKS, IL	43	43
INSPECTION OF COMPLETED WORKS, KY	29	29
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,065	2,065
ATCHAFALAYA BASIN, LA	10,661	11,500

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
BATON ROUGE HARBOR, DEVIL SWAMP, LA..................	216	216
BAYOU COCODRIE AND TRIBUTARIES, LA...................	56	56
BONNET CARRE, LA.....................................	1,854	2,814
INSPECTION OF COMPLETED WORKS, LA....................	422	422
LOWER RED RIVER, SOUTH BANK LEVEES, LA...............	6,239	6,239
MISSISSIPPI DELTA REGION, LA.........................	916	916
OLD RIVER, LA..	6,116	6,116
TENSAS BASIN, RED RIVER BACKWATER, LA................	2,500	2,500
GREENVILLE HARBOR, MS................................	645	645
INSPECTION OF COMPLETED WORKS, MS....................	249	249
VICKSBURG HARBOR, MS.................................	494	494
YAZOO BASIN:	(21,260)	(31,807)
ARKABUTLA LAKE, MS.................................	4,500	7,000
BIG SUNFLOWER RIVER, MS............................	1,000	3,700
ENID LAKE, MS......................................	3,500	5,000
GREENWOOD, MS......................................	250	250
GRENADA LAKE, MS...................................	4,500	5,500
MAIN STEM, MS......................................	275	275
SARDIS LAKE, MS....................................	6,500	8,500
TRIBUTARIES, MS....................................	350	1,197
WILL M WHITTINGTON AUXILIARY CHANNEL, MS...........	55	55
YAZOO BACKWATER AREA, MS...........................	180	180
YAZOO CITY, MS.....................................	150	150
INSPECTION OF COMPLETED WORKS, MO....................	143	143
WAPPAPELLO LAKE, MO..................................	8,000	8,500
INSPECTION OF COMPLETED WORKS, TN....................	86	86
MEMPHIS HARBOR, MCKELLAR LAKE, TN....................	1,118	1,118
MAPPING..	1,097	1,097
SUBTOTAL, MAINTENANCE..........................	144,444	164,462
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-12,400	-24,000
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES.................................	280,000	345,992

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL.........	219	219
ALABAMA - COOSA RIVER, AL............................	1,555	6,180
BAYOU CODEN, AL......................................	---	500
BAYOU LA BATRE, AL...................................	50	200
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL...............	21,100	23,700
BON SECOUR RIVER, AL.................................	20	20
DAUPHIN ISLAND BAY, AL...............................	250	600
DOG AND FOWL RIVERS, AL..............................	450	450
FLY CREEK, AL..	200	200
GULF INTRACOASTAL WATERWAY, AL.......................	5,000	5,000
INSPECTION OF COMPLETED WORKS, AL....................	100	100
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	4,900	7,200
MOBILE AREA DIGITAL MAPPING, AL......................	---	3,000
MOBILE HARBOR, AL....................................	18,900	29,600
PERDIDO PASS CHANNEL, AL.............................	1,000	1,000
PROJECT CONDITION SURVEYS, AL........................	350	350
ROBERT F HENRY LOCK AND DAM, AL......................	5,000	5,600
SCHEDULING RESERVOIR OPERATIONS, AL..................	80	80
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS..............	23,800	24,300
TENNESSEE - TOMBIGBEE WILDLIFE MITIGATION, AL.........	---	2,000
WALTER F GEORGE LOCK AND DAM, AL & GA................	6,565	6,565
ALASKA		
ANCHORAGE HARBOR, AK.................................	1,788	2,788
BETHEL HARBOR, AK....................................	416	416
CHENA RIVER LAKES, AK................................	1,659	1,659
COOK INLET SHOALS, AK................................	2,200	2,200
DILLINGHAM HARBOR, AK................................	384	384
HOMER HARBOR, AK.....................................	181	181
INSPECTION OF COMPLETED WORKS, AK....................	35	35
KETCHIKAN HARBOR, BAR POINT, AK......................	160	160
KODIAK HARBOR, AK....................................	---	750
NAKNEK RIVER, AK.....................................	---	1,000
NINILCHIK HARBOR, AK.................................	173	173
NOME HARBOR, AK......................................	1,458	1,458
PELICAN HARBOR, AK...................................	---	600
PROJECT CONDITION SURVEYS, AK........................	527	527
ARIZONA		
ALAMO LAKE, AZ.......................................	1,306	1,306
INSPECTION OF COMPLETED WORKS, AZ....................	86	86
PAINTED ROCK DAM, AZ.................................	1,310	1,310
SCHEDULING RESERVOIR OPERATIONS, AZ..................	32	32
WHITLOW RANCH DAM, AZ................................	184	184
ARKANSAS		
BEAVER LAKE, AR......................................	4,343	4,343
BLAKELY MT DAM, LAKE OUACHITA, AR....................	4,734	4,734
BLUE MOUNTAIN LAKE, AR...............................	1,148	1,148
BULL SHOALS LAKE, AR.................................	4,402	4,402
DARDANELLE LOCK AND DAM, AR..........................	5,337	5,337
DEGRAY LAKE, AR......................................	4,235	4,235
DEQUEEN LAKE, AR.....................................	947	947
DIERKS LAKE, AR......................................	946	946
GILLHAM LAKE, AR.....................................	841	841
GREERS FERRY LAKE, AR................................	4,873	4,873
HELENA HARBOR, PHILLIPS COUNTY, AR...................	---	340
INSPECTION OF COMPLETED WORKS, AR....................	308	308

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	22,338	22,338
MILLWOOD LAKE, AR	1,559	1,559
NARROWS DAM, LAKE GREESON, AR	3,308	4,308
NIMROD LAKE, AR	1,319	1,319
NORFORK LAKE, AR	3,255	3,255
OSCEOLA HARBOR, AR	---	610
OUACHITA AND BLACK RIVERS, AR & LA	7,127	7,127
OZARK - JETA TAYLOR LOCK AND DAM, AR	3,912	3,912
PROJECT CONDITION SURVEYS, AR	10	10
WHITE RIVER, AR	195	2,195
YELLOW BEND PORT, AR	---	150
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,952	1,952
BODEGA BAY, CA	---	1,800
BUCHANAN DAM, H V EASTMAN LAKE, CA	1,725	1,725
CHANNEL ISLANDS HARBOR, CA	40	40
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,537	3,537
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,604	4,604
FARMINGTON DAM, CA	299	299
HIDDEN DAM, HENSLEY LAKE, CA	1,687	1,687
HUMBOLDT HARBOR AND BAY, CA	3,516	3,516
INSPECTION OF COMPLETED WORKS, CA	1,171	1,171
ISABELLA LAKE, CA	836	1,476
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	170	170
LOS ANGELES - LONG BEACH HARBORS, CA	200	3,200
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,691	6,691
MARINA DEL REY, CA	40	40
MERCED COUNTY STREAMS, CA	314	314
MOJAVE RIVER DAM, CA	273	273
MORRO BAY HARBOR, CA	3,860	3,860
MOSS LANDING HARBOR, CA	---	2,500
NEW HOGAN LAKE, CA	1,922	1,922
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,573	1,573
NEWPORT BAY HARBOR, CA	40	40
OAKLAND HARBOR, CA	10,127	10,127
OCEANSIDE HARBOR, CA	1,270	1,270
PETALUMA RIVER, CA	---	2,500
PILLAR POINT HARBOR, CA	---	200
PINE FLAT LAKE, CA	2,443	2,443
PORT HUENEME, CA	40	40
PROJECT CONDITION SURVEYS, CA	1,224	1,224
REDWOOD CITY HARBOR, CA	---	2,000
RICHMOND HARBOR, CA	4,389	4,389
SACRAMENTO RIVER (30 FOOT PROJECT), CA	1,964	1,964
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,766	1,766
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	132	132
SAN DIEGO HARBOR, CA	140	140
SAN DIEGO RIVER AND MISSION BAY, CA	40	40
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,700	1,700
SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA...	---	200
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,366	2,500
SAN FRANCISCO HARBOR, CA	2,501	2,700
SAN JOAQUIN RIVER, CA	998	3,800
SAN RAFAEL CREEK, CA	---	1,800
SANTA ANA RIVER BASIN, CA	3,537	3,537
SANTA BARBARA HARBOR, CA	2,020	2,020
SCHEDULING RESERVOIR OPERATIONS, CA	1,504	1,504
SUCCESS LAKE, CA	1,969	1,969
SUISUN BAY CHANNEL, CA	1,635	1,635

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
TERMINUS DAM, LAKE KAWEAH, CA	1,747	1,747
VENTURA HARBOR, CA	2,980	4,145
YUBA RIVER, CA	102	102
COLORADO		
BEAR CREEK LAKE, CO	420	420
CHATFIELD LAKE, CO	797	1,097
CHERRY CREEK LAKE, CO	525	825
INSPECTION OF COMPLETED WORKS, CO	70	70
JOHN MARTIN RESERVOIR, CO	3,454	3,454
SCHEDULING RESERVOIR OPERATIONS, CO	249	249
TRINIDAD LAKE, CO	733	1,033
CONNECTICUT		
BLACK ROCK LAKE, CT	490	490
COLEBROOK RIVER LAKE, CT	454	454
HANCOCK BROOK LAKE, CT	221	221
HOP BROOK LAKE, CT	979	979
MANSFIELD HOLLOW LAKE, CT	424	424
NORTHFIELD BROOK LAKE, CT	294	294
STAMFORD HURRICANE BARRIER, CT	485	485
THOMASTON DAM, CT	516	516
WEST THOMPSON LAKE, CT	711	711
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	12,223	13,500
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	888	888
MISPILLION RIVER, DE	140	140
MURDERKILL RIVER, DE	140	140
WILMINGTON HARBOR, DE	2,985	2,985
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	928	928
WASHINGTON HARBOR, DC	48	48
FLORIDA		
APALACHICOLA BAY, FL	300	300
CANAVERAL HARBOR, FL	3,966	6,896
CARRABELLE BAY HARBOR, FL	---	150
CENTRAL AND SOUTHERN FLORIDA, FL	11,591	11,591
CLEARWATER PASS, FL	---	1,000
EAST PASS CHANNEL, FL	700	700
FERNANDINA HARBOR, FL	3,037	3,037
FORT PIERCE HARBOR, FL	49	2,000
HORSESHOE COVE, FL	520	520
INSPECTION OF COMPLETED WORKS, FL	100	100
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	2,173	2,173
JACKSONVILLE HARBOR, FL	4,040	4,040
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	5,719	5,719
MANATEE HARBOR, FL	20	20
MIAMI HARBOR, FL	3,700	3,700
MIAMI RIVER, FL	---	4,000
NAPLES TO BIG MARCO PASS, FL	---	1,000
NEW PASS CHANNEL, FL	---	1,800
OKEECHOBEE WATERWAY, FL	2,520	2,520

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PALM BEACH HARBOR, FL	3,253	3,253
PANAMA CITY HARBOR, FL	1,000	1,000
PENSACOLA HARBOR, FL	500	500
PONCE DE LEON INLET, FL	2,032	2,032
PORT ST JOE HARBOR, FL	500	500
PROJECT CONDITION SURVEYS, FL	600	600
REMOVAL OF AQUATIC GROWTH, FL	3,634	3,634
SCHEDULING RESERVOIR OPERATIONS, FL	50	50
SUWANEE RIVER, FL	---	2,000
TAMPA HARBOR, FL	4,163	4,163
WITHLACOOCHIE RIVER, FL	34	34
GEORGIA		
ALLATOONA LAKE, GA	5,427	6,333
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	1,237	12,900
ATLANTIC INTRACOASTAL WATERWAY, GA	2,172	2,172
BRUNSWICK HARBOR, GA	3,902	3,902
BUFORD DAM AND LAKE SIDNEY LANIER, GA	7,525	7,525
CARTERS DAM AND LAKE, GA	7,600	8,800
HARTWELL LAKE, GA & SC	11,876	11,876
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	10,325	10,325
RICHARD B RUSSELL DAM AND LAKE, GA & SC	6,564	6,564
SAVANNAH HARBOR, GA	12,911	14,000
SAVANNAH RIVER BELOW AUGUSTA, GA	215	215
WEST POINT DAM AND LAKE, GA & AL	4,865	4,865
HAWAII		
BARBERS POINT HARBOR, HI	344	344
INSPECTION OF COMPLETED WORKS, HI	122	122
PROJECT CONDITION SURVEYS, HI	508	508
IDAHO		
ALBENI FALLS DAM, ID	1,475	1,475
DWORSHAK DAM AND RESERVOIR, ID	4,002	4,002
INSPECTION OF COMPLETED WORKS, ID	75	75
LUCKY PEAK LAKE, ID	1,526	1,526
SCHEDULING RESERVOIR OPERATIONS, ID	342	342
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	3,709	3,709
CARLYLE LAKE, IL	4,962	4,962
CHICAGO HARBOR, IL	2,662	2,662
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	170	170
ILLINOIS WATERWAY (MVR PORTION), IL & IN	21,881	21,881
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,610	1,610
INSPECTION OF COMPLETED WORKS, IL	758	758
KASKASKIA RIVER NAVIGATION, IL	1,159	1,650
LAKE MICHIGAN DIVERSION, IL	1,037	1,037
LAKE SHELBYVILLE, IL	6,071	6,071
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	42,431	42,431
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	13,897	13,897
PROJECT CONDITION SURVEYS, IL	43	43
REND LAKE, IL	4,760	4,760
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	97	97
WAUKEGAN HARBOR, IL	770	770

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BROOKVILLE LAKE, IN	792	792
BURNS WATERWAY HARBOR, IN	3,977	3,977
CAGLES MILL LAKE, IN	674	674
CECIL M HARDEN LAKE, IN	829	829
INDIANA HARBOR, IN	64	64
INSPECTION OF COMPLETED WORKS, IN	102	102
J EDWARD ROUSH LAKE, IN	690	690
MICHIGAN CITY HARBOR, IN	1,495	1,495
MISSISSINEWA LAKE, IN	803	803
MONROE LAKE, IN	819	819
PATOKA LAKE, IN	757	757
PROJECT CONDITION SURVEYS, IN	42	42
SALAMONIE LAKE, IN	710	710
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	90	90
IOWA		
CORALVILLE LAKE, IA	2,735	2,735
INSPECTION OF COMPLETED WORKS, IA	812	812
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	148	148
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	3,270	6,880
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	2,263	2,263
RATHBUN LAKE, IA	2,195	2,195
RED ROCK DAM AND LAKE RED ROCK, IA	3,356	5,182
SAYLORVILLE LAKE, IA	3,887	3,887
KANSAS		
CLINTON LAKE, KS	2,201	2,201
COUNCIL GROVE LAKE, KS	1,116	1,116
EL DORADO LAKE, KS	478	478
ELK CITY LAKE, KS	526	526
FALL RIVER LAKE, KS	973	973
HILLSDALE LAKE, KS	1,014	1,014
INSPECTION OF COMPLETED WORKS, KS	45	45
JOHN REDMOND DAM AND RESERVOIR, KS	1,100	1,100
KANOPOLIS LAKE, KS	1,507	1,507
MARION LAKE, KS	1,422	1,422
MELVERN LAKE, KS	2,006	2,006
MILFORD LAKE, KS	1,997	1,997
PEARSON - SKUBITZ BIG HILL LAKE, KS	898	898
PERRY LAKE, KS	2,055	3,000
POMONA LAKE, KS	2,130	2,130
SCHEDULING RESERVOIR OPERATIONS, KS	185	185
TORONTO LAKE, KS	456	456
TUTTLE CREEK LAKE, KS	2,004	2,004
WILSON LAKE, KS	2,069	2,069
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	6,896	6,896
BARREN RIVER LAKE, KY	1,900	1,900
BIG SANDY HARBOR, KY	1,099	1,099
BUCKHORN LAKE, KY	1,440	1,560
CARR CREEK LAKE, KY	1,656	1,776
CAVE RUN LAKE, KY	834	834
DEWEY LAKE, KY	1,371	1,371
ELVIS STAHR (HICKMAN) HARBOR	---	460
FISHTRAP LAKE, KY	2,095	2,095
GRAYSON LAKE, KY	1,332	1,332
GREEN AND BARREN RIVERS, KY	1,079	1,079

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GREEN RIVER LAKE, KY..................................	2,107	2,107
INSPECTION OF COMPLETED WORKS, KY....................	87	87
KENTUCKY RIVER, KY....................................	913	913
LAUREL RIVER LAKE, KY.................................	1,311	1,311
MARTINS FORK LAKE, KY.................................	617	617
MIDDLESBORO CUMBERLAND RIVER BASIN, KY................	106	106
NOLIN LAKE, KY..	1,808	1,808
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH............	28,572	28,572
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH.........	5,180	5,180
PAINTSVILLE LAKE, KY..................................	1,178	1,178
ROUGH RIVER LAKE, KY..................................	2,069	2,069
TAYLORSVILLE LAKE, KY.................................	993	993
WOLF CREEK DAM, LAKE CUMBERLAND, KY...................	5,407	5,407
YATESVILLE LAKE, KY...................................	1,136	1,136
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	13,181	13,181
BARATARIA BAY WATERWAY, LA............................	---	2,000
BAYOU BODCAU RESERVOIR, LA............................	652	652
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA.......	730	730
BAYOU PIERRE, LA......................................	28	28
BAYOU SEGNETTE WATERWAY, LA...........................	---	740
BAYOU TECHE, LA.......................................	---	2,000
CADDO LAKE, LA..	92	92
CALCASIEU RIVER AND PASS, LA..........................	12,773	12,773
FRESHWATER BAYOU, LA..................................	1,595	3,595
GULF INTRACOASTAL WATERWAY, LA........................	18,195	19,500
HOUMA NAVIGATION CANAL, LA............................	3,343	3,343
INSPECTION OF COMPLETED WORKS, LA.....................	549	549
J BENNETT JOHNSTON WATERWAY, LA.......................	8,477	11,477
LAKE PROVIDENCE HARBOR, LA............................	---	592
MADISON PARISH PORT, LA...............................	---	120
MERMENTAU RIVER, LA...................................	933	1,258
MISSISSIPPI RIVER OUTLETS AT VENICE, LA...............	1,937	1,937
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,.	55,831	55,831
MISSISSIPPI RIVER, GULF OUTLET, LA....................	13,111	15,111
PROJECT CONDITION SURVEYS, LA.........................	80	80
REMOVAL OF AQUATIC GROWTH, LA.........................	2,000	2,000
WALLACE LAKE, LA......................................	154	154
WATERWAY FROM IWW TO BAYOU DULAC, LA..................	---	500
MAINE		
PENOBSCOT RIVER, ME...................................	---	275
PROJECT CONDITION SURVEYS, ME.........................	1,130	1,130
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME..........	17	17
UNION RIVER, ME.......................................	230	230
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD..................	464	464
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	650	650
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD...........	22,568	22,568
CUMBERLAND, MD AND RIDGELEY, WV.......................	157	157
HERRING BAY AND ROCKHOLD CREEK, MD....................	---	500
HONGA RIVER AND TAR BAY - BACK CREEK, MD..............	---	300
INSPECTION OF COMPLETED WORKS, MD.....................	330	330
JENNINGS RANDOLPH LAKE, MD & WV.......................	2,074	3,074
NANTICOKE HARBOR, MD..................................	---	700
NANTICOKE RIVER NORTHWEST FORK, MD....................	865	865
NEALE SOUND, CHARLES COUNTY, MD.......................	---	677
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD....	2,798	2,798

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, MD	459	459
RHODES POINT TO TYLERTON, MD	736	736
SCHEDULING RESERVOIR OPERATIONS, MD	142	142
TOLCHESTER CHANNEL, MD	1,901	1,901
TWITCH COVE AND BIG THOROFARE RIVER, MD	742	742
WICOMICO RIVER, MD	450	450
MASSACHUSETTS		
ANDREWS RIVER, MA	---	130
AUNT LYDIA'S COVE, MA	---	300
BARRE FALLS DAM, MA	489	489
BIRCH HILL DAM, MA	511	511
BUFFUMVILLE LAKE, MA	427	427
CAPE COD CANAL, MA	10,150	10,150
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	294	294
CONANT BROOK LAKE, MA	234	234
EAST BRIMFIELD LAKE, MA	325	325
GREEN HARBOR, MA	378	378
HODGES VILLAGE DAM, MA	416	416
INSPECTION OF COMPLETED WORKS, MA	125	125
KNIGHTVILLE DAM, MA	648	648
LITTLEVILLE LAKE, MA	476	476
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	358	358
PLYMOUTH HARBOR, MA	3,356	3,356
PROJECT CONDITION SURVEYS, MA	3,536	3,536
SCITUATE HARBOR, MA	---	1,500
TULLY LAKE, MA	665	665
WEST HILL DAM, MA	607	607
WESTVILLE LAKE, MA	397	397
MICHIGAN		
CHANNELS IN LAKE ST CLAIR, MI	118	118
CHARLEVOIX HARBOR, MI	122	122
DETROIT RIVER, MI	3,692	3,692
FRANKFORT HARBOR, MI	47	47
GRAND HAVEN HARBOR, MI	2,239	2,239
GRAND MARAIS HARBOR, MI	---	200
GRAND TRAVERSE BAY HARBOR, MI	10	10
HOLLAND HARBOR, MI	554	554
INSPECTION OF COMPLETED WORKS, MI	205	205
KEWEENAW WATERWAY, MI	804	804
LELAND HARBOR, MI	191	191
LUDINGTON HARBOR, MI	103	103
MANISTEE HARBOR, MI	42	42
MARQUETTE HARBOR, MI	239	239
MENOMINEE HARBOR, MI & WI	104	104
MONROE HARBOR, MI	52	52
MUSKEGON HARBOR, MI	451	451
ONTONAGON HARBOR, MI	1,544	1,544
PENTWATER HARBOR, MI	185	185
PORTAGE LAKE HARBOR, MI	2,518	2,518
PROJECT CONDITION SURVEYS, MI	275	275
ROUGE RIVER, MI	87	87
SAGINAW RIVER, MI	1,587	1,587
SAUGATUCK HARBOR, MI	1,231	1,231
SEBEWAING RIVER (ICE JAM REMOVAL), MI	10	10
SOUTH HAVEN HARBOR, MI	1,563	1,563
ST CLAIR RIVER, MI	759	759
ST JOSEPH HARBOR, MI	638	638
ST MARYS RIVER, MI	17,418	18,418
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	3,295	3,295

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD................	217	217
DULUTH - SUPERIOR HARBOR, MN & WI.....................	2,692	2,692
INSPECTION OF COMPLETED WORKS, MN.....................	101	101
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN..............	573	573
MINNESOTA RIVER, MN...................................	130	130
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	45,329	45,329
ORWELL LAKE, MN.......................................	337	337
PROJECT CONDITION SURVEYS, MN.........................	7	7
RED LAKE RESERVOIR, MN................................	146	146
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN.....	3,552	3,552
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN..........	94	94
MISSISSIPPI		
BILOXI HARBOR, MS.....................................	30	30
CLAIRBORNE COUNTY PORT, MS............................	---	122
EAST FORK, TOMBIGBEE RIVER, MS........................	170	170
GULFPORT HARBOR, MS...................................	2,100	2,100
INSPECTION OF COMPLETED WORKS, MS.....................	126	126
MOUTH OF YAZOO RIVER, MS..............................	---	120
OKATIBBEE LAKE, MS....................................	1,584	1,584
PASCAGOULA HARBOR, MS.................................	4,200	4,200
PEARL RIVER, MS & LA..................................	250	250
ROSEDALE HARBOR, MS...................................	---	661
YAZOO RIVER, MS.......................................	---	115
MISSOURI		
CARUTHERSVILLE HARBOR, MO.............................	---	240
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO...........	6,196	6,196
CLEARWATER LAKE, MO...................................	2,184	3,819
HARRY S TRUMAN DAM AND RESERVOIR, MO..................	8,215	8,215
INSPECTION OF COMPLETED WORKS, MO.....................	142	142
LITTLE BLUE RIVER LAKES, MO...........................	800	800
LONG BRANCH LAKE, MO..................................	876	876
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,068	13,068
NEW MADRID HARBOR, MO.................................	---	290
POMME DE TERRE LAKE, MO...............................	2,204	2,204
PROJECT CONDITION SURVEYS, MO.........................	10	10
SMITHVILLE LAKE, MO...................................	1,128	1,128
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER............	---	400
STOCKTON LAKE, MO.....................................	4,065	4,065
TABLE ROCK LAKE, MO...................................	6,826	8,826
UNION LAKE, MO..	10	10
MONTANA		
FT PECK DAM AND LAKE, MT..............................	4,342	4,342
LIBBY DAM, LAKE KOOCANUSA, MT.........................	1,791	1,791
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD.......	6,495	6,745
HARLAN COUNTY LAKE, NE................................	2,019	2,019
MISSOURI NATIONAL RECREATIONAL RIVER, NE..............	---	275
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	500	500
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWK	80	80
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWO	125	125
PAPILLION CREEK AND TRIBUTARIES LAKES, NE.............	611	611
SALT CREEK AND TRIBUTARIES, NE........................	847	847
SCHEDULING RESERVOIR OPERATIONS, NE...................	329	329

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	43	43
MARTIS CREEK LAKE, NV & CA	576	576
PINE AND MATHEWS CANYONS LAKES, NV	210	210
NEW HAMPSHIRE		
BLACKWATER DAM, NH	607	607
COCHECO RIVER	---	300
EDWARD MACDOWELL LAKE, NH	460	460
FRANKLIN FALLS DAM, NH	1,104	1,104
HOPKINTON - EVERETT LAKES, NH	1,412	1,412
OTTER BROOK LAKE, NH	781	781
PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH	287	287
SAGAMORE CREEK CHANNEL, NH	---	400
SURRY MOUNTAIN LAKE, NH	749	749
NEW JERSEY		
BARNEGAT INLET, NJ	1,400	3,200
COLD SPRING INLET, NJ	410	410
DELAWARE RIVER AT CAMDEN, NJ	19	19
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	17,105	19,105
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,465	3,465
NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,800	2,800
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	2,900	2,900
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
SHARK RIVER, NJ	100	100
SHREWSBURY RIVER, MAIN CHANNEL, NJ	---	130
NEW MEXICO		
ABIQUIU DAM, NM	1,556	3,056
COCHITI LAKE, NM	2,209	2,209
CONCHAS LAKE, NM	1,932	1,932
GALISTEO DAM, NM	368	468
INSPECTION OF COMPLETED WORKS, NM	80	80
JEMEZ CANYON DAM, NM	541	541
SANTA ROSA DAM AND LAKE, NM	1,049	1,229
SCHEDULING RESERVOIR OPERATIONS, NM	130	130
TWO RIVERS DAM, NM	328	328
UPPER RIO GRANDE WATER OPERATIONS MODEL	---	1,500
NEW YORK		
ALMOND LAKE, NY	463	463
ARKPORT DAM, NY	252	252
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,795	2,795
BUFFALO HARBOR, NY	515	515
DUNKIRK HARBOR, NY	280	280
EAST RIVER, NY	600	600
EAST ROCKAWAY INLET, NY	250	250
EAST SIDNEY LAKE, NY	513	513
FIRE ISLAND INLET TO JONES INLET, NY	2,300	2,300
FLUSHING BAY AND CREEK, NY	3,000	4,000
GREAT KILLS HARBOR, NY	---	1,000
GREAT SODUS BAY HARBOR, NY	50	50
GREAT SOUTH BAY, NY	100	100
HUDSON RIVER, NY (MAINT)	2,525	2,525
HUDSON RIVER, NY (O&C)	1,340	1,340
INSPECTION OF COMPLETED WORKS, NY	509	509
JAMAICA BAY, NY	250	250
JONES INLET, NY	100	100

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LAKE MONTAUK HARBOR, NY	80	80
LITTLE SODUS BAY HARBOR, NY	50	50
LONG ISLAND INTRACOASTAL WATERWAY, NY	70	70
MORICHES INLET, NY	80	80
MT MORRIS LAKE, NY	2,616	2,616
NEW YORK AND NEW JERSEY CHANNELS, NY	4,250	4,250
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	5,030	5,030
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	750	750
NEW YORK HARBOR, NY	5,570	5,570
OSWEGO HARBOR, NY	20	20
PLATTSBURGH HARBOR, NY	---	2,000
PROJECT CONDITION SURVEYS, NY	2,563	2,563
ROCHESTER HARBOR, NY	35	35
RONDOUT HARBOR, NY	475	475
SAG HARBOR, NY	925	925
SHINNECOCK INLET, NY	100	100
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	750	750
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	479	479
WHITNEY POINT LAKE, NY	564	564
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	2,391	5,000
B EVERETT JORDAN DAM AND LAKE, NC	3,065	3,065
BEAUFORT HARBOR, NC	35	35
BOGUE INLET AND CHANNEL, NC	1,267	1,267
CAPE FEAR RIVER ABOVE WILMINGTON, NC	486	486
CAROLINA BEACH INLET, NC	1,060	1,060
FALLS LAKE, NC	1,516	1,516
INSPECTION OF COMPLETED WORKS, NC	22	22
LOCKWOODS FOLLY RIVER, NC	895	1,895
MANTEO (SHALLOWBAG) BAY, NC	4,863	4,863
MASONBORO INLET AND CONNECTING CHANNELS, NC	2,245	2,945
MOREHEAD CITY HARBOR, NC	4,450	4,750
NEW RIVER INLET, NC	1,235	1,235
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	940	940
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	64	64
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	2,253	2,253
WILMINGTON HARBOR, NC	5,105	5,105
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	210	210
GARRISON DAM, LAKE SAKAKAWEA, ND	9,111	9,911
HOMME LAKE, ND	164	164
INSPECTION OF COMPLETED WORKS, ND	52	52
LAKE ASHTABULA AND BALDHILL DAM, ND	1,264	1,264
PIPESTEM LAKE, ND	402	402
SOURIS RIVER, ND	385	385
OHIO		
ALUM CREEK LAKE, OH	799	799
ASHTABULA HARBOR, OH	2,051	2,051
BERLIN LAKE, OH	1,872	1,872
CAESAR CREEK LAKE, OH	1,142	1,142
CLARENCE J BROWN DAM, OH	723	723
CLEVELAND HARBOR, OH	3,700	3,700
CONNEAUT HARBOR, OH	30	30
DEER CREEK LAKE, OH	903	903
DELAWARE LAKE, OH	642	642
DILLON LAKE, OH	527	527

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FAIRPORT HARBOR, OH	1,235	1,235
HURON HARBOR, OH	1,040	1,040
INSPECTION OF COMPLETED WORKS, OH	166	166
LORAIN HARBOR, OH	1,100	1,100
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	809	809
MOSQUITO CREEK LAKE, OH	1,054	1,054
MUSKINGUM RIVER LAKES, OH	6,284	6,284
NORTH BRANCH KOKOSING RIVER LAKE, OH	358	358
PAINT CREEK LAKE, OH	680	680
PORT CLINTON HARBOR, OH	1,080	1,080
PROJECT CONDITION SURVEYS, OH	85	85
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	950	950
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	190	190
TOLEDO HARBOR, OH	3,211	3,211
TOM JENKINS DAM, OH	229	229
TOUSSAINT RIVER, OH	10	10
WEST FORK OF MILL CREEK LAKE, OH	476	476
WILLIAM H HARSHA LAKE, OH	816	816
OKLAHOMA		
ARCADIA LAKE, OK	429	429
BIRCH LAKE, OK	572	572
BROKEN BOW LAKE, OK	1,549	1,549
CANDY LAKE, OK	18	18
CANTON LAKE, OK	3,012	3,012
COPAN LAKE, OK	824	824
EUFAULA LAKE, OK	6,277	6,277
FORT GIBSON LAKE, OK	4,144	4,144
FORT SUPPLY LAKE, OK	879	879
GREAT SALT PLAINS LAKE, OK	234	234
HEYBURN LAKE, OK	572	572
HUGO LAKE, OK	1,670	1,800
HULAH LAKE, OK	406	406
INSPECTION OF COMPLETED WORKS, OK	91	91
KAW LAKE, OK	1,840	1,840
KEYSTONE LAKE, OK	5,553	5,553
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK.	3,025	3,025
OOLOGAH LAKE, OK	1,843	1,843
OPTIMA LAKE, OK	56	56
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	32	32
PINE CREEK LAKE, OK	1,170	1,170
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	5,130	5,130
SARDIS LAKE, OK	913	913
SCHEDULING RESERVOIR OPERATIONS, OK	370	370
SKIATOOK LAKE, OK	893	893
TENKILLER FERRY LAKE, OK	3,228	3,228
WAURIKA LAKE, OK	1,426	1,426
WEBBERS FALLS LOCK AND DAM, OK	3,557	3,557
WISTER LAKE, OK	602	672
OREGON		
APPLEGATE LAKE, OR	720	720
BLUE RIVER LAKE, OR	260	260
BONNEVILLE LOCK AND DAM, OR & WA	5,430	5,880
CHETCO RIVER, OR	402	402
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	13,042	16,042
COLUMBIA RIVER AT THE MOUTH, OR & WA	7,818	8,018
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	352	352
COOS BAY, OR	4,692	4,692
COQUILLE RIVER, OR	193	193

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
COTTAGE GROVE LAKE, OR	981	981
COUGAR LAKE, OR	752	752
DEPOE BAY, OR	3	3
DETROIT LAKE, OR	584	584
DORENA LAKE, OR	649	649
FALL CREEK LAKE, OR	722	722
FERN RIDGE LAKE, OR	952	952
GREEN PETER - FOSTER LAKES, OR	1,196	1,196
HILLS CREEK LAKE, OR	377	377
INSPECTION OF COMPLETED WORKS, OR	176	176
JOHN DAY LOCK AND DAM, OR & WA	4,056	4,356
LOOKOUT POINT LAKE, OR	1,818	1,818
LOST CREEK LAKE, OR	3,049	3,049
MCNARY LOCK AND DAM, OR & WA	3,650	3,650
PORT ORFORD, OR	631	631
PROJECT CONDITION SURVEYS, OR	200	200
ROGUE RIVER AT GOLD BEACH, OR	674	674
SCHEDULING RESERVOIR OPERATIONS, OR	69	69
SIUSLAW RIVER, OR	781	781
SKIPANON CHANNEL, OR	161	161
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	14	214
UMPQUA RIVER, OR	834	834
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	291	291
WILLAMETTE RIVER BANK PROTECTION, OR	68	68
WILLOW CREEK LAKE, OR	830	830
YAQUINA BAY AND HARBOR, OR	2,354	2,454
PENNSYLVANIA		
ALLEGHENY RIVER, PA	6,015	6,015
ALVIN R BUSH DAM, PA	622	622
AYLESWORTH CREEK LAKE, PA	229	229
BELTZVILLE LAKE, PA	1,355	1,355
BLUE MARSH LAKE, PA	2,285	2,285
CONEMAUGH RIVER LAKE, PA	945	945
COWANESQUE LAKE, PA	1,887	1,887
CROOKED CREEK LAKE, PA	2,001	2,001
CURWENSVILLE LAKE, PA	676	676
EAST BRANCH CLARION RIVER LAKE, PA	1,322	1,322
ERIE HARBOR, PA	70	70
FOSTER JOSEPH SAYERS DAM, PA	729	729
FRANCIS E WALTER DAM, PA	797	1,097
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	365	365
INSPECTION OF COMPLETED WORKS, PA	95	95
JOHNSTOWN, PA	1,115	1,115
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,189	1,189
LOYALHANNA LAKE, PA	977	977
MAHONING CREEK LAKE, PA	1,093	1,093
MONONGAHELA RIVER, PA	14,203	14,203
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	19,321	19,321
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	58	58
PROJECT CONDITION SURVEYS, PA	88	88
PROMPTON LAKE, PA	482	482
PUNXSUTAWNEY, PA	15	15
RAYSTOWN LAKE, PA	3,902	3,902
SCHUYLKILL RIVER, PA	1,315	1,315
SHENANGO RIVER LAKE, PA	2,252	2,252
STILLWATER LAKE, PA	350	350
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	65	65
TIOGA - HAMMOND LAKES, PA	2,501	2,501
TIONESTA LAKE, PA	2,262	3,012
UNION CITY LAKE, PA	221	221
WOODCOCK CREEK LAKE, PA	761	761

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
YORK INDIAN ROCK DAM, PA...............................	547	547
YOUGHIOGHENY RIVER LAKE, PA & MD......................	1,871	1,871
RHODE ISLAND		
PROVIDENCE RIVER AND HARBOR, RI.......................	2,110	2,610
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC....................	1,575	2,000
CHARLESTON HARBOR, SC.................................	5,171	5,171
COOPER RIVER, CHARLESTON HARBOR, SC...................	3,201	3,201
FOLLY RIVER, SC.......................................	748	748
GEORGETOWN HARBOR, SC.................................	5,738	5,738
INSPECTION OF COMPLETED WORKS, SC.....................	26	26
MURRELLS INLET, SC....................................	---	2,200
PORT ROYAL HARBOR, SC.................................	169	500
PROJECT CONDITION SURVEYS, SC.........................	45	45
SHIPYARD RIVER, SC....................................	486	486
TOWN CREEK, SC..	305	305
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD.........................	6,136	6,386
COLD BROOK LAKE, SD...................................	433	433
COTTONWOOD SPRINGS LAKE, SD...........................	197	197
FORT RANDALL DAM, LAKE FRANCIS CASE, SD...............	8,044	8,294
LAKE TRAVERSE, SD & MN................................	531	531
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	625	625
OAHE DAM, LAKE OAHE, SD & ND..........................	9,480	9,730
SCHEDULING RESERVOIR OPERATIONS, SD...................	306	306
TENNESSEE		
CENTER HILL LAKE, TN..................................	4,757	4,757
CHEATHAM LOCK AND DAM, TN.............................	4,217	4,217
CHICKAMAUGA LOCK, TN..................................	2,315	2,315
CORDELL HULL DAM AND RESERVOIR, TN....................	3,910	3,910
DALE HOLLOW LAKE, TN..................................	4,217	4,217
INSPECTION OF COMPLETED WORKS, TN.....................	97	97
J PERCY PRIEST DAM AND RESERVOIR, TN..................	3,222	3,222
OLD HICKORY LOCK AND DAM, TN..........................	5,981	5,981
PROJECT CONDITION SURVEYS, TN.........................	19	19
TENNESSEE RIVER, TN...................................	16,422	16,422
WOLF RIVER HARBOR, TN.................................	---	450
TEXAS		
AQUILLA LAKE, TX......................................	708	708
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,267	1,267
BARBOUR TERMINAL CHANNEL, TX..........................	577	577
BARDWELL LAKE, TX.....................................	1,499	1,499
BAYPORT SHIP CHANNEL, TX..............................	2,275	2,275
BELTON LAKE, TX.......................................	2,578	2,578
BENBROOK LAKE, TX.....................................	2,290	2,290
BRAZOS ISLAND HARBOR, TX..............................	1,222	1,222
BUFFALO BAYOU AND TRIBUTARIES, TX.....................	2,977	2,977
CANYON LAKE, TX.......................................	2,743	2,743
CORPUS CHRISTI SHIP CHANNEL, TX.......................	5,399	5,399
DENISON DAM, LAKE TEXOMA, TX..........................	5,532	5,532
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX............	5	5
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX............	2,554	2,554
FREEPORT HARBOR, TX...................................	6,950	6,950
GALVESTON HARBOR AND CHANNEL, TX......................	130	130

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GIWW, CHANNEL TO VICTORIA, TX	585	585
GRANGER DAM AND LAKE, TX	1,535	1,535
GRAPEVINE LAKE, TX	2,478	2,478
GULF INTRACOASTAL WATERWAY, TX	19,994	19,994
HORDS CREEK LAKE, TX	1,190	1,190
HOUSTON SHIP CHANNEL, TX	7,555	13,000
INSPECTION OF COMPLETED WORKS, TX	452	452
JIM CHAPMAN LAKE, TX	1,189	1,189
JOE POOL LAKE, TX	784	784
LAKE KEMP, TX	143	143
LAVON LAKE, TX	2,485	2,485
LEWISVILLE DAM, TX	3,253	3,253
MATAGORDA SHIP CHANNEL, TX	1,665	1,665
MOUTH OF THE COLORADO RIVER, TX	2,480	2,480
NAVARRO MILLS LAKE, TX	1,596	1,596
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,748	1,748
O C FISHER DAM AND LAKE, TX	893	893
PAT MAYSE LAKE, TX	976	976
PROCTOR LAKE, TX	1,659	2,259
PROJECT CONDITION SURVEYS, TX	15	15
RAY ROBERTS LAKE, TX	821	821
SABINE - NECHES WATERWAY, TX	14,272	14,272
SAM RAYBURN DAM AND RESERVOIR, TX	4,417	4,417
SCHEDULING RESERVOIR OPERATIONS, TX	243	243
SOMERVILLE LAKE, TX	2,555	2,555
STILLHOUSE HOLLOW DAM, TX	1,719	1,719
TEXAS WATER ALLOCATION ASSESSMENT, TX	1,500	1,500
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	1,748	1,748
TRINITY RIVER AND TRIBUTARIES, TX	1,000	2,000
WACO LAKE, TX	2,412	3,912
WALLISVILLE LAKE, TX	1,320	1,320
WHITNEY LAKE, TX	4,227	4,800
WRIGHT PATMAN DAM AND LAKE, TX	2,611	2,611
UTAH		
INSPECTION OF COMPLETED WORKS, UT	75	75
SCHEDULING RESERVOIR OPERATIONS, UT	390	390
VERMONT		
BALL MOUNTAIN LAKE, VT	743	743
BURLINGTON HARBOR BREAKWATER, VT	250	2,000
NARROWS OF LAKE CHAMPLAIN, VT & NY	95	95
NORTH HARTLAND LAKE, VT	635	635
NORTH SPRINGFIELD LAKE, VT	700	700
TOWNSHEND LAKE, VT	764	764
UNION VILLAGE DAM, VT	506	651
VIRGINIA		
APPOMATTOX RIVER, VA	749	749
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,795	1,795
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	835	835
CHINCOTEAGUE BAY CHANNEL, VA	430	430
CHINCOTEAGUE INLET, VA	898	898
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,535	1,535
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	1,095	1,095
INSPECTION OF COMPLETED WORKS, VA	59	59
JAMES RIVER CHANNEL, VA	3,680	3,680
JOHN H KERR LAKE, VA & NC	10,013	10,013
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,387	1,387
LYNNHAVEN INLET, VA	916	916
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	215	215

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORFOLK HARBOR, VA	6,439	6,439
NORTH FORK OF POUND RIVER LAKE, VA	328	328
PAGAN RIVER, VA	145	145
PHILPOTT LAKE, VA	3,865	3,865
PROJECT CONDITION SURVEYS, VA	630	630
RUDEE INLET, VA	1,053	1,053
WATERWAY ON THE COAST OF VIRGINIA, VA	1,190	1,190
WINTER HARBOR, VA	---	1,000
YORK RIVER, VA	155	155
WASHINGTON		
CHIEF JOSEPH DAM, WA	848	848
COLUMBIA RIVER AT BAKER BAY, WA & OR	28	28
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	36	36
EDIZ HOOK, WA	718	718
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,345	1,345
GRAYS HARBOR AND CHEHALIS RIVER, WA	11,275	15,075
HOWARD HANSON DAM, WA	1,739	1,739
ICE HARBOR LOCK AND DAM, WA	3,249	3,249
INSPECTION OF COMPLETED WORKS, WA	243	243
LAKE WASHINGTON SHIP CANAL, WA	7,200	7,200
LITTLE GOOSE LOCK AND DAM, WA	1,290	1,590
LOWER GRANITE LOCK AND DAM, WA	6,114	6,114
LOWER MONUMENTAL LOCK AND DAM, WA	2,230	2,230
MILL CREEK LAKE, WA	3,016	3,016
MT ST HELENS SEDIMENT CONTROL, WA	319	319
MUD MOUNTAIN DAM, WA	2,319	2,319
NEAH BAY, WA	30	30
PROJECT CONDITION SURVEYS, WA	253	253
PUGET SOUND AND TRIBUTARY WATERS, WA	938	938
QUILLAYUTE RIVER, WA	1,760	1,760
SCHEDULING RESERVOIR OPERATIONS, WA	427	427
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA	300	300
SEATTLE HARBOR, WA	620	620
STILLAGUAMISH RIVER, WA	240	240
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	58	58
SWINOMISH CHANNEL, WA	515	515
TACOMA, PUYALLUP RIVER, WA	123	123
THE DALLES LOCK AND DAM, WA & OR	2,961	3,261
WILLAPA RIVER AND HARBOR, WA	435	885
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,074	1,074
BLUESTONE LAKE, WV	1,231	6,661
BURNSVILLE LAKE, WV	1,783	1,783
EAST LYNN LAKE, WV	1,687	1,687
ELKINS, WV	18	18
INSPECTION OF COMPLETED WORKS, WV	211	211
KANAWHA RIVER LOCKS AND DAMS, WV	6,799	6,799
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	16,738	20,053
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,407	2,407
R D BAILEY LAKE, WV	1,582	1,582
STONEWALL JACKSON LAKE, WV	888	888
SUMMERSVILLE LAKE, WV	1,458	1,458
SUTTON LAKE, WV	2,016	2,016
TYGART LAKE, WV	3,223	3,223
WHEELING CREEK, VA	---	2,000
WISCONSIN		
EAU GALLE RIVER LAKE, WI	736	736
FOX RIVER, WI	4,004	9,004
GREEN BAY HARBOR, WI	1,641	1,641

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, WI	17	17
KENOSHA HARBOR, WI	1,122	1,122
KEWAUNEE HARBOR, WI	210	210
LAFARGE LAKE, WI	56	56
MANITOWOC HARBOR, WI	249	249
MILWAUKEE HARBOR, WI	603	603
PENSAUKEE HARBOR, WI	488	488
PORT WING HARBOR, WI	260	260
PROJECT CONDITION SURVEYS, WI	8	8
SHEBOYGAN HARBOR, WI	46	46
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	2,625	2,625
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	42	42
TWO RIVERS HARBOR, WI	1,102	1,102
WYOMING		
JACKSON HOLE LEVEES, WY	1,198	1,198
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	700	700
COASTAL INLET RESEARCH PROGRAM	2,750	2,750
CULTURAL RESOURCES (NAGPRA/CURATION)	1,500	1,500
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,000	1,000
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	7,000	7,000
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	1,500	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	500	500
GREAT LAKES SEDIMENT TRANSPORT MODELS	500	1,000
HARBOR MAINTENANCE FEE DATA COLLECTION	575	575
INLAND WATERWAY NAVIGATION CHARTS	---	4,000
MANAGEMENT TOOLS FOR O&M	500	500
MONITORING OF COASTAL NAVIGATION PROJECTS	1,700	1,700
NATIONAL DAM SAFETY PROGRAM	40	40
NATIONAL DAM SECURITY PROGRAM	25	25
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	4,000	4,000
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR	300	300
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	415	415
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,500	1,500
REGIONAL SEDIMENT MANAGEMENT SEDIMENT DEMO PROGRAM	1,500	1,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	675
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	700	700
WATERBORNE COMMERCE STATISTICS	4,000	4,000
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-16,457	-73,662
TOTAL, OPERATION AND MAINTENANCE	1,745,000	1,874,803

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $36,228,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate. The conferees are in agreement with the language in the Senate report regarding the Uinta Basin Replacement Project.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $762,531,000 for Water and Related Resources instead of $691,160,000 as proposed by the House and $732,496,000 as proposed by the Senate.

The amount provided for the American River Division of the Central Valley Project includes $3,500,000 for the Bureau of Reclamation to reimburse the City of Folsom, California, for costs associated with the replacement of the Natoma Pipeline System, which is owned and operated by the Bureau of Reclamation and is the single water supply source for the City.

The amount provided for the East Side Division of the Central Valley Project includes $1,000,000 for water and sewer system upgrades and a visitor capacity study at New Melones Lake.

The amount provided for Miscellaneous Project Programs of the Central Valley Project includes an additional $1,000,000 for the Banta-Carbona Irrigation District's fish screen project.

The amount provided for the Sacramento River Division of the Central Valley Project includes $2,600,000 for the Glenn-Colusa Irrigation District Fish Screen Improvement Project; $750,000 for detailed, site-specific environmental assessment and permitting work associated with Sites Reservoir, including an evaluation of both the GCID Main Canal and the Tehama-Colusa Canal as a means to convey water to the proposed reservoir; and $300,000 for the Colusa Basin Drainage District's Integrated Resources Management Plan.

The conference agreement provides $2,500,000 for the Lake Tahoe Regional Wetlands Development program. In addition to the individual projects referenced in the House and Senate reports, the conferees agree that the funds may be used for projects throughout the Lake Tahoe basin in California and Nevada.

The conferees have provided an additional $11,200,000 for the Middle Rio Grande, New Mexico, project for the Bureau of Reclamation to continue the efforts of the Middle Rio Grande Collaborative Program Workgroup and its support activities to water users and species along the Middle Rio Grande. These efforts are intended to promote long and short term activities, with priority given to fulfillment of biological opinion requirements, to benefit species and water users pursuant to a Memorandum of Understanding signed by the relevant agencies and interested parties. The additional funds provided are for the following activities: $4,300,000 for modifications to river habitat; $2,180,000 for silvery minnow population management; $1,100,000 for monitoring of stream effects on the silvery minnow; $120,000 to combat non-native species; $640,000 for the Bureau of Reclamation's repayment obligations; $950,000 for water quality studies and improvements; $1,900,000 for the Bureau of Reclamation's purchase of water; and for associated program management. The conferees direct the Bureau of Reclamation to consult with the U.S. Fish and Wildlife Service on the silvery minnow monitoring and habitat efforts. In addition, the Bureau of Reclamation is directed to collaborate with universities in geographical proximity to the silvery minnow and possessing established experience and expertise in working with the silvery minnow..

The Colorado River Quantification Settlement Agreement is critically important to the long-term reliability of water supplies in Southern California and the entire Southwest. The conferees urge the Secretary of the Interior and parties to the Agreement to make every effort to bring about its timely and cost-effective implementation, including identifying the administrative and legislative actions necessary to meet the applicable deadlines.

The conferees have provided $15,000,000 for the Klamath Project in Oregon. Of that amount, $5,000,000 is to continue construction of the A-Canal.

The conference agreement includes $2,582,000 for the Drought Emergency Assistance program. Within that amount, $2,000,000 is for the Bureau of Reclamation to establish a Weather Damage Modification Program, including a regional weather modification research program involving the states of Oklahoma, Texas, Kansas, New Mexico, and Nevada. In addition, funds may be made available for leasing of water for specific drought related purposes from willing lessors in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase provided that the purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

Within the amount provided for the Wetlands Development Program, $500,000 is for the Bureau of Reclamation to undertake a project to restore natural vegetation along the lower Colorado River in the vicinity of Yuma, Arizona.

The conference agreement includes language which provides that $12,000,000 of the funds appropriated for Water and Related Resources shall be deposited in the San Gabriel Basin, California, Restoration Fund, of which $1,000,000 shall be for remediation in the Central Basin Municipal Water District.

The conference agreement includes language proposed by the Senate providing $1,500,000 to complete a feasibility study for the Sante Fe—Pojoaque Regional Water System in New Mexico.

The conference agreement deletes language proposed by the Senate making $4,000,000 available for the West River/Lyman Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota. Funds for this work have been provided within the amount available for the Mni Wiconi project.

The conference agreement deletes language proposed by the Senate regarding financial assistance for the preparation of drought contingency plans.

The conference agreement deletes language proposed by the Senate providing funds for the Hopi/Western Navajo Water Development Plan in Arizona, and the Savage Rapids Dam on the Rogue River in Oregon. Funds for these projects have been included within the amount appropriated for Water and Related Resources.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $7,495,000 for the Bureau of Reclamation Loan Program Account as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $55,039,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

Within the amount appropriated for the Central Valley Project Restoration Fund, the conferees expect the Bureau of Reclamation to use $9,000,000 for the Anadromous Fish Screen Program, including work on the American Basin Fish Screen and Habitat Improvement Project (Natomas Municipal Water Company) as well as the fish screen projects being undertaken by the Sutter Mutual Water Company and Reclamation District 108.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

The conference agreement includes no funds for the California Bay-Delta Ecosystem Restoration program as proposed by the House and the Senate.

The conferees have provided an additional $30,000,000 within the various units of the Central Valley Project under the Water and Related Resources account for activities that support the goals of the California Bay-Delta Ecosystem Restoration Program, instead of $40,000,000 as proposed by the Senate. The conferees are aware that legislation to authorize this multi-year, multi-billion dollar program has been introduced in the House and the Senate, but has yet to be enacted. Absent such an authorization, it will be difficult for the Congress to continue its support for this program. Therefore, the conferees strongly urge the parties involved to work to enact an authorization for the program so additional funding can be considered in the fiscal year 2003 appropriations cycle. The additional funds provided in support of the program are to be used as follows:

Delta Division: $7,500,000 for oversight activities; $1,000,000 for planning activities associated with enlarging Los Vaqueros Reservoir; $200,000 for the DMC Intertie with the California Aqueduct; $150,000 to evaluate operations alternatives for the Delta Cross Channel Reoperation; and $3,000,000 to construct the Tracy Test Fish Facility.

Friant Division: $2,500,000 to continue developing a plan of study for an investigation of storage in the Upper San Joaquin Watershed.

Miscellaneous Project Programs: $12,500,000 for the Environmental Water Account; $200,000 for water use efficiency pilot studies; and $200,000 to conduct a NEPA analysis and operate the clearinghouse for the water transfer program.

Sacramento River Division: $750,000 to continue planning activities related to Sites Reservoir.

San Felipe Division: $100,000 to provide technical assistance to the Santa Clara Valley Water District in conducting operational appraisal studies.

Shasta Division: $1,900,000 to continue evaluating the potential impacts of the proposed Shasta Dam raise.

POLICY AND ADMINISTRATION

The conference agreement appropriates $52,968,000 for Policy and Administration as proposed by the House and the Senate.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Section 201. The conference agreement includes language authorizing the Bureau of Reclamation to continue its program of providing grants to institutions of higher learning to support the training of Native Americans to manage natural resources.

Section 202. The conference agreement includes language amending the authorization for the San Gabriel Basin Restoration project.

Section 203. The conference agreement includes language proposed by the Senate regarding refunds of fees assessed for failure to file certain certification or reporting forms under the Reclamation Reform Act.

Section 204. The conference agreement includes language proposed by the Senate regarding the Lower Colorado River Basin Development Fund.

Section 205. The conference agreement includes language proposed by the House under Title V, General Provisions regarding the San Luis Unit and the Kesterson Reservoir in California. The Senate had proposed similar language under General Provisions, Department of the Interior.

Section 206. The conference agreement includes language proposed by the Senate regarding the valve rehabilitation project at the Arrowrock Dam on the Arrowrock Division of the Boise project in Idaho.

Section 207. The conference agreement includes language proposed by the Senate establishing requirements for the purchase or lease of water from the Middle Rio Grande or Carlsbad projects in New Mexico.

Section 208. The conference agreement includes language proposed by the House regarding the issuance of permits for commercial rafting within the Auburn State Recreation Area, California.

Section 209. The conference agreement amends House language regarding the make-up of water shortages caused by the operation of Folsom Dam and Reservoir in California for flood control.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the Senate regarding the use of funds provided for Drought Emergency Assistance.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN WATER RIGHTS SETTLEMENT ACT PROJECT...........	---	6,282	---	6,282
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN.........	31,392	50	31,392	50
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	725	9,355	725	9,355
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM...........	3,103	---	3,603	---
HOPI/WESTERN NAVAJO WATER DEVELOPMENT PLAN............	---	---	1,000	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM...............	575	---	575	---
PHOENIX METROPOLITAN WATER REUSE PROJECT..............	250	---	250	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJECT..	4,055	---	4,055	---
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM..........	685	---	685	---
TRES RIOS WETLANDS DEMONSTRATION......................	200	---	500	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY.........	100	---	100	---
YUMA AREA PROJECTS....................................	1,658	18,037	1,658	18,037
CALIFORNIA				
CACHUMA PROJECT.......................................	640	426	640	426
CALIFORNIA INVESTIGATIONS PROGRAM.....................	1,000	---	1,000	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PLANT....	1,800	---	1,800	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION.............................	2,387	10,996	5,887	10,996
AUBURN-FOLSOM SOUTH UNIT............................	1,947	---	1,947	---
DELTA DIVISION......................................	12,182	5,053	24,032	5,053
EAST SIDE DIVISION..................................	604	3,630	604	4,630
FRIANT DIVISION.....................................	2,103	2,923	4,603	2,923
MISCELLANEOUS PROJECT PROGRAMS......................	12,637	879	26,537	879
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT...	---	11,000	---	11,000

SACRAMENTO RIVER DIVISION	4,071	1,682	7,121	1,682
SAN FELIPE DIVISION	447	---	547	---
SAN JOAQUIN DIVISION	1,280	---	1,280	---
SHASTA DIVISION	2,456	7,025	4,356	7,025
TRINITY RIVER DIVISION	7,751	5,380	7,751	5,380
WATER AND POWER OPERATIONS	900	7,322	900	7,322
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	4,735	6,417	4,735	6,417
YIELD FEASIBILITY INVESTIGATION	1,500	---	1,500	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	200	---	2,500	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT	1,800	---	1,800	---
LONG BEACH DESALINATION PROJECT	---	---	1,000	---
LOS ANGELES AREA WATER RECLAMATION AND REUSE PROJECT	---	---	740	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO	---	---	400	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT	1,800	---	2,500	---
NORTH SONOMA COUNTY WATER REUSE STUDY	---	---	500	---
GROUNDWATER REPLENISHMENT SYSTEM	1,800	---	2,500	---
ORLAND PROJECT	---	410	---	410
SALTON SEA RESEARCH PROJECT	800	---	4,500	---
SACRAMENTO RIVER DIVERSION STUDY	---	---	4,000	---
SAN DIEGO AREA WATER RECYCLING PROGRAM	6,000	---	6,000	---
SAN GABRIEL BASIN PROJECT	1,800	---	1,800	---
SAN GABRIEL BASIN RESTORATION	---	---	12,000	---
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	2,500	---	4,000	---
SOLANO PROJECT	1,210	1,149	1,210	1,149
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	875	---	875	---
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTION 5 & 8	12,000	---	16,000	---
COLLBRAN PROJECT	127	1,202	127	1,202
COLORADO-BIG THOMPSON PROJECT	49	7,913	49	7,913
COLORADO-BIG THOMPSON PROJECT - HORSETOOTH DAM	---	26,000	---	26,000
FRUITGROWERS DAM PROJECT	74	17	74	17
FRYINGPAN-ARKANSAS PROJECT	9	4,472	9	4,472
GRAND VALLEY UNIT, CRBSCP, TITLE II	427	573	427	573
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	421	1,787	421	1,787
LOWER GUNNISON BASIN UNIT, CRBSCP, TITLE II	---	332	---	332
MANCOS PROJECT	49	23	49	23

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
PARADOX VALLEY UNIT, CRBSCP, TITLE II	---	2,119	---	2,119
PINE RIVER PROJECT	88	62	88	62
SAN LUIS VALLEY PROJECT	326	4,021	326	4,021
UNCOMPAHGRE PROJECT	368	27	368	27
HAWAII				
HAWAII WATER RESOURCES STUDY, HI	---	---	300	---
IDAHO				
BOISE AREA PROJECTS	1,526	6,071	1,526	6,071
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	11,000	---	11,000	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	165	---	165	---
IDAHO INVESTIGATIONS PROGRAM	509	---	509	---
MINIDOKA AREA PROJECTS	1,968	3,272	1,968	3,272
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROGRAM	262	---	262	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	594	---	594	---
WICHITA PROJECT	---	269	---	269
MONTANA				
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM	---	---	4,000	---
HUNGRY HORSE PROJECT	---	294	---	294
MILK RIVER PROJECT	440	541	440	541
MONTANA INVESTIGATIONS	321	---	321	---
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT	8,000	---	8,000	---
ROCKY BOYS/NORTH CENTRAL REGIONAL STUDY	---	---	350	---

NEBRASKA				
MIRAGE FLATS PROJECT	23	32	23	32
NEVADA				
HALFWAY WASH, NV	---	---	120	---
LAHONTAN BASIN PROJECT	6,347	2,089	6,347	2,089
LAKE MEAD/LAS VEGAS WASH PROGRAM	1,000	---	1,400	---
NEWLANDS PROJECT WATER RIGHTS FUND	---	---	2,000	---
SOUTHERN NEVADA WATER RECYCLING PROJECT	---	---	1,500	---
STEAMBOAT CREEK RENO, NV	---	---	100	---
WALKER RIVER BASIN PROJECT	---	---	200	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER RECLAMATION AND REUSE	---	---	7,000	---
CARLSBAD PROJECT	1,689	742	1,689	742
EASTERN NEW MEXICO WATER SUPPLY	---	---	250	---
MIDDLE RIO GRANDE PROJECT	2,684	8,967	13,884	8,967
NAVAJO GALLUP WATER SUPPLY	---	---	500	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	50	---	175
RIO GRANDE PROJECT	1,001	2,591	1,001	2,591
RIO JEMEZ (ABOUSELMAN) FEASIBILITY STUDY	---	---	1,200	---
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	214	---	214	---
SANTA FE - POJOAQUE REGIONAL WATER SYSTEM	---	---	1,500	---
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	200	---	200	---
TUCUMCARI PROJECT	26	---	26	---
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	217	---	217	---
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM	354	---	354	---
DAKOTAS TRIBES INVESTIGATIONS PROGRAM	250	---	250	---
GARRISON DIVERSION UNIT	21,011	4,228	22,500	4,228

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
OKLAHOMA				
ARBUCKLE PROJECT	---	186	---	186
MCGEE CREEK PROJECT	---	569	---	569
MOUNTAIN PARK PROJECT	---	276	---	276
NORMAN PROJECT	---	183	---	183
OKLAHOMA INVESTIGATIONS PROGRAM	263	---	263	---
WASHITA BASIN PROJECT	---	731	---	731
W.C. AUSTIN PROJECT	---	280	---	280
OREGON				
BEND FEED CANAL PIPELINE PROJECT	---	---	300	---
CROOKED RIVER PROJECT	278	418	278	418
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500	---	750	---
DESCHUTES PROJECT	360	138	360	138
DESCHUTES PROJECT-WICKUP DAM	---	12,000	---	12,000
EASTERN OREGON PROJECTS	340	267	340	267
GRANDE RONDE WATER OPTIMIZATION STUDY	150	---	150	---
GRANTS PASS PROJECT	---	---	500	---
KLAMATH PROJECT	12,277	483	15,000	483
OREGON INVESTIGATIONS PROGRAM	457	---	457	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	317	162	317	162
TUALATIN PROJECT	149	107	149	107
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	100	---	100	---
UMATILLA BASIN PROJECT, PHASE III STUDY	50	---	50	---
UMATILLA PROJECT	409	2,227	409	2,227
SOUTH DAKOTA				
CROW CREEK TRIBE RESERVATION WIDE M & I WATER SUPPLY	---	---	100	---

LEWIS AND CLARK RURAL WATER SYSTEM	---	---	2,000	--
MID-DAKOTA RURAL WATER PROJECT	10,000	40	15,000	40
MNI WICONI PROJECT	20,511	7,489	30,000	7,489
PERKINS COUNTY RURAL WATER DISTRICT	---	---	3,400	---
RAPID VALLEY PROJECT, DEERFIELD DAM	---	30	---	30
TEXAS				
BALMORHEA PROJECT	30	---	30	---
CANADIAN RIVER PROJECT	---	104	---	104
EL PASO WATER RECLAMATION AND REUSE	---	---	1,000	---
NAVAJO GALLUP WATER SUPPLY PROJECT	300	---	---	---
NUECES RIVER	---	421	---	421
PALMETTO BEND PROJECT	---	688	---	688
SAN ANGELO PROJECT	---	335	---	335
TEXAS INVESTIGATIONS PROGRAM	197	---	197	---
UTAH				
HYRUM PROJECT	310	8	310	8
MOON LAKE PROJECT	39	6	39	6
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	250	---	250	---
NEWTON PROJECT	46	7	46	7
NORTHERN UTAH INVESTIGATIONS PROGRAM	305	---	305	---
OGDEN RIVER PROJECT	111	51	111	51
PROVO RIVER PROJECT	465	363	465	363
SCOFIELD PROJECT	56	25	56	25
SOUTHERN UTAH INVESTIGATIONS PROGRAM	300	---	300	---
STRAWBERRY VALLEY PROJECT	82	7	82	7
WEBER BASIN PROJECT	1,704	290	1,704	290
WEBER RIVER PROJECT	356	32	356	32
WEST JORDAN WATER RECLAMATION & REUSE	---	---	1,500	---
WASHINGTON				
COLUMBIA BASIN PROJECT	4,044	9,119	4,044	9,119
WASHINGTON INVESTIGATIONS PROGRAM	425	---	425	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
YAKIMA PROJECT	516	6,753	516	6,753
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	10,600	---	11,100	---
WYOMING				
KENDRICK PROJECT	8	4,654	8	4,654
NORTH PLATTE PROJECT	40	1,412	40	1,412
SHOSHONE PROJECT	54	925	54	925
WYOMING INVESTIGATIONS PROGRAM	55	---	55	---
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II: PROGRAM & COLORADO RIVER WATER QUALITY IMPROVEMENT	10,929	---	10,929	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	5,349	1,821	5,349	1,821
COLORADO RIVER STORAGE PROJECT, SECTION 8, R&F&WL	4,677	61	4,677	61
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	150	---	150	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION	---	16,400	---	16,400
SAFETY EVALUATION OF EXISTING DAMS	---	17,900	---	17,900
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	624	---	624
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	2,620	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE	582	---	2,582	---
EFFICIENCY INCENTIVES PROGRAM	3,738	---	3,000	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	330	---	330
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	13,522	---	13,522	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	1,882	---	1,500	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	1,661	---	1,200	---
EXAMINATION OF EXISTING STRUCTURES	32	5,110	32	5,110
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	950	---	950

GENERAL PLANNING STUDIES..............................	1,861	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM.....................	7,690	---	6,500	---
LEWIS AND CLARK RURAL WATER SYSTEM....................	2,000	---	---	---
LOWER COLORADO RIVER OPERATIONS PROGRAM...............	13,103	---	13,103	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS................	---	509	---	509
NATIONAL FISH & WILDLIFE FOUNDATION...................	1,000	---	1,000	---
NATIVE AMERICAN AFFAIRS PROGRAM.......................	8,400	---	8,400	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING.......	1,709	---	1,300	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT............	180	950	180	950
PICK-SLOAN MISSOURI BASIN - OTHER PROJECTS............	3,183	29,747	3,183	29,747
POWER PROGRAM SERVICES................................	590	345	590	345
PUBLIC ACCESS AND SAFETY PROGRAM......................	463	---	463	---
RECLAMATION LAW ADMINISTRATION........................	5,130	---	4,800	---
RECLAMATION RECREATION MANAGEMENT - TITLE XXVIII......	1,922	---	1,922	---
RECREATION & FISH & WILDLIFE PROGRAM ADMINISTRATION..	2,694	---	2,300	---
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT DESALINATION PROGRAM.....	1,150	---	1,150	---
APPLIED SCIENCE/TECHNOLOGY AND DEVELOPMENT........	3,290	---	3,290	---
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM.....	300	---	4,000	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCEMEN	660	---	660	---
TECHNOLOGY ADVANCEMENT............................	300	---	300	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM........	940	---	940	---
SITE SECURITY...	---	1,755	---	1,755
SOIL AND MOISTURE CONSERVATION........................	314	---	314	---
TECHNICAL ASSISTANCE TO STATES........................	1,894	---	1,500	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM........	1,650	---	1,650	---
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	70	---	70	---
WATER MANAGEMENT & CONSERVATION PROGRAM...............	7,507	---	7,507	---
WETLANDS DEVELOPMENT..................................	3,836	---	3,836	---
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-33,840	---	-47,763	---
	===========	===========	===========	===========
TOTAL, WATER AND RELATED RESOURCES.............	343,299	304,698	456,708	305,823
	===========	===========	===========	===========

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT	1,239	---	1,239	---
SALINAS VALLEY WATER RECLAMATION	401	---	401	---
SAN SEVAINE CREEK WATER PROJECT	5,575	---	5,575	---
VARIOUS				
LOAN ADMINISTRATION	280	---	280	---
TOTAL, LOAN PROGRAM	7,495	---	7,495	---

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

PROJECT MANAGEMENT

The conferees strongly support efforts of the Office of Engineering and Construction Management (OECM) to improve the Department's construction and project management. The Department has announced plans to merge the Office of the Chief Financial Officer (the current location of OECM) with the Office of Management and Administration to form a new Office of Management, Budget and Evaluation. The Committees on Appropriations have been assured that this change will broaden the duties, scope, responsibilities, and authorities of OECM. The conferees understand that the Department intends to enable OECM to more effectively bring needed culture changes to its project management community.

Congress supported creation of OECM as a final attempt to correct the Department's weaknesses in project management. The conferees expect OECM to be fully funded to support enhanced systems development and deployment, training, process improvements, and accountability. The conferees acknowledge that the expanded mission of this office encompasses project closure, facilities, and infrastructure management activities and urge the Secretary to give priority to retaining within the Department the technical skills needed for federal project and real property management. The conferees recommend that, at each site, the Secretary designate a management office to coordinate project and real property management improvements with this headquarters office.

The conferees also expect the National Research Council to continue to monitor the Department's efforts in project management.

FACILITIES AND INFRASTRUCTURE

The conferees have provided funding in several programs for facilities and infrastructure improvement projects to allow the Department to begin to correct its worst deferred maintenance deficiencies and eliminate excess facilities. The conferees make this initial investment in critical infrastructure so the Department can begin to institute life-cycle asset management improvement processes throughout its complex and expect that at least 25 percent of the funds provided will be spent to eliminate excess facilities.

The conferees direct each site (not slated for closure) to prepare a ten-year site plan prescribing space utilization activities that stabilize, then reduce its baseline for maintenance costs by: (1) consolidating operations where practicable; (2) eliminating excess buildings; (3) employing cost efficiencies; and (4) addressing mission-critical requirements through an appropriate mix of renovations and new construction.

Beginning in fiscal year 2003, to ensure sustained improvement in project and real property management, the conferees direct the Department to present an integrated facilities and infrastructure budget request. This budget should identify program maintenance projects for buildings and facilities by site. To the extent that indirect funding supports maintenance, the budget should also report, by site, expenditures in the previous year and estimate the percentage to be applied in fiscal year 2003. The conferees expect the Department to retain up-to-date corporate-level management information on the condition of its buildings and facilities and annual expenditures on maintenance for its complex.

For new construction projects requested in fiscal year 2003, the conferees expect the budget to show the square footage of each new project, and request funding for elimination by transfer, sale, or demolition of excess buildings and facilities of equivalent size. This excess reduction to new construction formula does not apply to environmental management closure sites. The conferees expect the fiscal year 2003 budget to contain funds to eliminate excess facilities based on the greatest impact on long-term costs and risks. The Department should apply this requirement to each site. Only if deemed impracticable due to critical mission requirements, through a case-by-case waiver approved by the Secretary through the Chief Financial Officer, should the requirement be met through the reduction of excess facilities at another site. The Department will collect information from all sites on the square footage of excess property sold, transferred, or demolished each year and submit a report 45 days after the President's budget is presented to Congress.

The conferees expect the Chief Financial Officer to issue such directives as are necessary to ensure that: each site prepares a ten-year site plan; annual property reports reflect accurately the Department's entire real property inventory, including the current status of maintenance and disposition of excess property at each site; program budgets request funding for elimination of excess facilities by square footage proportional to new facilities requested; and project and real property offices in the field adhere to corporate guidelines for managing new projects, closeouts, and maintenance of all facilities.

DEPARTMENT OF ENERGY STAFFING

The conferees share the concerns raised by the House that the new National Nuclear Security Administration (NNSA) structure may have had the unintended consequence of unnecessarily increasing the Department's overall personnel costs, particularly at the headquarters, from a Department-wide perspective. The conferees further agree that the Secretary of Energy should submit a report to the Appropriations and Armed Services Committees of Congress concerning staffing increases arising from the creation of NNSA, as the House intended, as well as the "before and after" staffing levels of each office and activity affected by the reorganization. However, the report should also address the broader administrative support staffing concerns below and potential staffing reductions to NNSA or other DOE offices if administrative support functions could be staffed more efficiently. The Secretary shall submit the report by January 31, 2002.

With the new NNSA organization now in place, this affords a good opportunity for the Secretary of Energy and the Congress to take a fresh look at the management, effectiveness, and cost-effectiveness of the Department of Energy's administrative support functions at both the headquarters and field levels. Support functions include personnel, finance, contracting, facilities management, vehicle management, logistics, information management, public affairs, and congressional affairs.

The conferees note that other organizations in the Department of Energy, such as the Inspector General and Naval Reactors, independently perform some of their own administrative support functions such as congressional affairs. The Inspector General of the Department of Energy has interpreted its charter under the Inspector Generals Act, particularly in regards to its perceived need to conduct its own congressional affairs, differently than any of the military services which, for example, use "corporate" congressional affairs offices to interface between the Congress and all sub-elements of headquarters organizations including agency inspector generals.

Fragmentation of administrative support functions may also dilute the ability of the Secretary of Energy to manage the Department to meet Departmental strategic goals such as improved financial and contract management. To the extent that the Department invests in unnecessary administrative support costs in a fixed or limited growth budget environment, resources are diverted from higher-priority mission areas.

In submitting the plan on the staffing effects of the NNSA legislation and subsequent implementation, the conferees encourage the Secretary to focus on ensuring that the Department of Energy has the optimal administrative support structure to maximize mission effectiveness and minimize administrative support costs. As stated in the House report, the conferees encourage the Secretary to submit legislative proposals where appropriate to meet this objective.

ALTERNATIVE FINANCING APPROACHES

The Secretary of Energy is directed to conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department. This study is due to the House and Senate Committees on Appropriations by March 30, 2002.

EXTERNAL REGULATION

The Department is directed to prepare an implementation plan for the transition to external regulation at the Department's non-defense science laboratories. For the purpose of preparing this plan, the Department should assume that the Nuclear Regulatory Commission (NRC) would take over regulatory responsibility for nuclear safety at the Department's non-defense science laboratories, and the Occupational Safety and Health Administration (OSHA) would take over regulatory responsibility for worker safety at these laboratories. The conferees expect the Department to coordinate with NRC and OSHA, and to build upon the previous external regulation pilot programs, in developing this plan. For planning purposes, external regulation would apply to the five multiprogram and five single-purpose laboratories under the Office of Science, and the Department should assume external regulation to become effective beginning in fiscal year 2004. The implementation plan for external regulation is not to address nuclear weapons facilities, environmental remediation sites, or other Department laboratories, facilities, and sites. The implementation plan should address all details necessary to implement external regulation, including an estimate of the additional resources needed by the NRC and OSHA, corresponding reductions in funding and staffing at the Department, specific facilities or classes of facilities for which external regulation cannot be implemented in a timely manner, necessary changes to existing management and operating contracts, and changes in statutory language necessary to effect the transition to external regulation. This plan is due to the House and Senate Committees on Appropriations by May 31, 2002. Note that this provision only requires the Department to produce an implementation plan for external regulation for a limited set of DOE facilities; the actual transition to external regulation for those facilities will require additional legislative direction.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2002 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement does not include bill language proposed by either the House or the Senate regarding the Laboratory Directed Research and Development (LDRD) program. The conferees recognize the benefits of LDRD and expect LDRD activities to continue at previously authorized levels. However, when accepting funds from another federal agency that will be used for LDRD activities, the Department of Energy shall notify that agency in writing how much will be used for LDRD activities. In addition, the conferees direct the Secretary of Energy to include in the annual report to Congress on all LDRD activities an affirmation that all LDRD activities derived from funds of other agencies have been conducted in a manner that supports science and technology development that benefits the programs of the sponsoring agencies and is consistent with the Appropriations Acts that provided funds to those agencies.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language and support the reporting requirements for basic research for energy technologies, independent centers, augmenting Federal staff, budget justification requirements, sale of land, and reprogramming guidelines.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 15, 2002, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary.

ENERGY SUPPLY

The conference agreement provides $666,726,000 for Energy Supply instead of $639,317,000 as proposed by the House and $736,139,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for certain purposes.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $396,000,000 instead of $376,817,000 as proposed by the House and $435,600,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports.

Biomass/biofuels.—The conference agreement includes $93,000,000 for biomass/biofuels. The conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation.

The conference agreement includes $2,500,000 to support a cost-shared Agricultural Waste Methane Power Generation Facility in California; $2,000,000 to support a cost-shared agricultural mixed waste biorefinery in Alabama using the thermal depolymerization technology; $1,500,000 to support the Black Belt Bioenergy Demonstration Project in Alabama; $1,000,000 for microcombustion research at Oak Ridge National Laboratory in collaboration with the technology's inventor; $2,000,000 for the Biorenewable Resource Consortium; $3,000,000 for the Iroquois Bio-Energy Cooperative project in Indiana; $3,000,000 for the Gridley Rice Straw project in California; and $1,000,000 for the switchgrass project of the Great Plains Institute for Sustainable Development in Minnesota.

The conference agreement includes $4,000,000 for the Iowa switchgrass project; $1,000,000 for the Consortium for Plant Biotechnology Research; $3,000,000 for the McNeil biomass plant in Burlington, Vermont, and $750,000 for the methane energy and agriculture development project in Tillamook Bay, Oregon. The conference agreement includes $1,000,000 for the continuation and expansion of the ongoing demonstration of the oxygenated diesel fuel particulate matter emission reduction project in Clark County, Nevada, the cities of Riverside, Compton, Linwood, and Pasadena, California, and Ventura County, California; $2,000,000 for the Michigan Biotechnology Initiative; $3,000,000 for the Prime LLC of South Dakota integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot; $300,000 for the Biomass Energy Resource Center project in Vermont; $2,000,000 to continue the Sealaska ethanol project (subject to a non-Federal match) at the fiscal year 2001 level; $3,000,000 for the Biomass Gasification Research Center in Birmingham, Alabama; and $3,000,000 for the Winona, Mississippi, biomass project, where the current investment in the plant shall count as the required demonstration project cost share. The conferees direct the Department to continue funding for the Energy and Environment Research Center at last year's level. The conferees encourage the Department to continue the integrated approach to bioenergy activities and recommend the use of up to $18,000,000 within available funds for the Integrated Biomass Research and Development Program. The conferees urge the Department to form strong public-private-university partnerships in this program.

Geothermal.—The conference agreement includes $29,000,000 for geothermal activities. The conference agreement includes sufficient funding to maintain university research on geothermal technologies at the fiscal year 2001 funding level of $2,600,000. The conference agreement also includes $2,000,000 in final funding for the Lake County Basin geothermal project in Lake County, California; $2,000,000 for the Santa Rosa geysers project in California; $2,500,000 for Geopowering the West; and $1,000,000 for the UNR Geothermal Energy Center demonstration project.

Hydrogen.—The conference agreement includes $31,000,000 for hydrogen activities. The conference agreement includes $1,000,000 for the Fuel Cell Technology Assessment and Demonstration at the University of Alabama at Birmingham; $350,000 for the Big Sky Economic Development Authority demonstration fuel cell technologies; $500,000 for the gasification of Iowa switchgrass and its use in fuel cells; $1,500,000 for the ITM Syngas project; $1,500,000 for the fuel cell installation project at Gallatin County, Montana; and $1,000,000 for continued demonstration of the hydrogen locomotive and front-end loader projects.

Hydropower.—The conference agreement includes $5,300,000 for hydropower. The conference agreement includes $400,000 to plan a hydroelectric power generation facility at Gustavus, Alaska, subject to a local match for construction; and $1,900,000 for the completion of the Power Creek hydroelectric project in Alaska. No additional funds will be made available for this project.

Solar Energy.—The conference agreement includes $95,000,000 for solar energy programs. The conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy. The conferees urge the Department to fund these subprograms in roughly the same proportions as they were funded in fiscal year 2001.

The conference agreement includes $8,700,000 for basic research/university programs on photovoltaics; $18,500,000 to continue the thin film partnership program; $3,000,000 for continuation of the Million Solar Roofs program; $2,000,000 for the Southeast and Southwest photovoltaic experiment stations; and $3,000,000 for the Navajo electrification project. The Department is directed to continue with deployment of the 1.0 MW dish engine and to continue activities associated with the 25kW dish system. Additionally, the conferees direct the Department to develop and scope out an initiative to fulfill the goal of having 1,000 MW of new parabolic trough, power tower, and dish engine solar capacity supplying the southwestern United States by the year 2006. A report on this initiative is due to the House and Senate Committees on Appropriations by March 1, 2002.

The conference agreement includes $4,000,000 for technical analysis, technical assistance, and the harmonization of multi-program activities that address the resource opportunities and electric power needs of the southwestern United States. The expertise of the National Renewable Energy Laboratory (NREL) is to be made available through a site office in Nevada. NREL will provide expertise through a virtual laboratory concept, serving as a portal for electronic communications, information sharing, data warehousing, and partnerships among universities, researchers, technology developers, and those interested in deployment.

Wind.—The conference agreement includes $41,000,000 for wind programs. The conferees have provided $500,000 for the remote location pilot project at the Toledo Harbor Lighthouse; $1,000,000 for the Washington Electric Cooperative wind energy generating facility in Vermont; $500,000 for the Turtle Mountain Community College project in North Dakota; $1,000,000 for the Kotzebue project in Alaska; $250,000 for a wind generation facility to serve St. Paul and Unalaska, Alaska; and $500,000 for the small wind program being developed by the Vermont Department of Public Service. The Wind Powering America initiative is to be continued at last year's funding level.

Electric energy systems and storage.—The conference agreement includes $63,000,000 for electric energy systems and storage. The conferees have combined the subprograms for high temperature superconducting research and development, energy storage systems, and transmission reliability into a single program for electric energy systems and storage.

The conference agreement includes $4,000,000 to initiate field testing of aluminum ceramic fiber composite conductors; $1,000,000 for the fuel cell powered home using the Smart Energy Management Control System in Alabama; $2,000,000 for the UADispatch Outage Management System in Alabama; $3,000,000 for distributed generation demonstration projects in Indiana, focusing on the problems of interconnection, grid impact, and remote dispatch; $1,000,000 to initiate development of a bipolar nickel metal hydride battery storage system; $2,000,000 for Glenallen power generation upgrades, including extension of electricity to residents of Lake Louise; $2,000,000 for the Kachemak Bay Power System to extend and upgrade marine power cabling to provide power to the villages of Seldovia, Nanwalek, and Port Graham, Alaska; $3,000,000 for the Swan Lake-Lake Tyee electrical intertie pursuant to the Southeast Alaska intertie authorization enacted into law last year; and $3,000,000 to complete the Prince of Wales Island electrical intertie. The conferees note that $20,000,000 has been provided in State and local funds and this Federal amount represents the final installment needed to complete the project. The conference agreement also includes $3,000,000, within available funds, for NREL for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology. The conferees provide $500,000 to support the joint effort between New Mexico Tech and the Natural Energy Laboratory of Hawaii to integrate, demonstrate, and deploy distributed energy systems.

The conference agreement also includes the budget request for the proposed work between industrial consortia and national laboratories to develop high-performance, low-cost, second-generation, high temperature super-conducting wire.

Renewable Support and Implementation.—The conference agreement includes $14,500,000 for renewable support and implementation programs.

The conference agreement provides $1,500,000 for departmental energy management.

The conference agreement includes $3,000,000 for the international renewable energy program. Of this amount, $1,000,000 is to be provided to International Utility Efficiency Partnerships, Inc., for continuation of joint implementation project development. The conferees expect the Department to work with the Department of Commerce, the U.S. Agency for International Development, and other relevant agencies, to complete, and begin implementation of, a five-year strategic plan to open and expand export markets for U.S. clean energy technologies. The conferees urge the Administration to include adequate funding for this initiative in its Fiscal Year 2003 budget submission.

The conference agreement includes $4,000,000 for the renewable energy production incentive program.

The conference agreement includes $3,000,000 for renewable Indian energy resources. The conferees expect these funds to be administered as competitively awarded grants to federally-recognized tribes throughout the United States.

The conference agreement includes $3,000,000 for renewable program support, of which $1,500,000 is to support the National Alliance for Clean Energy Incubators.

National Renewable Energy Laboratory.—The conference agreement includes $5,000,000 for the National Renewable Energy Laboratory (NREL), the same as the budget request.

Program direction.—The conference agreement includes $19,200,000 for program direction, the same as the budget request.

NUCLEAR ENERGY

The conference agreement provides $250,456,000 for nuclear energy activities instead of $224,130,000 as proposed by the House and $264,069,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports. Within the funds available, the conferees include $400,000 for the Secretary to contract with the nation's sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of U.S. uranium conversion operations.

Advanced radioisotope power systems.—The conference agreement includes $29,000,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions.

Isotope support.—The conference agreement includes a total program level of $26,177,000 for the isotope program. This amount is reduced by offsetting collections of $9,000,000 to be received in fiscal year 2002, resulting in a net appropriation of $17,177,000. The conference agreement includes $2,494,000 for the Isotope Production Facility at the Los Alamos National Laboratory.

The conferees encourage the Department to continue to explore the concept of extracting medically valuable isotopes from the excess uranium 233 stored in Building 3019 at the Oak Ridge National Laboratory, Tennessee. Within available funds, the Department is urged to proceed with a Request for Proposals (RFP) for this project after submission to the House and Senate Committees on Appropriations of a budget-quality project plan which presents all costs, including the estimated life-cycle costs for storage and disposal of the excess uranium 233, and is crafted in a manner that would not increase the total costs for decontamination and decommissioning of Building 3019. The Department is reminded to consider the end use of the U233-derived material for clinical trials when preparing the RFP and evaluating proposals for this project, and may require the contractor to be capable of meeting the Good Manufacturing Practice requirements of the Food and Drug Administration with respect to the production of actinium 225.

University reactor fuel assistance and support.—The conference agreement includes $17,500,000, $5,526,000 more than the budget request. The conferees direct the Department to use the additional resources to begin implementing the recommendations contained in the April 2001 Final Report of the University Research Reactor Task Force of the Nuclear Energy Research Advisory Committee (NERAC), specifically, to establish geographically distributed regional university research reactor user facilities and geographically distributed training and education reactor facilities. The Department is expected to use a peer-reviewed process in selecting which facilities will receive Department support, and to involve fully the nuclear engineering and nuclear medicine communities in this process. The Department is directed to report to the House and Senate Committees on Appropriations by May 31, 2002, on its plan to implement the NERAC Task Force recommendations. The program should also include substantial financial support from the nuclear industry.

Research and development.—The conference agreement provides $51,000,000 for nuclear energy research and development activities.

The conference agreement includes $7,000,000, $2,500,000 more than the budget request, for nuclear energy plant optimization. The conferees direct the Department to ensure that projects are funded jointly with non-Federal partners and that the total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

The conferees have provided $32,000,000 for the Nuclear Energy Research Initiative (NERI).

The conference agreement includes a total of $12,000,000 for nuclear energy technologies, an increase of $7,500,000 over the budget request. The conference agreement includes $4,000,000 for completion of the Generation IV Technology Roadmap; and $3,000,000 for advanced reactor development consistent with the longer term recommendations of the Generation IV Technology Roadmap and to continue research begun in the current fiscal year on small, modular nuclear reactors. The conferees encourage the Department to implement the recommendations of the Nuclear Energy Research Advisory Committee's Near-Term Deployment Group to support industry applications to the Nuclear Regulatory Commission (NRC) for Early Site Permits, Combined Operating Licenses, and Design Certifications. The conference agreement provides $3,000,000 to share with industry the cost of these new NRC licensing processes. The conference agreement also provides $2,000,000 for fuel testing, code verification and validation, and materials testing at national laboratories in support of license applications for new reactor designs.

Infrastructure.—The conference agreement provides a total of $82,529,000. The conference agreement provides $35,357,000 for ANL–West Operations, which includes $2,000,000 for the advanced test reactor research and development upgrade initiative. The conference agreement also provides $8,733,000 for Test Reactor Area landlord activities. Funds provided by the Senate to initiate conceptual design for a remote-handled transuranic waste facility at ANL–West have been transferred to the environmental management program.

The conference agreement provides the budget request of $38,439,000 for the Fast Flux Test Facility (FFTF). No funds may be obligated for any purpose other than deactivation at FFTF until 90 days after receipt of the Secretary's recommendations for alternative actions at FFTF and the approval of those recommended alternative actions by the House and Senate Committee on Appropriations.

Nuclear facilities management.—The conference agreement provides $30,250,000 as proposed by the House. This amount includes $4,200,000 for the EBR–II shutdown, $16,200,000 for the disposition of spent nuclear fuel and legacy materials, and $9,850,000 for disposition technology activities.

Program direction.—The conference agreement includes $23,000,000 for program direction, a reduction of $2,062,000 from the budget request.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $30,500,000 for non-defense environment, safety and health activities, which includes $19,527,000 for program direction. When combined with $117,688,000 provided for defense environment, safety and health activities, the conference agreement makes a total of $148,188,000 available for environment, safety and health activities, a reduction of $1,912,000 from the total budget request for these activities. This funding reduction does not reflect any reduction in the Department's environment, safety, and health responsibilities, nor in the conferees' expectation that the Department will fulfill those responsibilities in a thorough and professional manner. However, the conferees do expect the Department to take steps to reduce its current headquarters staffing levels and reduce its reliance on support contractors to execute its responsibilities. The conference agreement includes $600,000 to be transferred to the Occupational Safety and Health Administration for worker health and safety at those sites transferred to non-Federal entities and for the Department's non-nuclear facilities not covered under the Atomic Energy Act.

TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement provides $7,770,000, including $1,400,000 for the Technical Information Management program and $6,370,000 for program direction.

FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of $18,000,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides $236,372,000 for Non-Defense Environmental Management instead of $227,872,000 as proposed by the House and $228,553,000 as proposed by the Senate.

The conference agreement includes $43,000,000 for site closure and $64,119,000 for site/project completion activities, the same as the budget request. The conferees encourage the Department to accelerate cleanup along the Columbia River in Hanford's 300 Area.

Post 2006 completion.—The conference agreement includes $125,753,000 for Post 2006 completion activities, an increase of $5,700,000 over the budget request. Additional funding of $3,700,000 is provided to maintain the cleanup activities at the Energy Technology Engineering Center in California. The conference agreement includes $2,000,000 for stabilization activities at the Atlas uranium mill tailings site in Utah as proposed by the House.

West Valley.—The conference agreement provides a total of $90,000,000 for the West Valley Demonstration Site in New York. However, the conferees remain concerned about the lack of agreement between the Department and the State of New York regarding the scope of Federal cleanup activities at the site and the respective Federal and State cost shares for those activities. While the recent resumption of negotiations is encouraging, the lack of agreement remains, as the General Accounting Office noted, the most significant impediment to completing cleanup of this site.

The conference agreement provides $90,000,000 for cleanup activities at the West Valley Demonstration Project in fiscal year 2002. Funding in subsequent fiscal years shall be reduced to the minimum necessary to maintain the project in a safe and stable condition, unless, not later than September 30, 2002, the Secretary: provides written notification to the House and Senate Committees on Appropriations that an agreement has been reached with the State of New York defining the final scope of Federal cleanup activities at the West Valley site and the respective Federal and State cost shares for those cleanup activities; submits that proposed agreement to the House and Senate Committees on Appropriations; and provides a written certification that the Federal activities proposed in that agreement will be in full compliance with all relevant Federal statutes, including the West Valley Demonstration Project Act of 1980 and the Nuclear Waste Policy Act of 1982, as amended, and are in the best interest of the Federal government. The Committees do not require the Secretary to submit a fully executed final agreement, but rather a draft agreement sufficiently complete to demonstrate that all principal issues in dispute have been resolved.

Excess facilities.—The conference agreement provides $3,500,000, an increase of $2,119,000 over the budget request, for excess facilities to begin actual decontamination and decommissioning of excess facilities owned by the environmental management program.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides $418,425,000 for uranium activities instead of $393,425,000 as proposed by the House and $408,725,000 as proposed by the Senate.

Uranium Enrichment Decontamination and Decommissioning Fund.—The conference agreement includes $299,641,000 for the uranium enrichment decontamination and decommissioning (D&D) fund. Additional funding of $27,000,000 is provided for continued cleanup at Paducah, Kentucky, and $30,000,000 is provided for continued cleanup at the East Tennessee Technology Park in Oak Ridge, Tennessee.

The conference agreement does not include funding recommended in this account by the Senate for uranium conversion activities. This issue is addressed in the Energy Supply appropriation account.

Other Uranium Activities.—The conference agreement provides $123,784,000 for other uranium activities. The conferees have included the budget request of $110,784,000 for operating expenses associated with the maintenance of facilities and inventories and pre-existing liabilities and consolidated the funding for these activities into one program.

The conference agreement provides the budget request of $10,000,000 for Project 02-U-101, Depleted Uranium Hexafluoride Conversion Project, in Paducah, Kentucky, and Portsmouth, Ohio, and transfers this project from the uranium enrichment D&D program to other uranium activities.

The conference agreement also provides $3,000,000 as proposed by the Senate to continue Project 96–U–201, DUF6 Cylinder Storage Yard, at Paducah, Kentucky.

Funding adjustment.—The conference agreement includes the use of $5,000,000 of prior year unobligated and uncosted balances.

SCIENCE

The conference agreement provides $3,233,100,000 instead of $3,166,395,000 as proposed by the House and $3,268,816,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the separate House and Senate reports. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific purposes.

High energy physics.—The conference agreement provides $716,100,000 for high energy physics, the same as the budget request. The conferees encourage strong support for university research and for research on low temperature superconductors to support high energy physics requirements. General Purpose Equipment and General Plant Projects should be funded for Office of Science laboratories at fiscal year 2001 levels. Funds provided by the Senate for a demonstration of the mass of the neutrino at the Waste Isolation Pilot Plant have been transferred to the environmental management program.

Nuclear physics.—The conference agreement provides $360,510,000 for nuclear physics, the same as the budget request. The conferees urge the Department to use these funds to enhance operation of the Relativistic Heavy Ion Collider (RHIC) at the Brookhaven National Laboratory and the Thomas Jefferson National Accelerator Facility in Virginia.

Biological and environmental research.—The conference agreement includes $527,405,000 for biological and environmental research. The conferees have included $11,405,000 to complete the construction of the Laboratory for Comparative Functional Genomics at the Oak Ridge National Laboratory. The conference amount includes a total of $18,000,000 for the low dose effects program; $3,500,000 in additional funding for computer upgrades and capital equipment costs at the Environmental Molecular Science Laboratory; and includes funding to continue the free air carbon dioxide experiments at the fiscal year 2001 level.

The conference agreement includes $2,600,000 for the positron emission tomography center at the University of South Alabama; $4,000,000 for the Gulf Coast Cancer Center and Research Institute; $2,000,000 for the University of Alabama at Birmingham center for nuclear magnetic resonance imaging; $1,000,000 for University of South Alabama research, in cooperation with industry and the Cooperative Research Network of the National Rural Electric Cooperative Association, on a fuel cell powered home using the Smart Energy Management Control System; $1,650,000 for the new library and regional resource learning center at Spring Hill College; $100,000 for the South Alabama Medical Education Outreach Program; $2,250,000 for the University of Florida Genetics Institute; $2,700,000 for a new linear accelerator for the Baystate Medical Center; $1,200,000 for the Cancer Institute of New Jersey; $1,000,000 for the Institute for Molecular and Biomedical Science at the University of Arizona; $1,000,000 for the Stanley Scott Cancer Center at Louisiana State University; $1,000,000 for the Infotonics Center of Excellence in Rochester, New York; $500,000 for the Joint Collaboration on Advanced Nanotechnology and Sensors with the University of New Orleans, Louisiana State University, and Louisiana Tech; $500,000 for the Breast Cancer Program at the North Shore—Long Island Jewish Health System; $500,000 for a functional magnetic resonance imaging machine at the University of Texas at Dallas and the University of Texas Southwestern Medical Center's Center for Brain, Cognition, and Behavior; $500,000 for the Integrated Environmental Research and Services program at Alabama A&M University; and $500,000 for the energy efficiency initiative at the Carolinas Health Care System.

The conference agreement includes $3,000,000 for the Multidisciplinary Research Facility at the College of Engineering, University of Notre Dame; $500,000 for a linear accelerator for the Burbank Regional Cancer Center in Fitchburg, Massachusetts; $500,000 for Hampshire College's National Center for Science Education; $1,000,000 for the Audubon Biomedical Science and Technology Park at Columbia University; $1,000,000 for the McFadden Science Center at Texas Wesleyan University; $1,000,000 for the emergency power supply system at Cedars-Sinai Medical Center; $1,000,000 for the Rush-Presbyterian-St.Luke's Medical Center; $1,000,000 for a nanoscience facility at Purdue University; $1,000,000 for the Julie and Ben Rogers Cancer Institute; $1,000,000 for the School of Public Health at the University of South Carolina; $1,000,000 for the continued development of the Life Sciences Building at Brown University; $1,000,000 for environmental modeling at the University of North Carolina at Chapel Hill; $1,000,000 to support renovation of the Science, Technology, and Engineering Research Complex at Jackson State University; and $1,000,000 for the PowerGrid simulator at Drexel University and the New Jersey Institute of Technology.

The conference agreement includes $7,000,000 for the positron emission tomography facility at West Virginia University; $2,000,000 for a linear accelerator for the University Medical Center of Southern Nevada; $250,000 for the research foundation of the University of Nevada-Las Vegas; $200,000 for the University of Nevada-Las Vegas to continue study of the biological effects of exposure to low-level radioactivity; $500,000 for a biomolecular nuclear magnetic resonance instrument at the Medical University of South Carolina; $1,000,000 for the Oncology Center of the Medical University of South Carolina; $3,000,000 for the National Center of Excellence in Photonics and Microsystems in New York; $500,000 for the Institute of Comparative Genomics at the American Museum of Natural History; $750,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University; $500,000 for the Hall of Paleontology at the Field Museum; $500,000 for the Center for Catalysis at Iowa State University; $1,000,000 for the Human Genome Project at the University of Southern California; $500,000 for biomedical research at Creighton University; $500,000 for the Child Health Institute of New Brunswick, New Jersey; $500,000 for the Oregon Renewable Energy Center; $1,000,000 for superconductor research at Boston College; $500,000 for the Natural Energy Laboratory in Hawaii; and $800,000 for the Rochester Institute of Technology microelectronics technology program.

The conference agreement includes $11,000,000 for operations and capital investment at the Mental Illness and Neuroscience Discovery Institute; and $2,000,000 for the University of Missouri-Columbia to expand the federal investment in the university's nuclear medicine and cancer research capital program.

Basic energy sciences.—The conference agreement includes $1,003,705,000 for basic energy sciences. The conference agreement includes the full amount of the budget request for the Spallation Neutron Source and the SPEAR 3 upgrade at the Stanford Synchrotron Radiation Laboratory. The conferees have included $3,000,000 to initiate project engineering and design (PED) for three user facilities for nanoscale science research (Project 02–SC–002), and the budget request of $7,685,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR). For purposes of reprogramming in fiscal year 2002, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

Advanced scientific computing research.—The conference agreement includes $158,050,000 for advanced scientific computing research (ASCR). The conferees support the use of available funds for the Scientific Discovery Through Advanced Computing (SciDAC) program and for terascale operating systems development. The conferees urge the Department to maximize the involvement of universities in the ASCR program, so that both the Department and the academic community can share in the latest technology developments in this field.

Energy research analyses.—The conference agreement includes $1,000,000 for energy research analyses, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes $30,175,000 for multi-program energy labs-facility support, the same as the budget request.

Fusion energy sciences.—The conference agreement includes $248,495,000, as proposed by both the House and Senate, for fusion energy sciences.

Facilities and infrastructure.—The conference agreement includes $10,000,000 for a new Facilities and Infrastructure program, as proposed by the House, to address infrastructure needs at the Department's science laboratories.

Safeguards and security.—The conference agreement includes $55,412,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science.

Program Direction.—The conference agreement includes $139,960,000 for program direction. This amount includes $63,000,000 for field offices, $72,500,000 for headquarters, and $4,460,000 for science education. The control level for fiscal year 2002 is at the program account level of program direction.

Funding adjustments.—A general reduction of $12,800,000 has been applied to this account, as well as the security charge for reimbursable work of $4,912,000 included in the budget request.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $95,000,000 for Nuclear Waste Disposal, instead of $133,000,000 as proposed by the House and $25,000,000 as proposed by the Senate. When combined with the $280,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of $375,000,000 will be available for program activities in fiscal year 2002. The conference agreement includes not to exceed $2,500,000 for the State of Nevada and $6,000,000 for affected units of local government.

The conferees direct the Department to focus all available resources on completing a quality Site Recommendation report, and the accompanying final Environmental Impact Statement (EIS), in a timely manner. The final Site Recommendation and final EIS were due in July 2001, and the conferees expect that these will be delivered to Congress no later than February 28, 2002. The conferees acknowledge that certain scientific and engineering work is directly related to the Site Recommendation and to resolving the technical concerns of the NRC and the Nuclear Waste Technical Review Board, and that such work should not automatically terminate upon submission of the Site Recommendation. However, if the Site Recommendation is negative, the conferees expect the Department to terminate promptly all such activities and take the steps necessary to remediate the site.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $210,853,000 for Departmental Administration expenses instead of $209,611,000 as proposed by the House and $208,948,000 as proposed by the Senate. Funding adjustments include a transfer of $22,000,000 from Other Defense Activities and the use of $10,000,000 of prior year balances. Revenues of $137,810,000 are estimated to be received in fiscal year 2002, resulting in a net appropriation of $73,043,000.

The conference agreement does not include language proposed by the House allowing the Department to transfer funds previously appropriated for Year 2000 (Y2K) activities to this account. The Y2K funds expired on September 30, 2001.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Office of Management, Budget and Evaluation.—The conference agreement provides $107,000,000 for the Office of Management, Budget and Evaluation. This is a new organization created by merging the Office of Management and Administration with the Office of the Chief Financial Officer (including the Office of Engineering and Construction Management). This reorganization is expected to improve program and project management by bringing together acquisitions, performance appraisals, and funding decisions.

The conferees expect the Department to increase the current staffing levels and fully fund the program activities of the Office of Engineering and Construction Management.

Corporate Management Information Program.—The conferees have provided a total of $15,000,000 for the Department's Corporate Management Information Program in two accounts: $5,000,000 in Departmental Administration and $10,000,000 in Other Defense Activities. The Department had requested a total of $20,000,000 in the Other Defense Activities account.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of $1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $1,000,000 or 10 percent to an individual program account require prior notification and approval.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $32,430,000 for the Inspector General as proposed by the House instead of $30,000,000 as proposed by the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages and operates the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

Nuclear posture review.—The conferees have provided a significant increase above the President's budget request and above the House bill in nuclear weapons activities, to include refurbishment of specific nuclear weapons as well as generic nuclear weapons-related process and infrastructure improvements. The basis for providing these additional funds is informal information provided by the NNSA at the Committees' request, rather than a formal budget request from the Administration. The information largely addresses on-going programs and generic process improvements, and does not identify the need to develop a specific new nuclear weapon in fiscal year 2002. The conferees agree that these investments are vital to ensuring that the NNSA can efficiently support Department of Defense schedules and requirements to maintain the highest levels of performance for our nation's nuclear weapons, while maximizing safety for NNSA employees and contractors performing the stockpile stewardship mission.

The conferees are concerned that NNSA not spend funds early in fiscal year 2002 that turn out to be wasted effort once the Nuclear Posture Review and its implementation by the Administration and the Congress is completed. The conferees are also concerned that the NNSA not spend funds in fiscal year 2002 that presuppose the outcome of the Nuclear Posture Review or thwart the ability of Congress to provide effective and timely oversight. It is the conferees' intent and instruction that the NNSA use the funds in its budget request and the additional funds provided herein for nuclear weapons activities only for generic process and infrastructure improvements and to continue on-going weapon refurbishment activities. NNSA should minimize weapon-unique investments in fiscal year 2002 in those instances where NNSA knows today that there is uncertainty about the long-term viability of the nuclear weapon or its delivery system. The NNSA may not use funds in fiscal year 2002 to initiate new weapons development programs or to initiate new warhead refurbishment programs that have not been formally identified to and approved by the Congress, other than through formal written reprogramming requests to the Armed Services and Appropriations Committees of Congress.

The conferees are concerned in particular about the W-80 warhead refurbishment for air-launched cruise missiles. The Department of Energy has the means to extend the life of the W-80 warhead by tens of years, yet the Department of Defense has yet to budget any funds to extend the life of its air-launched cruise missiles. Even if the life of the W-80 warhead and cruise missile were extended in an integrated and synchronized manner, the question of the desirability of extending the life of the B-52 aircraft fleet (already 40 years old) for a similar extended timeframe would need to be addressed by both the Administration and Congress. Because of the uncertainty surrounding these issues, the conferees designate funding for W-80 warhead life extension in fiscal year 2002 to be of special interest. Use of fiscal year 2002 funds for the unique costs to develop or implement W-80 warhead refurbishment that involve long-term life extension require advance written notification to and approval by the Armed Services and Appropriations Committees of Congress.

NNSA budget justifications.—The conferees agree that NNSA budget justification material for major nuclear weapon acquisition programs is currently not sufficient to assure adequate Congressional oversight of these very important programs. NNSA, in conjunction with the Department of Defense, is expected to propose significant investment in strategic weapon systems (to include refurbishments and life extensions) during the next 10 years to meet military requirements once the Administration's Nuclear Posture Review is completed. The Congress will have to examine these proposals in detail and will likely be asked to agree to higher levels of annual spending for these initiatives. It is vital that NNSA articulate the investment costs and benefits of such proposals in a clear and consistent manner.

The conferees direct the Administrator to submit Selected Acquisition Reports (SAR) once a year to the Armed Services and Appropriations Committees of Congress, to accompany the fiscal year 2003 and subsequent President's Budgets. The reports should be similar in content and format to those submitted to Congress by the Department of Defense pursuant to section 2432 of Title 10 of United States Code. The NNSA should identify criteria for designating its major defense acquisition programs, as the Defense Department has done, and then report annually on systems which meet them. The NNSA should also identify criteria for when to start SAR reporting for a given weapon system, and when to end it. SAR systems are generally those which require a significant development cost (hundreds of millions of dollars) or significant acquisition cost (billions of dollars). The conferees anticipate that this reporting requirement will not place an undue burden on the NNSA. If a system is to be refurbished in a block-approach, the SAR report must address information on each and all blocks of the program.

The conferees further direct that the Comptroller General review the NNSA's fiscal year 2003 submission of selected acquisition reports within 90 days of their submission to Congress, and assess whether they adequately and thoroughly identify information equivalent to what the Department of Defense provides Congress in its SAR reports. The conferees also direct the NNSA to include detailed information in the budget justification documents for its fiscal year 2003 and subsequent President's budget requests to Congress by weapon system. The budget should clearly show the unique and the fully-loaded cost of each weapon activity, to include refurbishments and conceptual study and/or development of new weapons.

Construction projects.—The conference agreement includes a significant increase in funding for new and ongoing construction projects and a new program for facilities and infrastructure upgrades. While these increases are necessary to maintain the nuclear weapons complex, the conferees are concerned that these increases will tax the existing project management expertise of the NNSA and its contractors. To ensure that construction project funding is properly executed, the conferees direct the NNSA's Office of Project Management Support to review each of these projects and verify that the conceptual design and at least 35 percent of the detailed design are completed before construction funds are obligated. The NNSA is strongly encouraged to use the expertise resident in the Department's Office of Construction and Engineering Management for this purpose.

Nuclear Weapons Council Reporting.—The Armed Services Committees require annual reporting on the activities of the Nuclear Weapons Council, a joint Department of Defense and Energy activity that manages nuclear weapons. This document is a key tool for the Appropriations and Armed Services Committees of Congress to perform effective oversight of our nation's nuclear weapons. The Secretary of Energy submitted the fiscal year 2000 report (dated October 1, 2000) on September 26, 2001. The conferees question the utility of a report (under 20 pages) whose information is about a year old when submitted, and whether the Departments of Energy and Defense take seriously the need to responsibly support Congressional oversight of nuclear weapons on a timely basis. Reports to Congress on a previous fiscal year's activities, to be relevant to the authorization and appropriations process, should be submitted for Committees to use during their hearings in the spring of the following year. Waiting until the end of the fiscal year to submit the information inhibits the hearing process, the authorization process, and the appropriations process as well as depriving Members of Congress charged with an important oversight responsibility from effectively performing their duty due to lack of timely information. The conferees direct the Secretary of Energy to submit future reports by March 1 of each year.

WEAPONS ACTIVITIES

The conference agreement provides $5,429,238,000 for Weapons Activities instead of $5,123,888,000 as proposed by the House and $6,062,891,000 as proposed by the Senate. The Administration's budget request for Weapons Activities was $5,300,025,000 which included $271,137,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the fiscal year 2002 budget request for Weapons Activities to $5,028,888,000. Thus, the conference recommendation is $400,850,000 over the budget request for nuclear weapons programmatic activities.

Statutory language proposed by the Senate to earmark funds for technology partnerships and community reuse organizations has not been included. The conferees direct the NNSA to fully utilize technology partnerships supportive of its missions, including the support of small business interactions including technology clusters around the laboratories.

Reprogramming.—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follows: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than $5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of $5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations.

Directed stockpile work.—The conference agreement includes $1,045,814,000 for directed stockpile work instead of $1,043,791,000 as proposed by the House and $1,081,337,000 as proposed by the Senate.

Campaigns.—The conference agreement consolidates the individual campaigns into six major groups: science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, and readiness campaigns. Funding for individual campaigns is shown on the accompanying table.

For science campaigns, the conference agreement provides $269,703,000, an increase of $8,583,000 over the budget request. From within available funds, an additional $25,000,000 is provided for advanced radiography to continue research, development and conceptual design for an advanced hydrodynamic test facility, including further development and evaluation of proton radiography techniques.

For engineering campaigns, the conference agreement provides $245,225,000, an increase of $9,469,000 over the budget request, to meet additional program requirements.

For inertial confinement fusion, the conference agreement provides $506,443,000, an increase of $39,500,000 over the budget request, and includes several program funding adjustments. The conference agreement includes $10,000,000 for the Naval Research Laboratory, the same as the budget request. Funding of $24,500,000 has been provided to further development of high average power lasers.

The conference agreement includes $35,450,000 for the Laboratory for Laser Energetics at the University of Rochester, an increase of $2,000,000 over the budget request, to be used for development of critical short-pulse laser technologies that should be extensible to producing very high power laser capability on the National Ignition Facility as well as existing large fusion research lasers like Omega.

The conference agreement provides an additional $7,000,000 for enhanced National Ignition Facility (NIF) diagnostics and cryogenic target activities, and $245,000,000, the same as the budget request, for continued construction of the NIF.

The conferees understand the Department is preparing a National Petawatt Strategic Plan and support completion of this initiative, including within the strategic planning the research and development of supporting technologies necessary to ensure U.S. leadership in ultra-short-pulse laser technology. Funding of $3,000,000 is provided for conceptual and preliminary engineering design studies for a petawatt-class laser at the Sandia National Laboratory's Z machine, and $1,000,000 is provided to initiate development of critical short-pulse laser technologies like damage-resistant gratings.

The conferees strongly support university participation in this program and have provided $9,886,000 for university grants/other ICF support, an increase of $4,500,000 over the budget request. This includes $2,500,000 to complete the installation and initiate operation of a petawatt laser or high-power, short-pulse laser at the University of Nevada-Reno. The conferees believe that early access to an operating petawatt-class laser will provide opportunities for exploring technology options to incorporate in the next generation of petawatt lasers. The conferees direct the Department to provide a monthly status report to the House and Senate Committees on Appropriations on the status of the University of Nevada-Reno project. The conferees have included the additional $2,000,000 for university grants to encourage greater participation of universities in the Department's programs and as a means of training new scientists in high energy density and laser physics.

For advanced simulation and computing, the conference agreement provides $729,847,000, a decrease of $8,185,000 from the budget request. The reduction in operating expenses should be taken against lower priority activities. The conference agreement allocates funding of $8,400,000 for Project 01–D–101, the Distributed Information Systems Laboratory at Sandia; $22,000,000 for Project 00–D–103, the Terascale Simulation Facility at Livermore; and $13,377,000 for Project 00–D–107, the Joint Computational Engineering Laboratory at Sandia. Each of these projects has experienced significant reductions in prior years due to funding constraints.

For pit manufacturing and certification, the conference agreement provides $219,000,000, an increase of $90,455,000 over the budget request of $128,545,000. On September 28, 2001, the NNSA Administrator notified the House and Senate Committees on Appropriations that the fiscal year 2002 projected cost for pit manufacturing and certification was $213,000,000. In addition, the conferees have provided the budget request of $2,000,000 for pit manufacturing and certification activities not specifically supporting the W88 and $4,000,000 for preconceptual design activities for a new pit manufacturing facility. From within the funds provided, the conference agreement includes full funding for subcritical experiments to be performed at the Nevada Test Site. Additional funding is provided within the Readiness in Technical Base and Facilities program to support facilities and activities critical to the success of the pit manufacturing and certification campaign.

For readiness campaigns, the conference agreement provides $196,886,000, an increase of $31,869,000 over the budget request. This includes, at a minimum, an additional $24,000,000 for the Y–12 Plant in Oak Ridge, Tennessee. No funding is provided for Project 98–D–126, Accelerator Production of Tritium, the same as the budget request.

For readiness in technical base and facilities, the conference agreement provides $1,553,124,000, an increase of $106,136,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional $25,000,000 be provided for the Pantex Plant in Texas and an additional $10,000,000 be provided for the Y–12 Plant in Oak Ridge, Tennessee. The conference agreement also includes an additional $10,000,000 for the Z machine refurbishment at Sandia; $10,000,000 to consolidate and enhance counter-terrorism activities and programs at the National Center for Combating Terrorism at the Nevada Test Site; and $1,500,000 for technology partnerships with industry as proposed by the Senate.

The conference agreement does not provide additional funding to process uranium-233 as proposed by the Senate. This issue is addressed in the Energy Supply account.

Within funds provided for program readiness, the conference agreement includes additional funding of $10,000,000 for the operation of pulsed power facilities at Sandia National Laboratory. Additional funding of $9,094,000 above the budget request is provided to maintain Nevada Test Site readiness and maintain materials processing and component manufacturing readiness consistent with the 1993 Presidential directive concerning underground nuclear testing.

Within funds provided for special projects, the conference agreement includes $1,000,000 for the Remote Sensing Laboratory to enhance pilot proficiency, aircraft safety, and aviation support elements; $1,000,000 for final funding for the tumor registry in the State of Nevada; $250,000 to prepare a plan to preserve the history of the Manhattan project; $1,000,000 for installation of exhibits at the Atomic Testing History Institute; and the budget request for the Los Alamos County Schools and the New Mexico Education Enrichment Foundation.

The conference agreement includes $90,310,000 for materials recycling, $8,199,000 for containers, $10,643,000 for storage, and $88,923,000 for nuclear weapons incident response, as proposed by the Senate.

For construction projects, the conference agreement includes several adjustments to the budget request. Funding of $22,830,000 is provided for Project 02–D–103, Project Engineering and Design (PE&D), including $4,000,000 for architecture and engineering services for modernization of surface support facilities for the U1A complex at the Nevada Test Site; $4,750,000 for Project 02–D–105, Engineering Technology Complex Upgrade at Livermore; $3,507,000 for Project 02–D–107, Electrical Power Systems Upgrades at the Nevada Test Site; $16,379,000 for Project 01–D–103, PE&D, including $2,693,000 for electrical power systems upgrades at the Nevada Test Site; $67,000,000 for Project 01–D–108, Microsystems and Engineering Sciences Applications Complex at Sandia; and $2,000,000 for Project 99–D–108, Renovate Existing Roadways at the Nevada Test Site. No funds are provided for Project 01–D–124, HEU Storage Facility at the Y–12 Plant in Tennessee.

Funding of $3,300,000 is provided for Project 01–D–107, Atlas Relocation at the Nevada Test Site. The total estimated cost of this project has increased by $4,123,000 to $16,312,000.

Facilities and Infrastructure.—The conference agreement includes $200,000,000 to establish a new program for facilities and infrastructure (F&I). The Department had requested no funding for this program. The conferees agree with the House report language on the F&I program and direct that at least 25 percent of this funding be used to dispose of excess facilities that will provide the greatest impact on reducing long-term costs and risks.

Secure Transportation Asset.—The conference agreement provides $123,300,000 as proposed by the Senate, an increase of $1,500,000 over the budget request.

Safeguards and security.—The conference agreement includes $448,881,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration.

Program direction.—The budget request included $271,137,000 for program direction activities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes an adjustment of $28,985,000 for a security charge for reimbursable work, as proposed in the budget, and a general reduction of $80,000,000.

Defense Nuclear Nonproliferation

The conference agreement provides $803,586,000 for Defense Nuclear Nonproliferation instead of $845,341,000 as proposed by the House and $880,500,000 as proposed by the

Senate. The Administration's budget request for Defense Nuclear Nonproliferation was $773,700,000 which included $51,459,000 for program direction activities. The conference recommendation transfers all program direction funding to the Office of the NNSA Administrator account which has the effect of reducing the budget request for Defense Nuclear Nonproliferation to $722,241,000. Thus, the conference recommendation is an increase of $81,345,000 over the budget request.

Statutory language proposed by the Senate to earmark funding for official reception and representation expenses has not been included. This activity is funded in the Office of the NNSA Administrator account.

Limitation on Russian and Newly Independent States' (NIS) program funds.—The conferees are concerned about the amount of funding for Russian and NIS programs which remains in the United States for Department of Energy contractors and laboratories rather than going to the facilities in Russia and the NIS. The conferees expect the Department to continue to increase the level of funding provided to Russia versus the funding which remains in the United States for Department of Energy contractors and laboratories in each subsequent year. The conferees direct the Department to apply the lowest possible laboratory overhead rates and to increase the percent of funding spent in Russia. The Department is to provide a report to the House and Senate Committees on Appropriations by January 31, 2002, and each subsequent year on the amount of funding provided to Russia and NIS in each program area. The Department should work with the Committees on the specific information to be included in the report.

Nonproliferation and verification research and development.—The conference agreement provides $244,306,000 for nonproliferation and verification research and development. This includes $19,510,900 for ground-based systems for treaty monitoring, an increase of $7,000,000 over the budget request. From within available funds, $4,000,000 is provided to establish the Remote Systems Test and Engineering Center at the Remote Sensing Laboratory and $2,500,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The Department is urged to review the potential value of the Caucasus Seismic Information Network to the nuclear explosion monitoring national security mission.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to initiate a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2002 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

Arms control.—The conference agreement provides $75,741,000 for arms control activities, instead of the budget request of $101,500,000, due to several funding transfers. The conference agreement transfers $4,000,000 for the Second Line of Defense program to the International Materials Protection, Control and Accounting program. Funding of $28,759,000 for the NIS nonproliferation program for the Initiatives for Proliferation Prevention and the Nuclear Cities Initiative has been transferred to a new program, "Russian Transition Initiatives." Funding of $15,945,000, an increase of $7,000,000 over the budget request, has been provided for spent nuclear fuel activities in Kazakhstan. No additional funds are provided for spent nuclear fuel storage and a geologic repository in Russia.

International materials protection, control and accounting (MPC&A).—The conference agreement includes $173,000,000 for the MPC&A program including $4,000,000 for the Second Line of Defense program which was transferred from the Arms Control program.

Russian Transition Initiatives.—The conference agreement provides $42,000,000 for the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative. These programs were transferred from the arms control program. The conferees expect the Department to provide a single program manager responsible for both programs and have provided the Department the flexibility to allocate the funding between the two programs. The program manager should also ensure close coordination with other Federal agencies that direct money to scientists working in closed cities.

HEU transparency implementation.—The conference agreement provides $13,950,000, the same as the budget request.

International nuclear safety.—The conference agreement provides $10,000,000 for the international nuclear safety program, a reduction of $3,800,000 from the budget request. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. From within available funds, the conference agreement provides $1,500,000 to transfer and implement proven U.S.-developed Mechanical Stress Improvement Process technology requested by the Russian Federation. The Department is to provide a status report on the progress of this project by March 31, 2002.

Fissile materials disposition.—The conference agreement provides $302,422,000 for fissile materials disposition, an increase of $12,333,000 over the budget request. Limitations on the amount of funding which remains in the United States shall not apply to the fissile material disposition programs.

The conference agreement includes $5,000,000 to support the joint United States-Russian program to develop an advanced reactor for plutonium disposition. The United States should take advantage of this technology for a possible next generation nuclear power reactor for United States and foreign markets. Therefore, the Department should explore opportunities to develop and exploit this technology for commercial purposes.

The conferees are concerned that the Administration's consideration of alternative plutonium disposition and management scenarios, combined with a much lower than expected budget request, have introduced substantial instability into both the Russian and U.S. components of the plutonium disposition program. The conferees regard this program as one of the most important nonproliferation initiatives undertaken between the United States and Russia. It is also closely integrated into the Department's environmental cleanup and material management programs. The instabilities injected into this program are jeopardizing the future of this program, both in this country and in Russia, and may result in the permanent loss of this significant opportunity.

The conferees understand that the issue of plutonium disposition at the Savannah River Site will be fully addressed in the Fiscal Year 2002 Defense Authorization Act. However, the conferees direct the Secretary of Energy to consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site. The Secretary is also directed to submit to Congress a plan for disposal of surplus defense plutonium currently located at the Savannah River site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. This plan is due by February 1, 2002.

The conferees further direct the Secretary to provide 30 days notice to the House and Senate Committees on Appropriations before resuming shipments of defense plutonium and defense plutonium materials to the Savannah River Site.

Until further approval from the Committees on Appropriations, the conferees expect that funds set aside for plutonium disposition in Public Law 105–227, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, shall only be used in a manner consistent with the current plutonium disposition program.

At the request of the Department, the conference agreement makes the following changes to the Department's budget request. Funding of $5,000,000 is reallocated from Project 99–D–141, the Pit Disassembly and Conversion Facility, to operating expenses in support of this project. Funding of $29,340,000, an increase of $5,340,000 over the budget request, is provided for Project 01–D–407, the HEU Blend Down Project. Funding of $65,993,000, an increase of $2,993,000 over the budget request, is provided for Project 99–D–143, the Mixed Oxide Fuel Fabrication Facility. These increases totaling $8,333,000 are funded through balances remaining from prior year construction projects..

Program direction.—The budget request included $51,459,000 for program direction activities in this account. The conference agreement transfers this funding to the Office of the NNSA Administrator account.

Funding adjustments.—The conference agreement includes funding adjustments of $57,833,000. This includes the use of $42,000,000 of prior year balances, as requested in the budget; $8,333,000 from prior year balances in fissile materials disposition construction projects; and $7,500,000 from prior year unobligated and uncosted balances.

NAVAL REACTORS

The conference agreement provides $688,045,000 for Naval Reactors, the same as the budget request.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $312,596,000 for the Office of the Administrator instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. The conference agreement consolidates program direction funds of $337,596,000 requested in the weapons activities, defense nuclear nonproliferation, and office of the administrator appropriation accounts. Total funding of $312,596,000 has been provided, a reduction of $25,000,000 from the original request. This reduction anticipates efficiencies to be gained through this consolidation and the use of prior year unobligated balances from the three merged program direction accounts.

The conferees do not support increasing the total number of staff in the NNSA. While there is broad agreement that NNSA may not have the appropriate skill mix in its existing work force, there is also broad agreement that simply adding more people is not the answer.

Statutory language providing $12,000 for official reception and representation expenses has been included.

ENVIRONMENTAL AND OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides $5,234,576,000 for Defense Environmental Restoration and Waste Management instead of $5,174,539,000 as proposed by the House and $5,389,868,000 as proposed by the Senate. Additional funding of $1,092,878,000 is contained in the Defense Facilities Closure Projects account and $153,537,000 in the Defense Environmental Management Privatization account for a total of $6,480,991,000 provided for all defense environmental management activities.

The conference agreement provides for the purchase of not to exceed 30 passenger motor vehicles as proposed by the House.

The conferees believe the significant cleanup issues before the Department at the Paducah Gaseous Diffusion Plant in Kentucky require continued strong management oversight from Headquarters. The conferees direct that the Secretary provide for the management of environmental matters (including planning and budgetary activities) with respect to the plant through the Assistant Secretary of Energy for Environmental Management. The Assistant Secretary shall ensure that direct communication and thorough consultation exists at all times between herself and the head of the Paducah environmental cleanup programs on all relevant matters.

Low level waste disposal.—The conferees agree that the Department, where cost-effective, should use existing Federal contracts for the disposal of low-level and mixed low-level waste at commercial off-site disposal facilities. Further, before proceeding with any new on-site disposal cell, the Department is directed to submit to the House and Senate Committees on Appropriations an objective analysis comparing the life-cycle costs of on-site versus off-site disposal alternatives. Such analysis must address the concerns identified by the General Accounting Office in its recent report (GAO-01-441), which found that the Department has not made accurate estimates of waste volumes and transportation costs when comparing on-site versus off-site alternatives.

Site/Project Completion.—The conference agreement provides additional funding to mitigate funding shortfalls at the following sites: $18,000,000 for the Idaho site; $20,000,000 for the Savannah River Site in South Carolina; $34,300,000 for the Hanford site in Richland, Washington; and $7,000,000 for South Valley, Kansas City, Pantex, and Sandia.

The conference agreement includes $9,000,000 to expedite the remediation and conveyance of up to 2000 acres of land for the use of Pueblo of San Ildefonso and approximately 100 acres to the County of Los Alamos consistent with the direction of section 632 of Public Law 105-119.

Funding of $20,000,000 has been provided for a new construction project, Project 02-D-420, Plutonium Packaging and Stabilization, at the Savannah River Site. At the request of the Department, the conference agreement consolidates funding from the following sources for this project: $7,500,000 from current and prior year balances in Project 01-D-414, Project Engineering and Design (PE&D); $4,000,000 from prior year balances available from cancellation of Project 01-D-415, 235-F Packaging and Stabilization project; and $8,500,000 from prior year balances provided to the Savannah River Site in fiscal year 2001 for plutonium stabilization activities.

Funding of $2,754,000 is provided for Project 01-D-414, Project Engineering and Design, as proposed by the House.

Post 2006 Completion.—The conference agreement provides additional funding over the budget request for several activities. Additional funding of $105,000,000 is provided for the Idaho site. From within these funds, $15,000,000 is to initiate activities associated with the demonstration of waste retrieval at the subsurface disposal area at the Idaho National Engineering and Environmental Laboratory (INEEL); $700,000 is to continue conceptual design activities for a subsurface geosciences laboratory at Idaho; $4,000,000 is for the Subsurface Science Research Institute operated by the Inland Northwest Research Alliance and the INEEL; and up to $750,000 is to evaluate the need for a remote-handled transuranic waste facility at ANL-West and initiate conceptual design if needed.

The conferees encourage the Department of Energy to use alternative dispute resolution to resolve claims relating to the contract dispute on Pit 9 at Idaho.

Additional funding of $125,000,000 is provided for the Savannah River Site in South Carolina. From within available funds, $8,000,000 is provided for the Savannah River Ecology Laboratory, an increase of $2,000,000 over the budget request, and $800,000 is provided to continue the Department's relationship with the University of South Carolina's Center for Water Resources.

Additional funding of $110,000,000 is provided for the Hanford site in Richland, Washington, to support the River Corridor Initiative. From within available funds, $8,481,000 is provided for the hazardous waste worker training program, an increase of $7,481,000 over the budget request, and $600,000 is provided for State of Oregon oversight activities. The Department is expected to continue making PILT payments at last year's level to counties that have the Hanford reservation within their boundaries.

Additional funding of $3,400,000 is provided for cleanup activities at the Nevada Test Site and $3,000,000 to continue the underground test area groundwater flow characterization drilling program.

Additional funding of $10,000,000 is provided to continue remediation, waste management, and nuclear materials stewardship activities at Los Alamos National Laboratory and to support New Mexico State Agreements-in-Principal requirements.

Additional funding of $10,000,000 is provided for cleanup activities at the Lawrence Livermore National Laboratory.

Additional funding of $28,100,000 is provided to the Carlsbad field office. This includes $17,100,000 for Waste Isolation Pilot Plant (WIPP) operations; $7,000,000 to implement program-wide best practices to optimize waste processing, develop new technology solutions, and develop a mobile/modular approach for small quantity sites; $3,000,000 to continue the U.S.-Mexico Border Health Commission/Materials Corridor Partnership Initiative; and $1,000,000 for research, development, and initial demonstration in support of an experiment to be conducted at WIPP to evaluate the mass of the neutrino.

Office of River Protection.—The conference agreement provides $1,033,468,000, an increase of $221,000,000 over the budget request, for the Office of River Protection at the Hanford site in Washington. Funding of $665,000,000 has been provided for Project 01-D-416, the Hanford Waste Treatment Plant, to vitrify the high-level waste in underground tanks.

While the conferees share Washington State's concern regarding the Administration's inadequate budget request for the Office of River Protection and Hanford cleanup activities and recognize the right of the State to levy fines under the Tri-Party Agreement, the conferees question the constructiveness of the State's imposition of weekly fines due to the Department's failure to begin construction on the waste treatment plant. As demonstrated in this conference, the conferees continue to adequately support this project and believe the weekly fines may only be serving to distract site managers from the mission of cleanup.

Science and technology development.—The conference agreement provides $255,768,000 for the science and technology development program. The conference agreement provides $4,000,000 for the next round of new and innovative research grants in the environmental management science program in fiscal year 2002.

The conference agreement includes $4,000,000 for the international agreement with AEA Technology; $7,000,000 for the Department's cooperative agreement with the Florida International University; $27,100,000 for the D&D focus area program; $33,800,000 for industry and university programs; $5,000,000 for the Western Environmental Technology Office; $4,000,000 to continue evaluation, development and demonstration of the Advanced Vitrification System; $3,000,000 to continue engineering, development and deployment of remote monitoring systems for the underground test area; $5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; and $4,350,000 for the university robotics research program.

Limitation on multi-year funding agreements.—The Department is directed not to sign any new funding agreement that commits more than one year of funding for science and technology activities with any entity. The following types of agreements are exempt from this direction: basic and applied research projects that have been competitively awarded; competitively awarded science and technology projects that are phased such that funding for the succeeding phases is contingent upon successful performance, continued scientific merit, and mission relevance of the work to environmental management; and projects requiring significant infrastructure investment which will be cost shared between the Department and the performing entity. For new science and technology projects not meeting one of the above exemptions, the Department shall provide written notification to the Committees of its intent to enter into an agreement that commits more than one year of funding a minimum of 60 days prior to award. This notification must provide a detailed description of the project, the expected benefits, and a justification for multiple year funding.

Excess facilities.—The conference agreement includes $5,000,000, an increase of $3,700,000 over the budget request, for excess facilities. These funds are to be used to initiate D&D of excess facilities owned by the environmental management program.

Safeguards and security.—The conference agreement includes $205,621,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the Office of Environmental Management.

Program direction.—The conferees have provided $355,761,000, the same as the budget request, for the program direction account.

Funding adjustments.—The conference agreement includes the use of $56,770,000 of prior year balances, an increase of $20,000,000 over the budget request, which funds Project 02-D-420 at the Savannah River Site. A security charge for reimbursable work of $5,391,000, the same as the budget request, is included, and a general reduction of $92,110,000, due to funding constraints.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides $1,092,878,000 as proposed by the House instead of $1,080,538,000 as proposed by the Senate. Funding is provided for the following projects: $620,504,000 for the Rocky Flats Site in Colorado; $295,299,000 for Fernald, Ohio; $91,000,000 for the Mound site in Ohio; $16,000,000 for the Ashtabula site in Ohio; and $16,100,000 for the Columbus environmental management project in Ohio. The conferees expect the Department to request adequate funds to keep each of these projects on schedule for closure by 2006 or earlier.

Funding of $53,975,000 is provided for safeguards and security. Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $153,537,000 for the defense environmental management privatization program instead of $143,208,000 as proposed by the House and $157,537,000 as proposed by the Senate. The conference agreement includes $13,329,000 for the Paducah Disposal Facility in Kentucky, the same as the budget request.

Funding of $52,000,000 has been provided for the Advanced Mixed Waste Treatment Project (AMWTP) in Idaho, an increase of $12,000,000 over the budget request of $40,000,000. Funding for the AMWTP does not include financing and termination liability costs for fiscal year 2002 that would be required of the Department of Energy in the unlikely event of a termination for convenience as stipulated in the project contract.

Other Defense Activities

The conference agreement provides $544,044,000 for Other Defense Activities instead of $487,464,000 as proposed by the House and $564,168,000 as proposed by the Senate. Details of the conference agreement are provided below.

SECURITY AND EMERGENCY OPERATIONS

For security and emergency operations funding managed at Headquarters, the conference agreement provides $250,427,000, a reduction of $18,823,000 from the budget request. The conference agreement provides total safeguards and security funding of $1,004,716,000 which includes $754,289,000 for safeguards and security activities at Departmental field offices and facilities. For field sites, this is an increase of $63,451,000 over fiscal year 2001 funding of $665,178,000 for safeguards and security activities.

Funding of $116,500,000 is provided for nuclear safeguards and security, including $2,500,000 to procure safety locks to meet Federal specifications.

The conference agreement provides $44,927,000 for security investigations, the same as the budget request.

Funding of $10,000,000 is provided for the Corporate Management Information System in this account, a reduction of $10,000,000 from the budget request, and $5,000,000 is provided in the Departmental Administration account.

Program direction.—The conference agreement provides $79,000,000 for program direction, a decrease of $4,135,000 from the budget request.

INTELLIGENCE

The conference agreement includes $40,844,000, the same as the budget request, for the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $46,000,000, a reduction of $389,000 from the budget request, for the Department's counterintelligence program.

ADVANCED ACCELERATOR APPLICATIONS

The conference agreement provides $50,000,000 to continue research on advanced accelerator applications, including $4,500,000 for research and development of technologies for economic and environmentally-sound refinement of spent nuclear fuel at the University of Nevada-Las Vegas; $4,000,000 for reactor-based transmutation studies; and $1,500,000 for the Idaho Accelerator Center. No funds are provided for Project 98–D–126, Accelerator Production of Tritium.

The President's National Energy Policy of May 2001 acknowledged the potential of reprocessing and transmutation technologies to reduce the quantity and long-term toxicity of spent nuclear fuel, and recommended further consideration of such technologies. The Advanced Accelerator Applications program will provide the technical information to support a future policy decision on these options.

The Department is directed to prepare a report for Congress by May 1, 2002, providing a comparison of the chemical and pyro-reprocessing, accelerator-driven transmutation, and fast reactor transmutation alternatives, fully disclosing all waste streams and estimating the life-cycle costs to construct, operate, and decommission and decontaminate all necessary facilities. The Department should also compare the proliferation resistance of the various technologies. The baseline for all comparisons should be the once-through fuel cycle as presently used in the United States, and the amount of spent nuclear fuel presently scheduled for disposal in the geologic repository. The conferees expect this report to present the Department's strategy for siting the new processing and disposal facilities that would be required for the various reprocessing and transmutation alternatives, again assuming a capacity sufficient to process the amount of spent fuel presently scheduled for geologic disposal. The conferees encourage the participation of international collaborators, industrial partners, and U.S. universities in this effort.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $14,904,000, the same as the budget request, for the independent oversight and performance assurance program. The conferees are aware that additional duties for environmental oversight have been assigned to this office and expect the Department to submit a reprogramming to transfer an estimated $7,000,000 to support these oversight activities which have been funded previously in the environment, safety and health program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $117,688,000 for defense-related environment, safety and health activities. From within available funds, $53,438,000 is provided for health effects studies and $13,500,000 for the Radiation Effects Research Foundation, the same as the budget request. The conferees have provided $5,000,000 to continue a program at the University of Nevada-Las Vegas for Department-wide management of electronic records; $1,750,000 for the University of Louisville and the University of Kentucky to perform epidemiological studies of workers; and $1,000,000 for health studies of workers at the Iowa Army Ammunition Plant.

The U.S. government is currently renegotiating its diplomatic, defense, and economic relationship with the Government of the Republic of the Marshall Islands (RMI). The conferees urge the U.S. government to provide a single, combined package of assistance to support the medical and public health infrastructure needs of the Marshall Islands and believe that the negotiations should include discussion of the transition of the environmental monitoring program to the RMI.

The conference agreement includes $22,000,000 for program direction, a reduction of $1,293,000 from the budget request.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $20,000,000 for the worker and community transition program as proposed by the Senate. Funding of $900,000 has been provided for infrastructure improvements at the former Pinellas weapons plant.

The conference agreement provides that no funds may be used to augment the $20,000,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $22,000,000 for national security programs administrative support instead of $25,000,000 as proposed by the House and the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $2,893,000 for the Office of Hearings and Appeals, the same as the budget request.

FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of $712,000 and a general reduction of $20,000,000. The general reduction should be applied to programs which have unobligated balances carried over from prior fiscal years and lower priority program activities.

Defense Nuclear Waste Disposal

The conference agreement provides $280,000,000 for the defense contribution to the nuclear waste repository program instead of $310,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

Power Marketing Administrations

BONNEVILLE POWER ADMINISTRATION FUND

The conference agreement does not incorporate Senate language providing new borrowing authority to the Bonneville Power Administration. No new direct loan obligations may be made during fiscal year 2002 as proposed by the House.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $4,891,000, the same as the budget request, for the Southeastern Power Administration.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,038,000, the same as the budget request, for the Southwestern Power Administration.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $171,938,000, instead of $172,165,000 as proposed by the House and $169,465,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate earmarking funds for specific activities.

Of the amount appropriated, not less than $200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota. These funds shall be non-reimbursable. Within the amount appropriated, not less than $200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies. These funds shall be non-reimbursable. Western shall publish a study by July 31, 2002, that contains a recommendation of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy.

The amount appropriated for construction and rehabilitation includes $2,700,000 to fund high priority portions of the South of Phoenix portion of the Parker-Davis Project transmission system. The Federal share of the upfront costs is to be recovered through the transmission rates of the Parker-Davis Project. Western should pursue additional funds from those utilities requiring additional transmission capacity, and the conferees expect that any funding received will be used to offset future appropriations requirements.

Funding of $6,000,000 is provided for the Utah Reclamation Mitigation and Conservation Account.

The conference agreement provides $109,378,000 for program direction, a reduction of $5,000,000 from the budget request.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,663,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $184,155,000, a $3,000,000 increase over the budget request for the Federal Energy Regulatory Commission. The conference agreement also includes statutory language authorizing an additional five senior executive service positions for the Federal Energy Regulatory Commission. The conference agreement does not include bill language proposed by the House prohibiting the use of funds to authorize construction of the Gulfstream Natural Gas Project.

The conferees direct the Commission to submit a report to Congress by January 31, 2002, on the economic impacts on western utilities and ratepayers associated with the Commission's emergency order imposing price caps on daily spot power sales resulting from the inability of western load serving utilities to recover costs from daily sales of excess power from long-term forward contracts.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes a provision proposed by the House that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation. At least 60 days before the Secretary grants such a waiver, the Secretary must submit a report setting forth, in specificity, the substantive reasons why the requirement for competition should be waived. This language slightly modifies a provision carried in previous Energy and Water Development Appropriations Acts.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303. The conference agreement includes a provision proposed by the Senate that none of the funds may be used to augment the $20,000,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306. The conference agreement includes language proposed by the House prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307. The conference agreement amends section 308 as proposed by the House regarding notice and competition required for Department of Energy user facilities.

Sec. 308. The conference agreement includes language limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site". This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 310. The conference agreement includes language proposed by the Senate allowing the Administrator of the National Nuclear Security Administration to authorize the manager of the Nevada Operations Office to use not more than 2 percent of available funds for research, development and demonstration activities necessary for operations and readiness of the Nevada Test Site.

Sec. 311. The conference agreement includes language proposed by the Senate amending section 1 of Public Law 105–204 pertaining to depleted uranium hexafluoride by extending the date to fiscal year 2005.

Sec. 312. The conference agreement modifies language proposed by the Senate prohibiting oil and gas drilling in the Finger Lakes National Forest, New York. No Federal permit or lease shall be issued during fiscal year 2002.

Provisions not adopted by the conference.—The conference agreement deletes section 307 of the House bill and section 306 of the Senate bill pertaining to LDRD.

The conference agreement deletes section 309 of the Senate bill allowing each Federal power marketing administration to engage in activities relating to the formation and operation of a regional transmission organization.

The conference agreement deletes section 312 of the Senate bill requiring the Secretary of Energy to conduct a study of alternative financing approaches for infrastructure and facility construction projects at the Department of Energy. This reporting requirement is addressed in the statement of the managers.

The conference agreement deletes section 313 of the Senate bill requiring the Secretary of Energy to implement certain reporting structures for the Paducah Gaseous Diffusion Plant in Kentucky. This requirement is addressed in the statement of the managers.

The conference agreement deletes section 314 of the Senate bill expressing the sense of the Senate on Yucca Mountain.

The conference agreement deletes section 315 of the Senate bill pertaining to consultations with the State of South Carolina on the disposition of plutonium. This issue is addressed in the statement of the managers.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

Department of Energy (in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems	81,955	93,000
Geothermal technology development	13,900	29,000
Hydrogen research	26,881	31,000
Hydropower	4,989	5,300
Solar energy	42,932	95,000
Wind energy systems	20,500	41,000
Total, Renewable energy technologies	191,157	294,300
Electric energy systems and storage	51,746	63,000
Renewable support and implementation		
Departmental energy management	1,000	1,500
International renewable energy program	2,500	3,000
Renewable energy production incentive program	3,991	4,000
Renewable Indian energy resources	---	3,000
Renewable program support	2,059	3,000
Total, Renewable support and implementation	9,550	14,500
National renewable energy laboratory	5,000	5,000
Program direction	19,200	19,200
TOTAL, RENEWABLE ENERGY RESOURCES	276,653	396,000
NUCLEAR ENERGY		
Advanced radioisotope power system	29,094	29,000
Isotopes		
Isotope support and production	24,683	23,683
Construction		
99-E-201 Isotope production facility (LANL)	2,494	2,494
Subtotal, Isotope support and production	27,177	26,177
Offsetting collections	-9,000	-9,000
Total, Isotopes	18,177	17,177
University reactor fuel assistance and support	11,974	17,500
Research and development		
Nuclear energy plant optimization	4,500	7,000
Nuclear energy research initiative	18,079	32,000
Nuclear energy technologies	4,500	12,000
Total, Research and development	27,079	51,000
Infrastructure		
ANL-West operations	34,107	35,357
Fast flux test facility (FFTF)	38,439	38,439

Department of Energy (in thousands)

	Budget Request	Conference
Test reactor area landlord	7,283	7,283
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID	950	950
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	500	500
Subtotal, Construction	1,450	1,450
Subtotal, Test reactor area landlord	8,733	8,733
Total, Infrastructure	81,279	82,529
Nuclear facilities management		
EBR-II shutdown	4,200	4,200
Disposition of spent fuel and legacy materials	16,267	16,200
Disposition technology activities	9,990	9,850
Total, Nuclear facilities management	30,457	30,250
Program direction	25,062	23,000
TOTAL, NUCLEAR ENERGY	223,122	250,456
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	14,973	10,973
Program direction	20,527	19,527
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	35,500	30,500
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,600	1,400
Program direction	7,370	6,370
TOTAL, ENERGY SUPPORT ACTIVITIES	8,970	7,770
Subtotal, Energy supply	544,245	684,726
General reduction	---	-18,000
TOTAL, ENERGY SUPPLY	544,245	666,726
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	43,000	43,000
Site/project completion	64,119	64,119

Department of Energy (in thousands)

	Budget Request	Conference
Post 2006 completion	120,053	125,753
Excess facilities	1,381	3,500
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	228,553	236,372
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning	241,641	298,641
Uranium/thorium reimbursement	1,000	1,000
Depleted UF6 conversion project	10,000	---
Total, Uranium enrichment D&D fund	252,641	299,641
Other Uranium Activities		
Maintenance and pre-existing liabilities	110,784	110,784
02-U-101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH	---	10,000
96-U-201 DUF6 cylinder storage yard, Paducah, KY	---	3,000
Total, Other uranium activities	110,784	123,784
Use of prior year balances	---	-5,000
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION	363,425	418,425
SCIENCE		
High energy physics		
Research and technology	247,870	247,870
Facility operations	456,830	456,830
Construction		
98-G-304 Neutrinos at the main injector, Fermilab	11,400	11,400
Subtotal, Facility operations	468,230	468,230
Total, High energy physics	716,100	716,100
Nuclear physics	360,510	360,510
Biological and environmental research	432,970	516,000
Construction		
01-E-300 Laboratory for Comparative and Functional Genomics, ORNL	10,000	11,405
Total, Biological and environmental research	442,970	527,405
Basic energy sciences		
Materials sciences	434,353	434,353
Chemical sciences	218,714	218,714
Engineering and geosciences	38,938	38,938
Energy biosciences	32,400	32,400

Department of Energy (in thousands)

	Budget Request	Conference
Construction		
02-SC-002 Project engineering and design (VL).....	4,000	3,000
99-E-334 Spallation neutron source (ORNL).........	276,300	276,300
Subtotal, Construction..........................	280,300	279,300
Total, Basic energy sciences......................	1,004,705	1,003,705
Advanced scientific computing research................	163,050	158,050
Energy research analyses............................	1,000	1,000
Multiprogram energy labs - facility support		
Infrastructure support..............................	1,020	1,020
Oak Ridge landlord................................	7,359	7,359
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations........	18,613	18,613
02-SC-001 Multiprogram energy laboratories, project engineering design, various locations.....	3,183	3,183
Subtotal, Construction..........................	21,796	21,796
Total, Multiprogram energy labs - fac. support....	30,175	30,175
Fusion energy sciences program.......................	248,495	248,495
Facilities and infrastructure.........................	---	10,000
Safeguards and security.............................	55,412	55,412
Program direction		
Field offices.....................................	64,400	63,000
Headquarters......................................	73,525	72,500
Science education.................................	4,460	4,460
Total, Program direction..........................	142,385	139,960
Subtotal, Science.................................	3,164,802	3,250,812
General reduction.....................................	---	-12,800
Less security charge for reimbursable work...........	-4,912	-4,912
TOTAL, SCIENCE....................................	3,159,890	3,233,100
NUCLEAR WASTE DISPOSAL		
Repository program....................................	70,577	39,000
Program direction.....................................	64,402	56,000
TOTAL, NUCLEAR WASTE DISPOSAL....................	134,979	95,000

Department of Energy (in thousands)

	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	4,700	4,700
Board of contract appeals	911	911
Office of Management, Budget and Evaluation	---	107,000
Chief financial officer	36,464	---
Congressional and intergovernmental affairs	5,478	4,500
Economic impact and diversity	5,230	5,000
General counsel	23,058	22,724
International affairs	8,481	8,481
Management and administration	76,392	---
Policy office	6,649	6,600
Public affairs	4,581	3,900
Subtotal, Salaries and expenses	171,944	163,816
Program support		
Minority economic impact	1,498	1,200
Policy analysis and system studies	420	400
Environmental policy studies	919	600
Corporate management information program	---	5,000
Subtotal, Program support	2,837	7,200
Total, Administrative operations	174,781	171,016
Cost of work for others	71,837	71,837
Subtotal, Departmental Administration	246,618	242,853
Use of prior year balances and other adjustments	---	-10,000
Funding from other defense activities	-25,000	-22,000
Total, Departmental administration (gross)	221,618	210,853
Miscellaneous revenues	-137,810	-137,810
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	83,808	73,043
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	31,430	32,430
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development	305,460	349,000
Stockpile maintenance	362,493	350,000
Stockpile evaluation	180,834	178,500
Dismantlement/disposal	35,414	27,000
Production support	152,890	134,896
Field engineering, training and manuals	6,700	6,418
Total, Directed stockpile work	1,043,791	1,045,814

Department of Energy (in thousands)

	Budget Request	Conference
Campaigns		
Science campaigns		
Primary certification	55,530	52,500
Dynamic materials properties	97,810	87,400
Advanced radiography	60,510	85,803
Secondary certification and nuclear systems margins	47,270	44,000
Subtotal, Science campaigns	261,120	269,703
Engineering campaigns		
Enhanced surety	34,797	37,000
Weapons system engineering certification	24,043	26,665
Nuclear survivability	19,050	23,694
Enhanced surveillance	82,333	82,333
Advanced design and production technologies	75,533	75,533
Subtotal, Engineering campaigns	235,756	245,225
Inertial confinement fusion and high yield	222,943	261,443
Construction		
96-D-111 National ignition facility, LLNL	245,000	245,000
Subtotal, Inertial confinement fusion	467,943	506,443
Advanced simulation and computing	711,185	675,000
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	5,400	8,400
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	5,000	22,000
00-D-105 Strategic computing complex, LANL, Los Alamos, NM	11,070	11,070
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	5,377	13,377
Subtotal, Construction	26,847	54,847
Subtotal, Advanced simulation and computing	738,032	729,847
Pit manufacturing and certification	128,545	219,000
Readiness campaigns		
Secondary readiness	23,169	47,169
High explosives manufacturing and weapons assembly/disassembly readiness	3,960	6,846
Non-nuclear readiness	12,204	18,187
Materials readiness	1,209	1,209

Department of Energy (in thousands)

	Budget Request	Conference
Tritium readiness	43,350	42,350
Construction		
98-D-125 Tritium extraction facility, SR	81,125	81,125
Subtotal, Tritium readiness	124,475	123,475
Subtotal, Readiness campaigns	165,017	196,886
Total, Campaigns	1,996,413	2,167,104
Readiness in technical base and facilities		
Operations of facilities	830,427	897,800
Program readiness	188,126	192,000
Special projects	64,493	60,385
Material recycle and recovery	101,311	90,310
Containers	8,199	8,199
Storage	10,643	10,643
Nuclear weapons incident response	89,125	88,923
Subtotal, Readiness in technical base and fac	1,292,324	1,348,260
Construction		
02-D-103 Project engineering and design, various locations	9,180	22,830
02-D-105 Engineering technology complex upgrade, LLNL	---	4,750
02-D-107 Electrical power systems safety communications and bus upgrades, NV	3,507	3,507
01-D-103 Project engineering and design (PE&D), various locations	45,379	16,379
01-D-107 Atlas relocation, Nevada test site	---	3,300
01-D-108 Microsystems and engineering sciences applications complex (MESA), SNL	2,000	67,000
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN	9,500	---
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	7,700	7,700
01-D-800 Sensitive compartmented information facility, LLNL	12,993	12,993
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	4,400	4,400
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	2,800	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM	4,955	4,955
99-D-108 Renovate existing roadways, Nevada Test Site, NV	---	2,000

Department of Energy (in thousands)

	Budget Request	Conference
99-D-125 Replace boilers and controls, Kansas City plant, Kansas City, MO	300	300
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	22,200	22,200
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	3,300	3,300
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC	13,700	13,700
98-D-124 Stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, TN	6,850	6,850
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	3,000	3,000
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations	2,900	2,900
Subtotal, Construction	154,664	204,864
Total, Readiness in technical base and facilities	1,446,988	1,553,124
Facilities and infrastructure	---	200,000
Secure transportation asset		
Operations and equipment	77,571	79,071
Program direction	44,229	44,229
Total, Secure transportation asset	121,800	123,300
Safeguards and security	439,281	439,281
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	9,600	9,600
Total, Safeguards and security	448,881	448,881
Subtotal, Weapons activities	5,057,873	5,538,223
Program direction (transferred to Office of the Administrator)	271,137	---
General reduction	---	-80,000
Less security charge for reimbursable work	-28,985	-28,985
TOTAL, WEAPONS ACTIVITIES	5,300,025	5,429,238

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D................	170,296	208,500
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL.....................	35,806	35,806
Total, Nonproliferation and verification, R&D.....	206,102	244,306
Arms control..	101,500	75,741
Nonproliferation programs with Russia		
International materials protection, control, and accounting...	138,800	173,000
Russian transition initiative.......................	---	42,000
HEU transparency implementation.....................	13,950	13,950
International nuclear safety........................	13,800	10,000
Fissile materials disposition		
U.S. surplus materials disposition..................	130,089	135,089
Russian surplus materials disposition.............	57,000	61,000
Construction		
01-D-407 Highly enriched uranium (HEU) blend dow Savannah River, SC.............................	24,000	29,340
99-D-141 Pit disassembly and conversion facility various locations.............................	16,000	11,000
99-D-143 Mixed oxide fuel fabrication facility various locations.............................	63,000	65,993
Subtotal, Construction.........................	103,000	106,333
Subtotal, Fissile materials disposition........	290,089	302,422
Total, Nonproliferation programs with Russia......	456,639	541,372
Subtotal, Defense nuclear nonproliferation......	764,241	861,419
Program direction (transferred to Office of the Administrator).....................................	51,459	---
Use of prior year balances..........................	-42,000	-57,833
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION...........	773,700	803,586
NAVAL REACTORS		
Naval reactors development............................	652,245	652,245
Construction		
01-D-200 Major office replacement building, Schenectady, NY..................................	9,000	9,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID.......................	4,200	4,200
Subtotal, Construction.........................	13,200	13,200
Total, Naval reactors development.................	665,445	665,445

Department of Energy (in thousands)

	Budget Request	Conference
Program direction	22,600	22,600
TOTAL, NAVAL REACTORS	688,045	688,045
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	15,000	312,596
Transferred from other accounts	(322,596)	---
Total, Program level	337,596	312,596
TOTAL, OFFICE OF THE ADMINISTRATOR	337,596	312,596
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	6,776,770	7,233,465
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	872,030	960,330
Construction		
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID	3,256	3,256
02-D-420 Plutonium packaging and stabilization, Savannah River	---	20,000
01-D-414 Preliminary project, engineering and design (PE&D), various locations	6,254	2,754
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC	5,040	5,040
99-D-404 Health physics instrumentation laboratory (INEL), ID	2,700	2,700
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	1,910	1,910
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC	4,244	4,244
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	15,790	---
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA	762	762
Subtotal, Construction	39,956	40,666
Total, Site/project completion	911,986	1,000,996
Post 2006 completion		
Operation and maintenance	1,680,979	2,105,479
Uranium enrichment D&D fund contribution	420,000	420,000
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	6,754	6,754

Department of Energy (in thousands)

	Budget Request	Conference
Office of River Protection		
Operation and maintenance	272,151	328,151
Construction		
01-D-416 Hanford waste treatment plant, Richland, WA	500,000	665,000
97-D-402 Tank farm restoration and safe operations, Richland, WA	33,473	33,473
94-D-407 Initial tank retrieval systems, Richland, WA	6,844	6,844
Subtotal, Construction	540,317	705,317
Subtotal, Office of River Protection	812,468	1,033,468
Total, Post 2006 completion	2,920,201	3,565,701
Science and technology	196,000	255,768
Excess facilities	1,300	5,000
Safeguards and security	205,621	205,621
Program direction	355,761	355,761
Subtotal, Defense environmental management	4,590,869	5,388,847
Use of prior year balances	-36,770	-56,770
General reduction	---	-92,110
Less security charge for reimbursable work	-5,391	-5,391
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,548,708	5,234,576
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure	1,004,636	1,038,903
Safeguards and security	45,902	53,975
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS	1,050,538	1,092,878
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations	141,537	153,537
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	5,740,783	6,480,991
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Security and emergency operations		
Nuclear safeguards and security	121,188	116,500
Security investigations	44,927	44,927
Corporate management information program	20,000	10,000
Program direction	83,135	79,000
Subtotal, Security and emergency operations	269,250	250,427

Department of Energy (in thousands)

	Budget Request	Conference
Intelligence	40,844	40,844
Counterintelligence	46,389	46,000
Advanced accelerator applications	---	50,000
Independent oversight and performance assurance		
Program direction	14,904	14,904
Environment, safety and health (Defense)	91,307	95,688
Program direction - EH	23,293	22,000
Subtotal, Environment, safety & health (Defense)	114,600	117,688
Worker and community transition	21,246	18,000
Program direction - WT	3,200	2,000
Subtotal, Worker and community transition	24,446	20,000
National Security programs administrative support	25,000	22,000
Office of hearings and appeals	2,893	2,893
Subtotal, Other defense activities	538,326	564,756
Use of prior year balances	-10,000	-20,000
Less security charge for reimbursable work	-712	-712
TOTAL, OTHER DEFENSE ACTIVITIES	527,614	544,044
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	310,000	280,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	13,355,167	14,538,500
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	34,463	34,463
Program direction	4,891	4,891
Subtotal, Operation and maintenance	39,354	39,354
Offsetting collections	-34,463	-8,000
Offsetting collections (P.L. 106-377)	---	-26,463
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	4,891	4,891
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,339	3,339
Purchase power and wheeling	1,800	1,800
Program direction	18,668	18,668
Construction	6,031	6,031
Subtotal, Operation and maintenance	29,838	29,838
Offsetting collections	-1,800	-1,512
Offsetting collections (P.L. 106-377)	---	-288
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	28,038	28,038

Department of Energy (in thousands)

	Budget Request	Conference
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	16,064	18,764
System operation and maintenance	37,796	37,796
Purchase power and wheeling	186,124	186,124
Program direction	114,378	109,378
Utah mitigation and conservation	1,227	6,000
Subtotal, Operation and maintenance	355,589	358,062
Offsetting collections	-186,124	-152,624
Offsetting collections (P.L. 106-377)	---	-33,500
TOTAL, WESTERN AREA POWER ADMINISTRATION	169,465	171,938
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,663	2,663
TOTAL, POWER MARKETING ADMINISTRATIONS	205,057	207,530
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	181,155	184,155
FERC revenues	-181,155	-184,155
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION	---	---
GRAND TOTAL, DEPARTMENT OF ENERGY	18,106,554	19,501,126
ENERGY AND WATER DEVELOPMENT ACCOUNTS		
Energy programs:		
Energy supply	544,245	666,726
Non-defense environmental management	228,553	236,372
Uranium facilities maintenance and remediation	363,425	418,425
Science	3,159,890	3,233,100
Nuclear waste disposal	134,979	95,000
Departmental administration	221,618	210,853
Revenues	-137,810	-137,810
Total, Departmental administration	83,808	73,043
Office of the Inspector General	31,430	32,430
Total, Energy programs	4,546,330	4,755,096
Environmental restoration and waste management:		
Defense function	(5,740,783)	(6,480,991)
Non-defense function	(591,978)	(654,797)
Total, Environmental restoration and waste mgmt	(6,332,761)	(7,135,788)

Department of Energy (in thousands)

	Budget Request	Conference
Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities	5,300,025	5,429,238
Defense nuclear nonproliferation	773,700	803,586
Naval reactors	688,045	688,045
Office of the Administrator	15,000	312,596
Subtotal, National Nuclear Security Admin	6,776,770	7,233,465
Defense environmental restoration and waste mgmt	4,548,708	5,234,576
Defense facilities closure projects	1,050,538	1,092,878
Defense environmental management privatization	141,537	153,537
Subtotal, Defense environmental management	5,740,783	6,480,991
Other defense activities	527,614	544,044
Defense nuclear waste disposal	310,000	280,000
Total, Atomic energy defense activities	13,355,167	14,538,500
Power marketing administrations:		
Southeastern Power Administration	4,891	4,891
Southwestern Power Administration	28,038	28,038
Western Area Power Administration	169,465	171,938
Falcon and Amistad operating and maintenance fund	2,663	2,663
Total, Power marketing administrations	205,057	207,530
Federal Energy Regulatory Commission:		
Salaries and expenses	181,155	184,155
Revenues	-181,155	-184,155
Total, Federal Energy Regulatory Commission	---	---
Defense Nuclear Waste Disposal (rescission)	---	---
Defense environmental privatization (rescission)	---	---
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	18,106,554	19,501,126

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $71,290,000 for the Appalachian Regional Commission as proposed by the House instead of $66,290,000 as proposed by the Senate. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities. Funding of $5,000,000 has been provided for a child development research center at the University of Alabama.

From within available funds, the conferees have provided $250,000 for the University of Georgia to conduct a study to determine the feasibility of creating a commission to carry out a comprehensive program of economic and human resource development of the so-called Black Belt Region.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement includes $18,500,000 for the Defense Nuclear Facilities Safety Board as proposed by the House and Senate.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

The conference agreement includes $10,000,000 for the Delta Regional Authority instead of $20,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Authority to submit quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2002 and thereafter. The conferees also expect to receive from the Authority a detailed budget justification if funds are requested in fiscal year 2003.

DENALI COMMISSION

The conference agreement includes $38,000,000 for the Denali Commission instead of $40,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees expect the Denali Commission to submit quarterly financial reports providing detailed accounting data on the expenditure of funds during fiscal year 2002 and thereafter. The conferees also expect to receive from the Commission a detailed budget justification if funds are requested in fiscal year 2003.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $516,900,000 as proposed by the House and the Senate, to be offset by revenues of $473,520,000, as proposed by the House, for a net appropriation of $43,380,000. This reflects the statutory language adopted by the conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002. The conference amount provides an increase of $10,000,000 over the budget request, with the standard formula for fee recovery being applied to this added increment of funding.

The conference agreement includes language prohibiting the implementation or enforcement of the revised 10 C.F.R. Part 35, as adopted by the Nuclear Regulatory Commission on October 23, 2000, with respect to diagnostic nuclear medicine, except for those parts of the new rule which establish revised training and experience requirements for persons seeking licensing as authorized users, until after the Commission has provided a report to the House and Senate Committees on Appropriations explaining why the regulatory burden could not be reduced further in the new rule without adversely affecting public health and safety. The conferees direct the Commission to submit this report not later than January 31, 2002. The language included in the conference agreement is only an interim measure until a more permanent solution can be reached, either by the authorization committees or through a revised rulemaking.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $6,180,000 as proposed by the House, to be offset by revenues of $5,933,000, for a net appropriation of $247,000. This reflects the statutory language adopted by the conference in the prior fiscal year to reduce the fee recovery requirement to 96 percent in fiscal year 2002.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

The conference agreement provides $3,100,000 as proposed by the House instead of $3,500,000 as proposed by the Senate.

TITLE V

GENERAL PROVISIONS

Sec. 501. The conference agreement includes language directing that none of the funds in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 502. The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 503. The conference agreement modifies language proposed by the Senate to require the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes and prohibit Federal and State issuance of permits or leases for new drilling from October 1, 2001 through September 30, 2003.

Provisions not adopted.—The conference agreement deletes Section 503 of the House bill providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. This provision has been moved to Title II of the bill as proposed by the Senate.

The conference agreement deletes Section 505 of the House bill pertaining to the Buy American Act.

The conference agreement deletes Section 506 of the House bill prohibiting the use of funds to drill for gas and oil in the Mosquito Creek Reservoir in Ohio.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year , 2001	$24,512,565
Budget estimates of new (obligational) authority, fiscal year 2002	23,008,002
House bill, fiscal year 2002	24,195,000
Senate bill, fiscal year 2002	25,448,837
Conference agreement, fiscal year 2002	25,086,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+573,435
Budget estimates of new (obligational) authority, fiscal year 2002	+2,077,998
House bill, fiscal year 2002	+891,000
Senate bill, fiscal year 2002	−362,837

SONNY CALLAHAN,
HAROLD ROGERS,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ROGER F. WICKER,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
BILL YOUNG,
PETER J. VISCLOSKY,
ED PASTOR,
JAMES E. CLYBURN,
LUCILLE ROYBAL-ALLARD,
Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TOM HARKIN,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. SHERWOOD submitted the following conference report and statement on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–259)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 5.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $104,039,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,867,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $473,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,868,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,912,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $9,875,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,250,000 for each such committee; in all, $2,500,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $618,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,275,000 for each such committee; in all, $2,550,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $301,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $15,424,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $39,082,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,350,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $25,219,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,306,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,109,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $107,264,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $8,571,000, of which $7,000,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $95,904,000, of which $8,654,000 shall remain available until September 30, 2004, and of which $11,354,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $14,274,000, of which not more than $3,000,000 may be made available for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) that the Senator will personally attend: Provided, That no funds for the purpose of such mailings shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such purpose.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $270,494,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended in the first sentence by striking "four individual consultants" and inserting "six individual consultants", and is amended in the second sentence by striking "one consultant" and inserting "not more than two individual consultants".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 102. STUDENT LOAN REPAYMENT PROGRAM. (a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term "Committee" means the Committee on Rules and Administration of the Senate.

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "eligible employee" means an individual—

(i) who is an employee of the Senate; and

(ii) whose rate of pay as an employee of the Senate, on the date on which such eligibility is determined, does not exceed the rate of basic pay for an employee for a position at ES–1 of the Senior Executive Schedule as provided for in subchapter VIII of chapter 53 of title 5, United States Code (including any locality pay adjustment applicable to the Washington, D.C.-Baltimore Maryland consolidated metropolitan statistical area).

(3) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(4) EMPLOYING OFFICE.—The term "employing office" means the employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Senate.

(6) STUDENT LOAN.—The term "student loan" means—

(A) a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., or 1087aa et seq.); and

(B) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

(b) SENATE STUDENT LOAN REPAYMENT PROGRAM.—

(1) SERVICE AGREEMENTS.—

(A) IN GENERAL.—The head of an employing office and an eligible employee may enter into a written service agreement under which—

(i) the employing office shall agree to repay, by direct payments on behalf of the eligible employee, any student loan indebtedness of the eligible employee that is outstanding at the time the eligible employee and the employing office enter into the agreement, subject to this section; and

(ii) the eligible employee shall agree to complete the 1-year required period of employment described in subsection (c)(1) with the employing office in exchange for the student loan payments.

(B) CONTENTS OF SERVICE AGREEMENTS.—

(i) CONTENTS.—A service agreement under this paragraph shall contain—

(I) the start and end dates of the required period of employment covered by the agreement;

(II) the monthly amount of the student loan payments to be provided by the employing office;

(III) the employee's agreement to reimburse the Senate under the conditions set forth in subsection (d)(1);

(IV) disclosure of the program limitations provided for in subsection (d)(4) and paragraphs (2), (3), (6), and (7) of subsection (f);

(V) other terms to which the employing office and employee agree (such as terms relating to job responsibilities or job performance expectations); and

(VI) any other terms prescribed by the Secretary.

(ii) STANDARD SERVICE AGREEMENTS.—The Secretary shall establish standard service agreements for employing offices to use in carrying out this section.

(2) SUBMISSION OF AGREEMENTS.—On entering into a service agreement under this section, the employing office shall submit a copy of the service agreement to the Secretary.

(c) PROGRAM CONDITIONS.—

(1) PERIOD OF EMPLOYMENT.—The term of the required period of employment under a service agreement under this section shall be 1 year. On completion of the required period of employment under such a service agreement, the eligible employee and the employing office may enter into additional service agreements for successive 1-year periods of employment.

(2) AMOUNT OF PAYMENTS.—

(A) IN GENERAL.—The amount of student loan payments made under service agreements under *this section on behalf of an eligible employee may not exceed—*

(i) $500 in any month; or

(ii) a total of $40,000.

(B) Payments included in gross compensation limitations.—Any student loan payment made under this section in any month may not result in the sum of the payment and the compensation of an employee for that month exceeding 1/12th of the applicable annual maximum gross compensation limitation under section 105(d)(2), (e), or (f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(d)(2), (e), or (f)).

(3) Timing of payments.—Student loan payments made under this section under a service agreement shall begin the first day of the pay period after the date on which the agreement is signed and received by the Secretary, and shall be made on a monthly basis.

(d) Loss of Eligibility for Student Loan Payments and Obligation to Reimburse.—

(1) In general.—An employee shall not be eligible for continued student loan payments under a service agreement under this section and (except in a case in which an employee's duty is terminated under paragraph (2) or an employing office assumes responsibilities under paragraph (3)) shall reimburse the Senate for the amount of all student loan payments made on behalf of the employee under the agreement, if, before the employee completes the required period of employment specified in the agreement—

(A) the employee voluntarily separates from service with the employing office;

(B) the employee engages in misconduct or does not maintain an acceptable level of performance, as determined by the head of the employing office; or

(C) the employee violates any condition of the agreement.

(2) Termination of agreement.—The duty of an eligible employee to fulfill the required period of employment under the service agreement shall be terminated if—

(A) funds are not made available to cover the cost of the student loan repayment program carried out under this section; or

(B) the employee and the head of the employing office involved mutually agree to terminate the service agreement under subsection (f)(7).

(3) Another employing office.—An employing office who hires an eligible employee during a required period of employment under such a service agreement may assume the remaining obligations (as of the date of the hiring) of the employee's prior employing office under the agreement.

(4) Failure of employee to reimburse.—If an eligible employee fails to reimburse the Senate for the amount owed under paragraph (1), such amount shall be collected—

(A) under section 104(c) of the Legislative Appropriation Act, 1977 (2 U.S.C. 60c–2a(c)) or section 5514 of title 5, United States Code, if the eligible employee is employed by any other office of the Senate or agency of the Federal Government; or

(B) under other applicable provisions of law if the eligible employee is not employed by any other office of the Senate or agency of the Federal Government.

(5) Crediting of amounts.—Any amount repaid by, or recovered from, an eligible employee under this section shall be credited to the subaccount for the employing office from which the amount involved was originally paid. Any amount so credited shall be merged with other sums in such subaccount for the employing office and shall be available for the same purposes, and subject to the same limitations (if any), as the sums with which such amount is merged.

(e) Records and Reports.—

(1) In general.—Not later than January 1, 2003, and each January 1 thereafter, the Secretary shall prepare and submit to the Committee on Rules and Administration of the Senate and the Committee on Appropriations of the Senate, a report for the fiscal year preceding the fiscal year in which the report is submitted, that contains information specifying—

(A) the number of eligible employees that received student loan payments under this section; and

(B) the costs of such payments, including—

(i) the amount of such payments made for each eligible employee;

(ii) the amount of any reimbursement amounts for early separation from service or whether any waivers were provided with respect to such reimbursements; and

(iii) any other information determined to be relevant by the Committee on Rules and Administration of the Senate or the Committee on Appropriations of the Senate.

(2) Confidentiality.—Such report shall not include any information which is considered confidential or could disclose the identify of individual employees or employing offices. Information required to be contained in the report of the Secretary under section 105(a) of the Legislative Branch Act, 1965 (2 U.S.C. 104a) shall not be considered to be personal information for purposes of this paragraph.

(f) Other Administrative Matters.—

(1) Account.—

(A) In general.—The Secretary shall establish and maintain a central account from which student loan payments available under this section shall be paid on behalf of eligible employees.

(B) Office subaccounts.—The Secretary shall ensure that, within the account established under subparagraph (A), a separate subaccount is established for each employing office to be used by each such office to make student loan payments under this section. Such student loan payments shall be made from any funds available to the employing office for student loan payments that are contained in the subaccount for the office.

(C) Limitation.—Amounts in each subaccount established under this paragraph shall not be made available for any purpose other than to make student loan payments under this section.

(2) Beginning of payments.—Student loan payments may begin under this section with respect to an eligible employee upon—

(A) the receipt by the Secretary of a signed service agreement; and

(B) verification by the Secretary with the holder of the loan that the eligible employee has an outstanding student loan balance that qualifies for payment under this section.

(3) Limitation.—Student loan payments may be made under this section only with respect to the amount of student loan indebtedness of the eligible employee that is outstanding on the date on which the employee and the employing office enter into a service agreement under this section. Such payments may not be made under this section on a student loan that is in default or arrears.

(4) Payment on multiple loans.—Student loan payments may be made under this section with respect to more than 1 student loan of an eligible employee at the same time or separately, if the total payments on behalf of such employee do not exceed the limits under subsection (c)(2)(A).

(5) Treatment of payments.—Student loan payments made on behalf of an eligible employee under this section shall be in addition to any basic pay and other forms of compensation otherwise payable to the eligible employee, and shall be subject to withholding for income and employment tax obligations as provided for by law.

(6) No relief from liability.—An agreement to make student loan payments under this section shall not exempt an eligible employee from the responsibility or liability of the employee with respect to the loan involved and the eligible employee shall continue to be responsible for making student loan payments on the portion of any loan that is not covered under the terms of the service agreement.

(7) Reduction in payments.—Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office. If the head of the employing office decides to reduce the amount of student loan payments for an eligible employee, the head of the office and the employee may mutually agree to terminate the service agreement.

(8) No right to continued employment.—A service agreement under this section shall not be construed to create a right to, promise of, or entitlement to the continued employment of the eligible employee.

(9) No entitlement.—A student loan payment under this section shall not be construed to be an entitlement for any eligible employee.

(10) Treatment of payments.—A student loan payment under this section—

(A) shall not be basic pay of an employee for purposes of chapters 83 and 84 of title 5, United States Code (relating to retirement) and chapter 87 of such title (relating to life insurance coverage); and

(B) shall not be included in Federal wages for purposes of chapter 85 of such title (relating to unemployment compensation).

(g) Allocation of Funds.—

(1) Maximum amount.—In this subsection, the term "maximum amount", used with respect to a fiscal year, means—

(A) in the case of an employing office described in subsection (i)(1)(A), the amount described in that subsection for that fiscal year; and

(B) in the case of an employing office described in subsection (i)(1)(B), the amount described in that subsection for that fiscal year.

(2) Allocation.—From the total amount made available to carry out this section for a fiscal year, there shall be allocated to each employing office for that fiscal year—

(A) the maximum amount for that employing office for that fiscal year; or

(B) if the total amount is not sufficient to provide the maximum amount to each employing office, an amount that bears the same relationship to the total amount as the maximum amount for that employing office for that fiscal year bears to the total of the maximum amounts for all employing offices for that fiscal year.

(3) Apportionment.—In the case of an employing office that is a Committee of the Senate, the funds allocated under this subsection shall be apportioned between the majority and minority staff of the committee in the same manner as amounts are apportioned between the staffs for salaries.

(h) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated (or otherwise made available from appropriations) to carry out this section the following amounts for each fiscal year:

(A) For each employing office that is the personal office of a Senator, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for administrative and clerical salaries for such office.

(B) For each other employing office, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for salaries for such office.

(2) LIMITATION.—Amounts provided under this section shall be subject to annual appropriations.

(i) EFFECTIVE DATE.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 103. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account "Expenses of the United States Senate Caucus on International Narcotics Control" under the heading "Congressional Operations" shall be paid from the Senate appropriations account for "Salaries, Officers and Employees".

(b) This section shall apply to pay periods beginning on or after October 1, 2001.

SEC. 104. (a) Section 5(a) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" under title I of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 58a note) is amended by striking "invoice ends" and inserting "invoice begins".

(b) The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.

SEC. 105. (a) Section 120 of Public Law 97–51 (2 U.S.C. 61g–6) is amended in the first sentence by striking "$75,000" and inserting "$100,000".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 106. Effective on and after October 1, 2001, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2001, increased by an additional $50,000 each.

SEC. 107. TRANSFERS FROM SENATE GIFT SHOP TO PRESERVATION FUND. (a) IN GENERAL.—Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) The Secretary of the Senate may transfer from the fund to the Capitol Preservation Fund the net profits (as determined by the Secretary) from sales of items by the Senate Gift Shop which are intended to benefit the Capitol Visitor Center.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning before, on, or after the date of enactment of this Act.

SEC. 108. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) MAINTENANCE OF OLD SUPREME COURT CHAMBER.—Section 3 of Senate Resolution 382 (90th Congress) (40 U.S.C. 188b–2) is amended by striking "insofar as it" and inserting "and of the Old Supreme Court Chamber insofar as each".

(b) TECHNICAL AMENDMENTS.—Section 5 of Senate Resolution 382 (90th Congress) (40 U.S.C. 188b–4) is amended—

(1) by striking "the sum of $15,000 each fiscal year," and inserting "such amount as may be necessary each fiscal year,"; and

(2) by striking "the Chairman or Vice Chairman of the Commission" and inserting "the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2002 and all succeeding fiscal years.

SEC. 109. PROCUREMENT OF TEMPORARY HELP. (a) IN GENERAL.—(1) Subject to regulations that the Committee on Rules and Administration of the Senate may prescribe, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate may procure temporary help services from a private sector source that offers such services. Each procurement of services under this subsection shall be for no longer than 30 days.

(2) A person performing services procured under paragraph (1) shall not, during the period of the performance of the services, be an employee of the United States or be considered to be an employee of the United States for any purpose.

(b) This section shall take effect on October 1, 2001, and shall apply in fiscal year 2002 and successive fiscal years.

SEC. 110. Section 311(d) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(d)) is amended in the matter preceding paragraph (1) by inserting "in the House, or official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) in the Senate" after "expenses".

SEC. 111. The amount available to the Committee on Rules and Administration for expenses under section 14(c) of Senate Resolution 54, agreed to March 8, 2001, is increased by $150,000.

SEC. 112. TRANSPORTATION SUBSIDY FOR EMPLOYEES OF THE SENATE.

(a) DEFINITIONS.—In this section, the term—

(1) "employee of the Senate"—

(A) means any employee whose pay is disbursed by the Secretary of the Senate; and

(B) does not include a member or civilian employee of the Capitol Police; and

(2) "employing office" means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate.

(b) TRANSPORTATION SUBSIDY.—An employing office may provide a monthly transportation subsidy to an employee of the Senate up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Deborah Williams Spence, Floyd D. Spence Jr., Zacheriah W. Spence, Benjamin G. Spence and Caldwell D. Spence, widow and children of Floyd Spence, late a Representative from the State of South Carolina, $145,100.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $878,050,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $15,910,000, including: Office of the Speaker, $1,866,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,830,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,224,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,562,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,168,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $431,000; Republican Steering Committee, $806,000; Republican Conference, $1,342,000; Democratic Steering and Policy Committee, $1,435,000; Democratic Caucus, $713,000; nine minority employees, $1,293,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $330,000; and Cloakroom Personnel—minority, $330,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $479,472,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $104,514,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,002,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $101,766,000, including: for salaries and expenses of the Office of the Clerk, including not more than $11,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $15,408,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $4,139,000; for salaries and expenses of the Office of the Chief Administrative Officer, $67,495,000, of which $3,525,000 shall remain available until expended, including $31,510,000 for salaries, expenses and temporary personal services of House Information Resources, of which $31,390,000 is provided herein: Provided, That of the amount provided for House Information Resources, $8,656,000 shall be for net expenses of telecommunications: Provided further, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,756,000; for salaries and expenses of the Office of General Counsel, $894,000; for the Office of the Chaplain, $144,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,344,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,107,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,456,000; for salaries and expenses of the Corrections Calendar Office, $883,000; and for other authorized employees, $140,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $157,436,000, including: supplies, materials, administrative costs and Federal tort claims, $3,379,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $152,957,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 113. (a) Effective October 1, 2001, the following four majority positions shall be transferred from the Clerk to the Speaker:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(b) Effective October 1, 2001, the following four minority positions shall be transferred from the Clerk to the minority leader:

(1) The position of chief of floor service.

(2) Two positions of assistant floor chief.

(3) One position of cloakroom attendant.

(c) Notwithstanding any other provision of law, in the case of an individual who is an incumbent of a position transferred under subsection (a) or subsection (b) at the time of the transfer, the total number of days of annual leave and the total number of days of sick leave which were provided by the Clerk to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.

SEC. 114. (a) The third sentence of section 104(a)(1) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e(1)) is amended by striking "for credit to the appropriate account" and all that follows and inserting the following: "for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the House Recording Studio, the 'appropriate account of the House of Representatives' shall be the account of the Chief Administrative Officer of the House of Representatives.".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal yedr.

SEC. 115. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2002. Any amount remaining after all payments are made under such allowances for fiscal year 2002 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 116. (a) DAY FOR PAYING SALARIES OF THE HOUSE OF REPRESENTATIVES.—The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that if the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

(b) CONFORMING AMENDMENT.—(1) The first section and section 2 of the Joint Resolution entitled "Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year", approved May 21, 1937 (2 U.S.C. 60d and 60e), are each repealed.

(2) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (2 U.S.C. 60e–1), is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to pay periods beginning after the expiration of the 1-year period which begins on the date of the enactment of this Act.

SEC. 117. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Speaker of the House of Representatives shall be increased by $40,000.

(b) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 118. (a) Effective with respect to fiscal year 2002 and each succeeding fiscal year, there are hereby established 2 additional positions in each of the following offices of the House of Representatives:

(1) The Office of the Clerk.

(2) The Office of the Chief Administrative Officer.

(3) The Office of the Sergeant at Arms.

(b) The duty of the personnel appointed to a position established under this section shall be to ensure the continuity of the operations of the House of Representatives during periods of emergency, in accordance with the direction of the head of the office in which the position is established.

(c) The annual rate of pay provided for a position established under this section shall be determined by the head of the office in which the position is established.

(d) Notwithstanding any other provision of law, the head of the office in which a position is established under this section shall have the exclusive authority to appoint personnel to such a position.

SEC. 119. (a) Section 408 of the Congressional Accountability Act of 1995 (2 U.S.C. 1408) is amended by adding at the end the following new subsection:

"(d) APPEARANCES BY HOUSE EMPLOYMENT COUNSEL.—

"(1) IN GENERAL.—The House Employment Counsel of the House of Representatives and any other counsel in the Office of House Employment Counsel of the House of Representatives, including any counsel specially retained by the Office of House Employment Counsel, shall be entitled, for the purpose of providing legal assistance and representation to employing offices of the House of Representatives under this Act, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this paragraph shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

"(2) HOUSE EMPLOYMENT COUNSEL DEFINED.—In this subsection, the term 'Office of House Employment Counsel of the House of Representatives' means—

"(A) the Office of House Employment Counsel established and operating under the authority of the Clerk of the House of Representatives as of the date of the enactment of this subsection;

"(B) any successor office to the Office of House Employment Counsel which is established after the date of the enactment of this subsection; and

"(C) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to employing offices of the House of Representatives in connection with actions brought under this title.".

(b) The amendment made by this section shall apply with respect to proceedings occurring on or after the date of the enactment of this Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,424,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) dn allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to two assistants and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,253,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,865,000,.to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $113,044,000, of which $55,239,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $57,805,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms and Doorkeeper of the Senate or the Sergeant at Arms of the House of Representatives designated by the Chairman of the Board, $13,146,000, to be disbursed by the Capitol Police Board or their delegee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 120. Amounts appropriated for fiscal year 2002 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 121. At any time on or after the date of the enactment of this Act, the United States Capitol Police may accept contributions of meals and refreshments in support of activities of the United States Capitol Police during a period of emergency (as determined by the Capitol Police Board).

SEC. 122. (a) Section 108(a)(4) of the Legislative Branch Appropriations Act, 2001, as amended by section 507(a) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by reference in section 101(a) of Public Law 106–346), is amended by striking "the Capitol Police Board" and all that follows and inserting the following: "the Chief of the Capitol Police, but not to exceed $1,000 less than the annual rate of pay for the Chief of the Capitol Police.".

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 123. Any obligation or expenditure of funds made prior to the date of enactment of this Act by the House of Representatives or the Capitol Police Board for meals, refreshments, and other support and maintenance in response to a biological or other threat made after September 11, 2001 shall be deemed to have been made in compliance with sections 1301 and 1341 of title 31, United States Code.

SEC. 124. At any time on or after the date of enactment of this Act, the Capitol Police Board may incur obligations and make expenditures out of available appropriations for meals, refreshments and other support and maintenance for the Capitol Police when, in the judgment of the Capitol Police Board, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,512,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 43 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2003.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $30,780,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 125. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 126. Section 105(a) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 606(a)), is amended by striking "or discarding." and inserting "sale, trade-in, or discarding.", and by adding at the end the following: "Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.".

SEC. 127. (a) The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code as the Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $51,371,000, of which $3,026,000 shall remain available until September 30, 2006.

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol, $15,194,000, of which $3,080,000 shall remain available until September 30, 2006.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,009,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $42,126,000, of which $3,760,000 shall remain available until September 30, 2006.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $54,006,000, of which $23,344,000 shall remain available until September 30, 2006.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $52,583,000, of which $8,013,000 shall remain available until September 30, 2006: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

ADMINISTRATIVE PROVISIONS

SEC. 128. ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: Provided, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.

SEC. 129. (a) COMPENSATION OF ARCHITECT OF THE CAPITOL.—Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a) is amended by striking "the annual rate of basic pay" and all that follows and inserting the following: "the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.".

(b) COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL.—Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), the pay for the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) shall be an amount equal to $1,000 less than the annual rate of pay for the Architect of the Capitol.

(c) COMPENSATION FOR CERTAIN OTHER POSITIONS.—

(1) IN GENERAL.—In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved."; and

(B) by redesignating subsection (c) as subsection (b).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.

(d) COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE.—

(1) STUDY BY COMPTROLLER GENERAL.—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

(2) PLAN BY ARCHITECT IN RESPONSE.—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) will support such plan.

(e) EFFECTIVE DATE.—Except as provided in subsections (c)(2) and (d), this section and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 130. (a) LIQUIDATED DAMAGES.—The Architect of the Capitol may not enter into or administer any construction contract with a value greater than $50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) in the event that completion of the project is delayed because of the contractor.

(b) AMOUNT OF PAYMENT.—The amount of payment required under a liquidated damages provision described in subsection (a) shall be equal to the product of—

(1) the daily liquidated damage payment rate; and

(2) the number of days by which the completion of the project is delayed.

(c) DAILY LIQUIDATED DAMAGE PAYMENT RATE.—

(1) IN GENERAL.—In subsection (b), the "daily liquidated damage payment rate" means—

(A) $140, in the case of a contract with a value greater than $50,000 and less than $100,000;

(B) $200, in the case of a contract with a value equal to or greater than $100,000 and equal to or less than $500,000; and

(C) the sum of $200 plus $50 for each $100,000 increment by which the value of the contract exceeds $500,000, in the case of a contract with a value greater than $500,000.

(2) ADJUSTMENT IN RATE PERMITTED.—Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

SEC. 131. NOTWITHSTANDING ANY OTHER PROVISION OF LAW: (A) SECTION 3709 OF THE REVISED STATUTES (41 U.S.C. 5) SHALL APPLY WITH RESPECT TO PURCHASES AND CONTRACTS FOR THE ARCHITECT OF THE CAPITOL AS IF THE REFERENCE TO '$25,000' IN CLAUSE 1 OF SUCH SECTION WERE A REFERENCE TO '$100,000' AND (B) THE ARCHITECT MAY PROCURE SERVICES, EQUIPMENT, AND CONSTRUCTION FOR SECURITY RELATED PROJECTS IN THE MOST EFFICIENT MANNER HE DETERMINES APPROPRIATE.

SEC. 132. ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM. The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

(2) complies with any other requirements applicable to such systems; and

(3) provides for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

SEC. 133. (a) LIMITATION.—(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 90-day period which begins on the date of the enactment of this Act to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

(2) Paragraph (1) shall not apply with respect to any of the following individuals:

(A) An individual who is employed under the Architect of the Capitol Summer Employment Program.

(B) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

(C) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act who exercises in writing, not later than 90 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

(D) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act who exercises in writing, prior to the individual's employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in paragraph (1), except that under such an option the Architect shall be required to provide the individual with the benefits described in paragraph (1) as soon as the individual's period of service as a temporary employee exceeds 1 year in length.

(3) Nothing in this subsection may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

(b) ALLOTMENT AND ASSIGNMENT OF PAY.—(1) Section 5525 of title 5, United States Code, is amended by adding at the end the following new sentence: "For purposes of this section, the term 'agency' includes the Office of the Architect of the Capitol.".

(2) The amendment made by paragraph (1) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 134. CONGRESSIONAL AWARD YOUTH PARK.

(a) DESIGNATION.—The parcel of approximately 5 acres of land located on the Capitol Grounds and described in subsection (b) shall be known and designated as the "Congressional Award Youth Park".

(b) AREA INCLUDED.—

(1) IN GENERAL.—The parcel of land described in subsection (a) is—

(A) bounded on the north by Constitution Avenue, N.W.;

(B) bounded on the east by First Street, N.W.;

(C) bounded on the south by Pennsylvania Avenue, N.W.; and

(D) bounded on the west by Third Street N.W.

(2) EXTENSION.—The park shall extend to the curbs of the streets described in paragraph (1).

(c) DESIGN.—

(1) COMPETITION.—The Architect of the Capitol shall sponsor a competition for the design of the park, based on specifications developed by the Architect.

(2) SPECIFICATIONS.—

(A) IN GENERAL.—Not later than June 30, 2002, the Architect, in consultation with the majority leader and the minority leader of the Senate, and the Speaker and the minority leader of the House of Representatives, shall develop the specifications for the park.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The specifications shall require an outdoor design that is accessible to the public.

(ii) INCLUSIONS.—To the maximum extent practicable, the specifications shall include requirements for—

(I) a fountain;

(II) extensive use of trees and flowering plants from each of the 50 States;

(III) large-scale replicas of the medals awarded under the Congressional Award Program; and

(IV) the inscription of the names of all Congressional Award recipients.

(3) SELECTION.—

(A) IN GENERAL.—As soon as practicable after the competition is completed, the Architect shall forward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

(B) FINAL SELECTION.—The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

(d) FUNDING.—Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

SEC. 135. LIMITATION ON CERTAIN GIFTS AND EXPENDITURES RELATING TO THE NATIONAL GARDEN. Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$14,500,000" each place it appears and inserting "$16,500,000".

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $81,454,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,000,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the "Congressional Operations Appropriations Act, 2002".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,646,000: Provided, That this appropriation shall not be available for any activities of the National Garden.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $306,692,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $15,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $7,100,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: Provided further, That of the amount appropriated, $500,000 shall be transferred to the Abraham Lincoln Bicentennial Commission to remain available until expended for carrying out the purposes of Public Law 106–173, of which amount $3,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $40,896,000, of which not more than $21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,984,000 shall be derived from collections during fiscal year 2002 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $27,864,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,788,000, of which $14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $7,932,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $300,000, of which $75,000 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "LIBRARY OF CONGRESS—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. Section 101 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182a) is amended—

(1) in the heading, by striking "**AUDIO AND VIDEO**"; and

(2) in subsection (a), by striking "audio and video".

SEC. 208. (a) Section 102(a) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(a)) is amended by adding at the end the following new paragraph:

"(4) Special events and programs.".

(b) The amendment made by subsection (a) shall take effect upon the date on which the Committees on Appropriations of the House of Representatives and Senate approve a report submitted to the Committees by the Librarian of Congress which describes the guidelines and policies applicable to the hosting of special events and programs by the Librarian which are covered under section 102(a)(4) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)).

SEC. 209. Section 7 of the Abraham Lincoln Bicentennial Commission Act, Public Law 106–173, is amended by adding the following new subsections:

"(f) GIFTS.—The Commission may, for the purpose of carrying out this Act, accept and use gifts of money, property, and services, and, notwithstanding section 1342 of title 31, United States Code, may accept and use voluntary services as the Commission deems necessary."

"(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Commission, the head of a Federal agency or other Federal appointing authority may detail, on a reimbursable or nonreimbursable basis, any of its employees to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Any such detail of an employee shall be without interruption or loss of civil service status or privilege.".

ARCHITECT OF THE CAPITOL

Capitol Visitor Center

For an additional amount for the unassigned space in the Capitol Visitor Center project, $70,000,000, to remain available until expended: Provided, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this heading: Provided further, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this Act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.

Congressional Cemetery

For the perpetual care and maintenance of the historic Congressional Cemetery, $1,250,000, to remain available until expended: Provided, That $1,000,000 of such amount shall be paid to the National Trust for Historic Preservation (hereafter in this paragraph referred to as the "National Trust") for deposit into the permanently restricted account referred to in section 209(b) of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2449) and shall be used by the National Trust in accordance with the terms and conditions applicable under such section to amounts deposited into such account: Provided further, That $250,000 of such amount shall be for the preparation of a study to develop a program for the ongoing care and maintenance of the Cemetery.

Library Buildings and Grounds

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $21,753,000, of which $3,748,000 shall remain available until September 30, 2006 and $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,639,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Government Printing Office Revolving Fund

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

Administrative Provision

EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR GPO

SEC. 210. (a) Section 309 of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended—

(1) in subsection (b)(1)(A), by striking "October 1, 2001" and inserting "October 1, 2004"; and

(2) in subsection (c)(2), by striking "September 30, 2001" and inserting "September 30, 2004".

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $421,844,000: Provided, That not more than $1,751,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2002: Provided further, That not more than $750,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2002: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Russian Leadership Development Center Trust Fund for financing activities of the Center for Russian Leadership Development, $8,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "2001" and inserting "2002".

SEC. 309. Section 5596(a) of title 5, U.S.C., is amended by deleting "and" at the end of paragraph (4); by deleting the period at the end of paragraph (5) and inserting a semicolon, and by adding the following new paragraphs, which shall be effective for all personnel actions taken on or after the date of enactment of this Act:

"(6) the Architect of the Capitol, including employees of the United States Senate Restaurants; and

"(7) the United States Botanic Garden.".

SEC. 310. Section 4(b) of the House Employees Position Classification Act (2 U.S.C. 293(b)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, for purposes of applying the adjustment made by the committee under this subsection for 2002 and each succeeding year, positions under the Chief Administrative Officer shall include positions of the United States Capitol telephone exchange under the Chief Administrative Officer.".

SEC. 311. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 312. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 2, line 6, down through and including page 9, line 21, of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 17, line 19, down through and including page 17, line 23, of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Delete the section number inserted, and strike line 5 through and including line 17 of page 46 of the House engrossed bill, H.R. 2647.

And the Senate agree to the same.

CHARLES H. TAYLOR,
ZACH WAMP,
JERRY LEWIS,
RAY LAHOOD,
DON SHERWOOD,
C.W. BILL YOUNG,
JAMES P. MORAN,
STENY H. HOYER,
MARCY KAPTUR,
DAVID R. OBEY,
Managers on the Part of the House.

RICHARD J. DURBIN,
TIM JOHNSON,
JACK REED,
ROBERT C. BYRD,
ROBERT F. BENNETT,
TED STEVENS,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with five numbered amendments. The conference agreement addresses all the differences contained in the five amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill. An explanation of the resolution of the differences of the other four numbered amendments is included in the first numbered amendment. The disposition of the other four numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

Legislative Branch Wide Matters

The conferees note that agencies of the Legislative Branch have taken an undisciplined position regarding the execution of their respective annual budgets as it relates to reprogramming and transfer of funds. The conferees have included the following reprogramming guidelines which shall be complied with by all entities in this conference report, exclusive of the House and Senate, funded by the Legislative Branch Appropriations Act, 2002 and thereafter:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or transfer of funds, or use of unobligated balances, which are submitted after August 1;
2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;
3. All agency reprogramming requests shall be submitted if the amount to be shifted to or from any object class, approved budget or program involved is in excess of $250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;
4. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;
5. For any action which would result in a major change to the program or item which is different than that presented to and approved by the Committee on Appropriations of the House and Senate, a reprogramming shall be submitted;
6. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted;
7. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted;
8. Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committee on Appropriations of the House and Senate have approved the request.

The conference agreement provides funding to various agencies of the Legislative Branch to implement a student loan repayment program. Detailed implementation requirements will vary among entities, however the conferees believe it is important that an overall set of controls and criteria be developed to insure consistent application of purposes of the program across the legislative branch. The conferees direct the Legislative Branch Financial Managers Council (LBFMC) to develop, in consultation with all Legislative Branch entities the controls and criteria that will govern program implementation. The LBFMC is directed to perform a comparative analysis between entity implementing regulations and governing controls and criteria and report the results of that analysis to the House and Senate Committee on Appropriations on the Legislative Branch by March 1, 2002.

Amendment No. 1: Deletes the matter inserted and inserts complete bill text excluding the short title.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—CONGRESSIONAL OPERATIONS

Senate

Appropriates $606,885,000 for Senate operations, and includes, at the request of the managers on the part of the Senate, amendments that add $150,000 to the Caucus on International Narcotics Control, that amend Section 102, and that add other administrative provisions.

Regarding Section 107, the Senate Gift Shop has sold a number of items with the specific designation that a portion of the profits would be used toward construction of the Capitol Visitor Center. This section provides authority to transfer those profits to the Capitol Preservation Fund, for use by the Capitol Preservation Commission, which has oversight responsibility for construction of the Capitol Visitor Center. Profits identified for the Capitol Visitor Center that were earned prior to FY2001 may be transferred to the Capitol Preservation Fund provided they were so identified and retained in the Senate Gift Shop Revolving Fund from the date earned.

Section 108 modifies existing legislation to clarify that the Old Supreme Court Chamber is under the supervision of the Senate Commission on Art; deletes the $15,000 limitation on authorized funding for the Commission on Art; clarifies that funding may be in such amount as necessary; authorizes the Secretary to sign vouchers for the Commission on Art, in lieu of the Chairman or Vice Chairman; and restates the fact that all vouchers are ultimately approved by the Rules Committee before payment.

Section 109 authorizes the Secretary of the Senate and the Sergeant at Arms to procure temporary help as needed for up to a 30 day period for any position. Such temporary help are not employees of the Senate. Nothing in this legislation authorizes the handling of sensitive or classified information, and applicable restrictions and procedures must be followed.

Section 110 amends section 31(d) of 2 U.S.C. 59e(d).

Section 111 increases the amount available to the Committee on Rules and Administration for expenses under section 14(c) of Senate Resolution 54 by $150,000, for salaries and expenses incurred by the Committee on Rules and Administration associated with the administration of the Joint Committee on Printing.

Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers of the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

House of Representatives

Appropriates $878,195,100 for House operations, and includes, at the request of the managers on the part of the House, an amendment adding $145,100 for the traditional death gratuity upon the death of a Member of the House of Representatives and reflects an unspecified reduction of $4,000,000.

The conference agreement provides funding and authority to the Senate and various agencies of the Legislative Branch to implement a student loan repayment program. Authority and funding for the House of Representatives has not been included because of the absence of implementation guidelines and criteria. The conferees believe that the House of Representatives should examine such a program as soon as practicable and therefore strongly encourage the House Administration Committee to develop and recommend guidelines and criteria to be included in the FY 2003 budget request. The authorities contained in this bill for the Senate, and the recommendations of the Legislative Branch Financial Managers Council (LBFMC) should be taken into account in the development of this program.

In addition, the managers on the part of the House have amended an administrative provision in the House bill and added provisions regarding an allowance, authorizing additional positions for House officers, authorization for the House Employment Counsel to represent the House in judicial proceedings. The officers of the House have acquired additional expertise in response management and continuity of operations as a result of the recent emergencies created by terrorist attacks and other activities that were not contemplated within current resource levels. In order to maintain an institutionalized capability and to help assure the security needs of the House are being met on a long term basis, the managers on the part of the House realize that current FTE limits have been superceded and direct the officers to take whatever steps are necessary to continue these functions in the most economical and operationally sound manner possible. Current FTE limits, therefore, shall not apply with respect to these activities. The managers on the part of the House also direct that, of the funds in the bill made available to the House for salaries and expenses, $143,000 may be transferred to the Office of Legislative Counsel, at the request of the Legislative Counsel, to provide resources necessary for continuity of operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

While applauding the Herculean efforts of the Chief Administrative Officer, the Clerk, and others in the House of Representatives in providing alternative workspace and equipment for the House during the period in which House office buildings have been closed, the managers on the part of the House remain greatly concerned about the ability of Members and staff to access their computer systems from offsite locations during emergencies. The managers on the part of the House understand and appreciate that providing permanent remote access to House computer systems for all House offices would require the resolution of many complicated issues relating to security, technical capabilities, and the allocation of resources. Nevertheless, the managers on the part of the House urge the Chief Administrative Officer, the Clerk, and other relevant House officers to quickly develop a plan under which each office of the House of Representatives shall have available some permanent, reliable means to access its computer systems from a remote location. The managers on the part of the House request that the Chief Administrative Officer prepare and submit a report to the Committees on House Administration and Appropriations of the House of Representatives not later than 90 days after the enactment of the bill which describes the progress made by the Chief Administrative Officer in preparing and implementing this plan.

The managers on the part of the House direct the Chief Administrative Officer to calculate the amount of wages food service hourly employees that work in the House lost due to the necessary recent closing of House office buildings and to reimburse the applicable vendors to pay those wages from the proceeds of the restaurant services revolving fund.

JOINT ITEMS

OFFICE OF THE ATTENDING PHYSICIAN

Appropriates $1,865,000 for the Office of the Attending Physician as proposed by the House instead of $1,765,000 as proposed by the Senate. This amount includes $1,253,904 for reimbursement to the Department of Navy for expenses incurred as proposed by the House instead of $1,159,904 as proposed by the Senate.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Appropriates $113,044,000 for salaries of officers, members, and employees of the Capitol Police instead of $112,592,000 as proposed by the House and $112,922,000 as proposed by the Senate, of which $55,239,000 is provided to the Sergeant at Arms of the House of Representatives and $57,805,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. The conferees direct the Chief of the Capitol Police to make retroactive to October 1, 2001 any comparability adjustments in pay of sworn officers.

GENERAL EXPENSES

Appropriations $13,146,000 for general expenses of the Capitol Police instead of $11,081,000 as proposed by the House and $12,394,000 as proposed by the Senate. The increase above the House allowance provides an additional $65,000 for card readers and $2,000,000 for the accelerated upgrade and installation of a new networked in-place monitoring system. The conferees have provided $1,525,467 to purchase 40 vehicles for canine officers to transport police dogs. This action will provide the United States Capitol Police with operational-parity similar to other federal law enforcement agencies. This amount allows for the purchase of the police service vehicles and the related purchase and installation of police-vehicle equipment and canine cages ($1,357,600). The first year's annual operating costs for these vehicles including fuel and maintenance is estimated at $101,867. In addition, the salaries appropriation provides one FTE for additional maintenance staff.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the committees on Appropriations of the House and Senate. In addition, the conferees have included administrative provisions that authorize the Capitol Police to purchase goods and services in emergency situations; that authorize the Capitol Police to accept donations of meals and refreshments in emergency situations; sets a cap on the level of pay for the Chief Administrative Office of the Capitol Police; and another provision authorizing the payment of certain expenditures made in connection with the terrorist acts of September 11, 2001, and subsequent threats. The conferees direct that within 30 days of utilizing the authorization provided to purchase or accept donations of goods and services a report of such transactions and the reasons therefore will be submitted to the Committee on Appropriations of the House and Senate.

OFFICE OF COMPLIANCE

For the Office of Compliance the conferees have agreed that of the amount appropriated, $254,000 shall remain available until September 30, 2003, as proposed by the House.

CONGRESSIONAL BUDGET OFFICE

Appropriates $30,780,000 for salaries and expenses of the Congressional Budget Office as proposed by the House instead of $30,660,000 as proposed by the Senate. The conferees have included three administrative provisions that provide for an employee training program, authorization to apply the proceeds from the sale of older equipment to be applied to the purchase of equipment used for the same purpose, and the establishment of a student loan repayment program as a recruitment tool.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriates $51,371,000 for salaries and expenses, Capitol buildings and grounds, general administration, Architect of the Capitol, instead of $46,705,000 as proposed by the House and $54,000,000 for the Architect of the Capitol, Capitol Buildings and Grounds, Capitol buildings, salaries and expenses as proposed by the Senate. Of this amount $20,000 is provided for attendance at meetings as proposed by the Senate instead of $30,000 as proposed by the House. Of the amount appropriated $3,026,000 shall remain available until September 30, 2006 instead of $3,414,000 to remain available until expended as proposed by the Senate. In addition, the conferees have included provisions pertaining to a Chief Financial Officer and the acquisition of property, as proposed by the Senate.

With respect to the object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$47,007,000
Capitol Projects:	
1. Implementation of AOCNET	500,000
2. Financial Management System	2,076,000
3. Computer-Aided Facility Management	700,000
4. Implementation of Safety Programs	450,000
5. Security Project Support	125,000
6. Replace Building Automation System, Capitol Complex	240,000
7. Micrographic & Recording Storage Equipment	73,000
8. Development of Master Commissioning Specifications	100,000
9. Develop AOC Engineering Guide Specifications	100,000

MINOR CONSTRUCTION

Instead of providing for a separate account, as proposed by the House, the conferees have included $5,000,000 as a line item within House office buildings account for minor construction.

CAPITOL BUILDINGS

Appropriates $15,194,000, of which $3,080,000 shall remain available until September 30, 2006, for maintenance, care and operation of the Capitol, by the Architect of the Capitol, instead of $17,674,000 as proposed by the House. The Senate bill included $54,000,000 for this activity in the appropriation immediately preceding. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$9,696,000
Capitol Projects:	
1. Provide Infrastructure for Security Installations	200,000
2. Conservation of Wall Paintings	300,000
3. Replacement of Minton Tile	200,000
4. Roofing Repair, Around House and Senate Chambers	160,000
5. Replace Exit Doors for Emergency Egress and Security, Capitol Building	475,000
6. Design, Install Emergency Signs and Lighting	200,000
7. Egress Door Improvements	100,000
8. Replace Halon Fire Suppression Systems	50,000
9. Design, Upgrade Kitchen Exhausts	150,000
10. ADA Requirements	75,000
11. Elevator/Escalator Modernization Program	750,000
12. Rehabilitate Dome	1,605,000
13. Design, Exterior Stone Preservation	725,000
14. Chandelier Restoration and Crystal/Globe Replace	230,000
15. Door Refinishing/Restoration	211,000
16. Cold Storage for Historic Negatives	67,000

CAPITOL GROUNDS

Appropriates $6,009,000 to the Architect of the Capitol for the care and improvements of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power plant instead of $6,904,000 as proposed by the House and $6,000,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$5,653,000
Capitol Projects:	
1. Replace Trucks	80,000
2. Provide Lights at Lot 9	276,000

SENATE OFFICE BUILDINGS

Appropriates $42,126,000 for the maintenance, care, and operation of the Senate office buildings to the Architect of the Capitol instead of $47,500,000 as proposed by the Senate, of which $3,760,000 shall remain available until September 30, 2006. The reduction from the Senate level is attributable to the transfer of funds, related to the central support staff, to the new General Administration account. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OFFICE BUILDINGS

Appropriates $54,006,000 for the maintenance, care, and operation of the House office buildings to the Architect of the Capitol instead of $49,006,000 as proposed by the House, of which $23,344,000 shall remain available until September 30, 2006. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House. The additional funds provided flexibility for unforeseen needs including minor construction, repair, and alteration projects, land acquisition, and related activities, in connection with construction and maintenance activities of House office buildings.

Consistent with the energy conservation plan (Section 310 of the Legislative Branch Appropriations Act, 1999), the Architect of the Capitol is directed to provide compact fluorescent light bulbs in table, floor, and desk lamps in House office buildings for offices of the House which request them, including any retrofitting of the lamps which may be necessary to install such bulbs.

CAPITOL POWER PLANT

In addition to the $4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates $52,583,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol power plant, instead of $45,324,000 as proposed by the House and $47,403,000 as proposed by the Senate. Of this amount $8,013,000 shall remain available until September 30, 2006, instead of $100,000, to remain available until expended, as proposed by the House and $3,300,000, to remain available until expended, as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$43,395,000
Capitol Projects:	
1. Implement Emergency Shoring and Repairs to Tunnels	100,000
2. Update CAD Drawings for Capitol power plant	75,000
3. Install Ventilation in coal bunkers	65,000
4. Replace deaerator heaters	335,000
5. Study, heat balance/efficiency improvements	100,000
6. Repoint and clean east and west plant chimneys	90,000
7. Replace controls west cooling tower	180,000
8. Install dual, low NO_X burners, boilers 5–7	200,000
9. Install Synchronous excitation package for chillers	130,000
10. Modernize Coal Handling System	7,913,000

ADMINISTRATIVE PROVISIONS

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol. There is a provision that sets a cap on the level of pay of the Architect of the Capitol and Assistant Architect of the Capitol and authorizes the Architect to set levels of basic pay for twelve positions. The conferees direct that the Architect designate one of the twelve positions for security management functions. There is a provision requiring payment of liquidated damages in the event that completion of a project greater than $50,000 in value is delayed because of the contractor; a provision that sets the limitation for small purchase contracts at $100,000; a provision involving a financial management system; a provision that authorizes eligibility for life insurance, health insurance, retirement, and other benefits for temporary employees; a provision regarding a youth park; and a provision adjusting the limitation of donations to the National Garden.

The Architect of the Capitol is directed to develop design specifications and to sponsor a competition for the design of the youth park. The final design will be selected by the Capitol Preservation Commission. The Architect is authorized to use his existing funding for design specification development and the competition. Since construction cost is dependent on final design, no funding has been appropriated at this time.

The conferees direct the Architect of the Capitol to observe the reprogramming guidelines stated under the heading, "Legislative Branch Wide Matters," earlier in this statement.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $81,454,000 for salaries and expenses, Congressional Research Service, Library of Congress, as proposed by the House instead of $81,139,000 as proposed by the Senate. This level of funding provides for 739 full time equivalents.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $5,646,000 for salaries and expenses, Botanic Garden, instead of $5,946,000 as proposed by the House and $5,829,000 as proposed by the Senate. The conferees have included language, as proposed by the House, setting a limitation on the use of funds for any activities of the National Garden and have not included the provision providing for reception and representation expenses. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$4,107,000
Capitol Projects:	
1. Design, Administrative building renovation and addition	200,000
2. Roof Fall Protection, DC Village	131,000
3. Vehicle Replacement	68,000
4. Shade Curtain warranty	125,000
5. Conservatory Galleries design exhibits, banners and audio tours	615,000
6. Implementation/contractor support conservatory courtyards	400,000

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $306,692,000 for salaries and expenses, Library of Congress, which will fund 2,792 FTE's, instead of $304,692,000 as proposed by the House and $297,775,000 as proposed by the Senate. Of this amount $6,850,000 is made available from receipts collected by the Library of Congress and $15,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other library materials as proposed by the House instead of $10,824,474 as proposed by the Senate.

With respect to differences between the House and Senate bills, the conferees have agreed to the following:

1. Mandatories	$12,381,417
2. Hands Across America	7,100,000
3. Purchase of Library Materials	15,824,474
4. Law Library Arrearage Reduction	850,000
5. Abraham Lincoln Bicentennial Commission	500,000
6. National Digital Library	18,080,735

The conference agreement includes funds for two programs, to remain available until expended. One provision, for $7,100,000, is for teaching educators how to incorporate the Library's primary source digital materials into school curricula and includes $1,500,000 for a pilot project in Illinois. The second provision provides $500,000, which includes $3,000 for official representation and reception expenses, for the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $40,896,000, including $27,864,000 made available from receipts, for salaries and expenses, Copyright Office, as proposed by the House instead of $40,701,000, including $27,864,000 from receipts, as proposed by the Senate. This level of funding provides for 530 full time equivalents.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $49,788,000 for salaries and expenses, books for the blind and physically handicapped as proposed by the House instead of $49,765,000 as proposed by the Senate. This level of funding provides for 128 full time equivalents.

FURNITURE AND FURNISHINGS

Appropriates $7,932,000 for furniture and furnishings as proposed by the House instead of $8,532,000 as proposed by the Senate.

The managers on the part of the House do not concur with the language in the Senate report regarding incorporating the Furniture and Furnishings account into the Library's other appropriation accounts.

ADMINISTRATIVE PROVISIONS

In addition to various technical corrections the conferees have agreed to set an overall limitation of $300,000 on funds available for attendance at meetings instead of $203,560 as proposed by the House and $407,560 as proposed by the Senate of which $75,000 is provided to the Congressional Research Service instead of $60,486 as proposed by the House and $86,486 as proposed by the Senate. The conferees have included administrative provisions that authorize a new Library of Congress revolving fund and establishes a gift fund and authorizes detailees for the Lincoln Bicentennial Commission.

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

The conference agreement provides $70,000,000 to the Architect of the Capitol for the Capitol Visitor Center for the completion of the expansion space. The Architect of the Capitol is directed not to obligate any funds for this project without an approved obligation plan. The plan should specify the purpose, amount, and timing of anticipated obligations.

CONGRESSIONAL CEMETERY

Appropriates $1,250,000 to the Architect of the Capitol for a grant for the care and maintenance of the Congressional Cemetery, instead of $2,500,000 as proposed by the Senate. Of this amount, $250,000 is available to the Architect to develop a plan, in consultation with the Association for the Historic Preservation of the Congressional Cemetery, for perpetual care and maintennce of the Cemetery. The plan shall be submitted to the National Trust for Historic Preservation for review. The remaining amount is available as a grant to an endowment fund for perpetual care and maintenance.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $21,753,000 for structural and mechanical care. Library buildings and grounds instead of $22,252,000 as proposed by the House and $18,753,000 as proposed by the Senate. Of this amount $5,000,000 shall remain available until expended instead of $8,918,000 as proposed by the House and $6,878,000 as proposed by the Senate, and $3,748,000 of the amount provided shall remain available until September 30, 2006.

With respect to the object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating budget	$10,853,000
Capitol Projects:	
1. Replace partition supports JMMB	200,000
2. Replace VSD Motor Controls, TJB & JAB	132,000
3. Replace sidewalks, TJB and JAB	100,000
4. Restore decorative painting, TJB and JAB	100000
5. Book stack lighting controls, TJB and JAB	100,000
6. Audio Visual Conservation Center, Culpeper	5,000,000
7. LOC Room and partition modifications	500,000
8. Replace compact stack safety, JMMB	300,000
9. Design, smoke detectors compliance, LB&G	100,000
10 Roof fall protection, LB&G	1,778,000
11. Design egress improvements	550,000
12. Design upgrade kitchen exhausts systems	70,000
13. ADA requirements, LB&G	100,000
14. Design collections security	200,000
15. Design, replacement of rain leaders, JAB	50,000
16. Design, remover 4 escalators for office space JMMB	100,000
17. Preservations environmental monitoring	100,000
18. Design book storage #2, Ft. Meade	420,000
19. Repair life safety deficiencies	1,000,000

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $29,639,000 for salaries and expenses, Office of Superintendent of Documents as proposed by the House instead of $28,728,000 as proposed by the Senate.

ADMINISTRATIVE PROVISION

The conferees have agreed to a provision in the House bill which extends existing authorization or early retirement and voluntary separation incentive payments. The Senate bill includes a similar provision.

GENEAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriates $421,844,000 for salaries and expenses, General Accounting Office as proposed by the House instead of $417,843,000 as proposed by the Senate. Within the appropriating language, the conferees have set the limitation on the representation expenses at $12,500 as proposed by the House instead of $12,000 as proposed by the Senate and made technical corrections on two matters.

The agreement does not include two provisions inserted in the Senate amendment that relate to a pilot program in technology assessment. The conferees direct the Comptroller General to obligate up to $500,000, of the funds made available, for a pilot program in technology assessment as determined by the Senate and to submit to the Senate a report on the pilot program not later than June 15, 2002.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

Appropriates $8,000,000 for a payment to the Russian Leadership Development Center Trust Fund instead of $10,000,000 as proposed by the Senate. The conferees note that the FY2001 Appropriations Act established this program in the Legislative Branch and authorized the use of non-appropriated monies to support this program.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made. The conferees have included section 309 (appropriately renumbered) of the House bill. The conferees recognize that the Capitol Telephone Exchange operates out of one location with employees working side-by-side. The conferees understand the importance of establishing equal pay for these workers, and appreciate the complications created by the fact that some are House employees and some are Senate employees, paid from funds appropriated to the respective bodies. The conferees direct the House Chief Administrative Officer and the Senate Sergeant at Arms to make a recommendation to the House and Senate Appropriations Committees, on House Administration, and the Senate Committee on Rules and Administration, on how to structure the U.S. Capitol Telephone Exchange to provide for uniform pay, procedures and policies for all its employees while continuing to provide a high level of service to Members, staff and the American people. This report should be submitted by April 30, 2002.

The conferees have included a provision that authorizes the Architect of the Capitol to maintain and improve landscape features of property located near the House office buildings. The conferees have included the House provision regarding the Buy American Act and have excluded the House provision related to the installation of compact fluorescent light bulbs and have included direction, under the paragraph explaining House Office Buildings, for the Architect of the Capitol to address this matter.

Amendment No. 2: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the mangers under amendment numbered 1.

Amendment No. 3: Deletes the matter stricken and deletes the matter inserted and deletes certain House matter not stricken by the Senate. The disposition of this amendment is purely technical so that the entire text of the conference agreement could be included in amendment numbered 1. The description of the resolution of the differences in this amendment can be found in the joint statement of the managers under amendment numbered 1.

Amendment No. 4: Deletes the section number stricken and inserted and deletes certain House matter not stricken by the Senate.

Amendment No. 5: Deletes the matter stricken by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$2,729,527
Budget estimates of new (obligational) authority, fiscal year 2002	2,961,870
House bill, fiscal year 2002	2,239,000
Senate bill, fiscal year 2002	2,874,114
Conference agreement, fiscal year 2002	2,971,142
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+241,615
Budget estimates of new (obligational) authority, fiscal year 2002	+9,272
House bill, fiscal year 2002	732,142
Senate bill, fiscal year 2002	+97,028

Charles H. Taylor,
Zach Wamp,
Jerry Lewis,
Ray LaHood,
Don Sherwood,
C.W. Bill Young,
James P. Moran,
Steny H. Hoyer,
Marcy Kaptur,
David R. Obey,
Managers on the Part of the House.

Richard J. Durbin,
Tim Johnson,
Jack Reed,
Robert C. Byrd,
Robert F. Bennett,
Ted Stevens,
Thad Cochran,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0711

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 7 o'clock and 11 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107-260) on the resolution (H. Res. 272) waiving points of order against the conference report to accompany the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107-261) on the resolution (H. Res. 273) waiving points of order against the conference report to accompany the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHOWS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. THOMPSON of Mississippi (at the request of Mr. GEPHARDT) for today and the balance of the week on account of business in the district.

Ms. DUNN (at the request of Mr. ARMEY) for today and the balance of the week on account of a family medical emergency.

Mr. KELLER (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. MCHUGH (at the request of Mr. ARMEY) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DELAHUNT) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, October 31.

Mr. SOUDER, for 5 minutes, October 31.

Mr. BURTON of Indiana, for 5 minutes, today and October 31.

Mr. MORAN of Kansas, for 5 minutes, October 31.

Ms. ROS-LEHTINEN, for 5 minutes, today and October 31.

Mr. SHIMKUS, for 5 minutes, October 31.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes a.m.), the House adjourned until today, Wednesday, October 31, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4425. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to award the medal of honor to Ben L. Salomom and Jon E. Swanson; to the Committee on Armed Services.

4426. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation relating to the annual survey of racial, ethnic, and gender issues; to the Committee on Armed Services.

4427. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles R. Heflebower, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4428. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4429. A letter from the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the seventeenth Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Energy and Commerce.

4430. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Pittsburgh-Beaver Valley Area [PA041-4178; FRL-7083-3] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4431. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to Kentucky State Implementation Plan [KY-75-1; KY-97-1-200109, FRL-7082-8] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4432. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Revisions to State Implementation Plan; Revised Format for Materials Being Incorporated by Reference for Jefferson County, Kentucky [KY-103; KY-107; KY-110; KY-114; KY-115; KY-122-200203; FRL-7082-7] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4433. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky: Approval of Revisions to State Implementation Plan, Source Specific Requirements, and Nonregulatory Provisions [KY-131, and KY-133-200201; FRL-7083-1a] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4434. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 0135-1135a; FRL-7082-6] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4435. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois Trading Program [IL 165-2; FRL-7056-6] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4436. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them [PR Docket No. 92-235] and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services—received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4437. A letter from the Director, Office Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Interim Storage for Greater Than Class C Waste [Docket No. PRM-72-2] (RIN: 3150-AG33) received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 102–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4439. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 112–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 117–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC 099–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4442. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective September 23, 2001 the danger pay rate for the Montenegro Province was designated at the 20% level and the danger pay rate for Peshawar, Pakistan was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

4443. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Fiscal Year 2000 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

4444. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation; Part 442 Amendment; Designation and Mandatory Use of Contractor Performance System [AGAR Case 99–02] (RIN: 0599–AA08) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4445. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation; Part 419 Amendment; North American Industrial Classification System [AGAR Case 2000–01] (RIN: 0599–AA09) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4446. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting a report under the Federal Managers' Financial Integrity Act for the period ending September 30, 2001, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

4447. A letter from the Director, Office of Management and Budget, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

4448. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

4449. A letter from the Accounting Administration Supervisor, Daughters of the American Revolution, transmitting the report of the audit of the Society for the fiscal year ending February 28, 2001, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

4450. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Delegation of the Adjudication of Certain Temporary Agricultural Worker (H–2A) Petitions, Appellate and Revocation Authority for those Petitions to the Secretary of Labor [INS 1946–98] (RIN: 1115–AF29) received October 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4451. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action On Decision Therese Hahn v. Commissioner, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4452. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Imposed on Certain Built-In Gains [Rev. Rul. 2001–50] received October 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2585. A bill to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon (Rept. 107–255). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1776. A bill to authorize the Secretary of the Interior to study of the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; with an amendment (Rept. 107–256). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 483. A bill regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; with an amendment (Rept. 107–257). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 2311. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–258). Ordered to be printed.

Mr. TAYLOR of North Carolina: Committee of Conference. Conference report on H.R. 2647. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–259). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHLERT (for himself, Mr. BAIRD, Mr. EHLERS, Mr. BARCIA, Mrs. MORELLA, Mr. WELDON of Pennsylvania, Mr. FORBES, and Mrs. WILSON):

H.R. 3178. A bill to authorize the Environmental Protection Agency to provide funding to support research, development, and demonstration projects for the security of water infrastructure; to the Committee on Science.

By Mr. BASS:

H.R. 3180. A bill to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mrs. ROUKEMA, Mr. DUNCAN, and Mr. HUNTER):

H.R. 3181. A bill to establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants, to improve procedures for issuance of nonimmigrant student visas, and to enhance procedures for admission at ports of entry to the United States; to the Committee on the Judiciary.

By Mr. BLAGOJEVICH (for himself and Mr. WAXMAN):

H.R. 3182. A bill to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. FILNER, Mr. GRAVES, Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. MCGOVERN, Mr. ROGERS of Michigan, Mr. SCHROCK, and Mr. FALEOMAVAEGA):

H.R. 3183. A bill to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation; to the Committee on Armed Services.

By Ms. DELAURO:

H.R. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to add provisions regarding protecting the United States food supply; to the Committee on Energy and Commerce.

By Mr. GREEN of Texas (for himself, Mr. QUINN, Mr. PASCRELL, Ms. LOFGREN, Mr. NADLER, Ms. ROYBAL-ALLARD, Ms. MCCARTHY of Missouri, and Mrs. MORELLA):

H.R. 3185. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself, Ms. PRYCE of Ohio, Mr. OBERSTAR, Mr. UPTON, Mr. WYNN, Mr. WELDON of Pennsylvania, Mr. DINGELL, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. BAKER, Ms. CARSON of Indiana, Mr. SANDLIN, Mr. OWENS, Mr. MASCARA, and Mrs. MCCARTHY of New York):

H.R. 3186. A bill to provide for an awareness program, and a study, on a rare form of breast cancer; to the Committee on Energy and Commerce.

By Mr. McINNIS:

H.R. 3187. A bill to amend the Federal Land Policy and Management Act of 1976 to require the value of public benefits created by State and local governments and nonprofit entities to be offset against the fee charged for certain rights-of-way held by those entities; to the Committee on Resources.

By Mr. STARK (for himself, Mr. McNULTY, Ms. ESHOO, Mr. WYNN, Mr. FRANK, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. McGOVERN, Mr. BRADY of Pennsylvania, Mr. KUCINICH, and Mr. HINCHEY):

H.R. 3188. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself, Mr. OBERSTAR, Mr. DUNCAN, Mr. BORSKI, and Mr. DEFAZIO):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress regarding the 30th anniversary of the enactment of the Clean Water Act; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH (for himself, Mr. QUINN, Mr. KUCINICH, Mr. REGULA, Mr. CARDIN, Mr. NEY, Mrs. JONES of Ohio, Mr. EHRLICH, Mr. ADERHOLT, Mr. MURTHA, Mr. HOUGHTON, and Mr. STUPAK):

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress that the United States Trade Representative should oppose any changes that weaken existing antidumping and safeguard laws at the World Trade Organization (WTO) round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H. Res. 271. A resolution providing for consideration of the bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PLATTS introduced a bill (H.R. 3179) for the relief of certain aliens who were aboard the *Golden Venture*; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 64: Mr. TIBERI.

H.R. 218: Ms. BROWN of Florida and Mr. EVERETT.

H.R. 307: Mr. FILNER.

H.R. 525: Mr. FROST.

H.R. 782: Mr. BLUMENAUER.

H.R. 967: Mr. ABERCROMBIE.

H.R. 1073: Mr. HALL of Ohio and Mr. FLETCHER.

H.R. 1158: Mr. WELDON of Florida.

H.R. 1523: Mr. WELDON of Florida.

H.R. 1624: Mrs. CAPITO.

H.R. 1782: Ms. SLAUGHTER and Mr. LATOURETTE.

H.R. 1786: Mr. OSBORNE and Mrs. CLAYTON.

H.R. 1984: Mr. KERNS.

H.R. 1990: Ms. PELOSI.

H.R. 2032: Mr. DEAL of Georgia.

H.R. 2033: Mrs. THURMAN.

H.R. 2035: Ms. SANCHEZ, Mr. WEXLER, Mr. MASCARA, and Mr. DOYLE.

H.R. 2117: Mr. DUNCAN.

H.R. 2125: Mr. TURNER, Ms. VELÁZQUEZ, and Mr. SHUSTER.

H.R. 2161: Mr. FORBES.

H.R. 2219: Mr. PRICE of North Carolina.

H.R. 2220: Mr. NETHERCUTT.

H.R. 2348: Mr. LARSEN of Washington, Mr. ALLEN, and Mr. LUCAS of Oklahoma.

H.R. 2357: Mr. LUCAS of Oklahoma, Mr. RADANOVICH, and Mr. GRAVES.

H.R. 2374: Mr. FOLEY, Mr. KLECZKA, and Mr. HERGER.

H.R. 2404: Mr. KILDEE.

H.R. 2515: Mr. LUCAS of Oklahoma and Mr. FORBES.

H.R. 2638: Mrs. MINK of Hawaii and Mr. LEWIS of California.

H.R. 2692: Mr. GRUCCI.

H.R. 2794: Mr. EVANS.

H.R. 2805: Mr. AKIN.

H.R. 2806: Mr. SOUDER.

H.R. 2896: Mr. JONES of North Carolina and Mr. REHBERG.

H.R. 2905: Ms. NORTON, Ms. BALDWIN, and Mr. PLATTS.

H.R. 2906: Mr. FORBES.

H.R. 2917: Mr. WU, Mr. HINCHEY, Mr. BLUMENAUER, Mr. WELDON of Florida, and Mr. TIAHRT.

H.R. 2929: Mr. LUCAS of Oklahoma.

H.R. 2932: Mr. REYES.

H.R. 2935: Mr. EVANS and Mr. HINOJOSA.

H.R. 2946: Mr. BOYD, Mr. DAVIS of Florida, Mr. HONDA, and Mr. WEINER.

H.R. 2950: Mr. COOKSEY.

H.R. 2951: Mr. HOLT, Mr. LEVIN, and Ms. McCOLLUM.

H.R. 2965: Mr. CLEMENT.

H.R. 2985: Mr. FORBES.

H.R. 2986: Mr. FORBES.

H.R. 2988: Mr. WEXLER.

H.R. 2998: Mr. BROWN of Ohio and Mr. FORD.

H.R. 3007: Mr. OBERSTAR, MR. LEACH, and Mr. CALVERT.

H.R. 3015: Mr. FARR of California and Mr. FORD.

H.R. 3022: Mr. FILNER, Mrs. JONES of Ohio, Mr. BOEHLERT, Ms. KILPATRICK, Mr. McNULTY, and Mr. BLAGOJEVICH.

H.R. 3025: Mr. ENGLISH, Mr. REYES, Mr. WELLER, Mr. CASTLE, and Mr. UNDERWOOD.

H.R. 3026: Mr. FROST.

H.R. 3029: Mr. SIMMONS, Mr. RANGEL, and Mr. SESSIONS.

H.R. 3046: Mr. DAVIS of Florida, Mr. VITTER, Mr. ROGERS of Michigan, Mr. TURNER, Ms. McCARTHY of Missouri, Mr. MALONEY of Connecticut, and Mr. LAMPSON.

H.R. 3062: Mr. CLEMENT and Mr. WYNN.

H.R. 3067: Mr. TIERNEY, Mr. BONIOR, Mrs. NAPOLITANO, Ms. SOLIS, Ms. McKINNEY, Mr. LIPINSKI, and Mr. GEORGE MILLER of California.

H.R. 3070: Mr. LIPINSKI.

H.R. 3087: Mr. RODRIGUEZ and Mr. UNDERWOOD.

H.R. 3093: Mr. SHIMKUS.

H.R. 3103: Ms. LOFGREN.

H.R. 3110: Mr. TIERNEY, Mrs. CLAYTON, Ms. KAPTUR, Mr. UDALL of Colorado, Mr. KILDEE, Mr. JACKSON of Illinois, Mr. FARR of California, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. FROST, Mr. STRICKLAND, Mr. SAWYER, and Mr. STARK.

H.R. 3113: Mr. ABERCROMBIE.

H.R. 3115: Mr. FRANK and Ms. PELOSI.

H.R. 3161: Mr. MALONEY of Connecticut, Ms. LOFGREN, Ms. HARMAN, Mr. LARSEN of Washington, and Mr. SHUSTER.

H.R. 3167: Mr. REYNOLDS.

H.J. Res. 67: Mr. DICKS, Mr. DELAHUNT, Mr. CONDIT, Mr. LAFALCE, Mr. GUTIERREZ, Mr. LARSEN of Washington, and Mr. OLVER.

H. Con. Res. 211: Mr. FALEOMAVAEGA and Mr. McHUGH.

H. Con. Res. 233: Mr. TIAHRT, Mr. HASTINGS of Florida, and Mr. JEFF MILLER of Florida.

H. Con. Res. 238: Mr. GUTIERREZ and Mr. CAPUANO.

H. Con. Res. 249: Mrs. McCARTHY of New York, Ms. McCOLLUM, Ms. NORTON, Mr. McGOVERN, Mr. FROST, Ms. WOOLSEY, Mr. FALEOMAVAEGA, and Mr. WALSH.

H. Con. Res. 250: Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. DICKS, Mrs. THURMAN, Mr. SERRANO, Mr. DOGGETT, Mr. HONDA, Mr. SANDERS, Mr. OWENS, Mr. DINGELL, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Mr. WATT of North Carolina, Mr. FRANK, Ms. GRANGER, Mr. FROST, Mr. FARR of California, and Mr. BONIOR.

H. Con. Res. 253: Mr. HOEFFEL, Ms. LEE, and Mr. PRICE of North Carolina.

H. Con. Res. 254: Mr. GREENWOOD.

H. Res. 52: Mr. CLEMENT.

H. Res. 235: Mr. FROST and Mr. NADLER.

H. Res. 266: Mr. OSE, Ms. WOOLSEY, Mr. HONDA, Mr. LANTOS, and Mr. GEORGE MILLER of California.

EXTENSIONS OF REMARKS

TRIBUTE TO GERI COOMBS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to Mrs. Geri Coombs, who is retiring from the California Teachers Association (CTA) after 25 years of dedicated service. I had the distinct pleasure of hiring Geri when I was involved with the CTA. I knew then, that Geri's arrival would be a great benefit to the CTA, and that judgment has been confirmed.

For the last twenty years Geri has been the Associate Executive Director and Controller of the California Teachers Association. During that time she has guided the Association from humble roots with an uncertain future to a strong and vibrant association that has become a model of financial stability for non-profits across the country. Under her direction the CTA Business Division was reorganized, resulting in both renewed financial success and a restored confidence in the future reliability of the Association. All who have had the privilege of working with this dedicated woman share my confidence in her extraordinary leadership and vision.

Mr. Speaker, in addition to her outstanding financial insight, Geri's understanding to the goals of the CTA has given her a unique ability to allocate and direct resources to meet the many and diverse needs of the CTA. Among Geri's many successes at the CTA was the successful balancing of the demand for CTA services and resources from both large urban and small rural chapters. In addition it was Geri's important role as a management consultant to the CTA Board bargaining team that was instrumental to ensuring the trust and respect of both professional and associate staff unions, thereby solidifying the integrity of the process.

Geri is respected by all who deal with her, as her colleagues stated in their glowing tribute of her: "No CTA member has been called upon more often to solve seemingly insurmountable problems and no CTA staff member will be missed more as she moves onward and upward to a most deserved retirement."

Mr. Speaker, I urge all my colleagues to join me in paying tribute to a tireless worker, a financial wizard, and an outstanding person on the conclusion of her extraordinary career with the California Teachers Association.

TRIBUTE TO JOHN "MIKE" FLYNN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor John "Mike" Flynn, who has served as the Worcester County Sheriff since January 7, 1987.

Mr. Flynn's law enforcement career began with the Fitchburg Police Department where he served from 1952 until 1963. From 1963 until 1987, he served as Deputy Superintendent of the Worcester County Jail and House of Correction and Special Sheriff of Worcester County.

The sheriff has been active in many civic and community activities. He has been a member of the West Boylston Democratic Town Committee in West Boylston; Board of Directors of the Campaign for Human Development; Veterans of Foreign Wars, West Boylston, Post 6709; American Legion Post 21 Main South Post; President of the Armed Forces Committee in 1993; President of the Massachusetts Sheriff's Association, and his special 30 year association with the Mercy Center and their mission to serve the mentally retarded.

Son of Irish immigrants, the Sheriff is proud of his heritage, but proud to be an American. The "son of a steamfitter", he attended Northeastern University's Division of Law Enforcement, and served in the U.S. Army during World War II as an infantryman in the Asian Pacific Theater. During his service in the National Guard, he achieved the rank of Captain.

Above all, the Sheriff is a family man who enjoys time with his wife Joan, their six children, and seven grandchildren.

A true Democrat, a dedicated public servant, a loving parent and faithful brother, Sheriff Flynn exemplifies the ideals of the Democratic Party and the spirit of Eleanor Roosevelt. The Shrewsbury Democratic Town Committee is honored to present him its 2001 Eleanor Roosevelt Humanitarian Award.

WASHING AWAY GRIEF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, this article appeared in Newsday on Tuesday, October 23, 2001, on page A7. I would like to sincerely thank and commend Jean Gioglio for her generosity and kindness in donating her son Michael Gioglio's clothes to the World Trade Center rescue workers.

WASHING AWAY GRIEF

MOTHER DONATES DECEASED SON'S CLOTHES TO RESCUE WORKERS

(By Nedra Rhone)

It was nearing some ungodly hour, and as rescue workers labored at Ground Zero hoping to find traces of the missing, Jean Gioglio labored over her washing machine.

Suds from a homemade cocktail of detergent and disinfectant bubbled about and the piles of clothing seemed to grow before her eyes, but she was determined to finish. The weatherman had predicted rain for the next day, and Gioglio wanted to get the clothing to rescue workers by morning.

As the machine rumbled in her Bay Shore home, Gioglio wrote a letter. "I cannot fathom how you have the strength to carry on, but from the bottom of my heart, I am grateful to you!!"

Into every sleeve, every trouser leg and each pocket she tucked the note explaining exactly where the items came from. "These are Mike's clothes; you see, he doesn't need them anymore . . . he died three years ago . . . I've asked Michael to be your guardian angel."

Michael was Gioglio's 19-year-old son. And in the three years since his death, she has held on. Held on to his clothing, his possessions, his life. Two nights after the attack on the World Trade Center, Gioglio was ready to let go.

"It hurts me that I'd been holding on to Mike's clothes. I was thinking about how tired the rescue workers must be, how shocked. I was stuffing letters into the shirts and just wanting them to put them on, find that piece of paper, and not feel anonymous," Gioglio said.

When Michael Gioglio was 16, Timothy McVeigh bombed the Alfred P. Murrah Federal Building in Oklahoma City. "He wanted to jump on the plane right then," Gioglio said. He wanted to help the rescuers there in what was then the worst act of terror in America. "He was too young, how could I just take a kid into that environment?"

Michael gave logical reasons, Gioglio said. He was strong, level-headed and willing to follow direction, he told her. But the answer was still no. Michael never said another word about it.

Then, three years later, he committed suicide, and with time, Gioglio started the process of healing. But she never was able to part with her son's belongings.

"Being surrounded with Mike's things made it a little more comforting," she said. "It gave me a feel for what was."

Michael was an athletic young man. The walls of his bedroom still display the more sentimental reminders of his life—football photos, lacrosse pads, a golf iron.

People told her that when the time was right to let go, she would know. It just never seemed to come.

Until the moment in mid-September, when Michael had a second chance to help. She found herself in his old room pulling long-forgotten clothing out of drawers and closets. "Humanity is dying," Gioglio said about her sudden motivation, "and the simplest things are going to get all of us to a better place."

It had taken years for Gioglio to get to this point, but as she packed her son's belongings, which had remained in his bedroom untouched, her state-of-mind surprised her.

"I was comfortable with it; I'm not heartbroken at all," she said.

In fact, it felt as if Michael had tapped her on the shoulder and told her to do something, she said.

Family members who had watched Gioglio grieve over the years thought it was wonderful that she was able to give away her son's material possessions, Gioglio said.

"Sometimes people need something, some significant event, to jump-start some type of healing or resolution," said Jill Rathus, associated professor of psychology at Long Island University's C.W. Post campus. The World Trade Center attack may have helped push Gioglio to the next phase of healing.

The tragedy could have many different effects on people who previously experienced the loss of a loved one, Rathus said. For some it may prove a setback, with the event serving as confirmation of their already altered world view and flooding them with painful memories. Others, like Gioglio, may believe their mourning is shared and find a greater sense of community with those now experiencing loss.

On Sept. 22, Michael would have turned 23 years old.

"I know there would have been no stopping him now," Gioglio said.

Her son was no bleeding heart, she said, but he did care about animals, the environment and kids.

"You wouldn't pick him out in a crowd and say 'He's a humanitarian,'" Gioglio said, "but he is there quietly in the background doing what he can."

This time, his work in the background offered some form of comfort to weary firefighters, police officers and emergency workers.

Piece by piece, Gioglio ironed, folded and labeled Michael's clothing, bundling size 34 pants and large-sized sweatshirts into neatly wrapped piles that she delivered to Island Harvest, the Long Island based organization that maintained a warehouse for donations.

"It just stood out because it was clear that somebody went through a lot of trouble to make sure this was going to get to the firemen," said Tom Waring, president of the group, whose volunteers organized about 300,000 pounds of tools, medical supplies, food and clothing. Waring later called Gioglio to thank her.

It was pouring rain the day local volunteers distributed Michael's clothing to rescue workers. A number of people called or wrote letters that same day to say, yes, her note really had helped them feel better.

One rescuer had just wiped the soot from his face and arms with baby wipes and reached for Mike's clean, dry shirt, when the letter fluttered out.

"He said to me, 'I want to run home and hug my kids, but first I wanted to tell you that this is definitely a hug from yours,'" Gioglio said.

She believes that Michael is there at Ground Zero—hopefully as a guardian angel to workers doing the job he once dreamed of doing.

"Letting go of Mike's possessions, I believe, is somehow sending out the troops," Gioglio said. "Maybe I bit off more than Michael can chew, but we definitely have him on the case."

TRIBUTE TO MELANIE KERNEKLIAN ON THE OCCASION OF HER 60TH BIRTHDAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize a remarkable woman, Melanie Kerneklian. I have known Melanie for many years and have come to value her as a tireless advocate for the Seventh Congressional District of Virginia and a friend.

Melanie is dedicated to Virginia. She is known as a vocal and effective leader in the community, but is most known for her advocacy on behalf of the Armenian community. Melanie is recognized as a leading expert on the issues of import to the Armenian-American community and has worked on local, state and federal levels to promote awareness.

On October 12, 2001, Melanie celebrates her 60th birthday. Mr. Speaker, I hope you will join me in wishing Melanie well on her birthday and to thank her for her service to so many people.

HAPPY BIRTHDAY TRIBUTE TO THE U.S. MARINE CORPS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, November 10, 2001, marks the 226th anniversary of the U.S. Marine Corps. On November 10, 1775, a corps of Marines was created by a resolution of the Continental Congress, and throughout the whole of American history the corps has acted with the bravery and honor, courage and humility befiting the American armed services.

In the wake of the tragic events of September 11, and the current military operations which are underway, I am hopeful that America has a new found respect and reverence for our men and women in uniform wherever and whenever they may serve.

As Marines both Retired and Active Duty, Reservists, civilian and uniformed alike, gather cross the Nation to celebrate this momentous occasion, I would like to acknowledge their past service and give thanks for their continued vigilance during these trying times.

This week, in my own district, the Marines of Page County will gather for a humble but memorable celebration at the Luray VFW. To commemorate this special day I would like to submit for the RECORD an essay composed by Thomas E. Lloyd, Major, U.S. Marine Corps (Retired), a resident of Virginia's 10th Congressional District, who has captured the essence of a lifetime devotion to the corps.

[From the Marine Corps Gazette, Nov. 1997]

THE CHANGE IS FOREVER

(By Maj Thomas E. Lloyd, USMC(Ret))

Until recently in my home town, there was an advertising billboard on Main Street with the image of a young Marine officer in Dress Blues with the caption, "The Change Is Forever." Appropriately, the sign appeared about the same time as the 1996 Marine Corps Birthday. Each time that I passed it, the soft murmur of memories echoed in my head.

It's fun to enjoy an occasional peek into the window of our past as long as we know when to close the curtain. One enjoyable way to do this is to celebrate the birthday of our Corps with other Marines. Since our area is rural and fairly remote, a few of us decided two birthdays ago to have our own celebration. Over the past 2 years, it has grown from a few retired Marines gathering to toast the birthday of their Corps to a community event of over 100 Marines, their families, and friends.

There's nothing fancy about our ball—the Marines who can still get into their uniforms wear them, but there are no tuxedos or long gowns. For $7.00 you get a good, homecooked meal of roast beef, gravy, and mashed potatoes. After dinner, we ask the guests to light a candle for our Corps as two retired Marines parade the colors with a marching glide that does not hint of their combined ages of 140 years. After the reading of the traditional Birthday Message of Gen. Lejeune, the cake cutting ceremony takes place.

As the senior Marine, I then say a few words. In keeping with the type of audience, I try to make my remarks emotional, but relevant and to the point. Last year I reminded them that there were no ex-Marines—only Marines.

We are gathered here to honor our Corps and our fellow Marines. We pay homage to tradition and patriotism, to duty and honor, to commitment and sacrifice. The voices of those who have gone before us call out to us with the words that symbolize our Corps—Semper Fidelis! In your present life, you may be a farmer or a truck driver. You may be old or young. Your hair may have grown grey and your middle thick. Life and the inevitable progression of time changes our outward appearance, but it cannot alter what is inside. Your presence here says what is in your heart; you too have answered the role call of Marines who call out to the next generation—Semper Fidelis. I remind you, as I have before, that you are still Marines. You have been branded with the eagle, globe, and anchor. It is seared into your soul. You have earned the title Marine, and it is yours until eternity.

More than likely, no flag officer will ever speak at our birthday ball, and the Marine Corps band will only play for us via my cassette player. A high-ranking guest speaker, expensive admission, and a prime rib dinner aren't necessarily prerequisites for a successful birthday celebration, but enthusiasm, sincerity, and the spirit of the Marines who attend are.

At the foot of the Blue Ridge, near the Shenandoah river, where the natural beauty of the landscape takes your breath away, you'll find a small group of simple and down-to-the-earth men and women who believe in the motto of their Corps—Semper Fidelis! They remain faithful, even though the Marine Corps that they once knew exists only in their memories and in their hearts. The words on the billboard were more than advertising: The Change Is Forever!

A TRIBUTE TO RAFFI HAMPARIAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a great American, a great public servant, a great expert on foreign affairs, a great staff member, a great campaign worker, a great brother, son and husband, a great friend, and soon to be a great father.

Mr. Speaker, at the end of this week a man who fits all those desciptions, Mr. Raffi Hamparian, will be departing my office and moving to the west coast to settle down with his wife and the new child they are expecting in January.

He has served for the past five years as my senior legislative assistant and handled all my International Relations Committee and Foreign Operations Subcommittee work. He has been a strong and steady voice in the halls of this Congress for the oppressed minorities of the world and for exporting the best of America to all those peoples hungry for freedom.

Myself and the rest of my staff will not only miss his great expertise at a time when we greatly need such insight into foreign affairs, but we will also miss his friendship. We have all come to rely on seeing his smiling face and hearing his reassuring voice each morning we walk into the office.

Mr. Speaker, this Congress and my office in particular are about to lose a tremendous resource, but I know Mr. Hamparian will stay involved in the public arena and will continue to offer his services to the people of America, wherever he may live or work.

I want to take this moment to thank him for all he has done for me and all he has done for this Congress and to wish him and his family the blessings of God and every joy known to this world.

TRIBUTE TO JOSEPH M. DeMARIA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor the late Mr. Joseph M. DeMaria, a member of the Shrewsbury Democratic Town Committee. His active participation in monthly Sunday morning meetings will be sorely missed.

Mr. DeMaria was a construction engineer with the Massachusetts Bay Transportation Authority, serving on the Worcester Commuter Rail Extension Project. He was a member of the United States Army Infantry following Officers' Candidate School in Fort Benning, Georgia, and served in the National Guard.

He was a member of the Engineering and Technical Union Local 5, St. Anne's Church, Shrewsbury Knights of Columbus-Adelphi Council 4181, Italian American Victory Club, and formerly a member of the International Union of Operating Engineers Local 4. In 1973, the Massachusetts Jaycees named him Outstanding Young Leader of the Year.

Mr. DeMaria was an active campaigner, a Town Meeting Member for 20 years, a member of the Shrewsbury Cable TV Commission, and a delegate to State Democratic Conventions. His participation and Leadership in Little League, Youth football, and coaching of the Victor Quaranta Post 397 American Legion is legendary.

Mr. DeMaria's devotion to his family, including his sons Frank, Joe, Anthony and Paul, was well known. Therefore, it is a great pleasure to honor Joseph DeMaria at the 2001 Eleanor Roosevelt Humanitarian Award for a life that embodied the values of Eleanor Roosevelt.

BUSH TO BIN LADEN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, I would like to add the following article to the CONGRESSIONAL RECORD. It appeared in the New York Times on Friday, October 12, 2001, on page A23.

BUSH TO BIN LADEN

(By Thomas L. Friedman)

The White House has asked U.S. networks to limit broadcasts of statements by Osama bin Laden. I wish that instead of censorship, the president would respond to him. Here's what Mr. Bush could say:

Dear bin Laden: I've listened to the statement you released through Al Jazeera TV. Since I know that no Arab or Muslim leader will dare answer you, I thought I would do it. Let met be blunt: Your statement was pathetic. It's obvious from what you said that you don't have a clue why we're so strong or why the Arab regimes you despise are so weak.

You spoke about the suicide attacks on us as being just revenge for the "80 years of humiliation and disgrace" the Islamic nation has gone through. You referred to the hijackers as a Muslim vanguard sent "to destroy America," the leader of the "international infidels," and you denounced the Arab regimes as "hypocrites" and "hereditary rulers."

What was most revealing, though, was what you didn't say: You offered no vision of the future. This was probably your last will and testament—I sure hope so—and you could have said anything you wanted to future generations. After all, it was your mike. Yet you had nothing to say. Your only message to the Muslim world was whom to hate, not what to build—let alone how.

In part it's because you really don't know much about Islamic history. The Muslim world reached the zenith of its influence in the Middle Ages—when it preserved the best of classical Greek and Roman teachings, and inspired breakthroughs in mathematics, science, medicine and philosophy. That is also when Islam was at its most open to the world, when it enriched, and was enriched by, the Christian, Greek and Jewish communities in its midst—whom you now disparage as infidels—and when it was actively trading with all corners of the world. Your closed, inward, hate-filled version of Islam—which treats women as cattle and all non-Muslims as enemies—corresponds with no period of greatness for Islam, and will bring none.

It was also revealing that the only Arab state you mentioned was Iraq. Interesting—Iraq is led by a fascist dictator, Saddam Hussein, who used poison gas against his own people, who squandered Iraq's oil wealth to build himself palaces and who raped Kuwait. But you are silent about all that. What bothers you is our targeted sanctions to end such a regime—not the regime itself.

In other words, you not only don't understand the Muslim past, you don't understand its present. The reason these past 80 years have been so stagnant for the Arab-Muslim world is not because we in America have been trying to keep you down. Actually, we haven't been thinking about you much at all. No, the difference between American power, Chinese power, Latin American power and Arab-Muslim power today is what we've each been doing for these past 80 years. We and others have been trying to answer many questions: How do we best educate our kids? How do we increase our trade? How do we build an industrial base? How do we increase political participation? And we judged our leaders on how well they answered all those questions.

But people like you want Arabs and Muslims to ask only one question of their leaders: How well did you fight the infidels and Israelis? I know that who rules Jerusalem is a deeply important part of your heritage, and every Arab-Muslim leader must address it. But it can't be the only question. Yet, because people like you have reduced it to the only question, and tried to intimidate ever Arab who wanted to ask other questions, you have allowed your region to be led by scoundrels, like Saddam.

Yes, you've wreaked some havoc, bin Laden, but don't flatter yourself into thinking you can destroy us. You have to build something strong to destroy something strong. But you can't. Because all the intellectual and creative energies in the Arab-Muslim world—which are as bountiful as in any other region—can never reach their full potential under repressive regimes like Iraq or leaders like yourself.

Stalin and Mao killed a lot of their own people, but even these thugs had a plan for their societies. You, bin Laden, are nothing but a hijacker—a hijacker of Islam, a hijacker of other people's technology, a hijacker of a vast Arab nation's anger at its own regimes. But you have no vision and no plan for your people. Which is why your epitaph will be easy to write:

Osama bin Laden—he destroyed much, he built nothing. His lasting impact was like a footprint in the desert.

A TRIBUTE TO KIMBERLY LUGER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CANTOR. Mr. Speaker, in my years of service I have met and worked with many people. Of these people, I have found few who equal my chief of staff, Kimberly Luger.

Kim has been with me since the beginning, serving the people of Virginia as my aide in the General Assembly and coming to Washington to open and lead my congressional offices. With an inexhaustible knowledge of the people and issues of the Seventh District of Virginia, Kim serves with a professionalism, dedication, and enthusiasm that is exemplary. She rises to every challenge and with her loyalty and commitment meets or exceeds every goal.

Although she is an invaluable asset to me and to the people of Virginia, Kim has decided to leave the world of congressional affairs. In December, Kim and her husband, Charles Luger, are expecting their first child. After her years of service, Kim will turn her inexhaustible talents toward her family.

Mr. Speaker, Kim and Charles will be wonderful parents, and I hope you will join me and my family in wishing them the best on this exciting new chapter of their lives and thanking Kim for her contributions to the people of the Seventh District of Virginia.

WORLD POPULATION AWARENESS WEEK

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DEFAZIO. Mr. Speaker, rapid population growth and urbanization have become catalysts for many serious environmental problems and are applying substantial pressures on infrastructure, manifested especially in pollution, transportation, health, sanitation, and public safety problems; making urbanization an issue cannot afford to ignore. Cities and urban areas today occupy only 2 percent of the Earth's land, but contain half of the world's population and consume 75 percent of its resources.

It is therefore important for us to recognize the problems associated with rapid population growth and urbanization. Governor Kitzhaber has proclaimed the week of October 21–27 of this year as World Population Awareness Week in the great State of Oregon, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas: world population today exceeds six billion and continues to increase by one billion every 13 years; and

Whereas: the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas: cities and urban areas today occupy only two percent of the earth's land, but contain 50 percent of its population and consume 75 percent of its resources; and

Whereas: the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas: along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

Whereas: in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of its citizens; and

Whereas: the theme of World Population Awareness Week in 2001 is "Population and the Urban Future."

Now, therefore, I, John A. Kitzhaber, Governor of the State of Oregon, hereby proclaim October 21–28, 2001 to be World Population Awareness Week in Oregon and encourage all Oregonians to join in this observance.

DEATH OF AN INNOCENT AUTHOR UNKNOWN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STEARNS. Mr. Speaker, I recently submitted to you a poem entitled Death of an Innocent. One of my constituents, Elisabeth Cercek from Ocala, FL, was nice enough to get this across my desk in hopes that it would bring awareness to the problem of drinking and driving. I wanted to correct my previous statement which named Elisabeth as the author. The writer of Death of an Innocent is unknown.

TRIBUTE TO KEVIN T. BYRNE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to honor an outstanding individual, Mr. Kevin T. Byrne who will be receiving the Eleanor Roosevelt Humanitarian Award for all his years of dedication and service. This year's Eleanor Roosevelt Humanitarian Award is dedicated in memory to Joseph DeMaria for his years of contribution to the Shrewsbury Democratic Town Committee and for his community involvement with young adults.

Mr. Byrne's service to Central Massachusetts is truly remarkable. He is an excellent example of all the devoted, hardworking men and women who serve their communities daily. Mr. Byrne has been active in the town of Shrewsbury for over thirty years, currently serving as the vice chair of the Shrewsbury Democratic Town Committee and as the Town Moderator.

Mr. Byrne, in addition to serving the people of Shrewsbury politically, is an active member of the community. In the past he served as the President of the National Council on Alcoholism in Greater Worcestor. Mr. Byrne is also on the Board of Directors of many groups, which include the Audio Journal of Worcestor, the Bach Society of Worcestor, EntrActors Guild of Worcestor, and the Worcestor Forum Theater.

Kevin Byrne is engaged fully in his church. He is a past President of the St. Mary's Parents Association, and a past member of both the St. Mary's Parish Council, and the Worcestor Diocese Senate of Laity.

In addition to all of the other great work Mr. Byrne has accomplished for the community, he has been an active member in the Massachusetts legal world. For five years Mr. Byrne was a Trustee and Treasurer of the Massachusetts Bar Association. He is a past President of the Worcestor County Bar Association. He also hosts, and serves as the moderator on the Worcestor Weekly cablevision program, "The Law Review."

Mr. Byrne, and his wife Virginia, are the proud parents of three, Melissa, Christopher, and Jennifer.

Mr. Speaker, I commend Kevin T. Byrne for his remarkable commitment to the people of Central Massachusetts and the United States of America. He is truly an example of an outstanding individual who has accomplished many great things and who will leave a long lasting legacy behind him.

PROCLAMATION FOR JAMES A RUCK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding educators, James A. Ruck, who has received the Golden Apple Award from his peers and the Suffolk County Council in recognition of his achievements.

The Golden Apple Award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Receiving the Golden Apple Award is an extraordinary achievement with which only the finest educators are honored.

I ask my colleagues to join me in congratulating Mr. Ruck, as his activities are indeed worthy of praise. His leadership benefits our community and he serves as a role model for our youth.

It is with great pride that I recognize the achievements of James Ruck and bring the attention of Congress to this successful educator on his day of recognition. Congratulations to you and your family.

GRATITUDE TO THE PEOPLE OF CANADA

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BILIRAKIS. Mr. Speaker, I rise today in an expression of gratitude to the people of Canada, and the people of Newfoundland in particular, for the invaluable support they offered our citizens shortly after the September 11th terrorist attacks. As a sign of appreciation, I would like to take this opportunity to thank all Canadians for their warm, heartfelt actions during that time of crisis.

Canada stood firmly by our side in dealing with the immediate consequences of the terrorist strikes. When all U.S. air space had to be cleared, hundreds of flights were diverted to Canadian airports, mainly in Newfoundland and Nova Scotia. During the following days, the Canadian government and local authorities did everything in their power to help the thousands of travelers that were unable to return to their homes. Furthermore, demonstrating their solidarity to the American people, many ordinary citizens showed up at the airports and volunteered to give shelter to the confused travelers.

I recently received a letter from a constituent who was one of those travelers. Michael Rollins of Safety Harbor, Florida, felt the need to utter his sincerest and deepest thanks to a community of people who have forever touched the lives of thousands of U.S.-bound air travelers stranded in Canada.

After de-boarding the plane in St. John, Newfoundland, Mr. Rollins and all other passengers and crew found instant assistance and accommodations from the local population. These caring individuals opened their homes and hearts. Total strangers provided groceries, clothes, towels, sheets and countless other items in a selfless display of love and compassion. St. John's Citadel Corps took care of more than 300 people for over five days. The same outpouring of warmth and comfort took place in the town of Gander, where other flights were rerouted. There too, passengers experienced the benevolence of strangers, and the nurturing and loving capacity of the human heart.

The altruism, compassion and generosity of Newfoundland's residents did not go unnoticed. These sentiments show how much we share with the people of Canada, how many basic human values we both hold dear. As America moves forward, determined to protect our freedom and our way of life from any terrorist threat, we feel proud to have Canadians as neighbors, and more importantly, as friends.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to H.R. 3090. This is simply the wrong way to approach a short term economic stimulus bill. It is not temporary, and instead of addressing the needs of laid off workers, the Republican bill is a give away to the wealthiest Americans and corporations. Even Treasury Secretary O'Neill has said the bill is misguided. The country would be much better served by considering the comprehensive aviation security bill I introduced with other Democrats on the Transportation and Infrastructure Committee. This should have been one of our top priorities in the days after September 11, but six weeks later we have not seen floor action.

There are numerous problems with the Republican bill, but I am particularly troubled by a provision that will allow multi-national corporations to avoid paying U.S. taxes by taking profits out of this country. How does this stimulate our economy? Some of the business provisions in this bill are retroactive all the way back to 1986. In addition, the Republicans provide no immediate federal support for unemployment insurance or health care benefits for laid off workers, but instead make benefits dependent on later actions by the states. We need to get money directly to middle and low-income workers to get that money back into the economy.

Mr. Speaker, I urge my colleagues to reject this outrageous Republican bill, and then let us move quickly to consider aviation security legislation. We have already waited far too long.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2001

Mr. NADLER. Mr. Speaker, I rise in support of the Interior Appropriations bill. It is far from perfect, but it is thankfully free of the most objectionable provisions we have seen the last several years.

I want to take special note of the modest increase once again granted to the National Endowment for the Arts, Challenge America Grant. This is a very important program that helps bring the arts to areas of this country that have traditionally been under-served. I'm happy to see this vital program continuing to be supported.

At the same time, however, I can't help but be disappointed that the other activities of the NEA will continue to receive flat funding. After years of contentious debate, I suppose we could be thankful that at least it's not a cut. But in reality, it is a cut. Level funding means that the resources that the NEA needs to do its job get stretched thinner year after year.

I appreciate the hard work of the appropriators, but I hope that in the future we can work to increase the NEA's budget to a level that would enable it to fulfill its core mission of nurturing work that would not, on its own, receive popular support. At times, this may mean supporting forms of expression that we ourselves may not agree with. But that is one way we promote a free society.

A true National Endowment for the Arts would play a vital role in nursing back to health the devastated arts community of New York in the wake of the September 11th attacks. Broadway may be rebounding, but the performance artists and the small art galleries, who have no marketing campaign behind them, are suffering. A fully funded NEA could be the key to restoring this once thriving arts community and drive the economic recovery of New York. But unless we make a commitment to dramatically increase its budget, it will not have the ability to lead these efforts.

However, the arts are not just an economic engine. They also provide the emotional and spiritual lift that we have all needed this past month. In the wake of the attacks, music halls around the country were packed. A crying nation flocked to the theater to laugh again. People went to dance concerts and museums for a sense of community and emotional release. In times of crisis, the arts can provide comfort in a frightening world.

I salute the appropriators for supporting Challenge America. But I caution, if we do not support the other vital elements of the NEA, the flourishing arts communities we have turned to in recent weeks will surely whither away.

TRIBUTE TO DONNA LARGESS O'CONNOR

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to honor Donna Largess O'Connor. Her political commitment to the ideals of the Democratic Party, as well as her contributions to civic and charitable causes deserves commendation and respect.

A life long resident of Shrewsbury, Mrs. O'Connor graduated from Shrewsbury High School, Memorial Hospital School of Nursing, and Worcester State College. She has been employed since 1973 at the Memorial Campus of UMass Memorial Medical Center, currently as Unit Manager of the Neonatal Intensive Care Unit.

While contributing to the care of newborns, Mrs. O'Connor also played a special role in the town. She was elected to the board of selectmen, serving as Chair, Vice Chair and Clerk during her twelve-year tenure. She was a Board member of the Massachusetts Municipal Association; the Massachusetts Selectman's Association, Women Elected to Municipal Office, and the Worcester County Selectman's Association. Additionally, she served as Chair of the Coolidge School Renovation Project, the Town of Shrewsbury Growth Study Committee, and the Worcester County Advisory Board. Currently, she is a member of the Town of Shrewsbury Finance Committee, Town Meeting Member, and a member of the National Association of Neonatal Nurses.

Somehow, Mrs. O'Connor found time for political volunteering as well. She served as the Co-Chair with her cousin Linda Parmakian for the Committee to Elect Congressman Jim McGovern, member of the Shrewsbury Democratic Town Committee, and delegate to many Democratic State Conventions. A tireless campaigner, Mrs. O'Connor works hard to secure an election.

However, despite her involvement with her community, her priority has always been her family. Mrs. O'Connor has been a familiar sight on the playing fields of Shrewsbury. She and her husband John have three sons, John, Kevin, and Brian.

It is a pleasure to present the 2001 Eleanor Roosevelt Humanitarian Award to a woman whose devotion to community and family exemplifies the values of Eleanor Roosevelt.

INTRODUCING MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STARK. Mr. Speaker, today I join with several colleagues to introduce the Medicare Chronic Care Improvement Act of 2001. This comprehensive piece of legislation would update and improve the Medicare healthcare delivery system to better meet the needs of people with serious and disabling chronic health conditions.

Individuals with chronic illnesses represent the highest-cost, fastest-growing sector in healthcare, accounting for 90% of morbidity, 80% of deaths, and over 75% of national direct medical expenditures. For a person who is seriously disabled by their chronic condition, annual medical expenditures can be nearly 15 times that of a healthy person. Furthermore approximately 100 million Americans have chronic conditions and this number is expected to increase to 157 million—or half the population—by 2020.

Although chronic conditions are America's number one healthcare problem, we have a healthcare system that is designed around acute care needs. A recent IOM report, Crossing the Quality Chasm, appropriately concludes, "chronic conditions should serve as a starting point for the restructuring of health care delivery because chronic conditions are now the leading cause of illness, disability, and death in the United States, affecting almost half of the population and accounting for the majority of health care resources used."

This statement is particularly true with respect to Medicare beneficiaries—about 80% of those aged 65 and older have one chronic condition and two thirds have two or more. For women, the numbers are even higher—90% have one or more chronic diseases.

Chronic illnesses are physical and mental conditions that are persistent, recurring, and can range from mild to severely disabling. Some have acute periods that require hospitalization, while others can be successfully managed to prevent costly hospitalizations. Conditions like arthritis, depression, and hypertension are particularly common among older Americans. Others, such as schizophrenia and multiple sclerosis, can lead to profound impairment and disability in Americans under 65.

We cannot deliver 21st century healthcare with a system that was designed a half-century ago, before angioplasty or bypass surgery for heart disease and before L-dopa for Parkinson's disease. Medical discoveries like these have transformed many illnesses from rapidly disabling conditions to chronic conditions that people live with for a long time. But the healthcare system that works for devastating heart attack does not work for chronic illnesses, which benefit from a completely different group of services.

For example, Medicare data show that people with chronic conditions see eight different physicians on average. Yet Medicare does not compensate physicians for time spent communicating with each other around complex patient needs, monitoring for harmful drug interactions, or teaching patients and caregivers how to better manage their conditions. As a result, these crucial care coordination services are rarely provided.

To effectively meet the needs of individuals with chronic conditions, our healthcare system must reward care coordination as well as prevention and health promotion. We must promote early diagnosis, interdisciplinary care, and counseling and education for patients and their caregivers. Furthermore, we must develop more effective national policies on chronic condition care by studying chronic condition trends, including utilization, quality, and costs of services for patients with chronic conditions.

The medical discoveries of the 20th century have dramatically prolonged the life expectancy of persons with all types of chronic conditions. In the 21st century, our challenge is to reduce the progression of disability and improve the functional status and quality of life of persons with chronic illness.

The Medicare Chronic Care Improvement Act of 2001 strives to achieve these goals by:

Improving access to preventive and wellness services for Medicare beneficiaries;

Covering assessment and care coordination services for Medicare beneficiaries with serious and disabling chronic conditions;

Refining fee-for-service payments for physician and post-acute services and M+C risk adjustment methodologies to more accurately account for the costs of chronic illnesses and disabilities;

Studying chronic condition trends and costs to serve as the basis for improved Medicare policies on chronic care; and

Commissioning an Institute of Medicine study to identify barriers and facilitators to effective chronic illness care, with a report and recommendations to Congress.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers:

Chronic Care Coalition: American Association of Homes and Services for the Aging; American Geriatrics Society, Catholic Health Association of the United States, Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, National Family Caregivers Association.

National Depressive and Manic-Depressive Association.

Association for Ambulatory Behavioral Healthcare.

American Lung Association.

American Academy of Neurology.

United Seniors Health Cooperative.

American Neurological Association.

Let us not forget—Medicare is the major source of health coverage for seniors with chronic conditions. As Congress considers modernization strategies, we must take action to protect Medicare and ensure that its benefit, financing and oversight structures are able to better meet the needs of persons with chronic conditions. I urge my colleagues to join me in taking a major step forward in improving the quality of care for Medicare beneficiaries with chronic health conditions.

MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSSION OF CHRONIC CONDITIONS

Improve access to preventive services

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

Expand access to health promotion services

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

Expand coverage for care coordination and assessment services

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses. Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Improve Medicare financing methods

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refined risk adjustment methodology is implemented.

TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

Evaluate Medicare policies regarding chronic condition care

Direct the Secretary to study chronic condition trends and associated service utilization, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

Identify improvements in Medicare to ensure effective chronic condition care

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

Definitions

"Chronic condition" means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

"Serious and disabling chronic condition(s)" means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

THE IMPORTANCE OF ROYALTIES—A SONGWRITER'S PERSPECTIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CONYERS. Mr. Speaker, today I am inserting into the RECORD a letter to me from Mr. Lamont Dozier, a fellow Detroiter who rose to the top of his profession as an award-winning songwriter, artist, and producer. In fact, Mr. Dozier has been so successful that his career has lasted for more than four decades, including a stint as a songwriter for Motown Records with the team of Holland-Dozier-Holland.

That success, however, did not come easily. Most people usually think of the singer or group who performed the song, not the songwriter or composer who wrote it. We easily remember the Supremes and Phil Collins when we hear "Baby Love," "Stop in the Name of Love," or "Two Hearts." But if we look closely at the liner notes on the albums for those songs, we see songwriting credits for none other than Lamont Dozier. The Supremes and Phil Collins could never have had those hits had it not been for Mr. Dozier and his creativity. In fact, through his artistic genius, we can understand the notion (to use the words of Frances W. Preston, President and CEO of Broadcast Music, Inc.) that "it all starts with a song."

In his letter, Mr. Dozier explains the importance of copyrights, royalties, and performance rights organizations. The Copyright Act gives to songwriters the exclusive rights over the public performance and distribution of their copyrighted works—their songs—whether by traditional or more modern forms of transmission. That means that a songwriter gets paid every time a song is played publicly over the radio, television, or by some other means or sells via record or CD. Once an album no longer sells like it used to, the payments for public performances are the only money that a songwriter, like Mr. Dozier, can rely on.

Because individual songwriters cannot possibly patrol all the communications media—radio, television, Internet, etc.—for performances of their work, they join performing rights organizations (i.e., BMI, SESAC, and ASCAP) to administer their rights. These organizations provide a "blanket" license for the performance of musical works for all types of transmissions and subsequently provide payments to songwriters. I am certain that Mr. Dozier speaks for many songwriters when he notes that he "wouldn't be able to survive" or support his family without the performance royalties.

Mr. Dozier so eloquently describes the importance of intellectual property and royalties, that I felt compelled to make public his words so that, like his songs, everyone could benefit from them.

SEPTEMBER 28, 2001.

Hon. JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, House of Representatives, Rayburn House Office Building, Washington, DC 20515

DEAR CONGRESSMAN CONYERS: I am writing this letter to you on behalf of myself, along with millions of other songwriters who have asked me to be their voice for certain judicial matters regarding songwriters and performance royalties.

As I am certain you are aware, I am a member of the Detroit songwriting trio, Holland-Dozier-Holland, whose hit songs were written in the 1960's, and those songs today, still remain the tapestry of our country's music, as they are referred to by millions of listeners, as "feel good music", and right now more than ever, we all need "feel good music".

Along with the accolades, many awards have been given to me for writing these songs that have in the past sold millions of records, but the most important compensation I have received, is the performance royalties, which through my performing rights society, BMI, have been the life's blood of me and my extended family.

For over forty-five years, I have been a practicing songwriter who has had some hit songs, and then who has not had some hit songs. When record sales have dried up because age plays a factor in product that sells, or incorrect accountings from Record Companies prevent any payments, the only money that I have been able to count on is from my still current performance royalties which my family lives on from check to check.

Because I still write everyday, I still hope to have more songs that will create sales and air plays, but in the last several years I have not been lucky enough to make the charts again. However, my older songs are still popular with listeners around the world who choose to listen to certain radio stations that still play these songs. If it were not for those listeners, and BMI sending me those checks, I would not be able to support my mother, brother and sisters in Detroit, my wife and our three children, and to continue to exist in this world with any dignity even though I am not as in demand as a songwriter-producer today at age 60 as I was back in the 1960's.

If our performance royalties were taken away, it would be in my mind and in the minds of my millions of colleagues, an injustice in our legal system. For we have all worked for years and years and years to provide our country and other countries in the world with positive music to help enhance their lives. Yes, we have been paid for our services, and just like a pension, which a man receives for 40 years of work on an assembly line at a factory, we, too, are due our royalties . . . especially since the record sales, or as referred to in the music industry, "the mechanicals" have all but fallen through to nothing with new artist record albums, with internet activity and the downloading of songs, and just the fact that my songs appeal to a certain age bracket of baby-boomers who may not buy the old time record albums anymore, but who still like and enjoy listening to the many radio stations that still play these songs.

I am forever grateful to these radio stations, their listeners, and to BMI, and to you Congressman Conyers, for helping over the many years to see that songwriters like me are still able to rely upon the earnings from our works to support our families, for without these earnings, I wouldn't even know what kind of job I could do, because all of my life I have worked at being a songwriter, and ever since I was able to get my family and myself out of the Jeffrey Projects in Detroit, Michigan, at the age of 16 years old, I have been writing songs and making a living writing songs. Performance income is now the only living that I do earn, although I keep trying to write new songs and try to place them on the likes of Britney Spears and Nsync and Whitney Houston, but perhaps my time has been and gone, and younger songwriters, with their mastery of song and productions, and with their ears more to the streets, have captured these younger artists and modern record companies run by young executives, who don't even know my name hardly recall my contribution in music.

Still, if it weren't for BMI and performance income, my family would be destitute. We are not receiving any income from mechanicals or sales, as one would call it, only air play. It's not that I am lazy and just sit back and wait for the checks. I try to earn money singing the songs I have made famous for others, but the work is hardly there for a sixty year old man who was never known as a singer, still I try. I still spend money as a self-employed songwriter, in the writing and recording of song demos for new songs and send them out in the hope that someone will like the new ones enough to record them in order to be able to be on the charts again, have current hit songs, breathe new life into my waning career, and have record "mechanical" sales and more air play, as I still have three children to put through school who live under my roof, and the usual lifestyle responsibilities that every citizen of the United States has. Perhaps my way of receiving my income seems "glamorous" to those that don't understand the business that I am in, as a still practicing songwriter. It is not glamorous to send out several songs a month, and face rejection of those songs, to hear back that you are "old school", and to still get up every morning and sit down at the piano and come up with pretty melodies and nice lyrics, and try try again!

I am thick-skinned, but still it gets to me. If our performance royalties were to be discontinued, I wouldn't be able to survive, neither would all of the people I support, and millions of families just like mine, who rely on their life's works to provide income to them while providing enjoyment to others. Without performance income and BMI, I would be a man with no dignity, who would be homeless and forgotten for my contributions to our country and my contributions world-wide for the songs I wrote that broke down racial barriers and touched people all over the world who know how to sing the songs, even though English is not their first language. This is what makes me exist, and it is with this, that I am able to get up every morning, raise my children to be people with integrity and to urge them to contribute wisely to our country. It is going to take a lot for each and every one of us to keep the faith, and to teach the young ones to be strong and positive. I feel that my music has done that for all of these years, and I feel that I deserve to be compensated for my contributions to millions of lives, even if they are not buying my old records, just listening to my old songs on radio stations that play my music.

Again, I thank you from the bottom of my heart for taking the time to read my letter, and I hope that it will help you in your crusade to enlighten those who need to know "what it is like to be a sixty year old songwriter" who needs to live on BMI performance income.

Very sincerely yours,

LAMONT HERBERT DOZIER,
Holland-Dozier-Holland.

A TRIBUTE TO DEPUTY CHIEF JOHN "JACK" F. McCARTHY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay my respects to a distinguished leader, family man, and deputy fire chief in my district, John "Jack" F. McCarthy, who recently passed away.

Born in 1927, in the Ogden Park Neighborhood, John had a long record of faithfully serving his country and community. He joined the Fire Department in 1951 after serving as a mechanic in the U.S. Army. In 1961 he was promoted to the rank of Captain, and three years later he was made battalion chief. In 1985, John retired from the fire department as deputy chief, having served for 34 years.

Mr. McCarthy was respected and loved by those who had the privilege to work with him and by his family. He was known for his even-handed leadership, willingness to help other, and for his studious approach to firefighting. John is survived by Patricia, his wife of 34 year, his son Kenneth, and his three daughters, Patricia McCarthy, Pamela Amico, and Marie Connolly.

Mr. Speaker, John "Jack" McCarthy's strong dedication to his family, fire department, and the community as a whole will be sorely missed. I am certain that his legacy will live on for many years to come.

ADDRESS OF FORMER SECRETARY OF STATE MADELEINE ALBRIGHT AT THE MEMORIAL SERVICE OF YITZHAK AND LEAH RABIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, at a singularly moving memorial service for the late Prime Minister Yitzhak Rabin and his lifelong partner Leah at the Embassy of Israel, our former distinguished Secretary of State, Madeleine Albright, spoke eloquently and with deep feeling about the contribution of this extraordinary couple, to peace and civilized life in the turbulent Middle East. I am delighted to share with my colleagues Dr. Albright's remarks.

ADDRESS OF FORMER SECRETARY OF STATE MADELEINE ALBRIGHT AT THE MEMORIAL SERVICE OF YITZHAK AND LEAH RABIN

Ambassador Ivry, Sara Ehreman, distinguished guests and friends, I am honored to be here with you tonight. Many of you had the privilege of knowing former Prime Minister Rabin better than I, but I do have some wonderful memories of my own about this warrior who made a strategic decision for peace.

I met the Rabins when he served as Ambassador here, and we had a number of encounters when I was UN Ambassador, some formal, some less so. I kept a picture of the two of us at dinner in New York, in my office throughout my tenure as Ambassador and Secretary. In my mind, however, the most dramatic picture of him was on that September day on the White House lawn, when he at first reluctantly and then firmly shook hands with Chairman Arafat. As he would say, you do not make peace with your friend.

Although by the time I knew Yitzhak Rabin, he had gray hair; I fully understand why Leah had years before fallen in love with a man with a full head of hair and what she described as "the eyes of David." He still had those amazing eyes.

Four years ago, when I made my first major speech on the Middle East, I wore this pin, shaped like a dove, a gift from Leah. Soon thereafter, I saw her in Israel, and she gave me this necklace, along with a note saying that sometimes a dove needs reinforcements. So I am in debt to the Rabins, but for far more than the jewelry.

I will not presume to speak for any of you, but for myself. I am in debt to Yitzhak Rabin for what he has given me, which is an abiding and perhaps illogical sense of hope. In my new life, I still give speeches, and am expected to make sense, even about the Middle East. But I have begun to think, "what is there left to say?" Remember what King Hussein called for that day in Aqaba when Israel and Jordan made peace? "No more death, no more misery, no more suspicion, no more fear, no more uncertainty of what each day may bring." Seven years later, what is it we have, except death, misery, suspicion, fear and uncertainty of what each day may bring? If there is any answer to that question it is the example of Yitzhak Rabin.

The former Prime Minister was no dreamer or sentimentalist. He was a doer and a realist. No one was more dedicated to Israel's survival, security and success. No one was more rigorous in drawing the distinction between right and wrong. No one was more fiercely patriotic on Israel's behalf. And no Israeli leader, before or since, has inspired such trust among Palestinians and Arabs.

It is making too much of one man to believe that if Rabin were still here, it would all be different. But how I wish we could test that hypothesis. I suspect, however, that if he WERE here tonight, he would scoff and tell us that our responsibility is not to honor him, or to think about what might have been. Our responsibility is to clean up the mess we are now in.

He would tell us, Israeli and American, to put aside any differences we might have, and to stand together, with all who love freedom and cherish peace, to defeat terror, and conquer the hate outside us while preventing its growth within us. He would remind us that our common fate is in our hands. Our common inspiration is in the history of resilience and determination that characterize our two nations. Our common strength is in our shared faith that free people working together can achieve miracles.

According to scripture there is a season to everything. Now is not the season for pious platitudes and empty words. It is a time of testing, of walking through the wilderness, of avoiding the sinking sand, and searching for solid rock. And yet, as we gather here tonight to honor a man, share memories, and rededicate ourselves to the principles for which he died, we are not afraid; we are confident, because we know from experiences what terror can and cannot do. Terror can turn life to death, laughter to tears, and shared hopes to sorrowful memories. It can destroy a marketplace and bring down towers that scraped the sky. It can even cause us to hold our breath while opening an envelope. But it cannot deprive us of our love for liberty or our solidarity with one another; it cannot make us retreat from our responsibilities or abandon our commitments; it cannot drive a wedge between America and Israel; and it will not prevail.

Last night we turned our clocks back a single hour, marking the end of daylight savings time. It's all we have the power to do. We cannot turn back the calendar to September the eleventh, 2001, or November the fourth, 1995. We cannot alter the past. We cannot bring back the countrymen and leaders we have lost. We have no choice but to face reality.

But we CAN choose to be animated by hope, not fear; to acknowledge the presence of evil in this world, but never lose sight of the good; to endure terrible blows, but never give in to those who would have us betray our principles or surrender our ideals. We can choose the path that we know in our hearts would have been chosen by Yitzhak Rabin. The path of strength matched by compassion, of courage reinforced by faith. By so doing, we can be sure that the perpetrators of terror will fail in whatever purpose they have; and that America, Israel and all who love freedom will continue toward our rightful purpose of creating a more just and peaceful future for us and for all people.

MEDAL OF HONOR RECIPIENTS 2001 ELLIS ISLAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—cast of ethnic Americans who have made significant contributions to the life of this Nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the United States in the latter part of the 19th century. "Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added, "It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity-ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here."

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1,400 American citizens have received medals.

NECO is the largest organization of its kind in the United States serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred, and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has found The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the board of directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders, and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator JOHN MCCAIN, and Attorney General Janet Reno.

CONGRATULATIONS TO THE 2001 ELLIS ISLAND MEDALS OF HONOR RECIPIENTS

This year's recipients and their ethnic communities are Melvyn Aaronson, Treasurer UFT, (Lithuanian/Polish/Russian); Monte Ahuja, Chairman and CEO, Transtar Industries, Inc. (Indian); George L. Argyros, Chairman & CEO, Arnel & Affiliates, (Hellenic); Ted J. Balestreri, Chairman and CEO, Cannery Row Company/Sardine Factory, (Italian); Stasys J. Baras, Executive V.P., Director, Lithuanian Foundation Inc., (Lithuanian); Richard H. Bard, Chairman & CEO, Bard & Co., Inc. (Russian); Donald D. Belcher, Chairman and CEO, Banta Corporation, (Irish/Scottish); Robert A. Belfer, Chairman & CEO, Belco Oil and Gas Corporation (Polish); John Montgomery Belk, Chairman and CEO, Belk, Inc. (English/Scottish/Irish); Lawrence Peter "Yogi" Berra, Retired Yankee great, (Italian); Bill C. Beutel, WABC-TV Anchorman, (German/English); Madeline Boyd, Member of the Board, NY Mercantile Exchange, (Irish); Rick Boyko, President and CCO Ogilvy & Mather, (Ukrainian/Italian); David D. Carr, President & CEO, Brennan Industries, (Russian/English); Thomas F. Carr, President, Thomas F. Carr & Associates, Inc., (Irish); Henry J. Caruso, Chairman and CEO, HJC Investment Corporation, (Italian); Sonny Chabra, CEO, AMC Corporation (Indian); Gus A. Chafoulias, Chairman, Chafoulias Company Inc., (Hellenic); Arthur Cheliotes, President, CWA Local 1180 Communications Workers of America, (Hellenic); Mary Higgins Clark, Author, (Irish); Hon. Una S. Tomlinson-Clarke, NYC Council Member, (Caribbean); Robert A. Cornog, Chairman, President, and CEO, Snap-On, Inc. (Welsh); Christos M. Cotsakos, Chairman & CEO, E* TRADE Group Inc., (Hellenic); George E. Danis, CEO, IntegraTECH Solutions, (Hellenic); William E. Davis, Chairman & CEO, Niagara Mohawk Holdings, (Irish/English).

Erroll B. Davis, Jr., Chairman, President & CEO, Alliant Energy, (African); Earnest W. Deavenport, Jr., Chairman & CEO, Eastman Chemical Company, (Irish/Scottish); Sr. Marion DeFeis, Chaplain, NYC Department of Corrections (Italian); Philip R. DiGennaro, Managing Director/Group Leader, TIAA-CREF, (Italian); Simos C. Dimas, Attorney, Pavia and Harcourt, (Hellenic); H.E. Bishop Stephen H. Doueihi, Office of the Bishop, Eparchy of Saint Maron of Brooklyn, (Lebanese); Nikitas Drakotos, President and CEO, M & N Management Corp., (Hellenic); Brigid Driscoll RSHM, Ph. D., President Emerita, Marymount College, (Irish); Col. Brian Duffy, Astronaut, NASA/USAF (Irish); Anthony Drexel Duke, Founder & President Emeritus, Boys & Girls Harbor, (English/Spanish); Archie W. Dunham, Chairman, President & CEO (Native American/English/Irish/Scottish/German); John R. Durso, President, Local 338, (Italian, Irish, German, Danish); Robert M. Dutkowsky, Chairman, President, & CEO, GenRad Inc., (Polish); Charles S. Ensley, President, AFSCME Local 371, (African); Joseph J. Esposito, Chief of Department NYPD (Italian); Jamie Farr, Actor, (Lebanese); James L. Ferraro, Esq., President, Ferraro & Associates, (Italian); Kenneth Fisher, Partner, Fisher Brothers (Russian).

Renee Fleming, Soprano, (Czech/Scottish/Welsh); Charles L. Flynn Jr., Ph.D., President, College of Mount St. Vincent, (Italian/Irish); Harry C. Fotopoulos, President & CEO, INT Management, (Hellenic); Joseph L. Fox, President, J. Fox Investigations, (Irish/English); William P. Galatis, Executive Director, Sports Museum of New England, (Hellenic); George G. Gellert, Chairman, Atalanta Corp., (Russian/Hungarian); Michael J. George, President, Melody Foods, Inc., (Chaldean); Lt. Col. Rodney W. Gettig, Commander, U.S. Army Garrison, (French/German); Hon. Rudolph W. Giuliani, Mayor of New York City, (Italian); Jack M. Greenberg, Chairman & CEO, McDonald's Corp., (Eastern European); Pedro J. Greer, Jr., M.D., Assistant Dean for Homeless Education, University of Miami School of Medicine, (Cuban/Irish); Gedalio Grinberg, Chairman & CEO, Movado Group Inc., (Cuban); Hon. Felix Grucci, Jr., Congressman, United States Congress, (Italian); Edward Guiliano, President & CEO, New York Institute of Technology (Italian); Charles J. Hamm, President, CEO, & Chairman, Independence Community Bank Corp., (Irish/Swiss); Marion R. Harris, CEO, International & Domestic Development Corp., (African); Alan G. Hassenfeld, Chairman & CEO, Hasbro, Inc. (Polish); Ralph Hittman, Retired Executive Director, Boys Brotherhood Republic of New York, Inc., (Austrian/Polish); David R. Holmes, Chairman, The Reynolds & Reynolds Company, (English/Irish/German); Morton P. Hyman, Chairman & CEO, Overseas Shipholding Group Inc., (Russian).

Joseph F. Inzinna, M.D., Founder & Medical Director, Medical Imaging, P.A., (Italian); U.S. Army General George Joulwan (Ret.) (Lebanese); Vice Admiral Michael P. Kalleres, USN (Ret.), Naval Fleet Commander, (Hellenic); Dimitrios Kaloidis, Owner, Terrace on the Park, (Hellenic); Bozena Kaminski, President, Polish and Slavic Center, (Polish); Stephen P. Kaufman, Chairman, Arrow Electronic Inc., (Russian/Romanian/Austrian/Hungarian); Hon. Bernard B. Kerick, Police Commissioner, NYCPD (Russian/Irish); Peter E. Kilissanly, President & COO, Preferred Employers Holdings, Inc., (Lebanese); Soonja Park Kim, President, M.K. Enterprise Inc., (Korean); Richard Jay Kogan, Chairman & CEO, Schering-Plough Corp. (Russian/Austrian/Hungarian); Evris Kontos, President & Founder, Kontos Foods, (Cypriot); John A. Koumoulides, M.A., Ph.D., Professor of History, Ball State University, (Hellenic); Richard L. Krzyzanowski, Esq., Crown Cork & Seal Company, Inc., (Polish); Vello Alexander Kuuskraa, President, Advanced Resources International, Inc., (Estonian); Ralph J. Lamberti, Executive Vice President, Staten Island University Hospital, (Italian); Evelyn H. Lauder, Sr. Corporate Vice President, The Estee Lauder Companies Inc., (Austrian); Jay Lee, President & CEO, By Design LLC, (Korean); Joseph H. Lemieux, Chairman & CEO, Owens-Illinois (English/Canadian); Howard Li, Chairman & CEO, Waitex International Co., Inc., (Chinese); Michael F. Manzulli, Chairman & CEO Richmond County Bank, (Italian); Markos Marinakis, President & CEO, MKM Chartering Inc., (Hellenic); Hon. Dominic R. Massaro, Justice, Supreme Court of New York (Italian); Joseph A. Melillo, Chairman, Richmond Investment Corp., (Italian); Samuel H. Miller, Co-Chairman & Treasurer, Forest City Enterprises, Inc. (Polish/Russian); Sidney A. Miller, Chairman, Delta Financial Corp., (Romanian/Russian); Larry A. Mizel, Chairman & CEO, MDC Holdings, Inc., (Russian/Polish).

Joseph Monti, President, Crest Hollow Country Club, (Italian); Nicola Mossa, President, Nico Hairstylists, Inc., (Italian); John H. Myers, President, GE Asset Management Inc., (German); Richard J. Naclerio, Ret. President & CEO, Naclerio Contracting Co., Inc. (Italian); Richard Nicotra, President, The Nicotra Group, (Italian); Hon. George Onorato, Senator, NY State Senate, (Italian); Paul J. Orfalea, Founder & Chairperson Emeritus, Kinko's Inc. (Lebanese); Constantine Papadakis, Ph.D., President, Drexel University & MCP, Hahnemann University, (Hellenic); Peter J. Pappas, CEO & President, P.J. Mechanical Corp. (Cypriot); John Youn Young Park, President, Four Seasons Fashions, (Korean); Margaret LaGana Pataki, Volunteer & Homemaker, (Italian/Irish); Kathleen M. Peslie, Principal, Peslie Financial Group, (Italian); Joseph Pfeifer, President, Joseph Pfeifer Foundation (German); Vincent T. Pica, Vice Chairman Voyant Corporation, (Italian); Diane Portnoy, President/Director/Co-Founder, The Immigrant Learning Center, Inc., (Polish); Leslie C. Quick, (Posthumously) Former Chairman & CEO Quick & Reilly/Fleet Securities, Inc. (Irish); Peter Quick Jr., President, American Stock Exchange, (Irish/English);

Richard S. Rhee, M.D., Clinical Professor of Neurology, UMD of NJ & President of KAHF, (Korean); Daniel D. Ricciardi, M.D., Chief, Division of Rheumatology, LI College Hospital, (Italian); Marie Rust, Director N.E. Region, National Park Service, (Italian).

Jim Ryan, TV Anchor, FOX 5, (Irish); Peter John Sacripanti, Attorney/Partner-In-Charge, McDermott, Will & Emery, (Italian); Nicholas J. Sakellariadis, Managing Director, Salomon Smith Barney, (Hellenic); Charles G. Samiotes, Chairman, Samiotes Consultants, Inc., (Hellenic); Camille F. Sarrouf, Esq., Attorney, Sarrouf, Tarricone & Flemming, (Lebanese); Hon. Bret Schundler, Mayor Jersey City, (German); Robert A. Sgarlato, President, Slater & Sgarlato P.C., (Italian); Joseph Shaker, Chairman, Shaker Advertising Agency, Inc., (Lebanese); Sinan Sinanian, President, Sinanian Development Inc. (Lebanese/Armenian); Shun Yen Siu, Chairman & CEO, Lafayette 148, Inc., (Chinese); Kaloust P. Sogoian, CEO, Director of Engineering, K P Sogoian Mfg. Inc., (Armenian); Daisy M. Soros, Philanthropist, (Hungarian); Ted G. Spyropoulos, President, TGS Petroleum Co. Inc., (Hellenic); Jerry Stiller, Actor, 2000 Medalist, (Polish); Frank Stillo, Chairman & CEO, Sandy Alexander Inc. (Italian); Christopher Stratakis, Senior Partner, Poles, Tublin, Patestides & Stratakis LLP, (Hellenic); Fred R. Sullivan, Chairman, Richton International Corp., (Irish/Welsh); Thomas C.C. Sung, Chairman & CEO, Abacus Federal Saving Bank, (Chinese); Anthony J. Szuezczewicz, President Polonia Bank, (Polish); Ivan Tiger, Secretary/Treasury New York State United Teachers, (Russian); Joseph Volpe, General Manager, Metropolitan Opera, (Italian); Farah M. Walters, President & CEO, University Hospitals Health System, (Persian); Bruce D. Wardinski, Chairman & CEO, Crestline Capital, (Irish/Polish); Ludwik Wnekowicz, President, Doma Export Co. Inc., (Polish); James G. Wood, Executive Director, New York State United Teachers, (German/Welsh); Emily Woods, Chairman J. Crew Group Inc., (Dutch/Austrian/Russian); Stephen G. Yeonas, Chairman, Stephen G. Yeonas Co., (Hellenic); Hon. Dennison Young, Jr., Counsel to the Mayor, Office of the Mayor, (Russian/Polish/Latvian) and Dr. Joseph Zagame, Philatelist, Italia Philatelic Society, (Italian).

A FEDERAL ROLE IN AVIATION SECURITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RAHALL. Mr. Speaker, the Federal Government must take over our Nation's aviation security system. I am proud to be an original cosponsor of H.R. 3110, the "Transportation Security Enhancement Act of 2001" which will make security screeners Federal employees.

I believe security screening must become a Federal function because, until now, the airlines have contracted out to private security companies for the lowest bidder. As a result of this arrangement, the men and women who screen passengers as they walk through metal detectors at our Nation's airports are paid low wages—just above the minimum wage—have no benefits, and have a turnover rate as high as 400 percent. They leave their jobs before they have a chance to master them. This means that people who screen passengers as they walk through the metal detectors have very little experience looking for potentially lethal weapons before passengers take their carry-on luggage aboard a plane.

I attach for the RECORD an op-ed entitled "Airport security shouldn't be hit-or-miss" by James E. Casto, Associate Editor of the Herald Dispatch of Huntington, WV. Mr. Casto writes a rather entertaining piece about being stopped at the airport in San Diego, CA, in June 1998, when a security screener spotted "something" in his bag. The "something" turned out to be a letter opener in his toiletry kit. He used it as a makeshift screwdriver to replace a screw he lost from his eyeglasses.

But woven into that entertaining piece, Mr. Casto noted that:

> As September 11th made tragically clear, until now airline and airport security has been pretty much a hit-or-miss proposition.

While the screener at the San Diego airport was really on her toes, others are not. Mr. Casto noted that during a long layover in Chicago, there was a

> gaggle of screeners who were laughing and apparently having a great time. I doubt they would have noticed if I'd had an A-K 47 under my arm.

Mr. Casto's message is clear, concise, complete and correct. The aviation security workforce must have consistent work standards, because they answer to a vast number of companies with inconsistent work standards. I believe federalizing the force is the surest way to achieve this goal.

When the Federal Government takes over training, supervision, and employment of security screeners, as the "Transportation Security Enhancement Act of 2001" provides, they will be subject to the highest performance standards. In addition, they will be paid decent wages and benefits, which will encourage them to stay on the job and master their jobs.

Our Nation's passengers will then be reassured that the most thorough screening of all passengers has taken place before they board their flights. This system is the best step we can take to prevent the heinous crime of September 11, 2001, from ever happening again.

AIRPORT SECURITY SHOULDN'T BE HIT-OR-MISS

I remember the incident in every detail—although I had to check back a bit to find exactly when it happened. It was June of 1998, and I was at the airport in San Diego, Calif., heading home.

I got in line at security. When my turn came, I placed my bag on the conveyor, stepped through the metal detector and reached to retrieve my bag, only to find that one of the security screeners had a firm grasp on it.

"There's something in here," she said, fixing me with the same kind of cold-eyed stare she no doubt would have given bank robber John Dillenger had he turned up in her line.

I resisted an impulse to tell her that the only contraband in my bag was some dirty socks.

"May I take a look?" she asked, delving into my bag before I had a chance to even answer.

"I don't see it," she said, as she pawed through my stuff.

"See What?" I asked.

"The machine showed a letter opener in here."

A letter opener? What the dickens would I be doing with a letter opener? Slowly, a faint memory dawned.

Unzipping my toilet kit, she reached in, fumbled around a bit and triumphantly pulled out a metal letter opener.

She summoned her supervisor, who looked even less amused than she did.

"Listen," I said, "if this is a problem, I'll simply leave the opener here. I don't need it. All I want to do is catch my plane."

I started to walk away.

"Wait," the supervisor said, "you have to fill out a form."

So I had to complete and sign an "Abandoned Property" form, giving my name and flight number, before I hurried on my way.

How in the world had a letter opener found its way into my toilet kit? Actually, the explanation was simple: One day, I lost a screw out of my eyeglasses. I used the letter opener as a makeshift screwdriver to replace it. And, since I was on my way to the airport at the time, I threw the screwdriver in my toilet kit in case I needed it again.

But that was years before my 1998 California visit.

At the time, I estimated that I had gone through maybe 50 or so airport security checks with the letter opener tucked away in my kit. Nobody said a word about it—until I encountered that eagle-eyed female screener at the San Diego airport.

Since Sept. 11 and the terrorist attacks perpetrated by airline hijackers said to be armed with simple box cutters, I've thought a lot about my old letter opener. And about the amazing number of times I was able to breeze through airport security checkpoints without anyone saying a word about it.

As Sept. 11 made tragically clear, until now airline and airport security has been pretty much a hit-or-miss proposition.

Security checkpoints have been manned by people generally working for whatever company submitted the low bid for the contract. Often, they've been paid minimum wage and given little or no training.

Far more typical than my experience in San Diego was one I encountered when, during a long layover in Chicago, I waltzed through security several times—letter opener and all—and never got a second glance from a gaggle of screeners who were laughing and talking and apparently having a great time. I doubt they would have noticed, if I'd had an AK-47 under my arm.

Congress is debating changes in airline and airport security. The Senate has voted to have security operations taken over by the federal government. The House and President Bush favor a system that would see the federal government supervise and train private-sector employees.

As for me, I think I'd favor tracking down that tough-as-nails screener I encountered out in San Diego and putting her in charge.

CONGRATULATING COURT APPOINTED SPECIAL ADVOCATES (CASA) OF FRESNO COUNTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Court Appointed Special Advocates (CASA) of Fresno County for earning national recognition for their exemplary volunteer service in the community. CASA of Fresno County has been named one of California's top honorees for community service.

CASA of Fresno County is a nonprofit organization which advocates for the best interest of abused and neglected children within the Juvenile Court system. Based on the belief that every child is entitled to a safe and permanent home, CASA works in the court system through trained volunteers in collaboration with key agencies, legal counsel and community resources to serve as the child's advocate and voice in the dependency process. CASA advocates are recruited from Fresno County's culturally diverse communities and trained by qualified community professionals, counselors, and educators.

In late 1998, Fresno was one of the four counties awarded a 3-year demonstration project by the Stuart Foundation to focus on infants and toddlers under the age of 3. In collaboration with Fresno County Department of Children and Families, and other agencies, CASA of Fresno County created an innovative infrastructure of new health and development programs for infants and toddlers and is being cited as a model by the State of California for other counties.

Mr. Speaker, I rise to congratulate CASA of Fresno County for receiving national recognition for their exemplary volunteer service in the Fresno community. I urge my colleagues to join me in wishing CASA of Fresno County many more years of continued success.

CONGRATULATIONS TO BLUE SPRINGS SOUTH JAGUAR PRIDE MARCHING BAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the accomplishments of the Blue Springs South Jaguar Pride Marching Band and the Band Director John Robichaud.

The band, under the leadership and direction of Mr. Robichaud, was selected to participate in the Tournament of Roses Parade on January 1, 2002. Being selected to perform on the national stage is a tremendous honor. Their hard work and dedication will be an excellent representation of the people in the Sixth Congressional District.

All the students, parents, teachers, and administrators at Blue Springs South High School should take pride in this commendable achievement. This outstanding band is deserving of all the accolades it receives.

I commend Ronald Okum, Tournament of Roses President and the rest of the selection committee for selecting the Jaguar Pride Marching Band and once again congratulate Mr. Robichaud and the students of the Blue Springs South Band for their dedication and hard work. You make the sixth district proud.

HONORING MR. JOSEPH ROBERTO OF MIDLAND PARK, NJ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today with a heavy heart to honor the life of Joseph Roberto of Midland Park, NJ. On September 11, Joseph was killed while conducting the nation's economic business in the World Trade Center. As a dedicated family man, intelligent financial analyst, and true American patriot, Joseph Roberto lived his life with a passion. And although he may have been taken early from this life, his children will grow up knowing that their father was a hero to his family, and now a hero to his country.

That Tuesday, Joseph went to work for Keefe, Bruyette and Woods like always. As a vice president and research analyst, he worked hard to provide for his family and create a good life in Midland Park. Like so many Americans that morning, Joseph was dutifully doing his job, however what happened next changed our nation.

Thousands were killed that day, with thousands of stories left to be told by their families. The void these individuals have left in their communities is vast. Words and medals cannot make up for their absence. But in their deaths, the victims of the World Trade Center attack have come to symbolize all that we love in America. The terrorists attacked these towers because they represented America's democracy, economic prosperity, diversity, and freedom. Joseph embodied these ideals in his work and his life, and for that reason, he was a target of these terrorist attacks.

We may not know the details of Joseph's final moments, but we know what his death has done for our country. From this tragedy, a tremendous pride in our country has emerged. We are stronger, more determined, and more united. Signs in New York City storefronts read: "I LOVE NEW YORK MORE THAN EVER." American flags hang in windows, doorways, fences, and wherever space can be found. A tremendous outpouring of charity donations and blood donations has swept across the Nation. Franklin Delano Roosevelt called this "the warm courage of national unity." With this American courage and unity, we will win our war against the men who terrorized our Nation and stole these lives. We are a nation united, now more than ever. And for this we are tremendously grateful to Joseph Roberto. For a man who loved his country, his death brought his country closer together.

Joseph has the admiration and thanks of an entire Nation. His family can be assured that this Nation will never forget the atrocities of September 11 or the values Joseph died for. Our country has come together. And we now come together to tell Joseph's family they are not alone. America stands with them—now in their hour of grief, and in the days and years to come.

Mr. Speaker, I ask my colleagues to join me, the Bergen County community, and our country in honoring Joseph Roberto for his achievements in life and the legacy he leaves. As his children grow in our unified country, we will tell them about their father, an American hero.

HONORING THE RETIREMENT OF GENERAL JOHN G. COBURN

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FLETCHER. Mr. Speaker, it has come to my attention that General John G. Coburn is retiring after 37 years of exemplary active military service in the United States Army. He served his country with dignity, honor, courage and integrity.

General Coburn is a native of the great state of Kentucky and a distinguished military graduate of Eastern Michigan University where he was awarded a Bachelor of Arts degree in Education in 1962 from Eastern Michigan University and commissioned as a second lieutenant of Infantry. He earned a Master of Arts degree in Political Science and is a graduate of the Industrial College of Armed Forces, Fort McNair and Washington, D.C. General Coburn also has a Juris Doctor degree from the University of Missouri and is licensed to practice law before the Supreme Court, State of Michigan; Supreme Court, State of Kentucky; District of Columbia Court of Appeals; the United States Court of Military Appeals and the Supreme Court of the United States.

General Coburn is a world-class logistician, who served our nation brilliantly in numerous logistics assignments throughout his career, to include his prior assignment as the Deputy Chief of Staff for Logistics, Department of Army from 1996 to 1999; Deputy Commanding General, AMC, Alexandria, Virginia and Commanding General, U.S. Army Ordnance Center and School, Aberdeen Proving Ground, Maryland. He was also the Deputy Chief of Staff for Logistics, U.S. Army Europe and Seventh Army, Germany from 1991 to 1992. Prior to that, he served as the Deputy Commanding General, 22d Theater Army Support Command, Saudi Arabia from April 1991 to July 1991, and as the Deputy Chief of Staff for Procurement, U.S. Army Materiel Command from 1989 to 1991. From the jungles of Vietnam to the Sands of Saudi Arabia, to the floors of our nation's depots, General Coburn brought astute judgment, bold leadership and selfless service to our Army.

Other major command assignments of outstanding service include Commander of Materiel Readiness Support Activity, Lexington, Kentucky, from 1987 to 1989; Commander, Division Support Command, 2d Armored Division, Fort Hood, Texas, from 1984 to 1986; Commander, 124th Maintenance Battalion, 2d Armored Division, Fort Hood, Texas, from 1980 to 1982; Commander, Defense Contract Administration Services Management Area, Defense Logistics Agency, South Bend, Indiana, from 1978 to 1980; and Plant/Depot Commander, Taiwan Materiel Agency, AMC, Taiwan, from 1971 to 1973. After returning from Taiwan, General Coburn attended the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.

General Coburn's staff assignments include: Assistant Chief of Staff, G-4 (Logistics), 2d Armored Division, from 1982 to 1983; Executive

Officer, Battlefield Systems Directorate, Headquarters, AMC, from 1977 to 1978; Procurement Officer, Procurement and Production Directorate, Headquarters, AMC; Senior Advisor, Training and Personnel, U.S. Army Engineer District-Saudi Arabia, Riyadh, Saudi Arabia, from 1975 to 1977; Executive Officer, Defense Contract Administration Services Region, Defense Supply Agency, New York, NY, from 1968 to 1971; Assistant G-3 (Operations), II Field Force Vietnam, U.S. Army, Vietnam, from 1967 to 1968; and Special Weapons Platoon Leader, Savanna Army Depot, Illinois, from 1963 to 1964.

General Coburn's military decorations include the Defense Distinguished Service Medal, the Distinguished Service Medal, Legion of Merit with three Oak Leaf Clusters, Bronze Star with two Oak Leaf Clusters, Defense Meritorious Service Medal, Meritorious Service Medal with four Oak Leaf Clusters, Joint Service Commendation Medal, Army Commendation Medal, the Southwest Asia Service Medal, and the Kuwait Liberation Medal.

The General is concluding his illustrious career as the Commanding General of the U.S. Army Materiel Command (AMC) from May 1999 to October 2001. General Coburn's extraordinary leadership extended around the globe commanding one of the largest commands in the Army, with over 50,000 military and civilian employees, and activities in 42 states and over a dozen foreign countries. The AMC missions are intricate and complex, ranging from developing sophisticated weapons systems and cutting edge research to maintaining and distributing spare parts. It is the one place in the Army where technology, acquisition, and logistics are integrated to assure Army readiness. With General Coburn at the helm, AMC led the Army in sustaining the nation's defense industrial base with the right combination of maintenance depots, ordnance plants, arsenals and innovative industry partnerships. General Coburn is known as one of the foremost leaders in transforming the Army. His strategy in building AMC as the conduit for new technologies is making the Army more lethal, lighter and readily deployable thus setting the path for the future.

Mr. Speaker, General Coburn deserves the thanks and praise of the nation that he faithfully served for so long. I know the Members of the House will join me in wishing him, his wife, Janice and their three sons, John, Robert and Matthew, all the best in the years ahead.

CONGRATULATING THE CHOOKASIAN ARMENIAN CONCERT ENSEMBLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Chookasian Armenian Concert Ensemble on their work to preserve traditional Armenian music. The Chookasian Armenian Concert Ensemble is the only traditional performing Ensemble of Armenian music in the United States.

John Chookasian, a premier clarinetist, is the founder of the Chookasian Armenian Concert Ensemble. He has been playing Armenian folk music for over 35 years. John holds a graduate degree from the University of Nevada in music and education. He also taught Music and Ethnic Studies at U. of N. for 3 years. He and his wife Barbara have made it their life's mission to preserve ancient Armenian music for future generations.

The Chookasian Armenian Concert Ensemble has been performing since 1994. The ensemble performs the classical, folkloric, and troubadour musical works of the 16th to 20th centuries. The main aspiration of the ensemble is to preserve, promote, and perpetuate the music of the Armenian people, as well as to promote intracultural understanding.

In 1999, the President of Armenia, Mr. Robert Kocharian, invited the ensemble to present a series of concerts in Armenia and Karabagh. At this concert series the ensemble was presented with the prestigious "National Gold Medal Award of Armenia," thereby making them the only musical group in the United States to receive such an honor from the Armenian Government.

Mr. Speaker, I rise to recognize the Chookasian Armenian Concert Ensemble for working to preserve the tradition of Armenian music. I urge my colleagues to Join me in wishing the Chookasian Armenian Concert Ensemble many more years of continued success.

INTRODUCTION OF RESOLUTION ON CLEAN WATER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BOEHLERT. Mr. Speaker, I am pleased to introduce a concurrent resolution regarding the 30th anniversary of the Clean Water Act (CWA) and encouraging citizens and government to recommit to meeting the Act's ambitious goals.

First, let me thank my colleague and friend, Senator CHRISTOPHER "KIT" BOND, for introducing the same measure in the Senate. The resolution we introduce today is very similar to the resolution enacted into law in 1992. That legislation designated 1992 as the "Year of Clean Water" and celebrated the Act's 20th birthday. Both measures are largely the result of efforts by our nation's state water quality managers, specifically the Association of State and Interstate Water Pollution Control Administrators, and America's Clean Water Foundation, which will coordinate the "Year of Clean Water." I want to thank them for their support in not only advancing this legislation but, more importantly, carrying out the nation's water quality programs on a daily basis.

This resolution signals the beginning of a year-long campaign for clean water through public education, civic involvement, and improved coordination among government, business, and community groups. The upcoming "Year of Clean Water" will culminate on October 18, 2002, the 30th anniversary of the CWA, and include volunteer cleanups, water quality monitoring events, watershed protection summits, and other events to celebrate the Act and strengthen the commitment to cleaner, safer water throughout the country.

The CWA has made dramatic progress over the years in cleaning and protecting the nation's waters through regulatory controls, partnerships, and financial assistance to states and municipalities. While we should celebrate the upcoming 30th anniversary and water quality achievements to date, we must also improve our efforts to tackle persistent and emerging challenges—including nonpoint source runoff, acid rain, and wetlands destruction. In order to succeed in the long term war on water pollution, we'll need to continuously improve the science and foster creative performance-based partnerships. That's why the resolution specifically recognizes the need for further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education.

Mr. Speaker, I urge my colleagues to cosponsor this bipartisan and bicameral legislation. I look forward to working with the leadership of the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee. I also look forward to working with the Administration, which I know is already planning efforts to celebrate the Year of Clean Water.

IN TRIBUTE TO JOE PATERNO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, I must admit to my colleagues today that my Penn State alumni pride is showing.

This past Saturday in State College, Pennsylvania, Penn State head football coach Joe Paterno made history. When the Nittany Lions came from behind to defeat Big Ten rival Ohio State by a score of 29–27, it marked the 324th win for Coach Paterno, affectionately known as "Joe Pa."

Why was that win so special? It made Coach Paterno the winningest major college football coach in history. That victory surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant.

What makes the record so special, too, especially for Penn State alumni and fans, is that all those wins have come as Coach Paterno paced the sidelines as head coach for the Pennsylvania State University, where he has spent his entire coaching career.

We salute Coach Paterno, his wife Sue and his family, all the teams he has lead over the years to victory and all the young men who have not only learned how to play football under his tutelage, but who have learned life lessons from one of the best teachers they could ever have.

Here's to 324 and counting.

Mr. Speaker, I submit for the RECORD an Associated Press article from the Sunday, October 28, 2001, edition of the Washington Post which reports on Coach Paterno's record-breaking win.

[From the Washington Post, Oct. 28, 2001]

PATERNO'S 324TH WIN MOVES COACH INTO 1ST

State College, PA., Oct 27—Joe Paterno spent the last three months saying his chase for the major college victory record was no big deal. Now that he's got it, he's changing his tune.

"You never think it's going to be a big deal until it happens like this, with this many people," Paterno said today after his Nittany Lions rallied from an 18-point deficit to beat Ohio State, 29–27. "It's just hard to describe. But I'm a very, very lucky guy to be at an institution such as Penn State with all these fans."

The win was No. 324 for Paterno, who passed Paul "Bear" Bryant for the record. Paterno has spent his entire coaching career at Penn State, serving as an assistant for 15 years before becoming head coach in 1966.

Paterno came into the season one win behind Bryant but was questioned and criticized—even by some of the Penn State faithful—after his team started 0–4. He tied Bryant last week with a 38–35 win at Northwestern.

Ohio State Coach Jim Tressel said brief congratulations to Paterno, then quickly went to his locker room.

"I have respect for his tremendous career, but that moment was for he and his team," Tressel said.

After the game, in the understated style Penn State fans have come to expect, Paterno praised his team, hugged his wife and held his grandchildren at a ceremony at midfield.

"I can't tell you how proud I am of this football team," Paterno told the crowd. "They could have packed it in a long time ago. But they came back last week, and they came back today, and I tell you they're going to be one hell of a football team."

The game solidified freshman Zack Mill's spot as Penn State's lead quarterback. Mills, a graduate of Urbana High School who came in on the Nittany Lions' second possession after Matt Senneca started, threw two touchdowns and broke his own freshman passing record with 280 yards. He completed 17 of 32 passes and also ran for 138 yards and a touchdown.

INTRODUCING THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) ACT OF 2001

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GREEN of Texas. Mr. Speaker, in the aftermath of the heinous attacks against our nation on September 11, we have discovered many things that our society has taken for granted. Foremost among these is the selflessness and dedication of our nation's fire fighters.

These brave men and women who have for so long protected our homes, families, and communities, are now being asked to fill a new, expanded role beyond simply putting out fires. Fire fighters engage in search and rescue activities, respond to natural disasters like floods, tornadoes, and hurricanes, and are on the front lines in the fight against terrorism, especially the growing threat of chemical and biological warfare.

However, two-thirds of all fire departments in America are inadequately staffed and do not meet the National Fire Protection Association (NFPA)'s 1710 Standard, which recommends no less than four fire fighters per vehicle. My hometown of Houston, center of our nation's petrochemical industry, location of our nation's second-largest port and home to a former president, is a prominent target for terrorist attacks. Tight budgets have led to a shortage of fire fighters, and have put an increasing strain on the ability of the Houston Fire Department to respond. Other jurisdictions across America suffer from similar staffing shortages.

That is why I am introducing the Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2001. This legislation will ensure that we have an adequate number of well-trained fire fighters who can fill that expanded role as first responders to fires, emergencies, and terrorist attacks, including chemical and biological attacks.

The SAFER Act would establish a seven-year grant program, closely modeled after the successful Community Oriented Policing, Services (COPS) program. This program would add an additional 75,000 fire fighters in departments across America. Under SAFER, the Federal government would cover 75% of the salary and benefits for a three-year period, with the grantee covering the remainder of the cost. The local departments would then be required to retain that position for at least one additional year. Based on the experiences of the COPS program, once an agency has invested four years in an individual, it is likely that they will be retained.

In the wake of the attacks on the World Trade and Pentagon, Congress has the responsibility to assist states and communities in protecting Americans from future terrorist incidents. I hope that Congress will act quickly and pass this legislation that will strengthen our homeland defense by providing our fire fighters the manpower they need to protect us from this expanded threat.

HONORING EDWARD D. HUNTER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in recognition of Edward D. Hunter who will be honored during The Maple Leaf Ball on November 2, 2001 as the recipient of the Gold Medal from the Canadian Club of New York, for his distinguished service in furthering amicable relations between Canada and the United States.

Mr. Hunter was born in Campbellville, Ontario on June 21, 1919. After graduating from the Milton Business College, he began, at the early age of 15, working at The Bank of Nova Scotia. He served at several Ontario branches, then entered the Canadian Armed Forces from 1941-1946, stationed mostly in the United Kingdom. Upon his return to Canada, he immediately resumed his career with The Bank of Nova Scotia, and was first assigned to the Dominican Republic. For twenty-two years, he represented the bank throughout the Carribean, mostly in Santo Domingo, where he was promoted to Manager. In the years that followed, Mr. Hunter was stationed in San Juan, Puerto Rico; Beirut, Lebanon, and lastly in Athens, Greece.

In 1972, Mr. Hunter came to New York to be in charge of the bank's operations. For fifteen years, he became a well-known, respected member of the community. He retired in 1997 after fifty-two years of service to the bank. However, he is still often found in his office that the now "Scotiabank" has provided to him. He has held numerous leadership roles in the past including: President of the Santo Domingo Country Club, President of the Canadian Club of New York, President of the Canadian Society of New York, and honorary Life Member of the Institute of International Bankers, to name just a few.

In Ed Hunter's many years of service to the bank, especially while in New York, he has always strived to improve and cherish both his heritage in Canada, and the United States where he has spent almost two decades. He has fostered and strengthened relations between the two nations in all his activities, but never more diligently then when he served as the President of the Canadian Club of New York. During his term, he was able not only to reach out to others in the community, but also by setting an example of dedication, determination and poise.

Ed is being honored with the Gold Medal at this year's "Maple Leaf Ball," which is hosted by the Canadian Club of New York, The Canadian Society and The Canadian Women's Club of New York. Together, these three organizations form The Maple Leaf Alliance. This alliance provides charitable support, social, cultural and professional events to it's members, and the surrounding community. These organizations have chosen Ed Hunter as the recipient of the Gold Medal, which is only bestowed upon those who embrace the ideologies, dedication, and determination that embodies these three organizations. He will be joining a distinguished list of honorees including, the Honorable Cordell Hull, former Secretary of State for the United States; The Right Honourable William Lyon Mackenzie King, former Prime Minister of Canada; Her Majesty, Queen Elizabeth, the Queen Mother; and His Excellency Berry Connell Steers; the Canadian Ambassador to Japan.

Accordingly, I invite my colleagues to join in saluting Edward Hunter as the Gold Medal recipient from the Canadian Club of New York, and for his many years of service fostering a positive relationship between the United States and Canada.

RECOGNIZING THE JUVENILE DIABETES FOUNDATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Juvenile Diabetes Foundation for continuing their efforts to fund diabetes research and education.

The Juvenile Diabetes Foundation (JDF) was founded in 1970 by parents of children with diabetes. The foundation was created with the mission of finding a cure for the disease and its complications through the support of research.

The JDF is a professional organization that is one of the nation's most cost-efficient charities, providing at least 80 cents of every dollar to research and education about research. By 2001, JDF's commitment to its mission will increase to $100 million per year.

Since their inception, JDF has provided over $326 million for diabetes research, more than any other non-profit non-governmental health agency in the world. Events like the Walk to Cure Diabetes are important community activities that continue the fight against this debilitating disease.

Mr. Speaker, I rise to recognize the Juvenile Diabetes Foundation for their fight against diabetes. I urge my colleagues to join me in wishing the Juvenile Diabetes Foundation many more years of continued success.

SHIXIONG LI LETTER DESCRIBING RELIGIOUS PERSECUTION IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WOLF. Mr. Speaker, as co-chairman of the Congressional Human Rights Caucus, I want to share a letter I recently received from Shixiong Li, president of the Committee for Investigation on Persecution of Religion in China, Inc., regarding religious persecution in China. The letter notes that the passing of permanent normal trade relations (PNTR) has had a grave effect on House Church believers. A graph identifying the number of persecuted House Church believers shows an alarming increase of those being persecuted by the Chinese government since the passing of PNTR.

I look forward to the day when the citizens of China will be free to worship the religion of their choosing and enjoy the basic human right of religious freedom.

COMMITTEE FOR INVESTIGATION ON PERSECUTION OF RELIGION IN CHINA, INC.

A TRUTH-FINDING INVESTIGATIVE TABLE OF CHINESE GOVERNMENT'S PERSECUTION OF FAMILY CHURCHES

Preface, October 9, 2001

For more than nine months, our members have done a lot of concrete things in the U.S. and China. In Mainland China alone, more than ten thousand believers have secretly participated in the task of collecting and compiling materials on religious persecution. Under China's "modernized despotism," this task, however dangerous it may be, is worth doing, for what it produces is strong evidence of the Chinese government's persecution of religion rather than information based estimation or guess-work. It is a record of Chinese communist crimes of treading on human rights, with lists of true names of the victims and the real location where abuse took place. For the participants, nothing is more dangerous than publicizing their name list. This is the reason that for now we can only put out name lists of those who are dead, handicapped, imprisoned, under surveillance or on the run. Other name lists will not be revealed, but numbers of the persons on each of these name lists are given. In addition, name lists of abusing public security men and women are shown.

A CONTRASTIVE TABLE OF NUMBERS OF FAMILY CHURCH BELIEVERS PERSECUTED BY THE CHINESE GOVERNMENT BEFORE AND AFTER THE PASSAGE OF PNTR

[Date of tabulation: October 2001]

	1983 to May 23, 2000	May 24, 2000 to September 2001
Persons arrested	20,861	2.825
Persons in labor reform or labor reeducation	3,692	322
Persons wanted by the authorities	7	
Persons forced to be on the run	1.104	441
Persons abused to death	126	3
Persons abused to handicapping	204	4
Persons under surveillance	892	105
Persons fined	8.397	1.288

A TRUTH-FINDING INVESTIGATIVE TABLE OF CHINESE GOVERNMENT'S PERSECUTION OF FAMILY CHURCHES

[Date of tabulation: October 2001]

Time	Persons arrested	Persons in labor reform or labor reeducation	Persons wanted by the authorities	Persons forced to be on the run	Persons abused to death	Persons abused to handicapping	Persons under surveillance	Persons fined
1983	1,584	426		29	11	13	56	28
1984	111	29		5	2	2	4	9
1985	169	44		5	3	1	6	35
1986	367	53	2	9	6	1	9	31
1987	855	264		25	4	5	17	169
1988	654	103		7	3	4	24	171
1989	724	97		29	4	9	24	213
1990	638	83		13	6	6	24	162
1991	767	156	1	30	9	5	22	324
1992	981	111		13	7	17	39	340
1993	822	151		44	6	7	34	409
1994	1,733	175		42	6	18	69	749
1995	2,853	554		198	25	33	111	1.661
1996	2.360	479	1	146	13	29	126	1.200
1997	1,826	371		122	9	23	95	1,014
1998	1.500	278	1	158	7	21	95	713
1999	2,070	249	2	166	3	10	93	970
2000	991	140		145	2	2	89	479
2001	2,681	251		359	3	2	60	1,008
Totals	23,686	4.014	7	1,545	129	208	997	9.685

Bayside, NY, September 1, 2001.

DEAR HONORABLE CONGRESSMAN WOLF: On behalf of the 23,686 and ever increasing number of Chinese Christian prisoners who have been imprisoned because of their religious faith, I want to extend my deep gratitude to you and your colleagues for your consistent and continual concern for the ongoing religious persecution in China. The meeting we had the other day itself was encouraging in demonstrating that there are still some courageous men and women in this great country who are willing to listen to the voice of the persecuted faithful. Though many of you might have heard in the past few years that China's human rights and religious freedom record had been "greatly improved," if you were to let the truth and facts speak for themselves, you would have a different picture. So what has really been happening to millions of the silenced underground church believers in China?

To celebrate its victory in the US Congress of the passage of PNTR, and correspondent defeat of those like you who had been concerned with the issue of China's religious persecution, the Chinese Communist Party (CCP) has launched more campaigns against religious believers recently without any concern of international pressure being applied at all. To the contrary, their response has been to strike harder and more ruthlessly than ever on house-church believers. If there was any meaningful signal to religious persecutors in the past, it was the annual congressional review of PNTR which at least served as a helpful tool, if not the most effective one, to contain the human right abusers in China, or at least to alert China that the situation was one of concern to the US. Regretably, even this, one of the last means to rein in Chinese human right abuses, has been removed in Congress in the name of the "American economic interest." All that you can do now to improve CCP's "deteriorated" human rights record is to wait for the collapse of persecutors who are well-aided by "American economic interest group."

We are all people under God. Though practicing different faiths, we all put our trust in the One and only true god. While noting the importance of economic interest, nevertheless we should never sacrifice human rights and religious freedom in exchange for bread and toys. Moreover, according to our independent investigation by some ten thousand house-church believers inside China, even children have become prey to the Chinese religious persecutors just because their mothers and fathers are members of the house-church. How depraved we would be to neglect hundreds of thousands of crying, scared, hungry children—many of whom have no home to go—just because their parents are believers in God and members of house-churches! With their homes destroyed as "illegal religious sites" and their schools rejecting them as "unfit for communist education," these children wrote down their stories and experiences with trembling hands and fearful tears. (Please see the attached two children's testimonies written in their own hands.)

Dear Congressman Wolf, here I want you to pay special attention to one fact: the passage of PNTR has had a grave effect on the fate of house-church believers. Before the passage of PNTR, in the eighteen years that we have had records of the Chinese house-church movement, the average number of believers forced to flee their homes because of persecution was 63 each year. However, that number has increased to 330 just one year after the passage of PNTR, a five-fold increase. Moreover, before the passage of PNTR, the average number of people arrested was 1,192 per year, and now that number has increased to 2,118, a 70 percent increase. In addition, house-church believers have been experiencing much greater pressure than ever before from the fact that anyone who is accused as a believers in God is subject to persecution by local police. Numerous believers have been arrested, tortured, and imprisoned for distributing church-related materials.

Based on the above facts, I have three specific requests of Congress:

First, we plead for Congress to ask President Bush to show his extensive concern over the issue of China's religious persecution when he pays his state visit to China next month. He can accomplish that by submitting to President Jiang Zemin the list of names of Chinese religious prisoners; requesting their immediate release according to Article 36 in China's Constitution which claims "Chinese people have the freedom of religious belief"; and recommending the Chinese government compensate those who have been the victims of the persecution.

In addition, we ask President Bush to submit another list of the at least 789 severe persecutors, including some senior officials such as Mr. Kun Cao, deputy director of the Public Security Bureau (PSB), Nongan county, Jilin province; Mr. Lianshen Zhang, deputy directof of PSB, Xinqu district, Tangsha city, Hebei province, and Mr. Qing Guo, director of PSB of Yeji branch, An county, Anhui province. President Bush should press Chinese President Jiang to prosecute those criminals, along with the law enforcement officials who abused their power by carrying out religious persecution using China's own Criminal Justice Law and other laws that have been perverted as a means of persecuting rather than protecting the Chinese citizenry. (Please see the attached respective lists.)

Second, we ask the US Congress to continue to monitor China's deteriorated human rights record, particularly with regard to religious persecution. Please press the cases of religious prisoners and their children by seeking their release and justice for them, which should include a trial of the criminal police.

Our third and final request is that the Congress continue its moral endorsement and support of those conscientious people who advocate and help those who are persecuted because of their religious belief; that it pass legislation to prevent and foreign government or its affiliated organizations from monitoring, threatening, and harassing the groups and individuals based in the United States who fight for religious freedom in China.

May the day of true religious freedom in China soon arrive!

Thank you for giving me this opportunity. May God be with you!

May God bless the American Congress and its people!

SHIXIONG LI,
President of Committee for Investigation on Persecution of Religion in China.

CHILDREN'S TESTIMONIES

TESTIMONY NO. 1

At about 5 pm, I found a police car parked behind our house when I returned home after class. I was very surprised. I hurried back home and found several policemen conducting an intensive search of our home.

"Do you and your mom still believe in God?" a policeman shouted to me when he saw me come in.

"Yes, is there anything wrong with believing in God?" I replied nervously.

"It's not a matter of right or wrong. It's a matter that you are not allowed to believe that."

I was scared to death when one policeman approached me and asked, "What's your name?"

"How old are you? Where are you studying?"

After awhile, I heard one policeman shout to my mom, "You have to come with us today."

I was left alone, watching my mom being dragged out to the police car. With extreme darkness outside and the echoing of the policeman's shouting, I burst out crying suddenly. After many hours, my mother came back at midnight and told me that she was told that the matter was finished. After that I was always afraid that someday my mom would be arrested. And, it did happen at noon, when I came back home to find the door locked.

"Your Mom was taken away by the policeman," a neighbor told me. I wandered around the house, waiting for Mom in a long, suffering afternoon without having anything to eat. At about nine in the evening, Mom came back with bruises and told me with tears: "Mom has to leave. They (the police) won't let me stay at home any longer." I couldn't accept that. Lying on the bed without sleep, I wondered: Is Mom going back home again? What shall I do? Who will cook for me? Who will pick me up from school? The next morning, I knew Mom was leaving but I pretended not to care about this while a river of tears flowed in my heart.

I found the door was locked and Mom had left that afternoon after class. I was very anxious and desperate so I had to find a place to stay. I went to stay at my cousin's home.

At that time I thought the school was my only place to find some rest. But the police would not even let me go. In the beginning, they tried to know where my parents were by asking my teachers to question me. The fact is I really knew nothing about that except they were working somewhere. Then the police started following me everyday from school to my cousin's home after class. One day, a policeman rushed into my cousin's home and threateningly told me, "It's hard for us to believe that you don't know where your parents are. It's impossible that there is no communication between you and your mom. Sooner or later we'll find and arrest her even if you don't tell us." The most terrifying thing happened when two policemen stormed into my cousin's home the night before I had to take a major entrance exam for high school. They searched everything everywhere, upside down, and warned me before they left, "It's not possible that your Mom won't come back when you take this entrance exam. You will be severely punished according to the law if you don't report it immediately." My heart was so stirred and terrified that I couldn't continue to review my class notes. Nobody from my relatives came to meet me the next day after the exam; only a few policemen were watching me with suspicious and evil eyes. They followed me wherever I went. And I failed to enter senior high school. My brother-in-law and all my other relatives could not receive me because of the police's harassment. How much more pressure could I bear as a teenage girl? Having to throw away the beloved books of my education and ideal without knowing what my tomorrow will be, I am still walking outside my hometown, living life like a real wanderer.

TESTIMONY NO. 2

Somebody reported to the public security bureau that my whole family believes in God. My parents had to run away from home that night after hearing about that. Suddenly I was left alone in our three-bedroom house that night. I was so terrified that I turned on all the lights in the house. I started crying and asking myself: Is Mom going to come back? How could I live my life after this? How could I bear the suffering of being separated from Mom who always cares most about me?

After that, I had to stay at my grandma's home. But the police turned their attention onto me in order to find my parents. In the beginning, they tried to get information about my parents' whereabouts by asking my teacher to question me. Failing to get any information, they started harassing me by following me daily after school. I was so isolated that nobody at my school dared to stay with me because there were always policemen around me wherever I went. Every morning when I walked to school from grandma's house, a policeman came up and "escorted" me and sometimes interrogated me as if I were a criminal.

Because both my grandparents were over seventy years old and very ill, they were not able to take care of me. And none of my relatives were willing to invite me to stay with them because of the fear of police. I had to leave my beloved school with tears. I am now really a wanderer. Whenever I wander around a school watching other children playing games, I cannot help bursting out into tears. When can I resume my school?

TRIBUTE TO MARY ALICE RYAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CLAY. Mr. Speaker, I rise today to pay special tribute to Mary Alice Ryan, president and CEO of St. Andrew's Episcopal-Presbyterian Foundation in St. Louis, Missouri, and for the past two years National Chairperson of the American Association of Homes and Services for the Aging (AAHSA). Through her work with St. Andrew's, and her active participation in aging-services organizations in St. Louis, and at the national level, Mary Alice Ryan continues to make a truly considerable difference in the lives of many older Americans.

Ms. Ryan has been a member of AAHSA since 1979, and has served in a number of leadership capacities. On November 2, at AAHSA's 40th Annual Meeting and Exposition in San Diego, Ms. Ryan will complete her term as the organization's chair, having served as its top elected leader since 1999. Prior to that, she served with distinction on the association's House of Delegates and as the treasurer for its Board of Directors. Over the years, Ms. Ryan has worked on a number of the association's committees, including professional development, assisted living, and continuing care. She also chaired AAHSA's state affiliate, the Missouri Association of Homes for the Aging, in 1986.

As President and CEO of St. Andrew's Episcopal-Presbyterian Foundation, Ms. Ryan oversees several facilities throughout the St. Louis metropolitan area that provide a wide range of services to seniors, including nursing home care, assisted living, and independent senior housing. In addition to serving its own residents and clients, St. Andrews shares its expertise with other long-term care providers, assisting them in building, establishing, and operating high-quality housing and services for seniors.

Although she is stepping down from AAHSA's chairmanship, Ms. Ryan will continue to serve on AAHSA's board as it strives to advance the association's vision. That vision, espoused by AAHSA's 5,600 not-for-profit member organizations, calls for the development of a healthy, affordable, and ethical system of long-term care and services for older adults and others with special needs.

Mr. Speaker, I ask that my colleagues join me in recognizing Mary Alice Ryan for her distinguished record of service to older Americans.

PAYING TRIBUTE TO HAROLD KREUGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Harold Kreuger on being awarded the John Campanius Holm Award on October 27, 2001 that is presented by the National Weather Service. Harold is one of only twenty-five people to receive this distinguished award and it is an accurate reflection of the hard work, discipline and patience that Harold has displayed throughout his career.

Mr. Kreuger will be receiving this award in honor of his exceptional service in the Cooperative Weather Observer program. He became part of this volunteer organization when he established the Cochetopa Creek observing station at his ranch in Cochetopa Creek, Colorado in 1947. Harold has been collecting and recording daily weather data for the program ever since. The data that he collects plays an essential role in gaining further knowledge of weather patterns and aids in more accurate weather predictions. Harold's efforts are of enormous importance in Colorado due to the state's ever-changing weather conditions.

Mr. Speaker, it is my pleasure to have this opportunity to recognize Harold for his superior service to the National Weather Service for the last fifty-four years. He has patiently volunteered his knowledge and experience and, in turn, provided invaluable data that has furthered the advancement of meteorological science. Thanks Harold for your time and your commitment.

TRIBUTE TO CONGRESSMAN JERRY SOLOMON

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to a dear friend and fellow Dale County, Alabama native, Congressman Jerry Solomon, who passed away last Friday. Although Jerry retired from this great institution three years ago, he never really left us. He was integral to the conservative effort to gain the House in 1995 and he served honorably as the powerful chairman of the House Rules Committee from that time until his retirement.

Jerry Solomon was born in Okeechobee, Florida on August 14, 1930. As a young boy he left Florida for Dale County, Alabama to live with relatives. He settled in the small Dale County community of Echo which is only ten miles from my hometown of Midland City, Alabama.

A few years later, Jerry moved to Delmar, New York to join his family. It was New York State which became his new home and where he later attended Siena College and St. Lawrence University. Jerry served his country joining the U.S. Marine Corps at the outset of the Korean War and remained on active duty until 1952. He was a Marine Corps reservist until 1959.

For over 25 years, Solomon labored as a successful businessman in Glens Falls, New York where he lived with his wife, Freda. His political career began at the local level where he served as Queensbury Town Supervisor and Warren County Supervisor. He then served six years as New York State assemblyman.

Jerry successfully ran as a Republican for Congress in 1978 and steadily gained in popularity in his home 22nd Congressional District of New York. In 1990, Solomon received more votes than any other New York state congressman.

His was a familiar voice for House Republicans on matters regarding veterans and our national defense. And I was honored to stand shoulder to shoulder with him in support of our men and women in uniform and to protect the American flag.

Jerry was a true patriot and personified what is to be an American. I am proud to have called him a colleague and personal friend.

RECOGNIZING FORT WASHINGTON ELEMENTARY SCHOOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Fort Washington Elementary School for their distinguished educational program.

Fort Washington is a school with a rich history. Fort Washington Elementary Union School District formed on July 6, 1874 and consisted of one school. Lincoln Elementary Union School, a one-room school, formed January 21, 1909. On March 3, 1945, the two schools merged after the original Lincoln School burned down. A new Fort Washington Lincoln School, consisting of five classrooms, was built in 1957 at the site of the current school. On December 22, 1959, the new district elected to join eight other rural elementary school districts to form the highly acclaimed Clovis Unified School District. Since then, the school has added over one dozen classrooms, a staff lounge, multi-purpose room, administrative offices, outdoor amphitheater, and a blacktop area. Clovis Unified built another elementary school on the site of the original Lincoln School in 1977. This new campus was named Lincoln Elementary. Fort Washington-Lincoln School was then changed to Fort Washington Elementary School, proud home of the Patriots.

Over 750 students are currently being served by 67 dedicated staff members. In June of 1986, Fort Washington was selected as one of 210 exemplary public schools from across the nation as part of the United States Department of Education's First National Recognition Program for elementary schools. In 1997, the school was recognized as a California Distinguished School. During the 1998–1999 school year, the school accomplished a feat that has only been attained by two percent of the schools in the United States; Fort Washington received the honor of being designated a National Blue Ribbon School for the third time.

Mr. Speaker, I rise to recognize Fort Washington Elementary School for their renowned educational program. I urge my colleagues to join me in wishing Fort Washington Elementary School many more years of continued success.

TURKEY CONTINUES TO DEEPEN ITS DEMOCRATIC VALUES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, we have been debating in this body for some time now how to achieve the appropriate balance, in war and in peace, between protection of the state and protection of the individual liberties that are so important to a healthy democracy. As we wrestle with the aftermath of September 11th, we begin to see the same debate and the same concerns echoed in other democracies around the world.

One debate, not much focused on, has occurred in our ally and good friend, Turkey. That nation, which has lost over 30,000 of its citizens due to terrorist attacks, and which has suffered great hardship as a result of their support for our policy of economic sanctions against Iraq and others in the Middle East, has nonetheless conducted a vigorous public debate about what kind of democracy should flourish in Turkey. That debate has ended with a series of constitutional reforms, reforms that the State Department says "embodies the values that the international coalition is defending."

These reforms are broad ranging. In some cases, they expressly limit the power of the state to stifle freedom of expression, or to pry into the private lives of citizens, even those who might be suspected of criminal behavior. Others enshrine individual rights to gather, to protest or to form political parties. Still others aim for a more inclusive society by allowing use of languages other than Turkish. A group of the reforms seek to place an economic floor of support below the citizens in order to help assure opportunities for economic betterment. Finally, a group of reforms seek to streamline government and make it more responsive to the citizenry.

More than 30 constitutional reforms were adopted. Once implemented, they should go a long way toward erasing any opposition to Turkey's entry into the European Union.

It is also important to note that these reforms have been made in a Moslem nation. Turkey has always believed it important to protect the secular nature of its society, often at the risk of being criticized from within and without. Turkey's reforms, indeed its impetus to reform, is living proof that democracy and Islam are compatible.

Mr. Speaker, there are two other things about these reforms that are remarkable. First, Turkey moved boldly on many fronts to examine past practices and seems willing to make large changes to enshrine democracy. Second, despite economic pressures, political pressures, and the exigencies of the current war against terrorists, it never wavered in its pursuit of a democratic ideal. Turkey, and the entire community of democracies, should feel justly proud of what has been accomplished to date.

PAYING TRIBUTE TO HILDAGARD (CHIEF) ALEXANDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember an honorable and distinguished man who proudly served his nation for twenty years in the United States Army. It is with profound sadness that I now rise to honor the life and memory of Hildagard (Chief) Alexander.

Chief Alexander has witnessed some of the most frightening scenes in American war history. The Chief enlisted in the Army in 1942 and was soon in the thick of battle landing on Omaha Beach in Normandy. Chief Alexander went on to serve in the Korean War before being discharged in 1962. It is my privilege to acknowledge Chief Alexander for the sacrifices he made so future generations can enjoy the freedoms and liberties that shape the American way of life. Furthermore, I wish to honor Chief for his role as a community leader in Colorado's Western Slope. Perhaps others best remember him as the children's representative for the Shriner's Hospital. He dedicated much of his time toward bringing joy and happiness into the lives of children. Chief was a proud man whom many had deep respect for. We will miss him greatly.

Mr. Speaker, Chief Alexander will be especially missed by his wife, Margaret, his children, grandchildren, and great-grandchildren. As family and friends mourn his passing, Chief's compassion will shine through the hearts of those closest to him. I would like to extend my deepest sympathy and warmest regards to his family during this time of remembrance. Chief Alexander will surely be missed.

TRIBUTE TO GEORGE D. TABLACK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. TRAFICANT. Mr. Speaker, I was deeply saddened to hear of the passing of a George D. Tablack.

Mr. Tablack was a lifelong resident and a well-respected leader of the Mahoning Valley. He was a Korean War Veteran, a steelworker at Youngstown Sheet and Tube and later an accountant with the Ohio Department of Taxation.

Mr. Tablack served in the Ohio House of Representatives from May 1970 until 1978. In 1979, he was appointed to the Ohio Environmental Review Board by then Governor James A. Rhodes and also sworn in as Sheriff until 1981. He later went on to pursue a successful career as a lobbyist and political consultant until 1995, when he became the Mayor of Campbell.

I would like to take this opportunity to remember Mr. Tablack for his outstanding accomplishments while serving as a member of the Ohio House of Representatives. He, along with then Ohio Senator Harry Meshel, will be regarded as two of the greatest lawmakers in Ohio's history.

I send my deepest regrets and sympathy to his wife and to his family. May God bless them.

HONORING THE 100TH ANNIVERSARY OF MT. ZION MISSIONARY BAPTIST CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of the Mount Zion Missionary Baptist Church in East St. Louis, Illinois.

From the beginnings of holding prayer meetings at the home of Mother Jennie Thomas, Mt. Zion Missionary Baptist Church began.

As the prayer meetings grew, a mission was begun and larger facilities became necessary. Mother Thomas, along with Charlie Green and Belle Aikens, obtained a building site at 10th and Cook Streets in East St. Louis. On April 4, 1901, Mt. Zion was organized with the Rev. Allen Aikens as its first pastor, Brothers Woodard, Sandy Sherrod and William Easterly as Deacons; Brothers W. Jones and Prince as Trustees and W. Belle as Secretary. The membership grew under Rev. Aikens' leadership.

As the congregation grew, a larger place of worship was required. Though their resources were limited, the congregation was able to purchase land at 13th and Tudor. Construction on the new church started soon thereafter. Mt. Zion met in the basement of the building until it was completely built.

In 1919, Rev. BJ Smith was the pastor and under his leadership, a sanctuary was added and overall construction became complete. Following Rev. Smith, Rev. Lemon Johnson and Rev. JJ Olive came to serve as church pastors from 1931 to 1935, Under Rev. Olive, a baptismal pool was added to the church.

Following this period in the church's early growth, the Rev. B Haney became pastor, soon followed in 1947 by the Revs. Ephraim Thomas and James Clayborne. In 1947, Rev. WB Rouse became pastor at Mt. Zion. During his pastoral duties, membership of the church greatly increased. The church building became enlarged in 1951 and again in 1955. The sanctuary was expanded, classrooms were added and an organ and church furnishings were acquired.

At this time a parsonage was also added to the Church holdings at 919 Bond Avenue. In 1964, the Illinois Department of Transportation needed easements to assist in the construction of the Poplar Street Bridge, the church then purchased additional property at 24th and Bond Avenues in East St. Louis which became the church's present location.

In 1966, the Rev. C Cedric Claiborne was received as the new pastor of Mt. Zion. Under his tenure, the new church was constructed at a cost of $450,000 and the first worship service was held there in 1968. In 1972, however an explosion damaged the eastern wall of the church. A makeshift cover was used to protect the building up until 1974 when the cornerstone was laid for the new wall.

Activities initiated by the Rev. Claiborne include city-wide graduate services of Metro-East graduates and a Sunday evening broadcast via WESL. The church then employed a full-time church cemetery and a church publicity Director. In 1975, Rev. Rouse took over pastorship of Mt. Zion under his leadership a mortgage burning ceremony was held in 1979.

Between the years 1977–2001, several pieces of property were acquired, including a parking lot directly located across from the church, the church office, ground adjacent to the office building, the Jewish temple, Sunday school complex and an area east of that facility. In addition to expanding their land holdings, vehicles were secured over the years to help transport parishioners to the church. In 1976, two 60 passenger buses were purchased, in 1986, a utility van and two trucks were bought; in 1981 three vans were purchased; 1989 two additional vans were bought and from 1989 to 1999, additional vans and bus were acquired, bringing the church's fleet of vehicles to five.

Pastor Rouse holds workshops and institutes for members of the community. In 1977, the Nursing Home Visitation Team was organized and continues to go into the various nursing homes in the region providing spiritual guidance to their patients. Mt. Zion continues to be active in the needs of senior citizens. The Voices of Zion held its first concert at Powell Symphony Hall in St. Louis, Missouri in July 1983.

Mt. Zion continues to serve the community by providing Thanksgiving meals. During the South End Flood, church facilities were used by the Red Cross to feed flood victims. Mt. Zion also operates a food pantry, which is open to the public twice weekly.

Mt. Zions membership continues to grow. Under Rev. Rouse, he has also ordained some 16 new ministers. In 1994, the New Day Jail ministry was started going into various correctional facilities. They are responsible for providing spiritual guidance to inmates as well as providing Christmas gifts to children of the incarcerated.

The church's bookstore opened in 1996 and the Inspirational Voices Youth Choir finished their first CD recording out of the church itself. During this year, a ground breaking was held in June in preparation for the construction of new Classroom and administrative buildings.

Mt. Zion Missionary Baptist continues to grow and prosper, providing the spiritual needs and guidance for many people in the region.

Mr. Speaker, I ask my colleagues to join me in honoring the 100 years of service of Mt. Zion Missionary Baptist Church and salute the members of the church's congregation both past and present.

TRIBUTE TO WYNN PRESSON

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to an outstanding leader of the Kansas City community, Mr. F. Wynn Presson, who will retire as Vice Chairman of the Board of Health Midwest, on November 30, 2001.

Wynn has served as Vice Chairman of the Board of Health Midwest since 1993; prior to that he served as President and Chief Executive Officer. Health Midwest employs over 17,000 people, and has over 100 care/delivery sites, including 15 hospitals with over 3,295 licensed beds. The system has 40 primary care physician practices employing over 150 physicians, 8 occupational medicine clinics, and 60 corporations. The Health Midwest system links together acute and ambulatory care, physician affiliations, education, occupational health, mental health, long term care, contracted clinical and support services, wellness and fitness, and patient transportation systems. Wynn Presson was the founder and visionary of the Health Midwest system, having served for a total of 24 years with Health Midwest and its predecessor organizations.

Just as important, though, is the literally thousands of hours that Wynn Presson has devoted to serving our community and the entire Kansas City metropolitan area during his 24 years with us. The list of his current community leadership positions is impressive: member of the Blue Valley School District Educational Foundation; member of the Executive Committee [and former Chairman of the Board of Directors] of the Boys and Girls Club of Greater Kansas City; Chairman-elect of the Board of Directors of the Full Employment Council; member of the Board of Directors and the Executive Committee of the Greater Kansas City Sports Commission; member of the Executive Committee and the Board of Directors of the Labor-Management Council; Co-Chairman of the Board of Directors of the Mayor's Corps of Progress; and member of the Board of Directors of the Minority Suppliers Council, among others.

Equally as important and valuable have been Wynn Presson's contributions to the Kansas City area in years past, through his dedicated service in positions including: former Chairman of the Board of the Greater Kansas City Area Chamber of Commerce; President of the Board of Directors of the Kansas City Club; member of the Board of Directors of the Civic Council of Greater Kansas City; Colonel in the Kansas Cavalry; member of the Executive Committee of the Kansas City Area Development Council; Co-Chairman of the Public Policy Committee of the Mainstream Coalition; and Chairman of the Board of Directors of the Midwest Bioethics Center.

Mr. Speaker, Wynn Presson is an excellent example of the kind of public-spirited, community-minded citizen who does so much to foster our communities. As this far-from-complete listing of his many public service activities demonstrates, he has been a vital participant in countless civic and charitable activities in the Kansas City metropolitan area. I commend him for his distinguished record of performance with Health Midwest and for his peerless history of community service.

Mr. Speaker, I join with my constituents in Kansas' Third District in wishing Wynn Presson an enjoyable and most well-earned retirement, although I anticipate he will not shirk from further opportunities to be of service.

HONORING LARRY BLACK UPON HIS RETIREMENT FROM BAYFIELD SCHOOL BOARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, those who seek to improve the lives of others in the community play a very important role. Larry Black is such a person and upon his retirement from the Bayfield School Board, I would like to acknowledge the priceless contributions that he has made to Bayfield and to those that he has touched.

Larry is a man of compassion and holds an elevated understanding of citizenship. Part of this comprehensive understanding is service to his country. Larry volunteered for the infantry in Vietnam and because of his bravery he earned a bronze star and a campaign medal. During this time, he served for two years in the infantry but continued to serve in the California Air National Guard for four years. Larry has also volunteered much of his free time to the United Way, helping those less fortunate.

According to his wife, Tempe, the most fulfilling work he has done is having the opportunity to serve on the Bayfield School Board. Prior to serving on the Board, he was an active member of the PTSA and also a committee member on the District Advisory Committee and the Student Accountability Committee. The past four years Larry has sat on the Bayfield School Board and filled this role with enthusiasm and charisma. He looked at this opportunity as a chance to give back that which others gave him when he was a child. Additionally, Larry is active member of the First Baptist Church of Bayfield and is a devoted husband and a loving father.

Mr. Speaker, Larry Black has been an outstanding leader for the Bayfield community and has helped to enhance the futures of many students through his service. To give of yourself unselfishly, as Larry has done, certainly deserves the praise and admiration of us all. I wish to offer my congratulations to Larry at this time of celebration on his retirement and extend my warmest regards and best wishes in many years to come.

CONGRATULATING PAUL DUFAULT ON HIS RETIREMENT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to congratulate Mr. Paul Dufault on his retirement from the United Food and Commercial Workers local 1445.

For 45 years, Paul has been a passionate and effective voice for working families in Massachusetts. During a time of dramatic change in our nation's workforce, Paul has shaped the labor movement in our state to reflect modern realities.

While his strategies may have evolved, his principles have never wavered—namely, that working men and women deserve decent wages, deserve decent and affordable health care and other benefits, and deserve to be treated with respect and dignity. He has worked just as hard as the workers he represents, and has done his job with dignity, class and grace.

While I'm sure his activism will continue in retirement, I also know that Paul's wife Judy, his four children and seven grandchildren will be very happy to spend more time with him.

Mr. Speaker, I know all of my colleagues in the House join me in congratulating Paul Dufault on his retirement and thanking him for his years of tireless service to the people of Massachusetts. Thank you, Mr. Speaker.

A TRIBUTE TO STAFF SERGEANT GEORGE ANDREW LITTLE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MCINTYRE. Mr. Speaker, today I rise to pay to one of North Carolina's finest gentlemen, Staff Sergeant George Andrew Little, on his service and inspiration to our State and Nation.

Theodore Roosevelt, our nation's 25th President, once said, "It is not the critic who counts; not the man who points out how the strong man crumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; . . . who knows the great enthusiasm, the great devotions; who spends himself in a worthy cause; who . . . knows in the end the triumph of high achievement." For four years, Sergeant Little was in the arena as part of our nation's military force defending freedom and defeating fear. And his spirit, service, and sacrifice continue to shine brightly today for all to emulate.

Enlisting in the U.S. Marine Corps just prior to his 19th birthday, Staff Sergeant Little passed up two college scholarships to serve his country and fellow citizens. From Saipan to Okinawa, Staff Sergeant Little faced enemy fire, looked death in the face, but always persevered to continue serving his Nation. Even with the loss of his eyesight during conflict and undergoing over 50 operations to repair his facial structure, Mr. Little looked toward the future with optimism and energy. He next founded George A. Little, Inc., a construction and realty firm in North Carolina. From building houses to businesses to churches, Mr. Little became the first blind contractor in North Carolina. After defeating meningitis which was caused by fragments of bullet lodged in his forehead, Mr. Little, and his lovely wife Marie, now reside in Ocean Isle Beach, North Carolina where he remains a dedicated public citizen.

Mr. Speaker, these are trying times for our nation, our citizens, and our military. But through the efforts and heroism of individuals like George Andrew Little, the United States of America stands tall. I thank him for the service he has given to our state and nation. May God's strength, peace and joy be with him always.

RECOGNIZING JERRY MONTGOMERY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. PICKERING. Mr. Speaker, I would like to pay tribute today to Jerry Montgomery—a man who has meant so much to so many people in my home state of Mississippi through his service as faculty advisor for the Sigma Chi Fraternity at the University of Mississippi (Ole Miss) for the past 15 years. I'm proud to call Jerry a friend and even more proud that he's part of our family as my brother-in-law.

Despite Jerry's extremely busy schedule as a husband, a father, and the coach for the women's tennis team at Ole Miss, he always finds time to fill his role as faculty advisor to Sigma Chi. As a Sigma Chi, I am personally grateful for Jerry's leadership and the guidance he offers the young men of the fraternity. Jerry serves as a positive role model and a good example for the young men of Sigma Chi to look up to for advice and guidance.

The "Standard" on which Sigma Chi was founded requires its members to be: A man of good character; A student of fair ability; With ambitious purposes; A congenial disposition; Possessed of good morals; Having a high sense of honor and a deep sense of personal responsibility. These attributes certainly describe Jerry and the way he sets an example for the men of Sigma Chi.

I want to extend my heartfelt appreciation and gratitude to my friend, my brother-in-law, and a true friend to Sigma Chi, Jerry Montgomery.

HONORING CARL E. WIEMAN AND ERIC CORNELL FOR THEIR RESEARCH AND RECEIVING THE NOBEL PRIZE IN PHYSICS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. MCINNIS. Mr. Speaker, 75 years ago Albert Einstein predicted a new form of matter that has since been called the Bose-Einstein condensate. This matter has been elusive for quite some time, however the secret no longer eludes mankind. Through his hard work in physics research, Professor Carl E. Wieman of the University of Colorado in Boulder along with Eric A. Cornell from the National Institute for Standards and Technology, created this matter in 1995, and because of the outstanding nature of their work, were awarded the Nobel Prize in physics to be received this December. The prize was also awarded to a scientist at MIT who separately worked on the same discovery. I would like to take this time to recognize the dedication of Carl to this project and for opening many doors through scientific investigation for the future.

Cornell and Wieman were able to capture and chill rubidium atoms in order to bring them to a near motionless state so that they would act as one superatom. The progression that this discovery promotes would allow scientists to control their usage in new and innovative way that could lead to much faster and smaller electronics. The power of this condensate could lead to better computer chips, more precise measuring instruments and advances in navigational instruments. Additionally the discovery of this method to isolate Bose-Einstein condensate has spurred a new branch of atomic physics to emerge across the globe.

In the age of technological advancement, these discoveries help to ensure our continued success and help to tap the understanding of the universe around us. This manifestation of Einstein's thought and has been a tremendous benefit to physical scientists everywhere. It is through his diligence and dedication that Carl was able to fabricate the Bose-Einstein superatom.

Mr. Speaker, I would like to honor the hard work and dedication of Carl Wieman and Eric Cornell and congratulate both of them on winning the Nobel Prize. Their efforts certainly deserve the praise and admiration of us all. The contributions they have made will endure the test of time and his creation will enhance the lives of people all over our world.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DEMINT. Mr. Speaker, on Thursday, October 25, I missed Rollcall Vote No. 407 to designate September 11th as Patriot Day. Had I been present, I would have voted "yes" on this measure.

TRIBUTE TO DR. MILLIE L. RUSSELL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McDERMOTT. Mr. Speaker, today I rise to offer special recognition to my constituent, Dr. Millie L. Russell, for her selfless service to the citizens of Seattle and the State of Washington. Dr. Russell has dedicated her life to creating an educational system that reflects the diversity of our community in the Pacific Northwest. Her investments of her talents and skills are immeasurable, and it is my privilege to thank her for her years of service.

Dr. Russell has made considerable contributions to education both inside and outside of the classroom. Dr. Russell is an Assistant to the Vice-President for the Office of Minority Affairs Educational Opportunity Program at the University of Washington where she also lectures in biology. Dr. Russell is a member of and holds several leadership positions in the Washington State Association of Black Professionals in Health Care, the Seattle/Mombasa Sister City Association, the National Association of Medical Minority Education, African American Dollars for Scholars Foundation and many others. For many years, she has served on the panel of community members who assist me with interviews of young candidates for appointment to our country's military academies.

Mr. Speaker, Dr. Russell has been an enormous asset to the schools of Washington State. Her contributions to the community and her selflessness will not go unnoticed. The thousands of students and professionals she has touched are grateful for the guidance and leadership she has shown. I join them and all her friends and colleagues on this "Dr. Millie Russell Day" in my district in thanking Dr. Russell for her service and in wishing her all the best for the future.

TRIBUTE TO MARTHA BERRY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BARR of Georgia. Mr. Speaker, Martha Berry was born on October 7, 1866, at Oak Hill, the home of her parents, Captain and Mrs. Thomas Berry. Oak Hill, a Southern plantation, is located in the North Georgia Hills, near Rome. Even as a child, Martha Berry expressed a keen interest in the less fortunate children of the surrounding region.

On a Sunday afternoon in the late 1800s, Martha was in her log cabin playhouse when she heard voices of children outside. To her surprise, she saw three small boys in ragged clothes, peeking through the cabin doorway. She invited them in for apples and cookies and asked if they had been to Sunday school. Once she learned they had no Sunday school to attend, she began telling them stories from the Bible. When they left, she invited them to return the following Sunday and to bring someone with them. They returned the following weeks, bringing their mothers, fathers, brothers, sisters, other relatives, and friends. The cabin soon became too small for the crowds Martha was attracting, and Sunday school was moved to an abandoned church at Possum Trot.

The desire to learn expressed by these mountain people inspired Ms. Berry as she grew and matured. She once noted, "Every human being, regardless of economic circumstances, has a right to become the best that he or she is capable of becoming."

Consistent with her love for education and her fellow man, but against the advice of family and friends, Martha Berry deeded the property her father had given to her to be used for a school for boys. On January 13, 1902 Martha Berry opened her boarding school, constructed from her personal funds. Local residents speak of Ms. Berry. traveling by buggy around the countryside seeking funds and land for her school. To meet the growing needs, she traveled throughout the United States and abroad in an effort to raise funds. Andrew Carnegie promised her $50,000 for an endowment if she could match it, and she did. Theodore Roosevelt gave a dinner party for her at the White House, at which he introduced her to many influential friends, who contributed to the school for many years. It was President Teddy Roosevelt who suggested she start a similar school for girls; she did, and it opened on Thanksgiving Day 1909.

In 1926, Ms. Berry opened a Junior College at Mount Berry. In 1932 she presented diplomas to her first class of four-year college seniors. By then, Martha Berry was 65 years old. With the depression of the 30's, Berry had a waiting list of 5,000 young people eager to attend her school. Ms. Berry knew they must create new work and offer more young people a chance for an education. She continued to travel widely, capturing the interest of some of the nation's most prominent citizens. Henry Ford donated to Berry a magnificent Gothic stone building complex with dormitories, dining room, gymnasium, and recitation hall, for the girls area. To her original 83 acres of land, she had added 30,000 additional acres and led her students in planting 25,000 acres of pine trees. She once said, "Beauty has an important place in education. Young people should lift their eyes to spires, to hill tops, to God and say, "Thank God for worthwhile work to do." When visiting the Berry Campus, one will note the many spires on dormitories, chapels, and even on the dairy barns. The campus of Berry College is one of the most beautiful in the country.

Ms. Berry, who died in 1942, was extremely proud of the fact Berry had become one of the nation's most successful educational experiments; combining academic study, student work, and interdenominational Christian religious emphasis. Today Berry is a model for many institutions in the United States and abroad. Berry offers work experience as part of every student's development. Approximately 85 to 90 percent of the students are employed on campus, in 120 job classifications. The most recent U.S. News & World Report college rankings for 2002, place Berry number one among comprehensive colleges in the South. Berry also ranked fourth in the "best value" ranking of the region's comprehensive colleges.

Berry's first students gave of their time and energy, literally creating the materials and constructing the buildings and roads on the campus. This tradition has continued through the years. Berry alumni return each May for a week of service and work on campus. On October 6, 2001, the 135th anniversary of Martha Berry's birth was celebrated at this year's Mountain Day, an annual event.

The 100th Anniversary of Berry College will fall on a Sunday in January 2002. Martha Berry was a crusader in the field of education, and Berry College was her greatest academic endeavor. She received many honorary degrees, numerous humanitarian and achievement awards, a Patriotic Service Medal, and the Roosevelt Medal for Service to the Nation. However, her true legacy is seen in each and every student who graduates from Berry College, prepared to meet the challenges of life with a strong academic and spiritual foundation.

HONORING JOHNANDREW WILFRED MADRID

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember the life of Johnandrew Wilfred Madrid, the Executive Director of the Ute Mountain Indian Tribe, who died on Tuesday, August 14, 2001, at the age of 67, due to heart complications. I speak for everyone who is associated with the Tribe when I state that he will surely by missed.

Mr. Madrid worked with the Ute Mountain Indian Tribe for thirty years performing many functions in his role as Director. Johnandrew worked his way through the hierarchy of the Tribe as an accountant, Chief Financial Officer and finally as Executive Director. He managed the economic development of the Tribe as well as the educational program and the Indian Health Services. Mr. Madrid was very valuable member to the Tribe not only with its internal functions, but also in lobbying for the Tribe's interests. One of his greatest accomplishments was including protection of the Ute water rights in the Animas-La Plata project.

Mr. Speaker, Johnandrew played an immeasurably valuable role for the Ute Mountain Indian Tribe. The members of the Tribe loved him and respected him as they would one of their own. He helped to make the Tribe the success that it is today. It is with a solemn heart that I express my condolences to Mr. Madrid's family as well as the members of the Tribe who he so passionately served. He was a great man, leader, and friend.

HONORING LARKING HIGH SCHOOL IN ELGIN, IL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. HASTERT. Mr. Speaker, the GRAMMY Foundation recently announced that Larkin High School, located in my district, has been named a GRAMMY Signature School. Determined on the basis of a scoring system applied by a panel of top music educators and professionals, Larkin High School was chosen as one of 100 high schools from across the country to receive a certificate of recognition based on its high level of commitment to music education. I would like to take this opportunity to congratulate them on this outstanding achievement.

As a former high school teacher, I can attest that music education enhances intellectual development and enriches the academic environment for children of all ages. In addition, music educators greatly contribute to the artistic, intellectual, and social development of American children, and play a key role in helping children to succeed in school.

Larkin High School has done an exceptional job of cultivating their arts programs and I applaud them for their commitment to music and arts education programs. These make a positive difference in the lives of young adults.

IN HONOR OF HELENE HYLAND

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Ms. Helene Hyland, on the occasion of her retirement, as Vice President for the Institutional Advancement at Queensborough Community College.

As both an undergraduate and graduate alumna of St. John's University in Queens County, NY, Ms. Hyland achieved her Bachelor of Arts in English and Secondary Education, Masters of Science in Counselor Education, Professional Diploma in Counselor Education, and Doctoral in Administration and Supervision.

Mr. Speaker, Ms. Hyland began her career in public education as both a teacher of English and a Guidance Counselor in 1968, at the Diocese of Brooklyn. Since then, she has held positions on the Staff of the New York State Senate, in the Office of Development at St. John's University, and in the Institutional Advancement Office at Queensborough Community College. She began her work at Queensborough Community College as the Director of Development and Grants, and 15 years later, Ms. Hyland has achieved the position of Vice President for Institutional Advancement.

Helene must also be recognized for her achievement as President and owner of Sand Dollar Associates. Sand Dollar is a comprehensive consulting firm that offers direction and services in the area of fund-raising, institutional advancement, public relations, grant writing and publications. Clients include many churches and seminaries in the Queens community, as well as schools and public service organizations.

I am proud to represent such an exceptional individual and commend Ms. Hyland for her life long dedication to educational institutions and community service. I ask my colleagues in the House of Representatives to please join me in wishing Helene Hyland many years of success as she celebrates her well deserved retirement.

HONORING HELEN THYE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. McINNIS. Mr. Speaker. I'd like to take this opportunity to honor Mrs. Helen Thye for her response to a need with such loving generosity.

My nieces, Gracie, Annika, Ellie, and Lucy through the efforts of their parents Carmie and Bruce Raaum, recently broadcast a challenge to other elementary students to donate their own hair for children who have lost theirs due to illness. Once donated, the hair is made up into wigs and given to children in need, free of charge.

Mrs. Thye responded to this challenge with a wrapped package of beautiful, long, dark brown hair. Along with the hair was a note that read: "This is my first hair cut in 1944 at the age of eleven. I tied it with the string and wrapped it with this white tissue paper and held onto it all these years. Now I want to donate it to Locks of Love." This beautiful hair came from a beautiful heart.

Mrs. Thye is an avid Braves fan and a mother of seven, of which six survive. One of her daughters has multiple schlerosis and Mrs. Thye suffers from cancer. Both face the possibility of losing their own hair as a result of their diseases but this did not deter Mrs. Thye from her act of love.

Mr. Speaker, it is with pleasure that I point out this act of compassion by Mrs. Helen Thye. Acts of generosity such as this should not go without recognition. Thank you Helen for your generosity and kind heart, I'm sure the recipient of your selfless act will be grateful.

TRIBUTE TO PAUL LEHTO, RECIPIENT OF NORTHERN MICHIGAN UNIVERSITY'S PRESIDENT'S AWARD FOR DISTINGUISHED CITIZENSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an individual in my congressional district, the 1st District of Michigan. This individual personifies the best qualities of community volunteers—vision, dedication, leadership, and humility. He has served as a coach for youth sports, as a local elected official with three decades of service, and he has headed up the citizens's advisory board for one of our newest national parks since the panel was formed. Truly, Paul Lehto of Calumet Townships has served his community and his country well.

I salute Paul Lehto today, Mr. Speaker, on the occasion of his having received from Northern Michigan University the President's Award for Distinguished Citizenship.

But for you and our House colleagues to really understand the accomplishments of Paul Lehto, Mr. Speaker, I need to review a little bit about the unique area where he has worked and served for so many years.

The Keweenaw Peninsula, which sticks far out into Lake Superior, is the only place in the world where commercially abundant quantities of elemental coper have been found. From the 1840s to 1968, more than 11 billion pounds—80 percent of the cooper in the world today—was extracted from mines as deep as 9,000 feet and shipped all around the world.

The history of this process and region is so unique and so important to the growth of this nation that in 1992 Congress passed a bill creating the Keweenaw National Historical Park.

Paul was raised and schooled in Kearsarge, a small village in the Keweenaw, where he still lives today. As a lifelong resident of the area, Paul was a personal witness to the demise of mining. After graduating from local schools he went to work for the Calumet and Hecla Mining Co. As a laborer and truck driver, and he served as treasurer of a local union until the mines closed in 1968.

He was elected supervisor for Calumet Township in 1972, and he has been re-elected every term since then. He has faced major challenges, not the least of which were economic. In the mining heyday, Calumet was so prosperous and progressive that it came within one vote of being named Michigan's capital. By the late 1970s, however two-thirds of the storefronts in Calumet were vacant and 67 percent of the welfare recipients in Houghton County were in Calumet's zip code. A key to the vitality of the township, Calumet was in danger of being a ghost town.

The end of the mining industry allowed homeowners for the first time in the region's history to purchase the land on which their homes sat, and during Paul's time in office township neighborhoods were platted.

Paul recognized the importance of protecting the region's historical heritage by leading his township to be the first in the western Upper Peninsula of Michigan to enact the historic preservation and land-use ordinances. When the Keweenaw National Park was created and Paul assumed the post of chairman of the park's Advisory Commission, a task he continues to this day. Capitalizing on the region's history and natural beauty are keys to economic survival, and Paul has been on the cutting edge of this effort. A 16-acre lakeshore community park is another of his accomplishments.

Amidst his other tasks, Paul Lehto has found time to coach youth hockey on several levels, and he has served as a commissioner on the Western Upper Peninsula Planning and Development Regional Commission. This planning and re-granting agency has worked for years to assist with housing infrastructure and economic redevelopment projects in the region hit hard by the end of the copper business.

I'd like to add a few personal comments, Mr. Speaker. Paul Lehto's accomplishments are great, but in many respects he is a true man of the region—a "Yooper" as we in the U.P. of Michigan style ourselves. As a typical Yooper, he does what needs to be done without looking for any award, and he accomplishes his tasks without fanfare. He will fight for what he believes in, but he will accept his victories with humility.

In therefore gives me special pleasure to call your attention and that of our colleagues to the great honor from Northern Michigan University that has been bestowed on my friend, Paul Lehto.

TRIBUTE TO MRS. KANA BARKER-MABON

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FORD. Mr. Speaker, I rise today to honor and extend well-deserved recognition to Mrs. Kana Barker-Mabon who was awarded the prestigious Milken Family Foundation National Educator Award for her dedication, compassion and diligence as an educator in the Memphis City Schools.

Being only one of two educators ever awarded this distinguished award in Tennessee, Mrs. Barker-Mabon has always had a passion for working with children. While pursuing her bachelors in political science at Rhodes College, she also took education classes under Dr. Watson, the chair of the Education Department at Rhodes College and current Superintendent of Memphis City Public Schools.

During her student teaching, Mrs. Barker-Mabon was determined to teach where she believed the children needed her the most, so she requested placement at Cypress Middle, one of the lowest performing schools in the state. She continues to teach there today. Mrs. Barker-Mabon is a product of Memphis City Schools and has been a success story since she was placed at Cypress. The results of her hard work are seen through the lives of the children she touches.

Mrs. Barker-Mabon earned her M.Ed. in curriculum and instruction from Freed-Hardeman University and is currently working on her Ph.D. at the University of Mississippi. She continues to embrace her students in their academic endeavors and strives to meet their immediate needs by offering students study sessions in addition to providing them with food on the weekends.

In her teaching career, Mrs. Barker-Mabon was promoted from classroom teacher to school facilitator after only five years at Cypress, and she teaches other educators how to be more effective. Her steadfastness and undying devotion manifests itself in the attitudes of her students and their test scores. She is held in very high esteem by her students, faculty and administration.

This recent award only further highlights a career committed to educating and caring for the well-being of our children. Mr. Speaker, I hope that you and my colleagues will join me in honoring Mrs. Kana Barker-Mabon, a model educator whose kindness and dedication continues to change the lives of countless youth in Memphis, Tennessee.

SHAME ON THE HOUSE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I am disappointed, but not surprised, by what took place in the House of Representatives last week. By the narrowest of margins, the tired old agenda of tax cuts for the rich and giveaways to the corporate interests and big business scored another victory in the Republican-controlled House.

Bob Herbert described it best when he wrote in The New York Times, on Monday, October 29, 2001: "The Republicans who control the House thumbed their noses at the ordinary Americans who will absorb the brunt of the economic downturn and shamelessly gift-wrapped yet another bundle of tax cuts for the very well-to-do."

He added: "With Americans fighting and dying both at home and abroad, we are understandably in a season of patriotism. That patriotism should not be soiled by wartime profiteering."

The Republican so-called economic stimulus package is described by Mr. Herbert as having ". . . very little to do with economic recovery. It's about using the shield of war and economic hard times as a cover for the perpetual task of funneling government largesse to the very rich."

It should come as no surprise that there are some in Congress who will push their one-track agenda no matter what. If our nation is experiencing an economic downturn, then the answer is tax cuts for the top. If our nation is recovering from a terrorist attack, then the solution is more Treasury money to the big corporations. And if our Armed Forces are engaged in battle half way across the world, then a tax cut for the wealthy and well connected is the patriotic thing to do.

Since 9/11, the American people are holding their government to a higher standard, and are placing extraordinary trust in their elected officials. Shame on those public servants who abuse that trust.

I hope my colleagues will carefully read Mr. Herbert's op-ed and consider his arguments.

[From the New York Times, Oct. 29, 2001]

SHAME IN THE HOUSE

(By Bob Herbert)

"Ask not what your country can do for you. . ."

It has been 40 years since John F. Kennedy, standing hatless and coatless in the bitter cold of a snow-covered capital, delivered the lines that turned out to be the most stirring and most famous of his presidency.

If you listened closely last week, you could hear an echo of that moment on the Senate floor. On Wednesday morning, in an address to his colleagues, Senator Edward M. Kennedy said: "Now we have seen, perhaps more clearly than ever before in our lives, how we are all in this together—how if even one of us is hurting, all of us hurt. Our first thoughts on September 11 were about others, not ourselves."

Senator Kennedy, now 69 years old, spoke movingly of the acts of extraordinary bravery and selflessness exhibited by Americans both at home and abroad in this sudden war against terrorism. And he called on the nation as a whole to adopt that spirit of selflessness as the new standard "by which we measure everything we do."

"The standard is clear," he said. "To seek what is right for our country, and not just for ourselves." He said it is essential that Americans not "strive for private advantage in a time of national need."

Not everyone is listening.

Senator Kennedy's speech was, specifically, a call for fairness and common decency as Congress moves ahead with its effort to help revive an economy that was faltering before Sept. 11, and has since been thrown into very serious trouble by terrorism and war.

But last week, as the House narrowly passed its version of an economic stimulus package, the dominant motive at work appeared once again to be greed. The Republicans who control the House thumbed their noses at the ordinary Americans who will absorb the brunt of the economic downturn and shamelessly gift-wrapped yet another bundle of tax cuts for the very well-to-do.

In Senator Kennedy's words, the House proposal, which contains more than $100 billion in tax cuts for corporations and individuals, "merely repackages" old, partisan, unfair, permanent tax breaks—which were rejected by Congress last spring—under the new label of economic stimulus. The American people deserve better."

With Americans fighting and dying both at home and abroad, we are understandably in a season of patriotism. That patriotism should not be soiled by wartime profiteering.

The House package is a breathtaking example of cynicism and chutzpah. The bill's primary author, Representative Bill Thomas, a Republican from California, piously proclaimed that there is an urgent need to help businesses because they are the nation's employers. "They're the hardware store," he said, "the diner down the street, the gas station on the corner."

And then you look closely at the legislation and find that it overwhelmingly favors the giant corporations, with tax breaks approaching $1.4 billion for I.B.M., more than $800 million for General Motors and $670 million for General Electric.

It's a stimulus package in name only because the Americans who are the most strapped—the consumers who would take any relief that they received and immediately pump it right back into the economy—get the least. The package has very little to do with economic recovery. It's about using the shield of war and economic hard times as a cover for the perpetual task of funneling government largesse to the very rich.

Nearly $2 trillion in tax cuts were passed just a few months ago, but that was not enough. True greed knows no bounds.

The political analyst Kevin Phillips, in a commentary on National Public Radio, said: "Neither house of Congress has ever passed this kind of major tax bill in wartime, and no one in the House assumes that the Senate will accept it in whole. But the more extreme the House bill, the further that will drag the eventual compromise in that same inexcusable direction. The only real solution is a public outcry, tens of millions of pointing fingers and voices saying, 'Shame.'"

Forty years after the inauguration of President Kennedy, the most favored and least needy among us are proving themselves to be masterful at finding what their country can do for them.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. GONZALEZ. Mr. Speaker, on rollcall no. 400, 401, 402, 403, 404, 405, 406, 407.

Had I been present, I would have voted 400–no; 401–no; 402–yes; 403–yes; 404–no; 405–yes; 406–yes; 407–yes.

SIKHS ASKED TO REMOVE TURBANS AT AIRPORT, TURBAN IS RELIGIOUS SYMBOL AND MUST NOT BE REMOVED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. TOWNS. Mr. Speaker, there have been more incidents in which Sikh men were asked to remove their turbans at an airport. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has brought these to my attention.

Satpal Singh Kohli was about to board a Southwest Airlines flight from Albuquerque to Los Angeles when members of the ground crew demanded that he remove his turban. He told the ground crew that his Sikh religion required him to wear the turban and he could not remove it. The ground crew insisted that he remove his turban. He needed to get to Los Angeles to be with his ailing father. When the agents would not budge, Mr. Kohli demanded to see their supervisor. He was told that if he had a complaint, he should contact customer service.

The agents not only searched his turban in full view of other passengers, they searched his unshorn hair—required by his religion—as well. Mr. Kohli said that "In my whole life I have never been humiliated like this." The agents had only told him that they wanted to search his bag, not his turban or hair. Yet they never checked his bag.

Last Saturday, Tejinder Singh Kahlon, a sitting judge in New York, was asked to remove his turban at a New York airport. He refused. He was not allowed to board his plane. He called the media to report his harassment by the airport security personnel.

The turban is a symbol of the Sikh religion, to which Mr. Kohli and Judge Kahlon belong. It is religiously mandated. They are required to carry five symbols. Unshorn hair covered by a turban is one of these. More than 99 percent of the people in this country who wear turbans are Sikhs. Turbans should not be removed and searched.

Linda Rutherford, a spokeswoman for Southwest Airlines, admitted that the incident had to do with "passenger profiling" and claimed that the rules had to do either with what a passenger wears or what he looks like, but she blamed the Federal Aviation Administration for these new rules. If that is true, the FAA should be ashamed of themselves. They have institutionalized racial profiling as a part of their antiterrorism policy. If it is the airline's own policy, then decent Americans should flood Southwest Airlines' headquarters with protests.

We must not allow racial, religious, or ethnic profiling. The airport ground crews should be prohibited from stopping Sikh passengers and searching their religiously-mandated turbans. This kind of discrimination is never acceptable. I ask Attorney General Ashcroft and Secretary of Transportation Mineta to look into this matter and stop this harassment of Sikh Americans immediately.

Mr. Speaker, I would like to place an India-West article on the Kohli incident into the RECORD for the information of my colleagues.

[From India-West, Oct. 26, 2001]

SIKH ASKED TO HAND OVER TURBAN BEFORE BOARDING PLANE

(By Viji Sundaram)

Satpal Singh Kohli was about to board a Southwest Airlines flight from Albuquerque, N.M., to Los Angeles Oct. 22, when ground crew at the security gate demanded that he hand over his turban to them before he enplaned. When Kohli protested, telling them that as a Sikh his religion forbade him from baring his head in public, the agents insisted that he do as he was told. Kohli said that they told him that he would have to fly minus his turban, which would be returned to him at the Los Angeles airport. Kohli said he told them that he had flown Southwest from Los Angeles to Albuquerque just two days earlier and "my turban wasn't an issue then." He also told them that he had to make that flight because his elderly father, who was home alone in Los Angeles, needed to be given medication and may even need to be hospitalized.

When Kohli realized he was getting nowhere with the agents, he asked to see their supervisor. He said he was told that if he had a complaint, he should call customer service, Kohli said in a e-mail he sent to India-West. The agents told him that if he wanted to make that flight, he would have to submit to a complete turban and hair search.

Because of his father's medical condition, Kohli said he reluctantly agreed, but requested that it be done in a private area, out of view of the other passengers. Kohli said the agents told him there was no private area and that the search would be done at the security area behind the counter.

He said an agent not only searched his turban thoroughly in full view of the other passengers and ground staff, she also searched his hair, before allowing him to board the plane.

"My sentiments were hurt," Kohli said. "In my whole life I have never been humiliated like this."

Kohli said that in pulling him over for a check, the agent had told him he needed to have his bag searched, not his turban or his hair. Yet, after searching his turban and hair, they waved him through, without checking his carry-on bag, according to Kohli, who works as a travel agent.

When he arrived in Los Angeles, Kohli said he went to Southwest's customer service center and told the two men there—the customer service supervisor and station manager—about what he had been put through. Both men, as well as the captain of the plane who happened to stop by, agreed that turban searches were not a part of the new security requirements, Kohli said. He said they apologized for what had happened.

Called for a comment, Linda Rutherford, a Southwest Airlines spokeswoman in its corporate headquarters in Dallas, Texas, told India-West that following the Sept. 11 terrorist attacks on America, there has been some new Federal Aviation Administration-mandated procedures "regarding passenger profiling." She said she was not aware of the Kohli incident, but noted that "if a passenger had been flagged as a selectee, there would have been additional security checks." She said she was not sure if those additional checks are triggered by what a passenger wears or what he or she looks like.

"Certainly, it could be a bit awkward for passengers to have their personal belongings searched in front of other passengers," Rutherford acknowledged, adding: "It is certainly not our intent to embarrass our passengers." Manjit Singh, executive director of the Maryland-based Sikh Media Watch and Resource Task Force, told India-West that since the Sept. 11 attacks, his organization has received at least a dozen complaints similar to Kohli's. "We are very disturbed by what's happening," Singh said.

He said his group plans to meet with Norm Mineta, Secretary of Transportation, as well as with FAA officials to make them aware of what was happening. "A Sikh should never be forced to remove his turban," Singh said. "It's a religiously mandated headdress."

He said turban searches should only be done if the metal detector beeps. Security agents, he said, should first do an electronic check, then pat down the turban if they suspect something, and only as a last resort should they ask the passenger to remove his turban.

Since Sept. 11, Sikhs nationwide have become targets of hate crimes in the U.S., as people misidentify them as Taliban supporters because of their beards and turbans. A number of them have in recent weeks reportedly set aside their turbans and concealed their tresses under baseball caps.

TRIBUTE TO MRS. VIRGINIA McNEIL

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. FORD. Mr. Speaker, I rise today to extend well-deserved recognition to Mrs. Virginia McNeil of Memphis as she is named Elementary School Principal for the year 2001 by the Tennessee Principals' Study Council.

A hands-on educator with varied experiences and an abiding devotion to her profession, Mrs. Virginia McNeil has rendered distinguished service as an elementary school teacher, assistant principal and as an instructional supervisor for the System-Wide Achievement Team of Memphis City Schools; however, the defining position of Mrs. McNeil's career has been her productive tenure as the principal of Alton Elementary school, a position she has held since August 1988.

With a powerful determination and an expressed concern for each student, Principal McNeil has worked tirelessly to implement school reform, inspire students to achieve, encourage professional development for teachers and involve parents and community leaders in the everyday operation of this school. In the midst of her work, she also has been the impetus behind the creation of the school's strong sense of "internal community." The collective attitude of the faculty and staff has been one which has encouraged support and collaboration. This has been extremely important given the fact that Mrs. McNeil has shepherded a staff that has consistently contained a significant number of new and young teachers.

These efforts have helped to turn this low-performing urban school into a model for the Mid-South region with the dramatic turnaround that has occurred with not only the school's poor test scores, but also the positive attitude of the student body and entire school community.

This recent award only further highlights a career and resolve that has been rendered in service to the students and young people of Memphis, Tennessee. She has championed the cause of education and been one of its most vocal and effective advocates. This can be easily seen with the noteworthy accomplishments she has achieved including her selection as an attendee to the Harvard Principal's Academy in 1999, her selection as a participant in the 2002 Leadership Memphis Class, her recognition as Distinguished Role Model of the Year with the Memphis Alliance of Black School Educators, and her role as president-elect of the Tennessee Association of Elementary and Middle School Principals (TAEMSP).

For the incalculable effect her good work has had in the lives of countless youth, Mr. Speaker, I would ask that you and my colleagues in the U.S. House of Representatives would join with me in honoring my friend and a friend to education, Mrs. Virginia McNeil of Memphis, Tennessee.

SENATE—*Wednesday, October 31, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable TIM JOHNSON, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, a day of responsibilities stretches out before us. As we face them, we thank You for Winston Churchill's reminder that the price of greatness is responsibility. Father, You have entrusted the Senators with heavy responsibilities. Thank You that You will not ask more from them than You will give them the strength to carry. Help them to draw on Your artesian wells of wisdom, insight, discernment, and vision. Be with them in the lonely hours of decisionmaking, of conflict over issues, and the ruthless demands of overloaded schedules. Tenderly whisper in their souls the reassurance, "I have placed you here and will not leave you, nor forsake you." In Your grace, be with their families. Watch over them and reassure the Senators that You care for the loved ones of those who assume heavy responsibilities for You. May responsibility come to mean "respondability," a response of trust in You to carry out what You have entrusted to them. In the name of Him who lifts burdens and carries the load. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM JOHNSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 31, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM JOHNSON, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. JOHNSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, there is going to be a period of morning business today. I ask unanimous consent that the time extend past the hour of 10:30 so that Senator STEVENS may have his full 20 minutes and the Democratic designee may have 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, at approximately 10:35, we will begin again consideration of the Labor-HHS appropriations act. We hope there will be a lot of work on this bill today. We have a finite list of amendments. I have spoken to both managers of the bill and they have indicated that even though there is a finite list of amendments, they are not going to wait around forever for people to offer amendments. Both Senators HARKIN and SPECTER have said that if people don't come and offer amendments, they are going to move to third reading. There will be no one to protect those people who are waiting. Unless there is some type of a problem a Member has coming to offer an amendment, I ask that they do so at the earliest possible time.

We have other things to do. We completed the energy and water conference report last night. I just spoke to the former chairman and ranking member of the Appropriations Committee, Senator STEVENS. With a little bit of luck, we can do three or four more conference reports and send them to the President this week. That would really be good news. He has two.

UNANIMOUS CONSENT AGREEMENT—H.R. 3061

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the agreement entered with respect to H.R. 3061, the following filed amendments be in order: Senator CHAFEE, No. 2018; and Senator ROCKEFELLER, No. 2028.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, these amendments were filed at the appropriate time, but they just simply were missed in the list that was submitted to the clerk.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I will.

Mr. STEVENS. Is it still the understanding that there would be an amendment first on the majority side and then back and forth?

Mr. REID. We will be happy to rotate back and forth. In fact, there are more amendments on the Republican side so they will have more offerors than we. But until we run out of amendments over here, we will go back and forth.

Mr. STEVENS. I thank the Senator.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska is recognized to speak for up to 20 minutes.

NATIONAL SECURITY

Mr. STEVENS. Mr. President, I have come to floor this morning to talk about the priority of national security issues. Since the terrorist attacks of September 11, debate in the country has changed. We now focus on issues we used to take for granted. We must look at those issues from the perspective of national security.

Senator FRED THOMPSON has repeatedly called for a review of our export control laws for dual-use technologies. In the past year, as chairman and now as ranking member of the Senate Government Affairs Committee, Senator THOMPSON has repeatedly called for increasing our defenses against cyberterrorism. He has also sought to halt proliferation of nuclear weapons. For all of these issues, export controls, cyberterrorism and nuclear proliferation, he has cited national security concerns—real national security issues. He is right. They are national security issues.

The week before the September 11 attacks, the Senate Foreign Relations Committee heard testimony about terrorism. At that hearing, the committee

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

heard from former Senator Sam Nunn and the ex-CIA Director James Woolsey. They described in detail the threats of biological and chemical weapons as tools of terrorists. They described the need for more vaccines, stockpiles of drugs and antibiotics, and the new technologies for delivering these medicines. Senator Nunn stated it best when he said: "Public health has become a national security issue."

Sam was right.

The Senate Commerce, Science, and Transportation Committee held a hearing to discuss the FAA's response during and after the terrorist attacks. At that hearing, Chairman HOLLINGS properly noted: "Airport and aircraft security are national security issues." He, too, was right.

The Bismarck Tribune in North Dakota reported on September 20 that Robert Carlson, president of the North Dakota Farmers, said food security is an issue that should "become important in the mind of Congress." As head of a farm group from a farm State, this position is understandable. And Senator DORGAN repeated that position here: food security is a national security issue.

On October 11, Representative HENRY WAXMAN called for the regulation of sniper rifles under the National Firearms Act. In his statement, he cited a national security need for such legislation. He was right. Self-defense is a national security issue.

On October 11, Newsday reported that several television networks had discussed screening video footage of Osama bin Laden before airing that footage publicly. Such screening is necessary—it is a national security issue.

In July, the Senate Appropriations, Intelligence, and Armed Services Committees held hearings on terrorism. On October 12, the House Committee on Government Reform held a hearing to assess the threat of bioterrorism in America. Clearly, these are all national security issues.

Just a few days ago, the junior Senator from Washington, Ms. CANTWELL, said the northern border is a national security issue because it controls the flow of people and goods between our country and Canada. Representative MARGE ROUKEMA voiced similar concerns about the northern border and the need to triple the number of border agents patrolling the area. These are national security issues.

Congress is considering a seaport security bill, an economic stimulus package with infrastructure security measures, increased funding for the intelligence communities, and better preparedness within the health community. All of these specific items have been tied to national security.

But none of these national security issues faces the threat of a filibuster. To filibuster any of these actions that involve national security would be wrong for the country. Amazingly, some Members of this body have now threatened to filibuster specific portions of the comprehensive energy bill.

Tuesday's Baton Rouge Advocate reported the President may direct an additional 70 million barrels of oil be put into the National Strategic Petroleum Reserve. The President realizes that energy is a national security issue.

My colleague, Senator MURKOWSKI of Alaska, the ranking member on the Energy and Natural Resources Committee, has been calling for a comprehensive energy package for over 2 years. He has been joined by Senators BREAUX, LANDRIEU, THOMAS, CRAIG, and others. Most recently, Senator INHOFE took to the floor to make the point that energy should be at the top of the list of national security issues. I agree with my colleagues and countless others who have called energy a national security issue.

Yesterday, several veterans groups called on the Senate to consider an energy bill. In early October, the Printing Industries of America called for an energy plan in response to last year's domestic energy shortages and high fuel costs. Charles Jarvis, chairman and CEO of the United Seniors Association, called on the Senate to consider legislation that would lower our dependence on foreign oil. His members do not want to be held hostage by countries that do not share our interests.

If any issue should be debated along with an economic stimulus package, health preparedness, and airline security, it must be energy. Planes cannot fly without jet fuel. Americans cannot drive without gasoline. Roads cannot be made without crude oil, and many medicines cannot be made without the chemicals that come from crude oil. Many of our everyday products are in fact made from crude oil. Economic stimulus, health care, and transportation are all tied to energy and oil.

In 1973, the Senate debated the amendment to create a right-of-way from Alaska's North Slope to Valdez, which I offered with my then colleague from Alaska. The amendment allowed the transport of 2 million barrels of oil a day, which that pipeline is capable of carrying. At the time there was a tacit understanding in this body that any item dealing with national security would not be filibustered. Perhaps Senator Moss of Utah put it best when he said:

> I cannot get overly upset about the ritual mating season for Alaskan caribou when in the city of Denver last weekend it was almost impossible to find gas. How long do you suppose the people of this country will tolerate an empty gas tank while we debate the merit of a pipeline to bring 2 million barrels of oil a day over a right-of-way traversing lands that belong to the people of the United States?

Mr. President, one of the arguments put forth by opponents to that right-of-way was the potential impact of the oil pipeline on caribou. Nearly 30 years and over 13 billion barrels of oil later, there are more than 4 times the number of caribou in that area of Alaska compared to the years before the oil pipeline.

During the debate on the Alaska oil pipeline amendment, Energy Committee Chairman Henry Jackson, my great friend from Washington, said the pipeline "involves a national security issue." He said, "There is no serious question today that it is urgently in the national interest to start north slope oil flowing to markets."

He also said that if he saw any more attempts to delay construction of the pipeline, he would push legislation to have the Federal Government build the project. The national security concerns were that important to Scoop Jackson, and they are important to me.

Even Senator Walter Mondale supported the construction of the Alaska oil pipeline and the transport of oil to the lower 48. He said then, "It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 as soon as possible, consistent with environmental safeguards and the greatest benefit for the entire country."

In addition to that, Senator Bartlett of Oklahoma said then, "We need every possible drop of crude oil production that can be developed and maintained."

We debated the construction of this 800-mile pipeline when we believed there was a probability we could recover 1 billion barrels of oil from the area near Prudhoe Bay. As I said, last year, Alaskans produced our 13 billionth barrel of oil from Prudhoe Bay.

I want to talk about that same pipeline today being used to transport oil from the Arctic Coastal Plain—an area predicted to contain a minimum estimate of 5 billion barrels of oil, with the possibility of up to 30 billion barrels of oil. This is a resource on Federal land; it is not a State resource. Not to have it available to produce puts us at the mercy of foreign interests who produce the oil we import.

The Alaska oil pipeline carried 2 billion barrels during the Persian Gulf war. It was up as high as 2.1 billion barrels a day. We increased it, through special means, to secure the supply for America and to assure that we had domestic oil to rely upon then. Now our Alaska pipeline is only half filled with oil coming from Prudhoe Bay and other north slope wells. If the remainder of the pipeline is to be filled, it must come from the coastal zone, from the ANWR area. At the minimum estimate of 5 billion barrels, being produced at 1 million barrels per day, that oil supply would last for over 14 years. At the medium estimate of 10 billion barrels it would last for 27 years.

As I stand here, I remember the debate on the oil pipeline. I remember

Alan Bible of Nevada sitting right there across the aisle from me. We were in the minority. Senator Bible then was in the majority. He said to me that he had not made up his mind about the pipeline. I don't think I have seen it since—I had never seen it before. But Senator Bible sat there for the whole time of the debate on the floor, and just before the end of that debate he came to me and said: I am going to vote with you because I know this is a national security issue.

There is no question today, because of the security crisis we face and our dependence upon foreign oil, the oil from Alaska's north slope is a national security issue. We now import nearly 60 percent of our oil daily. We have over 700,000 barrels of oil a day coming from Iraq—Iraq, Mr. President. There was not one barrel of oil coming from Iraq at the time we debated the concept of what we should do during the Persian Gulf war. Obviously, there has been a great change.

It is estimated that we will import nearly 230 million barrels of crude oil from Iraq by the end of this year. Almost 40 million barrels of that will be unloaded in California. Why? It is replacing oil that used to be delivered to California through the Alaska oil pipeline.

As I said, we delivered 2.1 billion barrels a day during the Persian Gulf war. Today, it is 1.2 billion barrels a day. At a rate of $20 per barrel, we send over $5 billion a year to Iraq to buy oil that we could produce in our own country.

During peacetime operations, the Department of Defense uses about 300,000 barrels of oil a day. Most of it is jet fuel. That has increased now by over 200,000 barrels a day, as it did during the gulf war. Defense fuel usage is increasing daily because of our activities in the global war against terrorism, particularly the events in Afghanistan.

During the Alaska pipeline debate, Senator Paul Fannin of Arizona gave two reasons for why the pipeline was a national security issue. First, he said it would reduce our dependence on foreign countries. Obviously, that was a valid statement.

Senator Fannin's second point was the construction of the pipeline would create tens of thousands of jobs. It did. Economic reports show that a small pipeline connecting the Alaska pipeline to transport oil out of the Coastal Plain will create several hundred thousand jobs nationwide.

Just yesterday I was given a study completed by the American Petroleum Institute. It stated that oil transported from the Coastal Plain down the pipeline to the Valdez terminal would require the construction of an additional 19 tankers to transport that oil to the coastline of the United States, particularly the west coast.

It will take 19, as I said, new tankers, with 2,000 direct construction jobs and 3,000 support jobs for each tanker. That is 5,000 jobs per tanker resulting in over 90,000 new jobs just in the shipbuilding industry by opening the coastal plain of ANWR for exploration and production.

During the debate on the Alaska pipeline issue in this body, I said, "We cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand idly by." That was true then, and it is even more true now.

Drilling on the Arctic coast and going forward with production of oil in the United States will help stimulate this economy. I intend to raise this issue again and again as we talk about stimulus for the economy.

I hope we will not hear the threat of filibuster against this measure to bring oil from the Arctic coast to the United States. It is a national security issue, and it must not be filibustered. No national security issue has ever been filibustered on the floor of the Senate. To do so now would be not only a violation of tradition, it would be a travesty of justice during a time of war.

I intend to speak often on this issue in the days to come. We cannot end this session of Congress without a national security energy plan which includes Alaska's North Slope oil and gas potential, particularly the oil and gas from the coastal plain.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I wish to speak in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SEASONAL ENERGY EFFICIENCY RATING

Mr. BINGAMAN. Mr. President, I am here to address another aspect of the energy issue that will come before us as comprehensive energy legislation, hopefully either this fall or early next year. It may seem to be an unusual item to address on Halloween as we are going into the colder months of the year, but it is one which I think deserves attention.

There was a development 10 days ago that I think needs to be called to the attention of colleagues in the Senate. About 10 days ago, the Environmental Protection Agency transmitted formal comments to the Department of Energy—that is one agency of the Federal Government commenting to another Agency or Department of the Federal Government—on the proposed standard for efficiency in central air conditioners. The Clinton administration had finalized a rule that mandated a 30-percent increase in efficiency for those central air conditioners. It was a so-called 13 SEER standard. SEER stands for seasonal energy efficiency rating.

Shortly after the current administration took office, they proposed to back off this mandate and reduce it to only a 20-percent increase or a 12 SEER standard. The argument used by the new administration in rolling back the air-conditioning standard struck many of us in Congress as being based on outdated price data and a faulty analysis.

The Committee on Energy and Natural Resources, where the distinguished Presiding Officer and I both serve, had a hearing on this topic. We had expert testimony that demonstrated these analytical problems in the decisionmaking which the new administration had gone through.

This EPA filing 10 days ago capsulized those concerns eloquently. In the Agency's own words, the new proposed standard—that is, the 12 SEER standard, the lesser standard this administration embraced—"overstates the regulatory burden," it "understates the savings benefits of the 13 SEER standard. over and underestimates certain distributional inequalities," and "mischaracterizes the number of manufacturers that already produce at the 13 SEER level or could produce at the 13 SEER level through modest changes to the product. . . ."

I will read one other quotation from the explanation of the EPA position. It says:

> EPA believes there is a strong rationale to support a 13 SEER standard.

That is what the previous administration adopted.

> EPA also believes that the more stringent standard will be more representative of the long term goals of the administration's energy policy and will do more to reduce both the number of new power plants that need to be constructed, as well as the emissions resulting from these plants. . . .

While these comments by the Environmental Protection Agency have received some attention, I believe they deserve broader attention by the public and certainly deserve to be recognized by people in the Senate.

I ask unanimous consent that the text of the EPA letter to the Department of Energy and their explanation which they attached to that be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, getting to a more efficient air-conditioning standard is an important part of a national energy strategy. This past summer, a nationwide heat wave in August led to brownouts and blackouts as our electricity system was stretched to its limits. While the new standard would take effect gradually over the long term, it would help reduce the peak demand for electricity on very hot days, and it would give consumers a break.

I have been informed that thousands of public comments have been filed with the Department of Energy favorable to the 13 SEER standard, demonstrating broad public support for sticking with that standard.

Previously, I indicated my belief that we should include a legislative provision mandating a 13 SEER standard in any energy legislation that we pass. It should be clear to all that this is a matter where there is broad public support for the better standard, and I believe the administration should try to be in line with that public sentiment.

I hope the Department of Energy decides to go back to the earlier established standard, and they can certainly do that administratively without Congress having to act. But if DOE continues to push for watering down the standard, then I hope the Office of Information and Regulatory Affairs in the Office of Management and Budget will exercise its watchdog role to ensure that good technical and economic analysis carries the day on this issue.

I expect we will continue to see strong legislative support for this standard in the debate on energy legislation we have over the next weeks and months, and I hope that ultimately the EPA view of this matter will prevail.

EXHIBIT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, October 19, 2001.

MS. BRENDA EDWARDS-JONES,
U.S. Department of Energy, Washington, DC.

DEAR MS. EDWARDS-JONES: On behalf of the U.S. Environmental Protection Agency, I am pleased to submit the attached comments to Docket No: EE-RM-98-440, the Department of Energy's Proposed Rule: Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards.

DOE has proposed a change to its previously issued standard that decreases energy efficiency requirements for residential air conditioners and heat pumps. DOE proposes to withdraw its previously issued 13 SEER standard and replace it with a 12 SEER standard. These comments affirm EPA's support for DOE's original 13 SEER standard.

EPA believes there is a strong rationale to support a 13 SEER standard. A 13 SEER standard represents a 30% increase in the minimum efficiency requirements for central air conditioners and air source heat pumps. In contrast, a 12 SEER standard represents only a 20% increase. The Administration's National Energy Policy stresses the important role that energy efficiency plays in our energy future. A 13 SEER DOE standard will do more to stimulate energy savings that benefit the consumer. DOE has quantified these savings at approximately 4.2 quads of energy over the 2006–2030 period, equivalent to the annual energy use of 26 million households and resulting in net benefits to the consumer of approximately $1 billion by 2020. In comparison, DOE projects that only 3 quads of energy would be saved over that same period with a 12 SEER standard.

A 13 SEER standard will also do more to reduce fossil fuel consumption and more to limit emissions of air pollutants. For example, by avoiding the construction of 39 400 megawatt power plants, a 13 SEER standard will reduce nitrous oxides (NO_X) emissions by up to 85 thousand metric tons versus up to 73 thousand metric tons that would be reduced with a 12 SEER standard. A 13 SEER standard will also result in cumulative greenhouse gas emission reductions of up to 33 million metric tons (Mt) of carbon. This is in contrast to a 12 SEER rule which will reduce up to 24 Mt of carbon equivalent by avoiding the construction of 27 400 megawatt power plants. At a time when many areas across the nation are struggling to improve their air quality, the additional emissions reductions achieved by a 13 SEER standard are especially important.

Thank you for the opportunity to provide these written comments. Should you have any questions, please contact Dave Godwin in EPA's Office of Air and Radiation at 202–564–3517 or via e-mail at godwin.dave@epa.gov.

Sincerely,

LINDA J. FISHER,
Deputy Administrator.

COMMENTS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON THE PROPOSED RULE: ENERGY CONSERVATION PROGRAMS FOR CONSUMER PRODUCTS; CENTRAL AIR CONDITIONERS AND HEAT PUMPS ENERGY CONSERVATION STANDARDS, OCTOBER 10, 2001

OVERVIEW OF EPA COMMENTS

The Environmental Protection Agency welcomes the opportunity to comment on the Department of Energy's Proposed Rule setting forth energy conservation standards for residential central air conditioners and central air conditioning heat pumps. EPA recognizes that the new proposed DOE rule represents a 20% increase in minimum efficiency standards for central air conditioning and heat pumps. However, we instead support the previous final rule of a 30% increase.

EPA has issue with several of the arguments DOE used to justify the withdrawal of the previous final rule as outlined within the Federal Register Notice of July 25, 2001 and the Technical Support Document. In summary, EPA believes that the information in the Federal Register Notice of July 25, 2001

overstates the regulatory burden on manufacturers due to HCFC phase-out and concludes that the industry is under greater financial pressure from a 13 SEER standard than it is,

understates the savings benefits of the 13 SEER standard,

over and underestimates certain distributional inequalities,

mischaracterizes the number of manufacturers that already produce at the 13 SEER level or could produce at the 13 SEER level through modest changes to the products, and thereby mischaracterizes the availability of 13 SEER product.

[EPA believes there is a strong rationale to support a 13 SEER standard. EPA also believes that the more stringent standard will be more representative of the long term goals of the administration's energy policy and will do more to reduce both the number of new power plants that need to be constructed, as well as the emissions resulting from these plants.] EPA's more detailed comments are provided below.

Another example would be:

Move directly to producing R–407C and/or R–410A units that meet the new DOE efficiency regulations;

Increase the production of these units to meet customer demand by 2006;

Meanwhile, phase out all HCFC–22 units by 2006.

Of course, some combination of these strategies is more likely to be taken and seems to offer the most opportunity for manufacturers to reduce regulatory burden.

The TSD states "To the extent that manufacturers can introduce new products utilizing the new refrigerant and meeting the new efficiency standard, the cumulative burden will be reduced." (TSD page 8–62). EPA believes that there is ample opportunity to meet both a 13 SEER efficiency standard and a ban on HCFC–22 in new equipment with limited regulatory burden.

UNDERESTIMATES OF SAVINGS IN THE COST BENEFIT ANALYSIS

DOE's analysis of the benefits of the withdrawn 13 SEER rule are significantly underestimated. DOE's analysis is based on summer 1996 electricity prices, adjusted downward based on EIA projections of future annual electricity prices. Changes in the electricity market due to utility deregulation has resulted in increased electricity prices overall. DOE did not consider this trend in its analysis.

According to Synapse Energy Economics' wholesale electricity price data, DOE analysis underestimates the cost of electricity for residential air conditioning by an average of approximately $0.02/kWh. In addition, the California Public Utilities Commission raised some residential rates by as much as 37%, affecting more than 10% of the U.S. electricity market and thereby, raising the national average electricity prices above DOE's projections. Adjusting DOE's analysis to include more recent electricity prices will definitely and drastically alter the results indicating that a DOE minimum standard of 13 SEER represents the better decision for the nation.

OVER AND UNDER ESTIMATES OF DISTRIBUTIONAL INEQUITIES

EPA sees distributional inequalities that DOE has not adequately considered. One results from the fact that the residential price of electricity does not capture the complete cost for running systems that largely run at peak times. That is, except in select circumstances, residential customers purchase electricity based upon average rates, not "time-of-use" rates. The actual costs of electricity at peak times are dramatically more and therefore, higher peak rates drive up the average costs. Less efficient equipment operating at peak times drives up the cost of electricity for all customers, including those of low income, who are less likely to have central air conditioning. According to 1997 Residential Energy Consumption Survey (RECS) microdata (the same data set used by DOE in their analysis), of the total 101 million households represented, approximately 46% have central air conditioning, but among poor households, only 25% have central air conditioning; just half the rate of presence among non-poor households (See Exhibit 2).

Also related to distributional equities and according to the RECS data, among households below the poverty level, about 60% rent their housing units. This is in contrast to 27% of above poverty level households that rent (See Exhibit 2). Therefore, low-income consumers, or those defined as "poor" in TSD Table 10.1, are not the ones to buy a central A/C or heat pump product, but they would be the one to pay the utility bill (or likely face increased rents if utilities were included in their rent) for the use of that product. Instituting a higher minimum efficiency standard will actually ensure that low-income consumers have lower utility bills, providing a benefit to this population.

MISINFORMATION ON PRODUCT AVAILABILITY

DOE justifies a lower SEER rule because the higher efficiency levels would put manufacturers out of business. However, according to the Air Conditioning and Refrigeration Institute (ARI) database of model combinations, many manufacturers already produce models that meet the 13 SEER requirements. This technology has been available for many years to large and small manufacturers alike. Although confidential ARI shipment information may not reflect large sales of high efficiency equipment, the publicly accessible ARI database of models shows extensive product availability. Over 7,000 air source heat pump model combinations and over 14,000 central air conditioner model combinations currently meet or exceed the 13 SEER level as listed by ARI.

The TSD (TSD page 8-2) describes a group of manufacturers that "offer more substantial customer and dealer support and more advance products. To cover these higher operating expenses, this group attempts to "sell-up" to more efficient products or products with features that consumers and dealers value." With a higher standard, these manufacturers would not go out of business, but would rather continue to sell-up, to even higher efficiency levels or additional valued features.

Furthermore, results and upcoming plans for utility programs around the country also document the availability of 13 SEER and above products, as well as the demand for such products. Austin Energy's Residential Efficiency Program 2000–2001 gave rebates to single family existing homes for installation of split systems and heat pumps with efficiencies of 12 SEER and above. Rebates were staged: $150 for 12.0–12.9 SEER; $250 for 13.0–13.9 SEER; $400 for 14.0–14.9 SEER; and $500 for 15.0 and above. In total, 4,000 rebates averaging $312 were given to consumers. These numbers illustrate that a significant portion of the rebates given were for 13 SEER and above units.

In New Jersey, a 3-year rebate structure began in 2000 with a $370 rebate given for the installation of 13.0 SEER equipment and a $550 rebate given for 14.0 SEER equipment. A total of 14,000 rebates were given in the year 2000. As of August 2001, 8,000 rebates were given out with approximately 6,000 of these units at the 14.0 SEER level. Overall results in New Jersey show that 27% of the market (1998–2000) are 13 SEER or higher with 60% of those being at the 14 SEER or higher levels.

The Long Island Power Authority (LIPA) instituted a program similar to the one in New Jersey offering rebates for installation of 13.0 and 14.0 SEER equipment. Results to date show that LIPA is on target to reach their goal of approximately 3,500 rebates for 13 SEER equipment. Approximately 80% of these rebates are for SEER 14 equipment. LIPA is expecting to ramp up to 5,000 rebates in 2002. Overall, 17% of LIPA's market in 2000 is at 13 SEER or higher, with the market share for existing homes even higher at 22%.

Program plans for 2002 in Texas and California are geared toward equipment at 13 SEER and above. Reliant Energy in Southeast Texas is planning an incentive program to target 13 SEER and above matched systems. California's two large municipal utilities (Sacramento Municipal Utility District and Los Angeles Department of Water and Power) and four investor owned utilities (San Diego Gas and Electric, Southern California Gas, Southern California Edison, and Pacific Gas and Electric), serving over 30,000,000 consumers, are planning rebate programs to assure California residents receive energy efficient equipment, measures, and practices that provide maximum benefit for the cost. These programs all revolve around 13 SEER equipment or higher. Actual incentive amounts are not yet available.

RECORD CLARIFICATION

Mr. BINGAMAN. Mr. President, I have a clarification for the RECORD. Amendment No. 2018 is an Inhofe amendment and not a Chafee amendment.

The ACTING PRESIDENT pro tempore. The RECORD will so reflect.

ORDER FOR RECESS

Mr. BINGAMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate recess today from 12:30 p.m. until 2:15 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Dorgan amendment No. 2024, to provide for mandatory advanced electronic information for air cargo and passengers entering the United States.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, first I salute Chairman HARKIN and Senator SPECTER for doing, in my view, a superb job with respect to this bill. They have really set a special standard in terms of trying to work on important issues in a bipartisan way. The chairman has left the Chamber, but I want him to know how much I appreciate the good work he and his staff are doing on this issue.

This morning I wish to talk about a health and a scientific issue of extraordinary importance, and that is the vacancies that now exist at the National Institutes of Health, the Food and Drug Administration, and the National Cancer Institute. At a time when the public is focused on public health because of bioterrorism, there are many reasons we should be concerned about the work of these agencies and get these positions filled.

I want to talk for a few moments about why I am so troubled by the vacancies we are seeing at these agencies today. This has been, as all of us know, a decade of remarkable scientific progress in the health care field. It has really been something of a scientific and health care renaissance with extraordinary amounts of information learned about cells, about cancers, about what has come to be known as biological detectors that are important as we deal with anthrax and smallpox, and various other serious health concerns that Americans are focused on today.

This scientific progress has been bipartisan. Democrats and Republicans alike have joined to support funding for these very key public health agencies, and we have worked together to ensure these programs are properly funded.

I am convinced if those vacancies are not promptly filled, if we do not soon get a head of the National Institutes of Health and the Food and Drug Administration and the National Cancer Institute—if those positions are not soon filled—it threatens to unravel some of the important progress that has been made in this country over the last decade.

Suffice it to say, if those positions are not filled, a message is sent to the young scientists, to the young future leaders of this country in the health care field, that the Federal Government does not think this is particularly important. It takes years for companies to get products developed and approved, and this is especially true of the new products created by biotechnology. It is important that we have scientific leadership throughout this process—at the companies developing these products and at every level of these two important agencies—NIH and the FDA. Without these scientists throughout the process, in the companies, and at the Federal level, biotech companies lose the incentive to invest in what might be the next medical breakthrough.

I spoke to a group of students on a college campus just a few days ago. A young woman came up to me and only half jokingly said: "I am ready to be the head of the National Institutes of Health. I have focused on these issues. I have studied the questions for some time. Why in the world can the Federal Government not get somebody to head the National Institutes of Health right now?"

I have focused on health care and technology questions over the last few years in Congress, and the business community is especially alarmed that these vacancies are open. They want to work with leaders at the Federal level to expedite the development of drugs, vaccines, and therapies. One of these business leaders told me recently what concerns him is that at a time when the public is focused on public health, on the question of how to deal with anthrax and smallpox and bioterrorism, there is not anybody home in the Federal Government.

I think it is extraordinarily important that the Congress work with the President to get the officials we need sent up for review by the key committees. The National Institutes of Health has now been without a leader for almost two years.

The National Institutes of Health is now hemorrhaging the key people they need to be effective advocates for the public health. Recently, there was another vacancy at the National Institutes on Mental Health, and there is a vacancy at the National Cancer Institute. There has been a substantial period of time where we have not had anybody heading up the Food and Drug Administration.

If we want to attract the stellar scientists whom I know Democrats and Republicans both are so interested in supporting, we are not going to be able to do it, and we are going to lose very talented people who are in these agencies now.

We are already seeing a real brain drain in these essential agencies. What we need to do, and the Congress is prepared to do, and what the chairman and Senator SPECTER have made it very clear that they are willing to do, is make sure these agencies are properly funded. What we need now especially are scientifically sound programs to take on anthrax, smallpox, and ensure we can allow our scientists to work on what are known as biological detectors so we can move more rapidly and readily to recognize the agents in the field. We can more precisely describe the various strains of these bacteria and diseases. We will have a chance to learn more about their genomic sequence and develop creative strategies for public health that could pay very significant benefits for this country. Certainly the potential benefits to this country can be extraordinary.

I am very interested in working with the President on filling these positions. Biomedicine research and science policy has long been bipartisan. Senator Mack, for example, from Florida, did yeoman work for years and years with Senator SPECTER, Senator HARKIN, myself, and others. That is the kind of progress, it seems to me, that is in danger of being lost at this time.

The President of the United States certainly has lots on his agenda right now. All of it is extremely important as we deal with the question of fighting terrorism. I come to the Chamber today to say it is of extraordinary importance these positions at the National Institutes of Health and the Food and Drug Administration move to the top of the President's agenda, move to the top of the congressional agenda, and we work together in a bipartisan way, as we have done on a variety of subjects in recent weeks, to get the key officials in these agencies in place.

To make progress in the area of biomedical research and science, we need a public-private partnership, one where the Federal Government is involved in ensuring our laboratories are helping address issues that involve coming up with the basic knowledge that companies and scientists can then take to develop the cures and therapies that will improve the quality of life for the public.

I want to work with the President of the United States to get the biosciences back on track. I want to make sure we don't step back from this golden age of scientific progress, when we had an administration committed to ensuring we moved forward with this important research, and Congress backed it up on a bipartisan basis. The Congress has the power to advise and consent, and it is important that the Congress and the President work together to fill the positions at the Food and Drug Administration, the National Institutes of Health, and the National Cancer Institute.

We are not dealing just with bioterrorism although that is obviously very much on our mind this morning—but the entire public health system. We are seeing, obviously, when we open our morning newspaper, there are gaps that we need to address. We can best address this if officials in these key agencies are in a position to advise the Congress.

It has been too long that we have gone without a leader at the National Institutes of Health. It has been too long that we have gone without a leader at the Food and Drug Administration. The Senate will meet the President of the United States more than halfway. He can speak for himself. He has been extraordinarily eloquent on biomedical research over the years. Senator KENNEDY, who I have discussed this with, has made it very clear as chairman of the committee that focuses on these issues, he is very anxious to get these officials confirmed.

I hope this message this morning, at a time when we are working on this important bill that funds so many key health agencies, can help spark a new effort to speed up getting these key positions filled. I, and I believe every Member of the Senate, wants to work with the President to get these positions filled. Even though there are so many important issues the President has to deal with, this issue of the vacancies at the National Institutes of Health, the Food and Drug Administration, and the National Cancer Institute has become so serious, it needs to be a priority matter that Congress moves quickly to deal with. We ought to move quickly to deal with it before we adjourn for the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we urge our colleagues to come to the Chamber to offer amendments. There was a long list filed yesterday where we have a unanimous consent agreement limiting amendments to those which have been listed. Many of them are obviously placeholder amendments. We need to move ahead with this bill. We have been on this bill now into our second day. We have had only one amendment offered so far. We urge our colleagues to come to the Chamber and identify what amendments they intend to offer and to be in a position to move forward to proceed with the disposition of this bill.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I yield.

Mr. REID. We have an amendment pending, the Dorgan amendment. Has there been a decision made whether that would be accepted or do you want a vote on it?

It is my understanding now that staff is still working on that.

Senator STEVENS wanted to alternate back and forth, and I said that was fine, but if we could get all Democrats to offer their amendments and all Republicans, one after the other—we are so desperate to have amendments, we don't care where they come from.

Mr. SPECTER. If I may respond, I don't think we have a problem on alternating. We have a problem finding amendments. If a series of amendments from your side of the aisle come forward, we will take them; and if a series of amendments from our side of the aisle come forward, we will take them. If there is a complication, we will alternate. We are now in search of amendments.

The Senator from Alabama is prepared to offer an amendment. I ask unanimous consent the pending amendment be set aside so we may proceed to the amendment of the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2042

Mr. SESSIONS. I thank Senator SPECTER for his leadership and courtesy in allowing me to present this amendment which I believe is exceedingly important to health care in America. It is a problem with which we simply have to deal. It affects hospitals all over America, causing the richer hospitals to get richer and the poorer hospitals to get poorer.

The problem is the wage index. I offer the Wage Index Fairness Act, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2042.

Mr. SESSIONS. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to establish a floor on area wage adjustment factors used under the medicare prospective payment system for inpatient and outpatient hospital services)

On page 54, between lines 15 and 16, insert the following:

SEC. . (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.".

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

Mr. HARKIN. Will the Senator yield?

Mr. SESSIONS. I yield.

Mr. HARKIN. Which amendment?

Mr. SESSIONS. The Wage Fairness Index Act.

Mr. HARKIN. I thank you.

Mr. SESSIONS. I note that Iowa is also adversely impacted by this wage index formula.

I introduced this amendment as a bill earlier this year with my colleagues, Senator SHELBY and Senator HUTCHINSON. We have a terrible inequity in the system and in the index formula. This amendment will establish a floor on the area wage index adjustment factors that are utilized under the Medicare prospective payment system for inpatient and outpatient hospital services. I believe this is the best way to do that.

Several other Members have other proposals to help fix this problem. This is a solution I believe would be most effective. Over the past several years, I visited a number of hospitals, 15 or more, in the State of Alabama. In every one, hospital administrators and staff have urged me to do something about the wage index. Time after time it has been cited to me in personal and confidential discussions, just heart to heart, as we discussed the frustrations and problems they face in hospitals, and in particular rural hospitals. It has been raised to me as a No. 1 issue facing hospitals in Alabama.

The Alabama Hospital Association and its members have helped craft a plan. They consider it an emergency problem and a priority for them. The National Hospital Association has recognized this as a problem, and they support reform.

A complicated and a mostly arbitrary formula, the wage index, is part of the hospital prospective payment system which was created just in the early 1990s, about 10 years ago. We are just now beginning to feel how it plays out in real life. It was an effort to cut Medicare spending. It established a base rate for Medicare reimbursement based on two components—the labor component and the nonlabor-related costs. That is how a hospital is paid for Medicare services they render to a person who is not otherwise paying. This could be the elderly on Medicare and they come in and the hospital provides services. All they get for that service is what the Federal Government pays them under the Medicare Act.

So everyone knows that basically hospitals are not making any money. In fact, they lose money, often, on Medicare patients. It is the individuals who pay their way or have insurance to pay their way who help them be a success. The hospitals that have larger numbers of Medicare patients who serve a poorer population are more critically impacted by this problem. Once again, the wage index is falling particularly hard on hospitals that serve a disproportionately high number of Medicare patients and poor patients—Medicaid also.

It established a base rate for paying Medicare costs. They decide how much we are going to pay for a gall bladder operation, how much we will pay for pneumonia and other things, and that is what the hospital gets. They factor that on labor and nonlabor costs.

Nonlabor costs—that is the material and all—are similar nationwide, and the factors come out the same. But labor-related costs must be adjusted to regional differences in wage costs. This adjustment is made according to the wage index. The wage index, by the way, is a larger component of the cost of hospital care than the other factors. It is the biggest component. I believe about 60 percent of the reimbursed rate is based on the wage rate.

Rural areas such as Alabama and other States have lower wage costs, which is not a good thing. We don't like it that our nurses and support personnel aren't paid the same wages as in other States. But it is true we have some lower wage rates. Therefore, the Medicare reimbursement cost for health care in Alabama and many other States and rural areas even within larger States is much lower. Actually, Alabama has the lowest average wage index in the country and Montgomery, AL, the capital—a good, strong city, not some small rural town—has the lowest wage rate in the State. In fact, the wage index for all Alabama hospitals is between .74 and .89, well below the national average of 1.0.

In other words, where the national average is hospitals are reimbursed at the rate of $1, they are reimbursed at the rate of maybe 78 cents in Alabama, many of them at 74 cents. Some hospitals in the country that have somehow, some way, under this formula found their costs higher, they get as much as $1.50. So it is twice as much, 74 cents to $1.50, on 60 percent of the formula on the payment for health care. This is too big a gap. This is more than we ought to accept. For person in Iowa, a person in Alabama, their health care is just as valuable and as important as the health care of someone in New York or California.

To further exacerbate the problem, Alabama has to compete for nurses and hospital personnel with nearby urban areas such as Atlanta. To recruit these highly qualified health care professionals, Alabama hospitals must compete with urban wages. This has become a bidding war and has really impacted adversely the bottom line of hospitals in the State. Until we fix this problem, Alabama hospitals and hospitals all over the country will continue to lose millions of dollars each year. Unfortunately, it is falling hardest, and the losses fall most often, on hospitals in poorer areas, the ones that are actually doing the care and the good deed of treating people who otherwise would not have health care. They are already forced to make the most of limited resources and to continue to provide care for the State's uninsured.

These hospitals will face tough decisions regarding health care services. They will continue to postpone important projects and the purchasing of much needed equipment. The rich are getting richer and the poor are getting poorer.

In fact, what happens is, when your wage index is low and you talk with your nurses about what kind of raises they might expect, or how many RNs and how many LPNs and how many less skilled personnel you have because you are not being reimbursed at the national rate but maybe 75 percent of the national rate, you end up cutting those salaries even more, so you have more LPNs rather than RNs, you have more support personnel than nursing personnel to try to get by, and what happens then? Your wage index goes down even further. They come in and say: Look, your wage index isn't that high. You don't get reimbursed as much. So your formula can even go down worse.

The Center for Medicare and Medicaid Services, CMS, the Medicare Payment Advisory Commission, and the MedPAC have recognized the problem, and they have even made recommendations to improve the wage index.

In addition to these recommendations, several pieces of legislation have been introduced in this Congress to address the wage index. Five bills have been introduced so far this year to address the wage index. Forty-five Senators from twenty-nine States have either sponsored or cosponsored wage index legislation.

Eight members of the Senate Finance Committee, including the ranking member, Senator GRASSLEY, agree something must be done. Unfortunately, although many have recognized the problem with the wage index, we have not been able to do anything to fix it.

So I raise this issue today to call attention to what is a critical problem in health care in America. Particularly in light of September 11, we know we are going to have to be sure we have a healthy health care system to deal with crises with which we may be faced at any time. If we allow an unfair reimbursement system to continue, then we will allow our hospitals to weaken and eventually close.

This is a matter of serious import. The wage index is irrational. It is not working correctly. It is ratcheting down wages on poorer hospitals in rural areas. When the hospitals cut and reduce and cut and reduce, then the next year the wage index formula people come in and say your wages are lower, and your index drops even further, and you go down even more.

This is something we have to confront. I will share this specific example from my hometown of Mobile, AL. The wage index dropped from .81 to .77, whereas 50 miles away in Pensacola, FL, it is maybe .87; it is in the high .80s in Pascagoula, MS, an hour's drive either way from the city. That means millions of dollars of reimbursement for those people. Montgomery, our capital, has the lowest rate in the Nation. Its hospitals are hurting as a result.

Mr. President, this is an important issue. The time has come to address it. Although this is a Health and Human Services bill that deals with health care issues, I recognize that this amendment is not appropriately favored to be offered here—although we could offer it with a point of order. I hope we can begin to draw some attention to an issue that is getting out of control. The gap is simply too large. We cannot accept it. We cannot allow it to continue. We have to do something to fix this problem.

My bill will bring everybody up to 92 percent. It would not bring down anybody. It would at least bring those 74-cents-on-the-dollar hospitals up to 92 cents on the dollar. They would still be well below the national average—and well below the people who are above the national average—but it would at least bring them out of poverty and allow them to provide the kind of quality health care we need.

Mr. President, I appreciate the opportunity to make these remarks. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1600 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAYTON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will just follow up on the remarks I made previously concerning the wage index and share with our fellow Members some of the information I have concerning this issue.

I have a letter from the Mobile/Baldwin County area hospitals. It was sent to me, Senator SHELBY, and Congressman Callahan. I will share some of the things that are in it supporting the legislation I have offered. They note this:

> Because of the huge discrepancy in the Area Wage Index which applies in Mobile and Baldwin Counties, Alabama as compared to our neighboring areas of Pascagoula, Mississippi and Pensacola, Florida, not to mention the even greater discrepancy with other parts of the country, we are beginning to face a critical shortage of skilled registered nurses with which to staff our hospitals. In the last three months alone we have lost at least 87 registered nurses from our area labor pool to traveling nurse agencies and to facilities in adjacent states. Collectively, we have over 200 registered nurse vacancies in the hospitals of Mobile and Baldwin Counties. . . .
>
> We are literally unable to compete with the salaries that are being offered these individuals because of the very low (.80) Medicare Area Wage Index under which we must now labor.
>
> Already our ability to handle the volume of patients being seen in our emergency rooms has been hampered and the waiting time has increased significantly. Already this summer we have had occasions where one or more of our hospitals have had to declare a "Code Red" status, meaning that they could not accept any more patients in their facility that would require intensive care due to a lack of staffed intensive care beds.

As a matter of fact, this weekend I was in an airport and talked to an administrator at one of our area hospitals. He told me for the first time in years, they cannot accept more patients. This is a great hospital. My mother has been there a number of times; other relatives, including my father, have been hospitalized there. I said: You mean you don't have beds or you don't have nurses?

He said: We don't have nurses. We have the beds. We don't have nurses.

This index situation is working in a perverse way so that when you economize, when you reduce your cost and cut your salary and negotiate toughly with nurses and pay them the most minimum salary you can get away with paying them, then they come back the next year and rate your wage costs lower. Then they want you to cut it again next year. This thing is getting out of sync.

We have nurses in Alabama—and I have heard this all over the State in talking to administrators—who go off for a week or two. They work long hours at nearly twice the salaries they make in the State of Alabama. Then they quit working at the local hospitals where they have worked before. This is done because the majority of health care in hospitals in most areas of the country is Medicare/Medicaid work. So if you are not paying a living wage, if you are not paying a basic amount for those Medicare payments—this is our elderly who are most often hospitalized—then the net result of all that is the hospital gets squeezed badly.

Last year, we made a good step in increasing the overall inflation index for hospitals. We had reduced that substantially as part of the Balanced Budget Act of 1997. It helped us create a surplus in this country, but we realized that it was beginning to cut deeper and deeper and deeper into hospitals. So this helped hospitals across the board.

I know the hospitals in more rural areas are at a double disadvantage because 60 percent of their reimbursement cost is based on the wage index.

Again, in Mobile, one of the larger cities in the State, a city on the coast, Mobile's wage index is 80. They get 80 cents on the dollar. The average in America is $1. Some hospitals in America are being reimbursed at $1.50. So this is really a huge difference. That is almost twice.

In Montgomery, another sizable city in the State of Alabama—Alabama is a State of 4 million people, an almost average State in America—it is being reimbursed at 74 cents on the dollar. That is half what you are getting reimbursed in some other areas of this country.

It is draining our qualified nursing personnel and endangering health care, causing the poor to be poorer and the rich, in a way, to get richer. At least the poor will get poorer. Nobody is getting rich on Medicare reimbursement today.

I will share one more letter from the Baptist Health Care System of the State of Alabama. I talked with Dennis Hall a number of times. I have visited in several of his hospitals around the State of Alabama. He is passionately of the belief that the wage index is devastating their health care system. He said:

> The national crisis is affecting hospitals in Alabama in dramatic ways. Most of the hospitals in Alabama, including the very strong Baptist Health System, are losing money on operations. We have counted on interest earnings on reserves to offset losses. However, most institutions are now facing losses on their reserves also.
>
> Our total losses in operations for our year ended June 30, 2001 will be in excess of $21 million. Charity, Medicaid and Medicare played a big role in causing these losses. We simply cannot continue to sustain these operating losses. We certainly cannot be adequately prepared to respond to bio-terrorism should it strike one of our hospitals where we serve.

Mr. President, I have also a letter from the Coffee Health Group. I visited the Coffee Health Group. It is in Florence, AL, the Quad Cities area. There are a number of people in this area, a series of smaller communities in a fairly sizable metropolitan area.

This is what Carl Bailey writes me:

> The wage index is a complicated issue that I truly believe few understand. Nevertheless, you have asked us to help you get some grasp of the problem by describing the impact of the recruitment of a registered nurse from one of our Alabama hospitals ("Hospital A") to another institution ("Hospital B") that is already receiving higher Medicare payment due to higher wage index.

Hospital B will pay the travel, lodging, and higher wages to recruit the RNs. This additional cost to Hospital B actually increases the wage index for Hospital B.

The hospital that is hiring a person at a higher wage and paying all these costs then bills that to create a higher wage index.

This increase can only be paid from other areas because of budget neutrality.

Get that? This increase for Hospital B that is paying a higher wage can only be paid from taking money from the other areas because of budget neutrality. We only have a certain pot of money.

Therefore, Hospital A must share in the cost of paying for the increased wages of Hospital B. Since Hospital A cannot replace this RN, Hospital A's average wage decreases due to the loss of an employee with a higher than average hourly rate.

You get that? Hospital A's, the losing hospital's wage index goes down because their wage rate goes down because they lost one of their higher paid people and one of their better people.

This lowers the wage index for Hospital A and because of budget neutrality further increases the wage index gain for Hospital B. To respond to the shortage of staff, Hospital A then hires two or three nursing assistants to share the workload, reducing the number of nurses. This creates an even lower wage index for Hospital A which decreases the wage index even more. It also decreases the quality of care in Hospital A. Again, because of budget neutrality, the decrease in reimbursement to Hospital A is passed on as a higher wage index to Hospital B. Hospital B is now in a better financial position to hire additional employees from Hospital A than they were before, and the cycle continues.

> Although this scenario takes three years to play out, the mechanics are very real. We in Alabama have been living with similar recruitment strategies and subsequent negative reimbursement impact that has occurred in the past. Our loss in the past cannot be recruited, but we must stop the flow of Medicare funds from the "have-nots" to the "haves."

Mr. President, those are the points we are making. This affects hospitals all over America. States such as New York. Both Senators from New York support wage index reform because their State has large numbers of hospitals that are being adversely affected. It is not just what State or what area of the State you are from; the gap has grown too great, and the gap is widening and accelerating. It is not good for quality of health care in America. We have to do something about it.

Perhaps this is not the best bill to fix it, but I hope we can bring some increased attention to it. I look forward to working on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Alabama for raising this very important issue. It is also an important issue to our providers in my State also, I might add. According to the Iowa Hospital Association, providers in Iowa would get about an additional $25 million a year under this amendment. To put it simply, we are being discriminated against in our State and in a lot of rural areas, as I am sure Alabama is.

This critical issue is at the center of States' like Iowa that are trying in vain to recruit and retain an adequate number of providers in rural areas. This is something of which I am very supportive. This is a point in time where I wish I were chair of the Finance Committee and we had a finance bill on the floor and we could take care of it right now.

The Senator raised this issue in good faith. He is right on the mark. We have to change this wage index floor. We have to raise that floor. Also, I say to my friend from Alabama, since we are now talking about this issue, I ask him to look at another piece of legislation that I and others have introduced called the FAIR Act. The difference in States between Medicare reimbursement for Medicare patients on a per patient basis vary widely. Some States are as low as about $3,000 per beneficiary per year; some States are as high as $7,000 per beneficiary per year. In other words, if you are on Medicare in one State, the reimbursement rate for your State might be as high as $7,000; in another State, it may be less than half that amount. In Iowa, we are No. 50 out of the 50 States. I think Alabama is down pretty low with us. We need to close that gap. My bill would do just that as well as address the wage index floor problem this amendment seeks to address.

My bill would take the national average and you say that no State can go over 105 percent and no State can go under 95 percent. You would leave some leeway for different problems, but no State could go over 105 percent and no State could go below 95 percent of the average. I ask the Senator to take a look at that because that is something that would even out some of the problems we have in Medicare reimbursements. But the bottom line is simple. Any Medicare reform bill, whether it is attached to an appropriations bill or goes on its own, has to include a provision to level the playing field and fix a system that is currently unfair and inequitable. Again, I would like to accept the Senator's amendment and include it in this bill, but the Chair and Ranking Member of the Senate Finance Committee have made it clear that they will oppose any attempt to attach amendments that fall under the jurisdiction of the Finance Committee—including this amendment—to this appropriations bill.

I wanted to mention that, and I thank the Senator for raising this issue. Count me on board to work with him to see what we can do.

Mr. SESSIONS. I think it would take a point of order to do this. I wanted to raise this issue, and maybe others would like to speak on it. I would like to go on to another issue. I have had my say at this point. Perhaps a vote would not be necessary on this amendment or on a point of order. It is a health care bill.

It is time to talk about one of the biggest problems we have in health care, which I believe is the wage index. I have been to hospitals and talked to administrators and CFOs, the people writing the checks, and the heads of nursing, and they see people leave, driving up the wage index at another hospital and reducing theirs even further. We have to fix this.

Mr. HARKIN. The Senator is right on target on this issue.

Mr. SESSIONS. I thank the Senator for his interest and leadership.

I yield the floor.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Alabama for raising this important issue. I believe it has national implications. There is certainly a problem in my state of Pennsylvania.

For those who are watching on C–SPAN II and don't understand the procedures, it might be worth a word or two of explanation. This is a matter for the Finance Committee, and they have the jurisdiction over this matter and have lodged an objection to having it taken up on this bill.

So what we have to do is look for an opportunity to raise it in a context where there is a Finance Committee bill on the floor. At that time, I think the Senator from Alabama will have a lot of support. I thank him for raising the issue at this time.

Mr. President, in the absence of any Senator seeking recognition to introduce an amendment, I ask our colleagues to come forward. We have 29 amendments on the list on one side and 32 on the other, for a total of 61. We need to proceed to conclude this bill. The conference is going to be very lengthy. If we are to have the appropriations for the National Institutes of Health, and the education bill, and the other matters, we are going to have to move ahead and not have this folded into a continuing resolution. I urge colleagues to come forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

AMENDMENT NO. 2044

Mr. DASCHLE. Mr. President, I ask unanimous consent the pending amendments be set aside and that an amendment I have just sent to the desk be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 2044.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, I rarely come to the floor to offer amendments on appropriations because, I have to say, especially in this case, the chair and ranking member have done a phenomenal job under very difficult circumstances to get us to this point. I admire their work and their leadership and appreciate very much their extraordinary efforts as we have attempted to accelerate consideration of the appropriations bills.

I come to the floor to offer this amendment in part because I believe this provides perhaps the only vehicle we will have to consider legislation that I believe ought to have the opportunity to be considered before the end of this year. I offer the amendment on this bill in part because of the importance I think this legislation holds, not only for firefighters but for the country as a whole.

When the planes crashed into the World Trade Center on September 11, the shift had just changed at fire houses all across the country. In New York, firefighters who had just worked through the night could have gone home, but they didn't. Without a moment's hesitation, they rushed to what we now call Ground Zero to try to save lives.

They climbed on the first pumper or ladder truck they saw. One group of firefighters even commandeered a city bus to get to the World Trade Center as quickly as they could. Retired firefighters who heard what had happened rushed from their homes. Within hours, we now know, 343 New York City firefighters had lost their lives in the greatest terrorist attack in our Nation's history.

More than 7 weeks later, other firefighters, police, and rescue workers continue to comb through the still smoldering pile at Ground Zero, still risking their lives.

We have heard many words of praise for these heroes, and for their extraordinary efforts and for their first responders who risked their lives at the Pentagon, and in western Pennsylvania. They deserve every word of that praise, and far more.

As we honor them, it is important to remember that they are not alone.

Every day, in every State in America, firefighters, police officers and other emergency workers risk their lives to protect our safety. But in 18 States, they don't have the legal right to sit down with their employers and talk about their own health and safety.

That is wrong, and I believe the time has come for those circumstances to change.

That is why Senators DODD and GREGG, and I are offering this bipartisan amendment today: the Public Safety Employer-Employee Cooperation amendment.

Our amendment extends the basic right of collective bargaining to firefighters, police officers, paramedics, and emergency medical technicians.

It guarantees public safety officers the right to form and join a union, and the right to bargain collectively over hours, wages, and conditions of employment.

That is it.

There are things this amendment does not do, and I want to clarify and emphasize that.

It expressly forbids strikes or "lockouts" by public safety workers. It exempts all States with State bargaining laws for public safety workers that are equal to or greater than this proposal. And it preserves all management rights.

We know the essential role firefighters, police and other first responders played on September 11.

We know the role Capitol Police played on October 15. When a member of my staff opened a letter containing anthrax, Capitol police officers were immediately notified and were there immediately as well. They risked their lives to protect us. As a result, six law enforcement officers were exposed to the deadly bacteria. Today, every one of them is on the job.

Capitol Police are all working 12-hour, 14-hour days, 6 days a week, to protect us all; and they are all union members.

People who say that protecting public safety workers' basic rights will somehow jeopardize the public safety simply do not understand the dedication of the men and women who take these jobs.

We owe them our thanks. We owe them the basic right to collective bargaining. We owe them this opportunity to look out for themselves in the best way they know how, in their health, in their work, and in their lives.

So, Mr. President, I hope that our colleagues will look favorably on this amendment. I commend the extra effort made by Senators KENNEDY and DODD in particular, and Senator GREGG, who has been an outspoken advocate and proponent of this legislation. I am grateful to them. I am especially grateful for the opportunity this afternoon to offer this amendment with their support.

Mr. KENNEDY. Mr. President, I thank our leader, Senator DASCHLE, for the introduction of amendment No. 2044 to this Health and Human Services appropriations. I welcome the opportunity to cosponsor this with him.

So much of the Labor, HHR appropriations bill addresses the well being of our Nation's workers. We must meet the needs of all our workers, including our public safety workers, who do so much for us. The firefighters tell us that this amendment is their highest priority. This amendment is the least we can do for them, in light of the sacrifices they have made for our country.

This amendment is an important bipartisan effort to help protect our Nation's public safety officers on the job. I have been pleased to work with my Republican cosponsors, Senator GREGG, Senator DEWINE, and Senator SNOWE. This amendment will measurably add to the caliber of our defense against threats to the security of our communities. It will also further this country's historic commitment to collective bargaining. I can point out to the Senate the substance of this amendment, in legislation, passed overwhelmingly from our Senate Labor and Human Resource Committee.

I know that no one in this room needs to be reminded of the heroic efforts made by the country's public safety officers in the last 10 days. The pictures of tired, dust covered firefighters confronting unimaginable horror are permanently emblazoned in our minds.

The courage and dedication of those who died—including Peter Ganci, the chief of the New York Fire Department; William Feehan, the first deputy commissioner; and Mychal Judge, the chaplain of the Department—set a shining example for all of us. There were 344 firefighters and paramedics who died in the World Trade Center rescue effort. They were members of locals 94 and 854 of the International Association of Firefighters. And, just miles from the Capitol, hundreds of firefighters risked their lives in the rescue efforts at the Pentagon. America needs these men and women, now more than ever, and it is no exaggeration to say that we owe our lives to them.

This amendment will ensure that firefighters, police officers, correctional officers, and emergency medical personnel will be afforded the fundamental right to bargain collectively with their employers. The amendment guarantees the basic rights that are necessary to meet that goal—to form and join a union; to bargain over hours, wages, and working conditions; to sign legally enforceable contracts; and to deal with an impasse in negotiations.

This proposal follows in the honorable traditions of our country's labor laws, by recognizing the importance of collective bargaining to improve job conditions, increasing worker safety, and improving productivity. Most importantly, this amendment will lead to safer working conditions for public safety officers and to enhanced safety for the public that they serve.

As we now know all too well, firefighters, police officers, and emergency medical personnel serve in some of the country's most dangerous, strenuous, and stressful jobs. They are frequently asked to risk—and sometimes give—their lives to protect the safety of others. We have a moral obligation to do whatever we can to increase the safety of these critical jobs—and thereby to add to the Nation's defense against threats to the public's health and safety.

It is clear that this amendment will help us to meet these goals. The men and women who serve on the front lines in providing firefighting services, law enforcement services, and emergency medical services know what it takes to create safer working conditions. Ensuring that these professionals have a right to collective bargaining will give them a voice in decisions that can literally make a life-or-death difference on the job. Making such a difference for our country's public safety officers will, by definition, improve our collective safety.

Available data prove that collective bargaining enhances safety. These data show that States that lack collective bargaining laws have death rates for firefighters that are nearly double that of States in which bargaining takes place.

In States with collective bargaining, there were 1.5 firefighters killed in the line of duty for every 10 thousand firefighters. In States without collective bargaining, 2.5 out of every 10 thousand firefighters were killed on the job. Similarly, in 1993, firefighters in 9 of the 10 States with the highest firefighters death rate lacked collective bargaining protection.

This amendment will also save money for States and local communities. A study by the International Association of Fire Fighters shows that States and municipalities that give firefighters the right to discuss workplace issues have lower fire department budgets than States without such laws.

When workers who actually do the job are able to provide advice on their work conditions, there are fewer injuries, better morale, better information on new technologies, and more efficient ways to provide the services.

The amendment also accomplishes its goals in a reasonable and moderate way. The amendment requires that public safety officers be given the opportunity to bargain collectively; it does not require that employers adopt agreements.

Nor does it regulate the content of any agreements that are reached. Where States have collective bargaining laws that substantially provide for the modest minimum standards set forth in the bill—as a majority of States already do—moreover, those States will be unaffected by the legislation.

Where States do not have such laws, they may choose to enact them or to allow the Federal Labor Relations Authority to establish procedures for bargaining between public safety officers and their employers. This approach respects existing State law and gives each State the authority to choose the way in which it will comply with the requirements set by this amendment. States will have full discretion to make decisions regarding their implementation and enforcement of the basic rights set forth in this proposal.

This approach respects existing State law and gives each State the authority to choose the way in which it will comply with the requirements of this proposal. States will have full discretion to make decisions regarding the implementation and enforcement of the basic rights in this amendment.

This amendment will not supersede State laws which already adequately provide for the exercise of—or are more protective of—collective bargaining rights by public safety officers. This amendment is intended to ensure that public safety officers have a role in addressing their wages, hours, and terms and conditions of employment; and to improve the safety and welfare of public safety officers and the communities they serve.

It is a matter of basic fairness to give these courageous men and women the same rights that have long been enjoyed by other workers. They put their lives on the line to protect us every day. They deserve to have an effective voice on the job, and improvements in their work conditions will benefit their entire community.

I commend my cosponsors for their leadership on this important proposal, and I urge the Senate to approve it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HOLLINGS are printed in Today's record under "Morning Business.")

Mr. HOLLINGS. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORZINE).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2044

Mr. GREGG. Mr. President, I rise in support of the amendment offered by Senator DASCHLE which deals with the rights of police officers and firefighters—especially—firefighters to have the opportunity to organize in collective bargaining agreements.

This amendment is timely in light of what we have seen relative to the commitment of our firefighters across the country, along with our police officers and police personnel, in that it gives them rights which are given to most American Government employees.

With the enactment of this language, we will have essentially covered the majority of State and local employees in a consistent manner across the country.

The language of this amendment simply requires States to provide minimum collective bargaining rights to their public safety employees in whatever manner the States choose. In other words, if the State has any form of collective bargaining, they are basically exempt from this bill.

It outlines certain rights that must be protected, but it leaves the majority of decisions to State legislatures, and States that already have the minimum collective bargaining protection, as outlined in the legislation, will be exempt from Federal statutes, as will small municipalities and subdivisions.

The amendment also addresses the issue of the right to strike. As we know, public employees do not have a right to strike, and this amendment does nothing to advance that right to any public employee.

Further, it protects the right of each employee to join or refrain from joining a labor union organization. In other words, in States which have right-to-work laws, those right-to-work laws are not impacted at all by this legislation.

This legislation is extremely important, in my opinion, at this time because it is a statement by the Congress of our understanding of the importance of the jobs which firefighters and police officers do. We saw in New York, obviously, and we saw in Washington that these individuals put their lives on the line, and it is reasonable that they have a fair opportunity to make their case in the form of a collective bargaining atmosphere which is consistent with other Government employees and which is consistent with the laws in the States in which they live and work should those States have collective bargaining agreements.

I strongly support this amendment. I appreciate the majority leader bringing it forward. It did pass the Committee on Health, Education, Labor, and Pensions, of which I am the ranking member. There was not a recorded vote on it, but I can assure my colleagues it was a significant majority who supported the bill.

I look forward to it being taken up here and adopted in the Senate.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DORGAN be allowed to speak following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I wish to speak briefly about the amendment Senator DASCHLE laid down which would allow firefighters, police officers, and emergency medical personnel basic collective bargaining rights; that is to say, the right to form a union and to bargain over hours and wages and working conditions.

In other words, what we are saying is the firefighters, the police officers, the emergency medical personnel, the first responders on September 11—and indeed I meet with them all across Minnesota—they will be the first responders in all of our States if, God forbid, we have to deal with other attacks that they have the right to join a union, bargain collectively in order to be able to earn a decent living, in order to have civilized working conditions, in order to be able to support their families.

I have to say on this last day of October of the year 2001, this is a no-brainer amendment, a no-brainer in that everybody should support it. It is crystal clear. As many have said, we are redefining heroes and heroines. It is crystal clear people in our country that there is just a reservoir of good feeling and strong support for these men and women. While we can have all of the benefit concerts and everybody can give all of the speeches in the world, enough speeches to deafen all the gods, the way we can actually show our support as Senators is to support this amendment, give the firefighters, give the police officers, and give the emergency medical personnel the right to join a union and bargain collectively.

My last point—and believe me, I will not do this, but I could literally talk for the next 20 hours on this, and I will only talk for 1 minute—I want this in the RECORD if it is not in the RECORD: Washington Post, A4, "Quick Action Urged on Economic Stimulus."

We have some quotes from several members of the administration basically saying if we extend the health insurance subsidies—in other words, people are out of work, it is terrifying, now you have lost your job, now you do not have any health care coverage for yourself and, maybe more importantly, for your children—that if in fact we pass a recovery bill that helps people to afford health care coverage for themselves and their loved ones, workers will lose the incentive to search for new jobs.

Coming from several members of the administration, the insulting assumption is if we were to help out unemployed workers with health care benefits so they could afford coverage for themselves and their loved ones, being lazy, they might not then actually find a job and work.

This is outrageous. I do not even know if I need to say anything more. I said I would only speak briefly, so I will not say any more. It is just outrageous.

We as Democrats have to have an economic recovery act that speaks to the unemployment benefits, speaks to health care coverage, speaks to job training, workforce development, speaks to investment and affordable housing or rebuilding crumbling schools, speaks to the whole infrastructure of public safety in the country, creates jobs, puts money in the economy, and enables people to purchase.

We ought to do that. We ought to do it now. If Democrats cannot stand for these families—firefighters, police, and other working families—and if we cannot do this now, then who are we and for what do we stand? I am confident we will have a strong package of benefits. This is something for which we have to fight hard.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I will speak about an amendment I have pending, but I will follow on the comments of my colleague from Minnesota. We do not have the option, in my judgment, of leaving this session of Congress without passing a package of legislation that will try to stimulate this economy. This economy was on its knees going into September 11. It was a weak economy in a great deal of trouble.

On September 11, we had the cowardly terrorists acts that cut a hole in this country's economy. I fear very much that perhaps most of us do not fully understand how and why the economy hurts. We need to err, if we err, on the side of taking bold, aggressive action to stimulate the economy.

Stimulating an economy is done by creating incentives for investment and incentives for consumption. Part of the incentives for consumption are to assist those in this country who, during a tough economy, are losing their jobs. Hundreds of thousands of Americans have lost their jobs and have unemployment compensation that is inadequate, for too short a duration.

Part of the stimulus package has to be to help those families, as well. That money is invested immediately into the economy in the form of consumption. I think it is important to do a range of things: Incentivize consumption, incentivize investment, and a range of other approaches to stimulate the economy and give lift to the American economy. We are likely in a recession. We do not know how deep or how long. I know we cannot afford to adjourn this Congress without working together with the President, in a bipartisan way, to create a stimulus package that is serious. This is not just politics as usual. This is serious business.

The question of whether the American people have opportunity and hope is dependant on whether we have an economy that provides an expanded economic base, and therefore creates that hope and creates that opportunity for jobs.

AMENDMENT NO. 2024

On the subject I want to discuss, I have an amendment now pending, or maybe it was set aside temporarily, but I offered the amendment, and I would like to get it approved this afternoon. The amendment deals with something called the advance passenger information system, a system that now exists in this country. It is for those who are entering our country from foreign lands. For those bringing a commercial airliner into this country and for those who will disembark today, we have what is called an advance passenger information system. Those airliners will send to this country a list of the passengers. Our Customs Service, the FBI, and other Federal law enforcement agencies can check names against lists that we have to make sure we are not allowing someone into our country, as a guest, who might be a known or suspected terrorist or someone who is associated with terrorists or someone who is on a list that we do not want to enter this country.

There are lists of people who have committed acts of terror, criminal acts, people we do not want to be allowed into this country.

Today, we have the advance passenger information systems. Most airliners voluntarily comply with it and send the information to us. Not all airlines, however. About 15 percent of the passengers come into this country without having their name on a manifest that is sent to our country to be run against one of the lists.

Let me describe, among others, the airlines that do not voluntarily comply: We do not get this information from Pakistan, Saudi Arabia, Kuwait, Egypt, Jordan, just to name a few. Does anyone here think it would be important we would get that information from those countries? You better believe it is important. Yet under the voluntary system we do not get it.

I chaired a hearing with the Customs Commissioner and the INS Commissioner. We talked about securing this country's borders, among other things. Mr. Potter, the Customs Commissioner, said we must make this advance passenger information system mandatory. It is now only voluntary, and we are not getting all the information we need in order to process who is coming into our country. We need all this information. We need information on people who are going to visit this country from Pakistan, from Saudi Arabia, from Kuwait, and others.

I introduced a piece of legislation in the Senate that says the advanced passenger information system shall be mandatory. The Senate passed it. It was part of the counterterrorism bill, which is exactly where it should have been because it deals with border security. It went to conference with the House of Representatives. Some Members in the House of Representatives, citing "committee jurisdiction," decided they were going to knock this out. So that bill went to the President, the counterterrorism bill, was signed into law, is now the law of the land, and does not contain this provision. The result is a provision the Senate previously enacted is now not part of the law dealing with counterterrorism.

The result is that today there is an airplane landing from Pakistan, airplanes coming from Saudi Arabia, from Kuwait, from Egypt, from Jordan, and more, whose passenger list has not been provided to our Customs Service, our FBI, and other law enforcement agencies. Why? Because those airlines do not comply. It is voluntary. They don't have to comply.

Just yesterday, I understand, Kuwait has signed a memorandum of understanding. That is good; that is progress. It seems to me it is business as usual for some in this Congress to say: What is most important to me is not national security. Some Members say: What is important to me is the jurisdiction of my committee. If we didn't bless it, if we didn't put our stamp on it, if we didn't have our mitts on it in some way, we will not allow it to proceed.

The entire Senate passed this provision and it got knocked out in conference last week. So the President signs a bill that does not include this amendment. I have offered it again. Does it belong on an appropriations bill? No, it doesn't. But I will offer it on this bill and every other bill until it becomes law. It is absurd to think we will deal with national security without securing our borders. Securing our borders does not mean closing our borders, it means understanding who is coming into this country as guests of ours. That is the whole approach.

The visa approach is to say people coming into this country are guests of our country. Mr. President, 57 million people come in by air every year; 45,000 people today come into this country by commercial airliner, 45,000 people whose names are not run against the Customs, the FBI, and other lists. Why are those 45,000 names not able to be run against those lists? Because we have some people who, in my judgment, are thickheaded. Committee jurisdiction is more important to them than national security.

That is strong language, I know. But it upsets me that we are so small minded in some parts of this Congress that we cannot see the bigger picture. The bigger picture is things have changed. The September 11 terrorist attack that murdered thousands of American citizens changed a lot in this country. The anthrax letters that have now killed some American citizens and caused such chaos and concern across this country have changed a lot of things. It apparently has not changed the mindset of some who are busily guarding their tiny little area of committee jurisdiction.

With regret to those folks, but not at all apologetic, I say we passed this provision once, and I intend to offer it again and again and again. I intend to have a vote on it. My hope is it will be accepted by voice vote. We will go to conference and get this done in this conference. If not, it will be the next conference. If not, then it will be the next conference. I simply will not allow people who think about jurisdiction over national security to win this issue. This ought to be done. It should have been done last week, but it wasn't. It ought to be done this afternoon, again, in the Senate to say to those who blocked it: You will not block it for long.

These are extraordinarily difficult times for our country. We face two very significant challenges. One challenge deals with national security—and that is not an insignificant challenge. It is about as tough a challenge as we faced in many decades.

Second, we face the challenge of dealing with our country's economy. My colleague from Minnesota described that. I just came from a caucus in which we discussed it for an hour and a half. This country will meet those challenges. There are no people in the world better prepared or better equipped, no people I have more confidence in than the American people to meet any challenge at any time.

This is not a time for us to shrink back in fear. This is a time for us to be bold and to join together in action that we know will prepare us and will secure us and will allow us to have the kind of opportunity that we want for us and our children.

One small piece of that is this amendment that is now pending that I hope will be approved by the Senate this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to express strong support for what our good friend from North Dakota, Senator DORGAN, has addressed. I am very hopeful it will be successful on whatever legislation he offers it, and is signed into law. It is a provision we have included in strong bipartisan legislation which Senator BROWNBACK and I have introduced. The reasons for it are so compelling. He has outlined those reasons this afternoon. I congratulate and thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the matter now before the Senate is the Dorgan amendment.

The PRESIDING OFFICER. The matter before the Senate is the Daschle amendment.

AMENDMENT NO. 2024

Mr. REID. Mr. President, I ask unanimous consent that we return to the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the two managers are not in the Chamber, but there has been an understanding that the Dorgan amendment could be accepted by voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2024.

The amendment (No. 2024) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to comment on the legislation before us, and particularly I want to take this opportunity to thank the chairman and ranking member of the appropriations subcommittee, as well as members of that subcommittee, because they have included some very important pieces in this legislation that deal with issues before the Senate Finance Committee of which I am a member. I would like to speak about those provisions and explain some of the subsequent action we anticipate over the next 12 months.

This is obviously a very important bill. There are some key provisions in it that relate to the work of the Finance Committee. First, I thank the Appropriations Committee for its action on the social services block grant. Earlier this year, I wrote a letter to the committee leaders requesting that funding for this key program be restored to the levels agreed to in the 1996 Welfare Reform Act.

State and local governments rely on this key block grant, that we call the social services block grant, to address a range of human service needs, particularly for vulnerable children, families, elderly, and persons with disabilities.

The bill before us would give States needed flexibility to transfer some of the funds they receive under the Temporary Assistance to Needy Families Program to the Social Services Block Grant Program. Many Governors have asked for this flexibility. I am glad that the Appropriations Committee has acted accordingly.

I also note the bill's report language favoring improved health care in rural America, including more equitable Medicare payments. While the appropriations report language is not binding on the Centers for Medicare and Medicaid Services within the Department of Health and Human Services, I appreciate the support for the Finance Committee's efforts to make Medicare payments more fair for providers in rural America.

For years I have worked, along with other colleagues, to sustain and support rural communities. As a result, Medicare legislation has passed in recent years to take significant steps to bring greater equity to rural America but still not enough equity, hence the report language, and hence the need for the Finance Committee to do greater work in this area.

I will give an example. My Finance Committee colleagues and I have successfully worked to make the Critical Access Hospital designation more widely available, allowing small rural hospitals to actually keep their doors open; otherwise, they would be out of business and we would not have health care in those parts of rural America.

As a second point, we worked to begin eliminating the bias of the Medicare Disproportionate Share Program against rural hospitals, and, lastly, to protect small rural facilities against adverse effects from the new outpatient payment system.

As I said, we still have a long way to go. So I am working with my Finance Committee colleagues to craft further legislation that will make Medicare more equitable as part of our broader efforts to strengthen Medicare. I plan to work to ensure Finance Committee approval of such legislation next year, in 2002. And I look forward to the support of Appropriations Committee members when it reaches the floor of the Senate.

On another point, appropriators have recognized the importance of enhancing education opportunities for Medicare providers, an issue I have been working on for the past 10 months with colleagues on my own Finance Committee. There is broad recognition that health care providers participating in Medicare should have access to timely and clear information about changes to the program.

Before the Senate leaves for the year, I expect to introduce some of this legislation on which we have reached agreement, after these months of work with Senators Murkowski, Baucus, and Kerry, to enhance Medicare provider education, improve communication between Health and Human Services and health care providers out in the field, and streamline paperwork burdens among other things this bill does.

Providing more money to the Medicare Integrity Program for provider education is one aspect of the legislation, and the Appropriations Committee affirmed their support in its committee report of the bill that is now before us.

I applaud, specifically, the efforts of Senator BAYH of Indiana—there are others who worked with him whom I will not name—to require the General Accounting Office report to the committees of jurisdiction on the status of HIPAA's administrative simplification regulations. Obviously, I look forward to receiving that report in the Finance Committee, and working with my colleagues to implement administrative simplification in a commonsense, rational way so that well-intended legislation will actually accomplish its goals without hurting innocent programs, peoples, or facilities.

For today, the good news is that we have already taken steps in the Finance Committee to address immediate problems with administrative simplification. Senator BAUCUS and I have worked closely with Senator CRAIG of Idaho and Senator DORGAN of North Dakota to introduce legislation—and we did this just yesterday—allowing States, counties, health care providers, and health plans a much needed additional 1 year to comply with the "transactions and code sets" regulation.

Our bill will give everyone covered by the rule additional time to plan, implement, and finance the systems changes required under that rule. This is especially important for State and local offices, the public health infrastructure, and, most importantly, the patients who we all want to serve so that they continue to receive timely access to these benefits.

I pledge my full support to consider the General Accounting Office's recommendations on administrative simplification in the Finance Committee next year.

I also continue to applaud appropriators for their decision to increase funding for survey and certification activities of the Centers for Medicare and Medicaid Services. For years, I have called attention to the need for nursing homes to be examined more carefully. And this cannot be done without the additional funding. The committee's allocation for this purpose represents an $18.5 million increase over the 2001 year level.

I am pleased to note that the bill proposes a $20 million increase in funding to the Administration on Aging for the Family Caregiver Program, which supports our Nation's everyday heroes—family caregivers—to a level of $140 million. As the author of this legislation that was passed as part of the Older Americans Act reauthorization last year, I thank the appropriators for their continued support of what I consider an important program that puts us well on the way of recognizing the economic contribution, as well as the quality of life contribution of family caregivers.

Finally, I commend the appropriators for their support of the Safe and Stable Families Act. This is a broadly supported program that provides crucial services to at-risk families. I look forward to working with Chairman BAUCUS to reauthorize that program this year with increased funding levels.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that I be permitted to speak for 10 minutes and that we move from the pending amendment so I may offer another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, that Alabama accent got me toward the end. What did the Senator say?

Mr. SESSIONS. I asked unanimous consent to move from debate on the pending amendment so I may offer a new amendment, one that is approved on the list.

Mr. REID. Madam President, the two managers are not here, but I am sure they would agree to this. It is my understanding that at the appropriate time the Senator from Alabama will withdraw his amendment. Is that the one that is now pending?

Mr. SESSIONS. On the previous one, I do expect that I will not ask for a vote. On the one I am offering today, I believe we have reached an accord by altering my original language and it will be accepted.

Mr. REID. It is my understanding the Senator wanted to speak for 10 minutes and then offer an amendment after that.

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2045

Mr. SESSIONS. Madam President, in this country, I have come to realize we have a very large student loan program which provides great benefits to a lot of American children and students who are not children in college. I am offering an amendment today that will deal with one of the more serious problems in that program that has created quite a good deal of fraud.

The amendment I submit would require the General Accounting Office to conduct a study on Federal student loan disbursements to students who attend foreign schools and ask them to report on the fraud, waste, and abuse in the Federal Family Education Loan Program as it relates to students receiving funding in order to attend foreign schools.

Study abroad can certainly be a wonderful experience for students, one we ought to encourage. It is something of which more and more students are availing themselves. I certainly celebrate that and encourage it. I do not oppose, as we do today, some form of student loan aid to students who wish to participate in the foreign educational experience. It can be a very enriching time for a student.

We do need to ensure, however, that the program involves study and not a European vacation at the expense of hard-working American taxpayers for whom a visit to the ballpark may be beyond their budget.

In recent years, there have been a number of criminal cases of so-called students falsely claiming they are attending foreign schools, directing that their student loan checks be paid directly to them as the law will allow and not to the school, and then taking the money and spending it on themselves and not even attending the foreign school at all.

This fraud has been documented with many examples listed in the 1997 Department of Education inspector general's report. I believe the Federal Family Education Loan Program is at great risk of fraud unless we institute some sound controls immediately.

In the United States, student loan checks, if you go to a college in the United States, are made out to the school and the student. If the school doesn't get the check and tuition is not paid, they don't endorse it; the check can't be cashed. Both the student and the school have to endorse the check, and the tuition is thereby paid with certainty.

With regard to foreign schools, the checks are made out simply to the students routinely. Since 1995, there have been at least 25 felony convictions of students who fraudulently claimed they were attending a foreign school and then they just cashed the Government loan check and simply did not attend class.

Of course, these are only the students who were caught in this fraudulent activity. I have no doubt that there are many more who have not been apprehended.

This is why we should take action. We must prevent cases such as this one. Mr. Conrad Cortez claimed to be such a student. He applied for student loans. In March of 2000, he admitted to charges of submitting 19 fraudulent student loan applications over a 3-year period. He pled guilty before a Federal judge to numerous counts of mail fraud, bank fraud, and Social Security account number fraud in the State of Massachusetts. The prosecutor in that case told the court that Cortez was responsible for dozens of auto loans filed outside Massachusetts, in Florida and in Texas.

The absolute disregard for the American taxpayers is epitomized by the activities of Mr. Conrad Cortez. He was living high at the expense of American taxpayers and in violation of law by filing false documents to receive loans and money from the Federal Government.

During the period from 1996 through 1999, he bought gifts for his friends, including jewelry and cars, paid for private tennis lessons—I guess he might have thought that was educational—made a downpayment on a house, sent some money back to his native Colombia, ate in the best restaurants, and even paid restitution for a previous charge of defrauding the Government, all with taxpayers' money. It was a fraudulent loan he had claimed.

His fraud only ended when he was turned in by his sister's boyfriend who claimed that Mr. Cortez had used his identity to obtain additional loans. In fact, Mr. Cortez was about to help himself to $800,000 worth of loans that you and I would pay for out of our Federal income tax. He had filed 37 false claims in all, spending the money as fast as it arrived.

The inspector general's office of the Department of Education, with the FBI and the attorney general's office in Boston, combined forces to apprehend him before he could get all of the money he had claimed through these false loans. He did, however, pocket about $300,000 before he was caught.

This is a perfect example of how this program is at risk and is not being managed properly. Currently the methodology for approving and releasing student loan funds is vulnerable. Current law says that a student may request a check be issued directly to him or her when claiming that they are attending a foreign school, and a check will be sent directly to them without the requirement of a cosignature by the school.

The Office of Inspector General at the Department of Education found that the number of students claiming to attend foreign schools and applying for loans increased each academic year from 1993 through 1997 and went from 4,594 students to 10,715 students in just 4 years, more than doubling.

The later figures since that date of 1997 indicate that the loan numbers for foreign education continue to increase. Indeed, in 1998 to 1999, there were 12,000 loan applications from American students claiming to attend foreign schools.

The question then comes, Why are we paying to send students to foreign schools at all? These are American taxpayers' dollars flowing to foreign economies where the standard of education often is not as good as the education we have.

Certainly, our education system in the United States—our colleges and universities—is not overcrowded. It certainly has the capacity to handle more students. We need to ask that question to some degree.

I would support some assistance in the form of loans or aid to people who would attend school in a foreign country for a year or two. But I have serious doubts about whether this country ought to pay for a full degree course, 4, 5, 6 years, through subsidized loans and grant programs to students who choose to further their education in another country where they will not be accredited according to the standards of the United States.

I had attempted to raise that issue. I do believe we have not had sufficient hearings on it. We have not gone into this in some depth. Certainly educating young people through allowing them to be exposed to foreign education programs can have some benefit. But I think we need to look at curtailing that. As a matter of comity and working with the managers of this bill, they did not think this was the appropriate time to move forward on a limit of just how many years a person ought to be able to get Federal subsidies to attend foreign universities. So I have taken that out of this amendment.

Basically, what our amendment would do would be to require a GAO study to find out exactly what is going wrong with this program and to make sure that it is tightened up so that these fraudulent activities cannot continue.

This report will compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions and examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans to determine the number of students that are receiving loans for multiple years.

My amendment will also require the GAO to make recommendations for legislative changes that would be required to ensure the integrity of the Federal Family Educational Loan Program. It will help us to get this information we need so that we can have a complete and accurate picture and then Congress should be able to take legislative action to stop this abuse.

We have now, as I understand it, an agreement to spend over $600 billion in discretionary money in this year's budget. By any standard, that is a lot of money. I think sometimes we see the big billion dollar numbers so often that we are not impressed at all when somebody comes up and says, well, this person got $300,000 fraudulently. We just don't pay attention to it.

I was a Federal prosecutor for almost 15 years, and I put a lot of people in jail for defrauding the Federal Government. I know there are good laws that work to help apprehend thieves. I know there are some areas in which our laws are weak. I know there are procedural methods by which Federal agencies can make it much more difficult to allow a person to defraud the Government. I am sure this person who got $300,000 is not going to be able to pay restitution of $300,000 unless he can figure out a third way to defraud the Government to pay restitution. He is not going to pay us back, the truth be known. We will never get that money back. It is lost. Decent, honest people who do not get a vacation to Disney World will be paying for his extravagant lifestyle, his fraudulent activities, and we ought to tighten up these procedures. Every day that I come to work I have in my mind a commitment to make sure that we have as much accountability in our Federal system as possible. I think sometimes we pay too little attention to it. I have a program I call "Integrity Watch," and it is just a way I focus on abuses in the system that I think could be corrected. And we will try to move to correct those problems.

I thank the Chair for the time. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I offer my amendment I referred to previously.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2045.

Mr. SESSIONS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Inspector General of the Department of Health and Human Services to audit all Federal amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts)

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(3) recent reports from the Associated Press highlight the use of Federal AIDS prevention money to conduct sexually explicit workshops for homosexual men and women;

(4) such sexually explicit workshops teach homosexual men and women how to write erotic love stories and how to use sex toys for solo and partner sex; and

(5) Federal AIDS prevention funds should not be used to promote sexual activity and behavior and potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning programs offering sexually explicit workshops using such dollars.

Mr. SESSIONS. I offer the amendment and note that it has eliminated certain language from it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

THE STIMULUS PACKAGE

Mr. CONRAD. I rise today to talk about the economic stimulus package that is being discussed and debated in both Houses of Congress.

When it became apparent that our economy was weakening, those of us who have special responsibilities for the budget—the leaders of the House Budget Committee and the Senate

Budget Committee—got together and agreed on a bipartisan, bicameral basis on certain principles for an economic stimulus package. These were the chairman and ranking member of the House Budget Committee and the chairman and ranking member of the Senate Budget Committee.

After several weeks of work, we were able to agree on a bipartisan basis on a set of principles to apply to the stimulus package. We agreed on an overall principle that an economic stimulus package should be based on the recognition that long-term fiscal discipline is essential to sustained economic growth. We agreed that measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus at least equal to the surplus in Social Security. And that any short-term economic stimulus should not result in higher long-term interest rates.

We went on to agree to the objectives, the timing, the rapid impact, the sunset, the targets, and the size of any economic stimulus package. Again, this was on a bipartisan basis and involved the leaders of both the Senate Budget Committee and the House Budget Committee.

On objectives, we agreed that an economic stimulus package should restore consumer and business confidence, increase employment and investment, and help those most vulnerable in an economic downturn. On timing, we agreed that Congress should assemble an economic stimulus package with dispatch, aiming for passage within 3 to 4 weeks of our report which was done on October 4.

On rapid impact, we agreed that a substantial portion of the fiscal impact should be felt within 6 months.

On sunset, we agreed that all economic stimulus proposals should sunset within 1 year to the extent practicable.

On targets, we agreed that an economic stimulus package should be broad based, rather than industry specific, and that policies should achieve the greatest possible stimulus per dollar spent be, and should be, directed to individuals who are most likely to spend the additional after-tax income and businesses most likely to increase spending and employment.

On size, we agreed that the economic stimulus package should be equal to roughly 1 percent of gross domestic product, which would be $100 billion, but take into account what we had already done at that point, which was some $40 billion. That would mean a floor of at least $60 billion of economic stimulus.

And on offsets, we agreed to uphold the policy of repaying the greatest amount of national debt feasible between 2002 and 2011; that outyear offsets should make up over time for the cost of any near-term economic stimulus.

With those principles in mind, we can now apply them to the various proposals that are out there. Senator BAUCUS, the chairman of the Finance Committee, has released a proposal, and we find in looking at the elements of Senator BAUCUS' proposal—we matched them with the principles that were agreed to on a bipartisan basis—that his package passes on each and every principle that had been agreed to.

On the question of temporary, on a bipartisan basis we agreed that proposals should sunset within 1 year. Senator Baucus' package provides for that.

On rapid impact, we said a substantial portion should be out within 6 months. Senator BAUCUS' proposal has all of his impact in the first year.

On size, we said approximately $60 billion. Senator BAUCUS' proposal has $70 billion in this fiscal year but actually costs less than that over the 10 years because some of the things that provide lift now actually will generate revenue later on.

On targeting, we said the stimulus dollars should go to those most likely to spend them. Senator BAUCUS' proposal includes $14 billion of rebates to those who were not included in the first package of rebates and $33 billion in worker relief targeted to low- and middle-income Americans who are the most likely to spend the money.

On the question of not hurting our long-term fiscal condition, Senator BAUCUS' proposal has virtually no effect on the surplus after this fiscal year.

His proposal clearly passes each of the tests.

If we apply those same principles to the House package, we get quite a different result. In fact, we find that they fail each of the tests. Not just one of them, not two of them; the House proposal fails each and every test that was agreed to on a bipartisan basis by those of us most responsible for the budget.

With respect to temporary, the House bill has 71 percent of its tax cuts as permanent. There is no temporary package. It is largely a permanent package. So that fails the first test of being temporary.

Second, on the question of rapid impact, we said a substantial majority of the fiscal impact should be felt within 6 months. But in the House package, nearly 40 percent of the 10-year cost is after this year. That is not a stimulus package. A stimulus is designed to give lift to the economy now, not 2003, not 2004, and yet 40 percent of the cost of the House package is after the year 2002. That clearly fails the principle of rapid impact.

On size, we said $60 billion as a starting point, as a floor. The House package is $162 billion over 10 years. That is far in excess of what the President called for. He said $60 billion to $75 billion. This has a cost of $162 billion.

On the question of targeting, the House package has 35 percent of the tax cuts going to the wealthiest 1 percent. We on a bipartisan basis agreed to the principle that stimulus ought to go to those most likely to spend the money. That is what will lift the economy. That is what will provide stimulus. But the House package disproportionately goes to the wealthiest 1 percent. Those are the very people most likely to save the money, not to spend it.

However meritorious savings may be—and goodness knows I am an advocate for savings—that does not stimulate the economy. The thing that stimulates the economy, according to every economist who came and testified before the Budget Committee, is if people and companies spend the money that they get, and spend it now—not 2 years from now, not 3 years from now, but now. Now is when the economy is weak. Now is when we need stimulus.

This morning's economic report on the last quarter of economic growth shows we are in negative territory. It makes the point as clearly as it can be made that we need economic stimulus now—not 2 years from now, not 3 years from now but now.

Madam President, while the House package has 35 percent of the benefits going to the wealthiest 1 percent, the bottom 60 percent of the income category get only 19 percent of the benefits. Yet those are the people who are the most likely to spend the money and give lift to the economy. So the House package violates that principle.

Finally, on the question of a package not worsening our long-term fiscal condition, the House package has a cost of $171 billion when you include the interest costs beyond the year 2002. In other words, every dollar of that part of their stimulus package would be coming out of the Social Security trust fund surplus.

In essence, they are taking payroll tax dollars from people in this country and giving the money in an income tax cut that goes disproportionately to the wealthiest 1 percent. That stands stimulus on its head. That is taking money from the people who are most likely to spend it and giving it to people who are most likely to save it.

That is not what stimulus is all about. That cannot be the result. I just want to make clear to my colleagues, as chairman of the Budget Committee, I will not accept this kind of result. I will use every device available to me to stop any package similar to what the House passed.

Given the ability of a Senator to stop a package, I can assure my colleagues, this is not going to happen because I am not going to let it happen, and there will be plenty of others who will join me. We are not going to let it happen because it should not happen. This is not a stimulus package; it is a political package.

The Secretary of the Treasury said it very well when asked about the House package. He called it show business. This is no time for show business; this is time for real business. This is time for the business of America. This is the time to have a stimulus package that really does the job and does not abandon fiscal discipline for the long term by putting upward pressure on interest rates that would undo all the good we are trying to accomplish by a package of fiscal stimulus.

When we go to the question of the plan that was released yesterday by Senator GRASSLEY, the ranking member of the Senate Finance Committee, and apparently now adopted by the Senate Republican caucus, we have looked at each of the measures, each of the principles that had earlier been agreed to on a bipartisan basis, and we have graded the Grassley package. Here is what we found.

On the question of temporary—the principle was the stimulus should sunset within 1 year—what we find is that 82 percent of the Grassley package is not temporary; 82 percent is permanent tax cuts. That absolutely fails the test of temporary.

Why do we have that test? We have that test because every economist who has come to us has said: Look, you have to marry fiscal stimulus with long-term fiscal discipline; otherwise, you will put upward pressure on interest rates, and, guess what. You will undo all of the potential good of a fiscal stimulus package. You will put fiscal policy at war with monetary policy, and while you are giving lift to the economy with fiscal stimulus, you will be suppressing the economy by increasing interest rates.

This principle is there for a reason, and the reason is, as Secretary Rubin, who is the former Secretary of the Treasury who did such a brilliant job in the Clinton administration, made clear to us, you have to be careful while you are providing fiscal stimulus to couple it with long-term fiscal discipline.

We all understand, because of the tax cuts that were provided earlier, because of the attacks on our country, because of the need to rebuild, because of the continuing economic weakness, this country is headed into deficits in the fiscal year we have just ended.

We are not talking just about trust fund deficits; we are talking about deficits that mean we are going to be using every penny of the Medicare trust fund surplus this year to pay for other items.

We are going to be using every penny of the Social Security trust fund surplus this year to pay for other items, and we are going to be spending beyond that. We are not only taking all of the trust fund surpluses, but we are taking billions of dollars beyond that.

That may be acceptable at a time of war, at a time of economic slowdown, but we cannot permit that to continue. We cannot allow a circumstance to develop in which we are raiding and looting every trust fund in sight, even when the economy is forecasted to be in recovery. That will devastate this country's position when the baby-boomers start to retire in 10 years.

Please, I say to my colleagues, let us not get stampeded to do things that make our long-term fiscal condition far worse. That would be a disaster for this country.

On the question of rapid impact, looking at the Grassley package, again we had the principle of the money should go out, the vast majority of it in 6 months. Why? Because in looking at past results, what we have found is every time there was an attempt to use fiscal policy to stimulate the economy, we have been too late—not just some of the time, every time. Every time there has been an economic slowdown and we tried to use fiscal policy to give stimulus, each and every time we have been too late.

So this time we are saying if we are going to stimulate the economy, get the money out in time to make a difference. That is why we have this principle. Yet if one looks at the Grassley plan, nearly half of it, 48 percent of the 10-year cost, occurs after the first year. That is not a stimulus package. That is a tax cut package—I will grant that—but it is not a stimulus package.

It is going to be too late. It is going to be like all the other times when we tried to use fiscal stimulus, and every time it has been too late. Let us not make that same mistake again. On a bipartisan basis we said: Let us not do that again. If we are going to have stimulus, let us get it out there to be effective.

The Grassley plan does not do it. Half of it comes after the year 2002.

On the size, we said $60 billion. The cost of the Grassley plan is $175 billion over 10 years. That does not count the interest cost.

On targeting, we said stimulus dollars should go to those most likely to spend them. Well, the Grassley package flunks that big time. Forty-four percent of the value of the tax cuts in the Grassley plan goes to the wealthiest 1 percent. Eighteen percent goes to the bottom 60 percent. Talk about taking a principle and standing it on its head. That is what the Grassley proposal does. It does not funnel the money to those who receive the lowest income, who are the ones most likely to spend it. It gives the disproportionate share to the wealthiest 1 percent who are the ones most likely to save it, not spend it.

Again, however meritorious saving is—and I believe in it and applaud those who save—every economist has said to us you have to put this money in the hands of companies and people who will spend it and spend it now; not 2 years from now, not 3 years from now but now. The Grassley plan absolutely flunks that test.

Finally, the package should not worsen our long-term fiscal condition. The Grassley plan costs over $200 billion, counting the interest. It costs over $200 billion after fiscal year 2002.

That is digging the hole deeper. That is taking every penny of it from the Social Security trust fund surpluses.

When one thinks about it, here is what he is doing: He is taking money from payroll taxes—and over 70 percent of the people in this country pay more in payroll taxes than they do in income taxes—he is taking payroll tax money and using it to fund an income-tax cut that disproportionately goes to the wealthiest 1 percent. Think about that. He is taking money, over $200 billion, after this economic slowdown is over—according to the administration's projections, he is taking $200 billion of people's payroll tax money and going over and giving half of it to the wealthiest 1 percent in an income-tax cut when every economist has told us we ought to give the money in tax cuts to the lower income people who are most likely to spend it.

Instead, what he is doing is taking it from the low-income people, the 60 or 70 percent of the people who pay more in payroll taxes than they pay in income taxes, and giving it to the wealthiest 1 percent, who are the ones most likely to save it and not spend it. That is not a stimulus package. That is a tax cut package for the most privileged and the wealthiest among us. It is certainly not a stimulus package. It flunks every test, every principle that we agreed to on a bipartisan basis.

I hope our colleagues are thinking very carefully about this matter of a stimulus package. It is needed. It is needed soon. We have an economy that is in decline. We were in trouble before September 11. That circumstance has gotten seriously worse after the events of September 11, after the sneak attack on this country. We have an obligation to develop a stimulus package that is really stimulus, not a political plan, not a partisan plan but a plan that is going to help lift this economy. To do that it is critically important that while we are giving a short-term lift, a lift that will take effect in a way that is timely, that we also couple that with long-term fiscal discipline so we do not push up interest rates, so we do not undo all of the good we are attempting with a stimulus package.

I feel very strongly about this issue because I have seen in the 15 years I have been in the Senate the difference between healthy fiscal policy and fiscal policy that is built on debt and deficits and decline. The last thing we should do in this country is put our Nation back on the course of massive fiscal deficits, draining every trust fund in sight in order to cover other costs.

That is especially important in the decade before the baby-boomers retire.

I am going to be ferocious on the question of not digging the fiscal hole deeper beyond the time of economic weakness. That would be a profound and tragic mistake to this country.

The distinguished occupant of the chair is the Senator from New York. New York has been devastated by the attacks on September 11. I think all of us are proud of the reaction of the people of New York. They have stood tall. They have responded with courage, and they deserve our help. Every time in our Nation's history when one of our States has been hit by natural disaster or some tragedy, all of the other States have rushed to help.

I remember when my own State was devastated in the 1990s by floods, the worst floods in 500 years. Colleagues from all across this country reacted in a generous way to help the people of my State who were so badly hurt. I remember when California was devastated by fires and earthquakes how all of us rallied around to help the State of California because it was the right thing to do and because we also recognized we are the United States of America and we are united at a time of difficulty for many of our people.

The people of New York have suffered not a natural disaster; it is a manmade disaster, a disaster made by fanatics who took innocent lives by the thousands and devastated tens of millions of dollars worth of property and put New York's economy on a course that is going down. It is our obligation to help. We will help. We will fashion a stimulus package that will help all of our country recover.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Madam President, I say to my colleague from North Dakota, as always, his analysis is spot on. He is addressing one of the fundamental needs of our Nation to have a responsible stimulus program, one that happens soon, one that has real impact and is not an ideological platform or program, but one that is designed to truly stimulate our economy. The more we hear the Senator from North Dakota articulate this, the better our country will be and the sooner our economy will be moving forward.

Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair.

(The remarks of Mr. CORZINE pertaining to the introduction of S. 1602 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORZINE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 2048 THROUGH 2053

Mr. HARKIN. Mr. President, I am going to ask consent to set aside the pending amendment only for the purpose of adopting six amendments that have been cleared on both sides as managers' amendments.

Mr. President, I ask unanimous consent that we set aside the pending amendment and that six amendments that have been cleared by the managers on both sides be considered and adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2048 through 2053) were agreed to, as follows:

AMENDMENT NO. 2048

On page 33, line 22, strike all after the word "Center" through the word "vivarium" on line 23.

On page 33, line 25, strike all after the word "related" through the word "project" on page 34, line 2, and insert, in lieu thereof, "contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center".

AMENDMENT NO. 2049

(Purpose: To establish certain requirements relating to maintenance of effort for State expenditures on public education)

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1).".

AMENDMENT NO. 2050

(Purpose: To express the sense of the Senate regarding the release of fiscal year 2001 emergency funding for the Low-Income Home Energy Assistance Program)

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for

targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

AMENDMENT NO. 2051

(Purpose: To express the sense of the Senate that the Department of Health and Human Services produce a Notice, and for other purposes)

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than $500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

AMENDMENT NO. 2052

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

AMENDMENT NO. 2053

(Purpose: To require the Comptroller General of the United States to report on the State and local impacts of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996)

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term "administrative simplification requirements" means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2054

Mr. SESSIONS. Mr. President, I previously spoke on an amendment to provide for a study and report regarding Federal student loan disbursements to students attending foreign schools. I offer that amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2054.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study and report regarding Federal student loan disbursements to students attending foreign schools)

At the end, add the following:

SEC. . STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

Mr. SESSIONS. Mr. President, for the record. I made reference to this amendment earlier, but I inadvertently submitted another amendment. This is the amendment to which I spoke previously. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have been consulting with the distinguished assistant Democratic leader. He reports to me there are a number of procedural agreements that have been entered into. I appreciate Senators' cooperation in reaching these agreements.

As I understand it, we have also adopted by voice vote a couple of amendments. There are a number of amendments pending. It is my hope that we can proceed with votes on those at some point early in the day tomorrow. It would be my expectation that we could finish this bill by tomorrow night, and I would be inclined then not to have votes scheduled on Friday. We would want to lay down the appropriations bill on the District of Columbia, but I think we could probably work through that bill and make arrangements for further consideration of the bill early next week.

We have to get this bill done. If we are not finished with it by tomorrow night, clearly we will work on it throughout the day on Friday. My hope is we could finish our work on it sometime tomorrow night, and then Senators would have the opportunity to schedule their day on Friday knowing there would not be votes, although there will be Senate business.

I also have been asked by a number of our colleagues if we could accommodate them and their families tonight. We will do so. In keeping with that understanding, there will be no more rollcall votes this afternoon.

Having said that, it means we have a very full day tomorrow with a lot of votes on amendments tomorrow. I hope Senators will come to the Chamber, offer their amendments, agree to time limits, and allow us to work through them. We are leaving a lot of work for 1 day, but it would be my hope we could complete our work on that day.

I see the chairman is in the Chamber. I know he will work with Senators if they have amendments. Let us offer them tonight. Let us deal with them tomorrow if rollcalls are required, but let us get this bill done. I hope we can do so relatively early in the day. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2044

Mr. GRAMM. Mr. President, we are in the midst of debating and amending an appropriations bill. Earlier in the day, the distinguished majority leader offered an amendment relating to labor rights of public safety employees. I have been told that because there was a reference to collective bargaining in some area related to agriculture in the bill, this made it possible for this extraneous amendment, having to do with collective bargaining and unionism among public safety employees, to be offered and considered germane to the pending bill.

If we are really trying to finish the Labor-HHS appropriations bill—which I would like to do, because certainly it is in my interest, and it is in the interest of all 100 Members of the Senate, but, more importantly, I think it is in the interest of the working men and women of America that we finish our legislative activities prior to Thanksgiving and put our permanent appropriations process into place, hopefully adopt a stimulus package that is worthy of the name to help the economy and do the work we have to do and complete our business prior to Thanksgiving—Then I do not think the pending amendment related to unionism of public safety workers contributes to that desired goal of finishing our work. In fact, I think exactly the opposite is true.

AMENDMENT NO. 2055 TO AMENDMENT NO. 2044

Mr. GRAMM. I have come to amend a pending Daschle amendment. So I call for regular order with respect to the Daschle amendment, and I send a second-degree amendment to the pending amendment to the desk, and I would like it read.

The PRESIDING OFFICER. The Senator has called for regular order. The clerk will report the second degree amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2055 to amendment No. 2044:

After line 7 on page 9, insert the following:

"(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

Mr. GRAMM. Mr. President, this is a right-to-work amendment for public safety employees. It is interesting to me that in listing the things we want to do in the pending amendment, we have before us an amendment which overrides State law, which overrides county ordinances, and which would literally set in place a structure to unionize the sheriff's department in Brazoria County in Texas. I think it would come as a shock to people that we are in the process of doing that in the name of appropriating for the Department of Health and Human Services.

I am not in favor of doing this. I think this is a decision that States have to make. My State has decided Americans have a right to join or not join a union. My State is a right-to-work State, as 22 other States are. In fact, Oklahoma just joined the ranks of States that give people the right to decide to join or not join unions.

The idea that we are going to override State law and county ordinances and city ordinances to establish this Federal system of unionism comes as somewhat of a surprise to me.

As I read the rights that we are guaranteeing, it struck me that a right was missing. In fact, a real right was missing. Basically, in the Daschle amendment, we guarantee public safety officers the right to form and join a labor organization but, interestingly enough, nowhere do we give them a right not to join a labor organization. I do not understand rights where you have the right to do something but you do not have the right not to do it. I thought rights had to do with freedom to choose.

Under section 4 of the amendment, No. 2 on page 8, has to do with public safety employers recognizing employees' labor organizations.

No. 3 has to do with collectively bargaining over hours and wages and terms and conditions of employment.

No. 4 has to do with a requirement of dispute resolution.

No. 5 has to do with requirements enforcement through State courts.

It suddenly struck me that if this is really about rights, if we are going to try to reward those who have recently, through their actions, reaffirmed the affection and love that we have for them, should not one of those rights be freedom? In many States in the Union, people who are police officers or emergency workers do have the freedom to say, boy, I really appreciate you all giving me a chance to give you part of my wages and to join your union; I am really grateful for having a chance, but I do not want to do it, and I live in America. So since I live in America and you all have offered me this chance to be part of your union, but I would rather spend the money sending my child to college or buying a new refrigerator or fixing my truck, I am just going to say thank you but no thank you.

Now we have before us a proposal that would basically override State law in every State in the Union, override county ordinances in every county in America, and override the policies of every city in this country and establish a Federal standard for unionism for public safety workers. Yet in all of these rights we are giving public safety workers, never, ever do we mention freedom.

So we override State law. We set up a structure for unionism and we never give workers the right to say thanks but no thanks, I do not want to join a union; I appreciate it, but I think I could spend that money better than that union could spend it on my behalf. No harm meant, no disrespect. I just would rather spend it myself.

So I sent to the desk a second-degree amendment that adds a No. 6. You have five other rights that basically override State law and set up a structure for unionism with regard to public safety and emergency employees. I add a sixth right, and that would be a right to not join a union.

If we are going to override State authority and State law in setting up a structure for unionism, should not we override State law with regard to allowing people to say thank you but I do not want to join a union? I thought this was America.

In fact, a public safety employee might say I put on this badge this morning to protect freedom and yet I find I do not have the freedom to not give my money to a union of which I do not want to be a member.

So it struck me that if, in fact, we really want to get into the business of writing county ordinances—I did not run for the county commission because I did not want to make county ordinances, and I did not run for the state legislature because I did not want to make law at the State level. My State, my county do a great job. They did not need my help. I was needed in Washington, at least I thought. So I came to Washington to write Federal law, but now today I have found the majority leader has decided he wants to get in the county commission business and the city council business and the State legislature business.

So as long as we are going to get into it, it seems to me that protecting freedom is something that we have to do. If we are going to have a Federal labor standard that protects people's right to join a union is a wonderful thing, is it less wonderful to protect their rights not to join a union? Is it really the American way to say you have a right to join a union—in fact, in over half the States in the Union, over half the States in the country, not to use the same word with a very different meaning, but in over half the States in America you have to join a union to be a police officer, you have to join a union to be a firefighter, you have to join a union to be an emergency worker because those States require that you join a union if that area is organized, and in those States it is.

So as long as we are writing Federal statute, I wanted to add the simple provision that said you had a right to join or not to join as it would suit your individual conscience or as it would suit your own preferences and the well-being of your family. I hope this amendment will be adopted if we are going to adopt the Daschle amendment. I offered it in all seriousness because I think it ought to be included.

If we really want to finish our work, I don't think this is an issue. I think the underlying Daschle amendment, while it is certainly germane—and the Parliamentarian has ruled it is germane—it doesn't promote our objectives to finish our business. I personally believe it should be dropped. If we are going to get into the business of overriding State law, county ordinances, and city ordinances, and mandate a structure of unionism, we ought to guarantee the right of people not to join a union.

I have offered such an amendment. If people want to put it into a pigeonhole, they can put it in the pigeonhole of a national right-to-work provision within a national union structure amendment that would simply say, with all the rights for unions the distinguished majority leader would provide, I add a right for an individual. The right is to say, yes, I want to join a union, or, no, I don't want to join a union.

That is what my amendment does. I hope my colleagues will look at it. It is simple. It is five lines long. It is flowery; and quite frankly, so is the amendment I am amending. I didn't want my part to be less flowery than the rest of it. If you read it, you will understand exactly what I am talking about. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there are a few things I want to do on the floor. I thank Senator DASCHLE for his amendment. I have not looked at the amendment of the Senator from Texas. Looking at the language of the Daschle amendment, there is the operative language that the role of the Federal labor relations authority, to the extent provided in this title, in accordance with regulations prescribed in the authority, shall protect the right of each employee to join, form, or assist any union organization, or to refrain, freely and without fear of reprisal, and protect each employee in the exercise of such right.

I think it ought to be clear that protection is already in the Daschle amendment.

The second point is, there is absolutely nothing in this legislation that undercuts State laws. I personally think the right-to-work laws can be debated at some other time.

Finally, I point out if they are interested in supporting the second-degree amendment and undercutting the amendment Senator DASCHLE has introduced—and I ask unanimous consent to be a cosponsor of the Daschle amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. That amendment basically is saying: Give the firefighters, the police, and other public safety workers the right to join a union and bargain collectively for decent wages and civilized working conditions, the right to be able to have a good wage to support their family. That is what this amendment says.

I originally introduced this bill, or a version of this bill several years ago. Now we can get it to the floor of the Senate introduced by the Senate majority leader. We can give all the speeches in the world about how much we appreciate the first responders, those who came to the World Trade Center building and tried to save people and lost their lives—firefighters, police, and other rescue workers. We can give speeches about it, we can give concerts, we can pass resolutions, but the best way we can say thank you in this Chamber is to give these workers, these men and women, the right to join a union if they want to and to be able to bargain collectively.

That is what the vote is about. The second-degree amendment undercuts the amendment that Senator Dashcle and others, myself included, have introduced.

We will get back to this later. That is my initial quick response.

Mr. HATCH. Madam President, last week during consideration of the Agriculture Appropriations bill, the Senate adopted an amendment Chairman TOM HARKIN and I authored which will provide $1 million to the Food and Drug Administration for enforcement of three important consumer protection provisions of the Dietary Supplement Health and Education Act of 1994, DSHEA. Those provisions relate to the requirement that the dietary supplements be adequately labeled as to their ingredients and the proportion of each ingredient contained within, that statements of nutritional support (so-called "structure/function" claims) must be truthful and non-misleading, and that manufacturers be able to substantiate the claims they make.

These are very important protections we included in DSHEA so that consumers have the assurance that the products they buy are accurately labeled. In the seven years since the Congress passed this law unanimously, there have been sporadic reports that products are being sold that are not properly labeled. Indeed, the Senate Aging Committee held a hearing last month during which it was shown that there have been problems with appropriate enforcement of DSHEA.

It is my strong contention that the law is completely adequate to deal with these problems, as FDA Commissioner Jane Henney advised the Congress on more than one occasion. However, it is obvious to me that enforcement has not been the priority it should be at HHS and FDA.

Accordingly, I rise to offer an amendment which will provide the General Counsel with an additional $500,000 for legal support for enforcement of the labeling provisions of DSHEA. I am pleased to be joined in this effort by Chairman HARKIN. This is part of our on-going initiative to make certain that consumers have access to safe dietary supplements and information about those products. This amendment we offer today will complement the amendment we adopted last week. The increased funding for the FDA's Center for Food Safety and Nutrition will be used for investigations and compliance activities in the field. The funds contained within the amendment we are offering today will be used to support any legal activities which might arise from field enforcement.

Let me emphasize my strong belief that the majority of dietary supplements are of great benefit to consumers who wish to maintain or improve their healthy lives. However, consumers need the assurance that the products they buy are safe and accurately labeled, and it is time for the FDA to place a greater priority on enforcement against the few bad actors that are casting a large shadow over the industry. Our amendment will help the government place a renewed emphasis on removing illegal products from the marketplace. This will be a great benefit to American consumers.

Before I close, let me mention one other provision of our amendment. The 1994 law called upon the FDA to develop Good Manufacturing Practice, GMP, guidelines for dietary supplements. GMPs are the primary enforcement tool whereby government inspectors ensure that all food products, including dietary supplements, are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

Although HHS published an Advanced Notice of Proposed Rule-Making in early 1997, to date the agency has not published the Notice of Proposed Rule-Making which is necessary to being finalization of the GMPs. Senator HARKIN and I have called, written and implored the Office of Management and Budget, HHS, and FDA to issue these regulations. To date, we have not been successful, although it is our understanding that the NPRM was about to be published in the final days of the Clinton Administration.

I am not aware of what the NPRM will contain. Perhaps it will be a good document. Perhaps I will disagree with it vehemently. I cannot say.

What I can say is that the NPRM must be published and available for comment before we can move to finalize the GMPs for dietary supplements. For that reason, the amendment we are offering today expresses the sense of the Senate that the Administration release this regulation within 15 days after the bill is enacted. It should not require an act of Congress for this regulation to be issued, and I still remain hopeful that the NPRM will be published in the next few days so that we may continue the long-delayed process of finalizing the regulation.

I urge adoption of this amendment.

Mr. REED. Mr. President, I rise to discuss the Labor, Health and Human Services, and Education appropriations bill.

First, I want to commend Chairman BYRD and Senator STEVENS, as well as Chairman HARKIN and Senator SPECTER, and their staff, for their work on this bill. Given the budget realities, I know it wasn't an easy task to put this bill together, and I know they would agree we should have even more robust numbers for many programs.

That is why it is important to recognize the increased investments contained in this bill, like dislocated workers; NIH; CDC; SAMHSA; LIHEAP; Head Start; Title I; teacher quality; and Pell grants.

I am particularly pleased that the bill significantly enhances the childhood immunization program under CDC, providing $84.5 million more than last year and $62.5 million more than the administration's budget request.

This additional funding is critical to the continued success of the program, which has faced dramatic increases in vaccine purchase costs, as well as new challenges in program outreach and in vaccine delivery infrastructure development.

In addition to its work in preventing and tracking diseases, the CDC also plays a critical role in our effort to maintain and control the onset of chronic disease among Americans. Seven of every 10 deaths in this country each year can be attributed to chronic diseases such as heart disease, stroke and cancer.

CDC's work to improve our understanding of risk factors, such as tobacco use, poor nutrition and lack of physical activity, through applied research is the cornerstone of our Nation's effort to curb the current epidemic of chronic disease related deaths.

I would also like to commend the chairman and ranking member for preserving funding for the Health Professions Program at HRSA. This program provides vital support to academic institutions and students in an effort to improve the accessibility, quality and racial and ethnic diversity of the health care workforce. The administration's budget proposal would have decimated this program.

During this time of shortages in a variety of health care settings, the health professions and nurse education programs are key to our continued efforts to recruit motivated and qualified individuals for the health care workforce.

I have been particularly interested in the work of the Geriatric Education Centers Program, which provide training for health care professionals who provide care to our Nation's seniors, as well as support for faculty who teach geriatrics. Rhode Island has one of the highest concentrations of people over the age of 65, with persons over the age of 85 being the fastest growing segment of the population. As such, I am deeply concerned about the lack of health professionals specifically trained to address the health care needs of our rapidly aging population. The geriatric programs sponsored by HRSA, including one in my State, play a vital role in enhancing the skill base of health professionals who care for frail and vulnerable seniors.

As a final point with regard to the health related provisions in this legislation, I would simply add that I hope that Senate conferees will be able to work with the House to increase the current funding level for the Community Access Program (CAP) at HRSA.

I also want to thank Senators HARKIN and SPECTER for providing $2 billion in LIHEAP funding. This is an 18-percent increase over funding provided in the fiscal year 2001 appropriation bill.

LIHEAP is an important program for residents of the Northeast and Midwest, and this increased funding is especially important now. The slowing economy and layoffs will make it increasingly more difficult for low-income families to be able to afford to heat their homes this coming winter. If these families cannot pay their heating bills then they will be forced to chose between heat, prescription drugs, housing, and food. This additional funding will help working poor families maintain economic stability during this difficult time.

As for education funding, I am pleased on many fronts. The bill provides an overall increase of $6.3 billion, including a $1.4 billion increase for title I, $925 million to preserve the School Renovation Program, $1 billion for the 21st Century Community Learning Centers (after school) program, $3 billion for teacher quality, and a $250 boost in the maximum Pell grant to $4,000.

I particularly appreciate the $15 million increase for LEAP, bringing funding for this program to $70 million. LEAP is a Federal-State partnership program which helps needy students attend and stay in college. I have worked closely with my colleague from Maine, Senator COLLINS, on this program, and I look forward to continuing to work with her, Chairman HARKIN, and Senator SPECTER to maintain this funding level in conference.

I also want to thank Chairman HARKIN and Senator SPECTER for including funding for a critical national cause I have long championed, along with Senator COCHRAN and others in this body—support for our Nation's school libraries.

The condition of our school libraries is a national disgrace; they either contain mostly bare shelves or are filled with outdated books. Without funding, the goal of the President's Reading First Program to ensure children can read and read well at an early age, will not be met.

While I am pleased that the bill provides a modest downpayment for this program at $25 million, additional funding is certainly needed.

I want to continue to work with Chairman HARKIN and Senator SPECTER to provide increased resources for this critical program, so that it will work hand in hand with Reading First to improve our student's literacy levels and reading scores.

Certainly Chairman HARKIN's ESEA amendment to fully fund IDEA would provide the resources needed for the school library program and countless other programs, while meeting the needs of our children with disabilities and schools.

I strongly support this effort, and will work with the chairman of the subcommittee to press for this amendment to be retained in the ESEA conference. Indeed, we must pass this amendment to ensure that essential initiatives get the funding needed to work.

UNANIMOUS CONSENT REQUEST— S. 739

Mr. WELLSTONE. I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. WELLSTONE. Mr. President, this is the second or the third time I have come to the floor. My colleague from Alabama, though we do not agree on all issues, is a friend, so nothing I am about to say is directed to him. He has to object.

I would like to know which brave Senator has put an anonymous hold on this bill. With all due respect, this piece of legislation, which is called the Heather French Henry Veterans Assistance Act, is named after Heather French Henry, a Miss America who made this her No. 1 priority. Her dad is a disabled Vietnam vet. It passed out of the Veterans' Affairs Committee with bipartisan unanimous support.

It is the same piece of legislation introduced by LANE EVANS. There is nobody better in the whole Congress, House and Senate; he is the best when it comes to being for veterans. He has introduced this, moved through the House, and the VA has supported it. We had the Secretary there. He approves of this legislation—Secretary Principi. The VA reported there were 345,000 homeless veterans in 1999, a 34-percent increase in homeless veterans from 1998 to 1999. I bet a third of the males who are homeless are veterans. That is a scandal. I know my colleague from Alabama agrees with that.

What does this bill do? It increases the $50 million authorization for the Department of Labor Homeless Veterans Reintegration Program. They basically contract out; the nonprofits do the work at the local level. These are effective job training programs for homeless veterans so they can get back on their feet.

The bill authorizes additional funding for community-based organizations which do the best work in providing different transitional services to veterans, whether it be programs that deal with addiction, whether it be programs to help veterans find more affordable housing.

Finally, it talks about more comprehensive homeless centers that will be available in the country's major metropolitan areas; in other words, a place where there can be medical care, where there can be job counseling, and where there can be social services.

My understanding is—and I don't know how many veterans organizations have now sent in letters, but I can safely say there is not a veterans organization in the country that would oppose this legislation. I could travel to any State, any center, and I could go to a homeless shelter. I used to organize with homeless people, visit with homeless veterans, many Vietnam veterans. This legislation provides some support services for them—job training, counseling for veterans struggling with addiction, other social service programs.

There is a Senator who has put a hold on it, and I cannot find out who he or she is. These anonymous holds drive me up the wall. I have never put an anonymous hold on a bill—never. I am putting a hold on just about every single piece of legislation that any Senator on the other side of the aisle wants to put through here until this piece of legislation goes through. I have come out here twice or three times. I can't find out who objects to it. I would love to debate a Senator about why he or she opposes this homeless veterans bill.

So I am going to come to the Chamber every day, every single day, and I am going to ask unanimous consent to pass this bill. I hope that whoever opposes it will tell me why. In the meantime, I am putting a hold on just about every single piece of unanimous consent legislation that is proposed from the other side of the aisle, which I hardly ever do.

This is a great way to proceed in a bipartisan manner, to have some Senator, who has apparently very little courage, put an anonymous hold on a bill which provides more homeless assistance to veterans, who will not come out here to debate it, and basically stops it dead in its tracks. I have been around here 11 years. The only thing I can figure out is I just put a hold on pretty much everything that comes from the other side of the aisle. I will review them one by one, but I will not do it anonymously.

Let me say to my colleagues, many of whom I enjoy and like and rarely am angry with even if I disagree, I am sorry. I apologize. But I am putting a hold on just about every single piece of legislation that comes through here from the other side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask that I may speak up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PRIORITIES

Mr. THOMAS. Madam President, I rise to reflect a little bit on the issues we have before us and the idea that we have some things to do that are priorities. I think most of us would agree to a certain set of priorities, and that we ought to be dealing with those priorities and moving forward with what we have to do. We have known this for quite a long time, as a matter of fact.

I am sure the folks on the other side of the aisle will get up and say the Republicans are blocking everything; that is not true. We need to put a priority on what we are seeking to do and get those jobs done.

We have three more appropriations, I think, out of the 13 with which to deal. We ought to be doing that and we are working on one now.

Conference reports, which will be coming back—handle those.

Certainly, I think everyone is committed to the idea of doing an economic stimulus package. I understand there are different points of view, and it is understandable because I don't think anybody knows precisely what it is that will have the most and quickest impact on the economy. Nevertheless, we need to do that; we need to do some things that are short term that have an impact. Most of us understand that.

We need to finish up airport security. That has to be done, of course, before we go.

Somewhere along the line, of course, bioterrorism is something that needs to be done.

We had hoped as part of the stimulus package or related to it we could get a date or do something with energy. If there is anything that impacts the economy, certainly it is an energy policy. An energy policy also, of course, is becoming vital to what we are seeking to do in the Middle East.

The idea that here we are in kind of a shutdown, when we are kind of in a press to get things done, and it seems like an opportunity to stick on everything that everybody has ever wanted to do is not a very good way to manage this place. It is not a very good way for us to set the priorities that this country needs, which is our job, and then to get on with doing it.

I have to say it gets a little discouraging sometimes for us to be going along with all this to do and somehow we can't seem to get with it. We have not even voted in the last 2 days in a rollcall vote.

I know it is a difficult thing to do. I am not critical of anyone particularly. But I think collectively we ought to come to the snubbing post and say we have these things to do and here is what we have to do to them and put aside some things that have been hanging around forever and put them on something that is going in, which is always the impact and effect of coming down to the end.

I have to share a certain amount of frustration with what is happening. We are not going to agree on every issue. To not understand that is naive. But we could agree on saying we have to get this job done. Some have to give up this or have to give up that, but we have to do it.

I feel very strongly about the energy issue. I have been part of the group that has worked on that for a very long time. I do believe it has, indeed, always been important to have a policy, to do something more about domestic production. But it is even more important now, and clearly so.

I can't think of anything, as a matter of fact, that probably has more impact on the economy than the availability and cost of oil and we produce that oil and the cost of production.

These are the kinds of things we can do. So I am hopeful that as we work towards adjournment time, which can't be too far off, we will set a list of priorities. We should say: These are the things we need to do. Here are our priorities. Let's do them. Let's get on with it.

Madam President, I yield the floor and suggest the absence of a quorum.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. THOMAS. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 2042, 2045, AND 2054, WITHDRAWN

Mr. SESSIONS. Madam President, I have offered three amendments today: Amendment No. 2042, a wage index adjustment amendment; amendment No. 2045, calling for a study on AIDS prevention program funding; and amendment No. 2054, an amendment dealing with a study on student loans, with the goal of reducing fraud and abuse in student loan programs.

Having worked with the leadership and the floor managers on these amendments, I withdraw all three amendments at this time, with the understanding that amendments Nos. 2045 and 2054, with modifications, would be made part of the managers' amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have spoken with the managers of the bill, and what the Senator from Alabama has said is correct. If, for some reason, the managers cannot agree to these amendments—and they have indicated they would—the Senator would have a right to reoffer these amendments.

Mr. SESSIONS. I thank Senator REID for his courtesy, as always.

The PRESIDING OFFICER. Without objection, it is so ordered. The three amendments are withdrawn.

Mr. REED. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. SESSIONS. Madam President, I would just like to share a few remarks at this time concerning the energy bill. We need to improve our production of energy within the United States, and I would like to share a few thoughts about why I think it is a critical part of stimulating the economy.

At this time of economic slowdown, we need to create circumstances that will allow the economy to grow and flower. It has struck me for some time—and I have mentioned this on the floor previously—that our economic slowdown began over a year ago, and it began not long after we saw a tremendous surge in the price of energy. The price of a barrel of oil in the United States was as low as $13 a barrel. It soon leaped to $30 a barrel. And 60 percent of all the oil we utilize in the United States is purchased abroad.

So there was a tremendous transfer of American wealth. We got no more oil—not a single barrel of oil—but we were paying more than twice as much for that oil as we were paying just months before it surged upward.

That drained a great deal of money from this economy. It demonstrated, with great clarity, the dependence we have on foreign oil. And most of the reserves of foreign oil are in the Middle East. It has pointed out the dangers we face if we do not make some changes.

Now we are engaged in hostilities in the Middle East, and we see, once again, just how fragile that supply of oil is to our Nation, and how quickly it can be interrupted.

Our economy needs to improve. I think it is incumbent on us to consider, quite seriously, reforming our energy laws so that we can produce more energy in this country. If we can do that, we will be able to keep more money at home. So when a well is drilled, the question is, Will it be drilled in Saudi Arabia or Iran or Iraq or Kuwait, or will it be drilled somewhere in the United States? When it is drilled here, not only does the money stay here—the royalties that are paid to the State or the landowner for the oil—but all the people who drill the well, all the people who work at it, process the oil, and move that oil from the wellhead site—all of those people will be paid salaries; and then they will pay taxes. They will help reduce our unemployment, increase tax revenue, and provide income for American workers.

So we need to do a number of things to improve our energy situation so that we reduce the drain on our economy from the constant purchase of oil abroad.

Conservation is a critical part of that. The more we can reduce the use of oil and gas in America, then the less demand we have to transfer wealth abroad to purchase it. At the same time, the more we can produce in the United States, the greater our chance will be to churn that money again within the United States, creating jobs, salaries, retirements, and health care benefits, as well as taxes for our States and our governments, our local school systems, and the Federal Government. It will strengthen our economy in a number of ways.

I think improving our energy production would be a critical step in revitalizing our economy. I do not think it is coincidental that we began to sink not long after we saw a tripling of the price of oil on the world market.

I am delighted to see the ranking member of the Energy Committee, Senator MURKOWSKI, in this Chamber. I know he wants to speak on this issue. He has been a constant, steady advocate for America: What is good for American workers, what is good for this country, what we need to do to remain economically strong.

If we do not remain economically strong, we cannot do the good things in this country, and around the world, we want to do.

He has been a great champion of that. As I said, I see he is in this Chamber. I suspect he would like to talk on the energy issue in more detail.

I thank him for his leadership and yield the floor to him.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, let me acknowledge the comments of my good friend. He and I have shared stands on many issues; and one that I think is prominent at this time, as indicated, is on the issue relative to the request by our President that we have and pass an energy policy, and that we do it with dispatch.

Our President has spoken out four times in the last 2 weeks, indicating the general observation that, indeed, we need an energy bill.

Quoting from a late October release, the statement is made that:

> Tax relief is only part of the job. We need an energy plan for America. Under the leadership of the Vice President, we have drafted a comprehensive, common sense plan for the future of our country.

It further states that:

> It has passed the House of Representatives in H.R. 4. It needs a vote in the U.S. Senate. We need to be more self-reliant and more self-sufficient.

On October 17, he indicated:

> I ask Congress to now act on an energy bill. The House of Representatives passed its bill in August. This is an issue of special importance to California, the State of Washington [which the Presiding Officer represents]. Too much of our energy comes from the Mideast. The plan I sent up to Congress promotes conservation, expands energy supplies, and improves the efficiency of our energy network. Our country needs greater energy independence.

On October 4:

> There are two other aspects to a good, strong economic stimulus.

I note that the President uses the words "economic stimulus."

> One is trade promotion authority, and the other is an energy bill. I urge the Senate to listen to the will of the Senators and move forward on a bill that will help Americans find work and also make it easier for all of us around the table to protect the security of the country.

We have spent a lot of time talking about homeland security. An integral piece of homeland security is energy independence. I ask the Senate to respond to the call to get an energy bill moving."

The President made another comment to a group today asking again that this body move on an energy bill. It would be derelict if we are to conclude this session without addressing an energy bill.

We are not alone. I have letters here from the American Legion, Vietnam Veterans Institute, Veterans of Foreign Wars, AMVETS, Gold Star Wives of America, Catholic War Veterans, Survivors of Pearl Harbor, all who participated in a press conference yesterday here in Washington.

I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continue unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,
National Commander.

VIETNAM VETERANS INSTITUTE,
October 30, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security as it relates to our energy supply. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to immediately pass H.R. 4, the comprehensive energy legislation.

We are pleased the House of Representatives, acting with bipartisan support, addressed our energy vulnerability by passing H.R. 4, the 'Securing America's Future Energy Act of 2001' or the 'SAFE Act of 2001.' It is imperative the Senate do the same. Following the horrific events of September 11, 2001, failure to pass this bill would pose a threat to our people, our economy, and our national security, that we all wore the uniform to maintain.

All Americans, as well as our military troops, need this legislation enacted into law. If we intend to rebuild our economy and continue the campaign against international terrorism and those who attacked us, we must develop domestic sources of oil contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge. We must be able to rely to the fullest extent possible on our own resources to provide for the maintenance of our economy at home and our prolonged war effort abroad.

By passing H.R. 4, the comprehensive energy legislation now, the Senate will be supporting our troops in the field and all working Americans, including those displaced by this heartless act of aggression. We, as Veterans, stand united and cannot overstate the importance of this legislation, and respectfully request you lead the Senate by voting on and passing H.R. 4 so our nation can move forward in defense of freedom around the world.

We know that when the chips are down, America can and will stand and fight, using all its resources and all its might to defend our nation and the cause of freedom around the world. Join us in this cause. Pass the comprehensive energy bill and help us rebuild America!

With the support of our members,

J. ELDON YATES,
Chairman and Founder.

AMVETS,
Lanham, MD, October 26, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future

> Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.
>
> As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.
>
> Passage of H.R. 4, would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.
>
> AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.
>
> Dedicated to service,
>
> JOSEPH W. LIPOWSKI,
> *National Commander.*

STATEMENT OF OUR NATION'S VETERANS GROUP "OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY", OCTOBER 30, 2001

> We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism, using all its resources to defend our nation and the cause of freedom around the world.
>
> Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001." It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.
>
> By passing H.R. 4, the comprehensive energy legislation, the Senate will be supporting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.
>
> J. ELDON YATES,
> *Chairman and Founder,*
> *Vietnam Veterans Institute.*

Mr. **MURKOWSKI**. These letters indicate their support for energy legislation to be passed out of the U.S. Senate. From October 25:

> DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security as it relates to our need for energy independence. The development of America's energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the "Securing America's Future Energy Act of 2001."

The House has acted. This letter was signed by the American Legion.

Here is a quote from the AMVETS letter:

> On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, to the full Senate for consideration.

The Vietnam Veterans Institute:

> We write today out of a sense of urgency concerning our national security as it relates to our energy supply.

The important point is that each one of these organizations reflect on our energy supply in conjunction with our national security.

They further state:

> If we intend to rebuild our economy and continue the campaign against international terrorism and those who attacked us, we must develop domestic sources of oil contained within our public lands—such as supplies within the Arctic National Wildlife Refuge. We must be able to rely, to the fullest extent possible, on our own resources. . .

That is signed by J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute. We have our Nation's veterans groups also signing on as well. These represent a pretty significant voice of those who gave so much for America, for the freedoms we enjoy and the realization that we can never properly repay the contribution made by our veterans.

I note in the letter from the American Legion:

> War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During these times of crisis, such reliance threatens again our national security and economic well-being. The importation of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade deficit at a time when our energy demands continue unabated. It is important that we develop domestic sources of oil contained within our public lands, such as the supplies within the Arctic National Wildlife Refuge.

We have a pretty good representation of what America's veterans think about the necessity of this body passing an energy bill. It is important to note that one member of this body, the junior Senator from Massachusetts, is quoted as saying, with regard to his comments on patriotism vis-a-vis ANWR:

> This is not the moment to falsely cloak in the mantle of patriotism a choice as clear and as critical as the choice about the Arctic National Wildlife Refuge.

I will let the Senator speak for himself relative to an explanation. It is in deep contrast to the attitude prevailing among America's veterans organizations.

If we look at reality associated with what is happening in the world today, we can reflect on just how we have compromised ourselves into a position of vulnerability. There is a gentleman who was a Member of this body for many years, Mark Hatfield of Oregon. Mark Hatfield was a pacifist. I think I can liberally use that general terminology. His position on opening up this area of public lands in my State of Alaska was very clear. He said: I will support opening up ANWR any day rather than send another American man or woman into harm's way to fight a war on foreign soil. Make no mistake about it, that is just what we are doing today; we are fighting a war on foreign soil.

What is the last war we fought over oil? We have to go back to the Persian Gulf conflict. We have to go back to what Saddam Hussein of Iraq was basically up to, what his objective was. His objective was to go into Kuwait, invade Kuwait and go into Saudi Arabia. He knew that he could control the world's supply of oil, and the power and influence that would come as a consequence of that would certainly put him in the driver's seat relative to policies in the Mideast.

What are we doing today? We are importing somewhere between 700,000 and a million barrels of oil from Iraq, from our friend Saddam Hussein. What do we do with that oil? We enforce an aerial blockade to a large degree because we fly our planes over enforcing the no-fly zone. It might be compared to a blockade at sea, only this is one in the air. We are putting in danger our men and women as they enforce this. They take out targets, radar targets, from time to time. He attempts to shoot us down. He shot down a couple of drones. He has almost shot down one of our interceptor aircraft. As a consequence, as we continue this policy, our vulnerability is evident.

In so doing, he takes our money, pays his Republican Guards for protection, develops a missile capability, develops, for all practical purposes, activities associated with fostering terrorism, he develops a biological weapons capability. Who does he aim it at? He aims at our ally Israel.

That is a consequence of the United States losing its leverage relative to its continued dependence on Mideast oil.

We see the latest press release dated October 25, AP, "Qatar Calls For Oil Production Cuts." We all know what this means. This means the OPEC nations are coming together to reduce the supply so that the price of oil can be increased in that range of $22 to $25.

We see another headline, from Washington Post, October 26, "Iraq Caught Smuggling Oil, U.N. Official Says."

As we all know, Iraq is under economic sanctions regime. The U.N. has control, up to a point, over monitoring the sale of oil from Iraq. But what Iraq has been doing is they have been cheating. What they do is they bring a tanker into their port. There is a certification on a bill of lading for so many barrels of oil. The U.N. inspectors sign off on it. And then after they leave, they fill up the rest of the tanker with illegal oil, and, obviously, the profits go to Saddam Hussein.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 26, 2001]

Iraq Caught Smuggling Oil, U.N. Official Says

(By Colum Lynch)

UNITED NATIONS, OCT. 25.—Iraq was caught smuggling $10 million worth of oil through an Athens-based shipping company in violation of U.N. sanctions, the United Nations said today. U.S. and U.N. officials have long suspected Iraq of siphoning between $1 billion to $2 billion in oil revenue each year. But this is the first time that the United Nations has obtained hard evidence to support those suspicions. Under the terms of a U.N. oil-for-food program begun in 1996, Iraq is allowed to sell oil to buy humanitarian goods, pay restitution to the victims of the Persian Gulf War and fund improvements in the country's infrastructure. Iraq exported more than $18 billion worth of oil last year.

Benon Sevan, the executive director of the program, provided the U.N. Security Council on Wednesday with a letter from a Greek captain who has admitted illegally exporting 500,000 barrels of Iraqi crude during two trips to the Persian Gulf port of Mina Al-Bakr in May and August. Chiladakis Theofanis, captain of the oil tanker Essex, wrote to the United Nations and the United States in September that Iraq loaded 1.8 million barrels into his vessel on May 16 while a team of U.N. inspectors looked on.

When the U.N. officials left the site, the Iraqis pumped an additional 230,000 barrels of crude into the tanker and provided a bill of lading for the additional oil to a company called Roundhead Inc., Sevan said. A similar scheme was repeated on Aug. 27.

"The ships involved first loaded the quantities of oil which were authorized under the program," Sevan said in a letter to the Security Council committee that oversees Iraq's oil exports. "After United Nations inspection agents had finalized their activities on board of the ships, the load pumps on the platform were allegedly restarted in order to load additional volumes of oil on the vessels." Iraq's ambassador to the United Nations, Mohammed Douri, denied the charges.

The Security Council has been attempting to stop the Iraqi smuggling but has encountered resistance from Russia, which has contended there is little proof. Russia has blocked a U.S.-British proposal to revise the sanctions policy against Iraq.

The proposal aims to ease civilian imports while tightening the controls on oil smuggling and the purchase or prohibited weapons. Moscow favors steps aimed at lifting the sanctions entirely. The oil-for-food program will be up for renewal on Nov. 30.

Mr. MURKOWSKI. It indicates that when the U.N. officials left the site, the Iraqis pumped an additional 230,000 barrels of crude oil into the tanker and provided a bill of lading for the additional oil to a company called Roundhead Incorporated. This was repeated again on the 27th. The estimated revenue that has come into Iraq is indicated to be between $1 and $2 billion in additional revenue as a consequence of these activities.

We know this cheating is going on. We are about to face the reality that the price of oil is going to be increasing as OPEC recognizes the vulnerability of the United States.

I want to share one more thing with the Senate. This is the foreboding reality of the future. Some of us around here remember what happened in Iran a little over a decade ago. The fall of the Shah. The Shah fell. How did he fall? He fell in a revolution that occurred as a consequence of the unrest in that country at that time.

I would suggest that the record would note that the same set of circumstances are very much in evidence in Saudi Arabia today.

You may recall the Greek myth about Cassandra, who had the ability to predict the future, combined with the curse that nobody would believe her. When it comes to energy, I am beginning to feel somewhat like Cassandra.

I have come to this floor week after week pointing out the peril of our current energy situation and the looming disaster that is our energy future if we simply maintain our current course. I have come before this Senate week after week calling for a balanced and responsive energy policy to the crisis ahead, a policy that stresses production and conservation, which promotes the development of alternative energies, as well as prudent development of traditional resources.

Earlier this year, Senator BREAUX and I submitted a bipartisan energy bill that had over 300 pages. The bill had extensive proposals for conservation and alternatives. But the only thing most of the colleagues focused on was the 2 pages covering a small sliver of the Arctic in my State of Alaska known as ANWR. That is where the lightning rod was, Madam President.

As we know, we are living in a new era today, after September 11. Our country and our way of life were attacked on that date, and we are in the midst of the anthrax scare. It is, in all likelihood, closely connected with the attacks in New York and Washington. What do September 11 and the subsequent events have to do with energy? I say, everything.

At the risk of sounding like a Cassandra again, I want to set out the facts as they are known now and invite this body to look into the future.

Fact No. 1: Every reputable scientific study of our future energy consumption suggests that, even with dramatic conservation and rapid development of economical alternatives, our dependence on oil as a percentage of overall energy use will increase for the next 20 years. Whether we like it or not, a stable source of oil is key to our economic viability for the foreseeable future.

Fact No. 2: Absent new discoveries, the major source for new energy imports will be the Persian Gulf, the location of a majority of the world's known reserves. We are already dependent for about 25 percent of our total oil use on the Persian Gulf, and that number will only increase. This Nation today is importing 57 percent of the crude oil we consume, with half of that coming from the Persian Gulf.

Fact No. 3: Our relationship with the Persian Gulf countries is uneasy, to say the least. Of the major oil-producing countries in the Persian Gulf, we apply some form of economic sanction to all of them. Think of that. We have economic sanctions on virtually all of those countries in the Persian Gulf from which we import oil. We have a moratorium on imports from Iran. We import, as I indicated, somewhere between 700,000 and a million barrels a day from Iraq, which we have been bombing for 10 years. Our relations with the remainder are complicated by a number of factors, not the least of which is our alliance with Israel, a country which is the sworn enemy of most of those nations in the Mideast.

Fact No. 4: The stability of the Persian Gulf is in grave doubt. We have spent billions to have troops stationed in Saudi Arabia to contain Iraq in the name of the Persian Gulf Stability Accord. Radical Islamic movements are a serious political force in many other countries. Even Saudi Arabia, our traditional bulwark of stability in the region, is now a cause for grave concern.

Mr. Hersh's article, written after extensive consultations with the National Security Agency and others, paints a grave picture of Saudi Arabia's political future, the corruption of the country's regime, its alienation from the country's religious rank and file, and its vulnerability to Islamic fundamentalism.

Detailed in the article is an eerie reminder of the situation in Iran in the late 1970s under the Shah. Iran was, of course, at that time the United States' stable anchor in the gulf. We all remember too clearly what happened in Iran.

Mr. Hersh also points out the level of complicity between those we rely on for energy in Saudi Arabia and those who seek to attack the United States and our citizens.

Saudi Arabia is the largest single source of funding for radical fundamentalism and its organs of terror. The Taliban would not exist but for Saudi Arabian money. That has been identified. Al-Qaida and Osama bin Laden would not exist but for Saudi money. I need not remind you that Saudi money would not exist at all but for oil. It all comes back to oil.

On October 22, the two largest newspapers in New York and Washington, DC—the sites of the attacks on September 11—issued editorial opinions urging that we resist linkage between the events of the 11th and energy policy—totally in contrast to the position.

I might add, of organized labor and veterans in this country.

Let me confront those opinions with another set of basic facts about the September 11 attacks. Osama bin Laden and other radical Islamic groups have three major issues with our Nation. First, the United States alliance with Israel—our traditional alliance with Israel is being put to the test by energy dependence in the gulf. The Bush administration, which has been as good or a better friend to Israel than any other administration in recent memory, is now somewhat at odds with Israel in an attempt to appeal to more moderate elements in the Gulf. What is this all about? It is about oil.

Secondly, bin Laden wants United States troops out of Saudi Arabia. Why are we there? To prevent Iraq from threatening the stability of the gulf. The issue is oil.

Thirdly, bin Laden believes that the value of Persian Gulf oil should be seven times its current price—that is, $144 a barrel. He has written in his extensive writings that he wants to seize control of what he calls the "Islamic wealth" in order to end what he calls the "greatest theft in human history"—the U.S. purchase of cheap oil."

It is all about oil, oil, oil. To suggest there is no linkage between energy policies and the events of September 11, in my opinion, is ludicrous. It doesn't take Cassandra to see where our energy future is headed. It will, however, require action by this Senate in order to reverse our present course. The House has done its job. The President has asked the Senate to act. I urge my colleagues to pass energy legislation as soon as possible.

I think we have continually communicated, as a minority, with the Democratic leadership urging the scheduling of an energy bill that we can take up and debate prior to going out on recess. There seems to be a reluctance in the Democratic leadership. There is an energy task force report in the energy bill that we have outlined. It is very unrealistic, in my opinion, to address the arguments, one of which, of course, continues to be the issue of ANWR.

One of the fascinating things about the contribution of oil that comes down the west coast to the States of Washington, California, and ultimately Oregon—although Oregon does not have a refinery—is the reality that nearly two-thirds of that oil comes from Alaska. If Alaska doesn't replace that oil, that oil is going to come into these States, and it is going to come from the Mideast, come in foreign tankers that are built in U.S. shipyards, with U.S. crews.

The States of Washington, Oregon, and California should recognize their secure supply from Alaska is much more valuable than the unknown risks associated with bringing oil in from the Mideast.

As Congress looks at the current exposure to terrorism, where a terrorist act in Saudi Arabia can overthrow the royal family in Saudi Arabia, or there could be a terrorist attack on ships going through the Straits of Hormuz—all of that leads to the question: Should we have an energy bill that balances conservation and production?

I will close with the argument relative to those who seem to have a little difficulty with the issue of opening up the Coastal Plain. I will give some idea of the vastness of the area.

Many people in this body have not chosen to take advantage of opportunities to visit the area for themselves. ANWR happens to be about the size of the State of South Carolina. It is about 19 million acres. The House bill allows 2,000 acres to be utilized for development and exploration; 2,000 acres is not much bigger than a small farm, if one can somehow recognize we are talking about 2,000 acres out of 19 million acres.

What is the rest of ANWR? Madam President, 8.5 million acres have been put in wilderness in perpetuity, 9 million acres in refuge, and there is only 1.5 million acres left that only Congress has the authority to open.

In the House bill, only 2,000 acres can have the footprint of development only. Is that responsible? We think it is. Can it be opened safely? We have had 30 years experience in Prudhoe Bay. Prudhoe Bay has developed 13 billion barrels of oil. It was only supposed to develop 10 billion barrels of oil. It has provided the Nation with 25 percent of its total crude oil supply for the last 27 years.

People say ANWR contains a 6-month supply. That is assuming there is no other oil produced in this country and no other oil imported. If, indeed, ANWR is in the range of estimates of 5.6 billion to 16 billion barrels, it would replace what we would import from Saudi Arabia in 30 years or Iraq in 50 years. It would be very substantial.

The merits of whether we can do this safely, the merits of the arguments of some of America's extreme environmental communities that have used this issue, very frankly, as a cash cow—and they have milked it for all they can and will continue to do so until we eventually authorize the opening of it and they can move on to something else—because this issue is so far away, the American people cannot see the reality of ANWR for themselves. That, indeed, we have the technology to open the area safely.

Recognize the experience we have had in the Arctic over the last 30 years. We built ice roads. We do not develop when the migratory path of the caribou are involved. The potential of the area is very large. If there isn't the oil we expect there to be, we can make a park out of it.

For us not to have knowledge of what is in there at a time when we are increasing our dependence on the Mideast is unconscionable to me.

There are other issues that enter into this, such as our relationship with Canada. Canada considers us a competitor, and there is nothing wrong with competition. Nevertheless, their view of the world is we should not develop any more resources out of Alaska because it competes with theirs in the Canadian Arctic. I can understand that.

As to the growth of the caribou herds in the Prudhoe Bay field, there were 3,000 to 4,000 animals, and now they have close to 26,000 animals in the Prudhoe Bay area. You cannot shoot them.

The Washington Post ran articles depicting polar bears. It is interesting because the pictures—and this is yesterday's Washington Post article—shows a couple of polar bears. When one reads this, one assumes this is in the 1002 area. This is a little east of Barrow. It is not in the 1002 area. We have certification from the photographer who took these pictures that it is not in the 1002 area. But it is a warm, cuddly issue, and people look at polar bears.

The article does not tell you that these polar bears are protected. They are marine mammals. If one wants to take a trophy polar bear, one can go to Canada and shoot it, or one can go to Russia and shoot it, but one cannot in the United States, in Alaska, shoot a polar bear.

I do not know a better way to protect the polar bear than protecting them from traditional trophy hunting. We have taken steps to try and be responsible relative to development in this fragile area. We have the technology to do it right.

Some people say: That is academic, Senator MURKOWSKI, because we are looking at 7 to 10 years before development is complete. If we built the Pentagon in 18 months and the Empire State Building in a little over a year, and this body expedited the permitting process—we already have a pipeline halfway from the trans-Alaska 800-mile pipeline over to the 1002 area. It ends in a field called Badami. We only have another 40 to 50 miles to go. We can have oil flowing in 18 months. There is absolutely no question about it.

The arguments being used are the same arguments that were used in the late sixties opposing the opening of Prudhoe Bay. They are exactly the same. Only then they said: You are going to run an 800-mile pipeline from the Arctic to southern ports of Alaska, and it is going to be like a fence. The caribou and moose are not going to be able to cross, it is going to break and notwithstanding earthquakes. It is one of the engineering wonders of the world, and it has provided jobs in this country.

I am going to finish with one point, and that is the stimulus. We are talking about a stimulus in this Nation.

What does a stimulus mean? It means different things to different people. To some it means jobs; to others it means tax relief. I defy any Member of this body to tell me a stimulus that is more meaningful than authorizing the opening of ANWR because what it would do is it would provide hundreds of thousands of jobs. Not government jobs, private sector jobs in shipbuilding, in developing pipes and valves. It would start immediately. This would come from the private sector in exploration, and those ships would be U.S. ships built in U.S. yards.

What else would it do, Madam President? It would result in the Federal Government getting probably $1.6 billion in revenue immediately in lease sales because it is Federal land. The Federal Government puts it up for lease, competitive bids. The estimate of the Federal share is roughly in that area. That is a pretty good return to the Federal Government to start out.

The last thing, as we look at this stimulus package, you are not going to find anything in it except potentially ANWR which is not going to cost the Federal Government one red cent. I challenge my colleagues to find another project which would provide such a major economic stimulus without costing the taxpayers money, and indeed bringing significant revenue into the treasury.

I rest my case. I thank the Chair for her attention and wish her and all a happy Halloween.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, will the Senator from Alaska yield for a question? I want to get this straight. Right now when we buy oil from foreign countries, the royalties, the labor, the pipes, and all the construction and drilling, all the economic investment is in those foreign countries; is that correct?

Mr. MURKOWSKI. Absolutely.

Mr. SESSIONS. But if we were to open ANWR, the Federal Government, just from the sale of the leases, would receive $1.6 billion?

Mr. MURKOWSKI. It is estimated the lease sale would bring the Federal Government about $1.6 billion in revenue. It may be more. Nobody knows because industry would competitively bid it.

Mr. SESSIONS. Would there be royalties paid each year after that during production?

Mr. MURKOWSKI. Yes.

Mr. SESSIONS. If there is production, the Federal Government would receive additional royalties?

Mr. MURKOWSKI. That is correct.

Mr. SESSIONS. Would the State of Alaska benefit from that?

Mr. MURKOWSKI. Yes, obviously. I also want to point out that a sizable percentage of our deficit balance of payments, as the Senator knows, is the cost of imported oil.

Mr. SESSIONS. And the workers even in Alaska are supposed to pay Federal income tax.

Mr. MURKOWSKI. They do pay Federal income tax. They are all American citizens, and they are subject to the same laws as the Senator from Alabama and I.

Mr. SESSIONS. Instead of having workers in Saudi Arabia paying taxes to Saudi Arabia, Iraq, or Iran, they would be paying taxes to the U.S. Government.

Mr. MURKOWSKI. Absolutely. This would be all U.S. labor. There would be a prohibition on any of the oil that comes from ANWR being exported out of the United States.

Mr. SESSIONS. I know there are people who have become emotionally committed to this ANWR issue. I hope people will rethink it. As the Senator from Alaska has explained repeatedly, we have such a small area that needs to be produced, and wells are so much more sophisticated today. One well can drain a much larger area than ever before. There is a virtual pipeline there. That is important. The Senator mentioned a threat from foreign dependence.

Was it not just a few years ago the price of oil per barrel on the world market was around $13 and the cartel, since they had so much of the oil, fixed the price and drove it up to as high as $30 a barrel?

Mr. MURKOWSKI. It was a little over $30. As a matter of fact, they basically came together and set a floor and a ceiling. The floor was $22 and the ceiling was $25. If it goes up above that, that is fine for awhile. Then they increase production and bring it down.

Of course, what has happened with this terrorist activity is less jet fuel is used, less automobile gasoline. So we temporarily have a surplus and we are seeing that, but now OPEC is reducing their supply.

Mr. SESSIONS. I guess the point is, these are supposedly our friends who triple the price we have to pay for oil. We have to pay three times as much money to foreign sources, and we get no more oil than we did the day before they drove it up?

Mr. MURKOWSKI. That is true.

Mr. SESSIONS. If they can do that, if they are friends, if we were to have some turnover in government or a war were to break out that could deny some of this, we could see prices even higher than that on the world market?

Mr. MURKOWSKI. Absolutely. There is one other point that is obvious to the Senator and to me, but it is overlooked by some, and that is we have other sources of energy. We have natural gas. We have coal. We have biomass. We have wind power, solar power. But because of our technology, America and the world moves on oil. It is put in airplanes. It is put in boats. It is put in trains, automobiles. For the foreseeable future, we are evidently unlikely to find any significant replacement for oil. So that is why we have become so dependent and our vulnerability, to the extent of our national security, is at risk, as our veterans are pointing out.

Mr. SESSIONS. Of course, the Senator is not overlooking conservation. That is another way to reduce dependence on foreign oil.

Mr. MURKOWSKI. Absolutely.

Mr. SESSIONS. That is a big part of this bill that the Senator proposed.

I again want to express my appreciation to the Senator. I came to the Senate 5 years ago and heard the Senator delineate this problem and tell us over and over again what we were going to be facing in the future. I think the events in recent weeks have validated the Senator's warnings, the Senator's caution to America, the Senator's call for us to do the smart thing.

I also believe if we can produce more oil at home, it would reduce our deficit and help this economy recovery.

Mr. MURKOWSKI. As the Senate knows, symbolism is so significant. If we were to make a decision to allow the opening of this particular area, we would send a signal to OPEC that we mean business, that we are serious about reducing our dependence. We are not going to replace dependence, but we can reduce it dramatically by a conscientious effort to keep these jobs at home, and, as we both know, the economic forecast suggests there could be significant growing concern over loss of jobs and this is the most significant single identifiable project to create jobs that anybody has been able to pinpoint that does not cost the Government any money or the taxpayer.

Mr. SESSIONS. I will ask one more question. The Senator has challenged us now to name one more project anywhere in this country that will produce as much stimulus as increasing our domestic oil supply as this bill will do, and I think it is a challenge that ought to stay out there and we ought to see if somebody can meet it. Not only will it help us, it will actually produce income and not cost us any money.

Mr. MURKOWSKI. I certainly would challenge any Member to come up with a stimulus that would provide jobs, not cost the American taxpayer anything, and indeed bring revenue into the coffers. I thank my good friend and wish him a good day.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE SAFETY

Mr. HOLLINGS. Madam President, we are fiddling while Rome burns. The headline in this morning's Washington Post, "Airport Security Crackdown Ordered," particularly galls this Senator. I have been with the FAA since its creation. I have been on the Commerce Committee for right on 35 years. I worked with the old Civil Aeronautics Board. We tried our best to get this entity in ship shape over many years.

It was only the year before last that we finally got the monies that should have gone to airport safety and improvement to go to airport safety and improvement.

We had, in 1988, Pan Am 103. We had extensive hearings. And what did we come up with? What we came up with is exactly what they write in the editorial here, that what we really need is more training and more supervision—"help wanted." And then we had further hijackings.

We had the TWA Flight 800 in 1996, and we had further hearings. We had the Gore commission. What did they recommend? The same old, same old of more training and more supervision, more oversight. Got to get stern about this. Crackdowns.

Last year, we passed the FAA authorization bill. And what did we call for? We called for more supervision, more training, and then 5,000 people were killed. And we have folks over on the House side, most respectfully, who do not understand that we have lost these 5,000. Terrorists came along with cardboard knives and committed mass murder, and everything else like that, but they say don't worry about what happened on 9–11.

What happened just this last week? Last week, a man boarded a plane with a pistol down in New Orleans. The individual remembered he had the gun and said: Oh, my heavens. Then he turned it over to the airline crew, or otherwise. And the same airline security firm that was fined last year in Philadelphia for hiring criminals is still hiring criminals.

The Senate reacted. We got together. We had hearings. We had the airline pilots, the airline crews, the assistants, the airline executives—everyone connected—and they endorsed the approach of federalization; that this was a public safety role, need and responsibility. This coalition determined resolutely that we could not toy with this anymore after that tremendous loss on 9–11 and continue to play games with more oversight and more supervision and more training.

And ordering crackdowns: Can you imagine that, ordering a crackdown 7 weeks afterwards? Why not that afternoon, that night, or the next morning? A crackdown? Oh, no, they had to think of the airlines first, while the airlines themselves are begging for safety because they realize that ensuring passenger safety is essential to reviving the industry. The Senate passed our bill 100-zip; every Republican, every Democrat voted for it. Our measure is, more than anything, an airline stimulus bill.

Americans are not going to get on these planes as long as there is fear, and we have the insecurity that we have. They are not going to get on the planes as long as they have U.S. Air Force planes flying over them ready to shoot them down.

With our bill that stops immediately. Once you secure that cockpit door, not to be opened in flight, there is no reason for hijackings because you can't.

All you can do is start a fight in the cabin, knowing that the order to the pilot is to land at the nearest airport where law enforcement is going to be there and you are going to prison. That is the Israeli El Al approach. We outlined it. We provided the diagram for the El Al plan that I still have. If I had time this morning, I would show it. It is a perimeter defense. In 30 years El Al has not had a hijacking.

Don't talk to me about European private airport security. Sure, European security personnel is better paid because all the European folks are supported for retirement and health care. These minimum wage folks have no retirement, no health care, no security, no anything. And the security firms are worried that they may quit. They all are quitting. That has been the experience at the Hartsfield airport in Atlanta. There has been over 400-percent turnover there. They don't stay there longer than 3 months.

Yet the opposition to real airport security has stories going around. The reason I came to the floor is to again bring attention to the commonsensical, thorough, and bipartisan fashion with which the Senate approached airline security. They are still talking about the Democratic bill on the House side. You can't get it any more bipartisan unless we are going to let the pages vote. Maybe we ought to do that. I mean, can't we get the truth to the American people that we are ready, willing, able, and glad to pay for it, $2.50 per flight? The polls show people would be willing to pay $25 added to a ticket, glad to do it. But we can take care of it with $2.50 so there is no question about being paid for.

The fundamentals of safety have to be hammered home to our colleagues on the House side. We are not playing games anymore. None wants to contract out the FBI. I wonder what the President wants? We were told a month ago that the President would go along with our bill. We felt absolutely secure. But they have some political machinations going on over there with Mr. ARMEY and Mr. DELAY. And Mr. ARMEY says: I don't want them all to join a union. Well, they all can join the unions under the private contractor. In fact, a third of them have. The reason the other two-thirds have not, is they can't read the application in order to join. They are refugees and immigrants. The application is in English. Go ahead to the airports. I go through there regularly, almost every week. They just cannot speak the language. That is no fault of their own. They are getting what jobs they can. But we can't do this with Americans' and the airline travelers' safety at risk.

We would not contract out the Capitol Police or the Border Patrol or the Secret Service or the FBI or defense. What is the matter with the Government? You just heard about a bill—all the defense workers at the Charleston naval shipyard, all the "navalees" belong to a union. You just heard the majority leader talk about laying down to conservative interests. I am not talking pro-union or anti-union. I am saying federal public safety officers cannot strike and they can be fired. This particular Senator supported President Reagan when he had to take that approach with the airline pilots. But we fiddle while Rome burns.

Would we ever not just contract out? Would we ever give our safety to foreign corporations? Can you imagine taking the defense and contracting it out, or the FBI, to the Swedish company or the Secret Service to the Netherlands company? These are the firms responsible for airline security now. The airlines get the lowest bidder, and they couldn't care less.

That English company, they were fined for hiring criminals and falsifying their background checks. And since the time of the court fines, they have continued to hire criminals and not give the background checks. Yet they say: Well, let's see what they want. Let's get flexibility. You aren't going to have flexibility with the FBI or Secret Service or the Capitol Police. There is not flexibility. It is safety. That is what they have to understand over there, that we are not going to give it to the foreign companies.

We are not going to have the momentary safety checks or the European system. We are going to have the El Al, the Israeli system that has worked, proof positive, for 30 years. Once you secure that cockpit and they know there can't be a hijacking, you can take all these F–15s and F–16s and National Guard reserves that are flying all night long over Washington and New York and wherever and say: Save the money and save the time. Let them go back to their work. There is not going to be a hijacking. There is not going to be a plane shot down. If there is an attempted hijacking, it is down to the first landing and on to jail. That is where they are headed. They know that. So our terrorist adversaries will find some other way, like the mail and anthrax, but not the airlines.

Security has to be comprehensive. Under El Al, they check thoroughly and rotate the screeners from the boarding gates, to the tarmac and to cleaning out the aisles.

I flew out of Dulles last week. And what do you do? You get seat 9A. So I can call out to my friend who has been working on the tarmac for the last 2 years who is in cahoots with me as a terrorist. I say: Paste a pistol underneath seat 9A, loaded. I get on. I got through all the screeners and everything else. And afterwards, they wonder why, because you have to have the same kind of security on the tarmac. You have to have the same security for the people who cater. You have to have the same security with the people who clean. This is a safety/security responsibility and not a game of playing around on whether they are going to join a union or not.

A third of airline security workers join unions now and have the right to strike. Yes, they can join our union, but they can't strike and they can be fired.

On contracting out, 669,000 civilian personnel work in our defense forces and at the Pentagon. Some of them were lost on September 11. Give us a Senate bill or something very similar to it because that is the overwhelming sentiment. The captain of the airline pilots appeared with us again yesterday and said: Please pass the Senate version so we can get on and move with it and get the cockpit doors secured, get thorough background checks, and then be ready, willing, and able to give the watch list to the screeners so they will know what to look for.

At the present time, you wouldn't give the watch list to these foreign companies, agents at minimum wage. You wouldn't give it to them. You would try to keep that security knowledge to yourself and send somebody out. If I had a watch list and was trying, I would have an FBI agent at the likely airports where they may board, but I wouldn't give it to the present screeners. We have to clean that out entirely and come down to the reality that this is totally bipartisan. It is not in the sense of trying to be pro-labor or anti-union, pro-Democrat or pro-Republican, or anything else like that.

We have finally learned at least one lesson from 9–11—that we can't play around any longer with airline security. We have to get on with it and not fiddle here some 7 weeks as "Rome" burns, and we wonder what to do and put all this political pressure on to change the folks around and not bring it up and not allow them to vote common sense.

I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 6, 2001, in Monmouth County, NJ. Seven people were sentenced on multiple counts, including aggravated assault and harassment by bias intimidation under the state law, for assaulting a 23-year-old learning-disabled man with hearing and speech impediments. The victim was lured to a party, bound, and physically and verbally assaulted for three hours. Later, he was taken to a wooded area where the torture continued until he was able to escape.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

CBO COST ESTIMATE

Mr. KENNEDY. Madam President, on October 11, 2001, I filed Report No. 107–83 to accompany S. 1533, a bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes. At the time the report was filed, the estimate by the Congressional Budget Office was not available. I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1533.—HEALTH CARE SAFETY NET AMENDMENTS OF 2001

Summary: S. 1533 would extend expiring provisions and authorizations for appropriations in title III of the Public Health Service Act (PHSA). The bill would reauthorize and expand the Health Centers and National Health Service Corps programs, and establish the Community Access Program in statute. It also would create several new grant programs and demonstrations. The provisions in this bill would be administered by the Health Resources and Services Administration (HRSA).

Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 1533 would cost about $1 billion in 2002 and between $8 billion and $9 billion over the 2002–2006 period.

The bill would increase spending by the Medicare program for rural health clinic services, and reduce Medicaid spending for certain beneficiaries who use those clinics. In total, direct spending would increase by $146 million over the 2002–2011 period. Because enacting S. 1533 would affect direct spending, pay-as-you-go procedures would apply.

S. 1533 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the mandate would not affect the budgets of state, local, or tribal governments. Those governments may also benefit either directly or indirectly from some of the grant programs authorized in the bill, but their participation in those programs would be voluntary. S. 1533 contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1533 is shown in the following table. For the purposes of this estimate, CBO assumes that the bill will be enacted this fall and that the necessary appropriations will be provided for each fiscal year. The table summarizes the budgetary impact on discretionary spending of the legislation under two different sets of assumptions. In cases where the bill would authorize the appropriation of such sums as may be necessary, the first set of figures provides the estimated levels of authorizations assuming annual adjustments for anticipated inflation after fiscal year 2002. The second set of assumptions does not include any such inflation adjustments. The costs of this legislation would fall within budget functions 550 (health) and 570 (Medicare).

	By fiscal year, in millions of dollars					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
With Adjustments for Inflation						
Spending Under Current Law:						
Budget Authority[a]	1,513	0	0	0	0	0
Estimated Outlays	1,368	662	60	7	0	0
Proposed Changes:						
Estimated Authorization Level	0	1,887	1,878	1,914	1,953	1,989
Estimated Outlays	0	1,004	1,776	1,886	1,923	1,961
Spending Under S. 1533:						
Estimated Authorization Level	1,513	1,887	1,878	1,914	1,953	1,989
Estimated Outlays	1,368	1,665	1,835	1,893	1,923	1,961
Without Adjustments for Inflation						
Spending Under Current Law:						
Budget Authority[a]	1,513	0	0	0	0	0
Estimated Outlays	1,368	662	60	7	0	0

	By fiscal year, in millions of dollars					
	2001	2002	2003	2004	2005	2006
Proposed Changes:						
Estimated Authorization Level	0	1,887	1,836	1,834	1,833	1,833
Estimated Outlays	0	1,003	1,753	1,826	1,824	1,825
Spending Under S. 1533:						
Estimated Authorization Level	1,513	1,887	1,836	1,834	1,833	1,833
Estimated Outlays	1,368	1,665	1,813	1,832	1,824	1,825
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority[a]	0	9	15	15	15	15
Estimated Outlays	0	9	15	15	15	15

[a] The 2001 level includes the amount appropriated for that year for the programs.

Basis of Estimate:

SPENDING SUBJECT TO APPROPRIATIONS

Title I: Consolidated Health Center Program

S. 1533 would reauthorize and expand the scope of the consolidated health centers program, which provides grants to entities that provide health care and other services to uninsured and underinsured populations. S. 1533 contains two new provisions: It would authorize the use of up to 5 percent of authorized funds for grants to health centers or networks for the construction and modernization of buildings, and it would permit HRSA to guarantee the refinancing of nonfederal loans by health centers. The costs of these additional activities would be subsumed in the general authorization of appropriations for the health center program, which is $1,379 million in 2002 and such sums as necessary for 2003–2006. The bill also would establish a linguistic grant program, which would award grants to health centers for the provision of translation and interpretation services for clients for whom English is a second language. The bill would authorize the appropriation of $10 million for that grant program in 2002, and then such sums as necessary each year until 2006. CBO estimates that outlays for these programs would be $745 million in 2002 and $6.4 billion during the 2002–2006 period, assuming appropriation of the necessary funds.

Title II: Rural health

Rural Health Grants. S. 1533 would reauthorize several grant programs administered through the Office of Rural Health Policy within HRSA: health care services outreach, health network development, and small provider quality improvement grants. The bill would not substantially change the activities of the existing program. The bill would authorize $40 million in 2002 and such sums as necessary in subsequent years through 2006. (The 2002 authorization level is less than the 2001 appropriation level, which included a one-time appropriation of $18 million for a special project.) Based on past spending for these activities, CBO estimates that this provision would cost $12 million in 2002 and $164 million during the 2002–2006 period.

Telehealth Grant Consolidation. S. 1533 would create a new section in the Public Health Service Act for this established program. The bill would authorize appropriations for telehealth network grants as well as for telehealth resource centers grants. Telehealth refers to health information and services that are communicated via telecommunications technologies. Telehealth network grants are provided to entities to expand access to services, to train providers, and to improve access to health care information. Grants to telehealth centers may fund projects that demonstrate the uses of telehealth technologies. The bill stipulates that not less than 50 percent of funds for grants for networks shall be awarded to entities in rural areas, and that the total funds awarded for network grants in 2002 may not be less than the total awarded for such grants in fiscal year 2001. S. 1533 would authorize the appropriation of $60 million in 2002 (compared to the $36 million appropriated in 2001) and then such sums as necessary through 2006. CBO estimates that outlays for this program would be $19 million in 2002 and $245 million over the 2002–2006 period, assuming appropriation of the necessary funds.

TABLE 2.—APPROPRIATIONS FOR FISCAL YEAR 2001 AND AMOUNTS AUTHORIZED IN S. 1533 ASSUMING ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars					
	2001[a]	2002	2003	2004	2005	2006
Title I: Health Centers	1,164	1,379	1,410	1,440	1,469	1,496
Title II:						
Rural Health Grants	58	40	41	42	43	43
Telehealth Grants	36	60	61	63	64	65
Telehomecare Demonstration	0	4	2	b	b	b
Emergency Medical Services Grants	0	1	1	1	1	1
Mental Health Services Demonstration	0	20	20	21	21	22
School-Based Health Networks	0	5	5	5	5	5
Title III:						
National Health Service Corps	130	202	207	211	216	220
Chiropractor and Pharmacist Demonstration	0	1	1	1	0	0
Title IV:						
Community Access Program	125	125	128	130	133	136
Primary Dental Programs	0	50	0	0	0	0
Title[b]	1,513	1,887	1,878	1,914	1,953	1,989

[a] The 2001 level includes the amount appropriated for that year for the programs.

[b] Total includes Title VI study, with budget authority estimated at less than $500,000.

Telehomecare Demonstration Project. S. 1533 would authorize a demonstration project for the provision of telehomecare services for residents of rural areas. Telehomecare means the provision of health services by providers at a distant site to patients in the home via telemedicine technology. The bill would limit the number of grants to five entities and would fund grantees for no more than three years. The Office for the Advancement of Telehealth within HRSA currently funds a dozen grants to home health agencies, so this demonstration would not represent a substantially new activity for the administration. The bill also would require HRSA to submit an interim and final report to the Congress describing the results of the demonstration. Based on historical patterns of spending for similar activities, CBO estimates the cost of this demonstration would be $4 million in 2002 and $7 million over the 2002–2006 period.

Rural Emergency Medical Services Program. S. 1533 would establish a program of grants, primarily to state and local entities, to pay up to 75 percent of the cost of recruiting and training emergency medical service (EMS) personnel in rural areas. It would authorize the appropriation of such sums as may be necessary for 2002 through 2006. The bill also would authorize grants for the acquisition of emergency medical equipment and for EMS training programs for the public. Based on information from HRSA staff about participation in similar programs, CBO assumes that about 20 states would participate in any given year. CBO estimates the cost of implementing this program would be about $1 million in 2002 and $6 million during the 2002–2006 period, assuming appropriation of the necessary funds.

Mental Health Services via Telehealth Grants. The bill would create a demonstration program to award grants to entities for the development of telehealth networks for the provision of mental health education and services in areas designated as mental health underserved areas. The grants would be directed to nursing homes and schools, with grants to be used for education about mental health issues, for the provision of mental health services, and for collaborative and other purposes. HRSA currently oversees more than 25 such grants. Appropriations at the authorized levels, which are $20 million in 2002 and such sums as necessary through 2006, would allow for 50 to 60 grants of similar size. Assuming appropriation of the authorized amounts, CBO estimates that outlays for this demonstration project would be about $7 million in 2002 and $93 million over the 2002–2006 period.

School-based Health Center Networks. S. 1523 would establish a new program to award grants to nonprofit organizations for the creation of state-wide technical assistance centers and for other purposes. The bill would authorize the appropriation of $5 million in 2002 and such sums as may be necessary for 2003–2006. Based on historical spending patterns for similar activities, CBO estimates this program would cost $2 million in 2002 and $23 million over the 2002–2006 period.

Title III: National Health Service Corps

S. 1533 would reauthorize the National Health Service Corps (NHSC) field, recruitment, and state loan repayment programs. The field and recruitment programs support activities to identify the health professional needs of underserved communities and to recruit and support providers in those communities. The state loan repayment program provides federal matching funds to state programs that repay the educational debts of health care providers practicing in underserved communities.

The bill would add new authority to the field program to establish a demonstration project to create a program of part-time corps members. The bill would allow the Secretary to change both the methodology and process of designating health professional shortage areas (HPSAs) and would instruct the Secretary to develop a plan to increase participation by dental health providers in the scholarship and loan repayment programs.

S. 1533 would authorize such sums as necessary for 2002–2006 for the field program, $146 million in 2002 and such sums as necessary through 2006 for the recruitment program, and $12 million in 2002 and such sums as may be necessary through 2006 for the state loan repayment program. While the authorization of appropriations for the recruitment program is substantially larger than the appropriation for fiscal year 2001, the demand for corps members in the community is strong. CBO assumes that the NHSC will be able to spend the proposed appropriations at current rates. The authorizations for the field and state loan repayment programs are not substantially larger than 2001 appropriation levels, and we therefore assume that the programs will spend funds at current rates. CBO estimates spending to implement all three programs would total $109 million in 2002 and $941 million during the 2002–2006 period, assuming appropriation of the necessary funds.

The bill would also establish a demonstration project that would allow chiropractors and pharmacists to participate in the NHSC loan repayment program. The determination of a HPSA would not be affected by the inclusion of these providers. The demonstration would be authorized for three years at such sums as may be necessary. Based on information from experts at HRSA and spending for similar activities within the NHSC loan repayment program, CBO estimates the demonstration would cost less than $500,000 in 2002 and about $3 million over the 2002–2004 period.

Title IV: Healthy Communities Access Program

Community Access Program. S. 1533 would establish in statute the community access program (CAP), which has been funded since 1999. The program awards grants to consortiums to improve the efficiency, effectiveness, and the coordination of health services to uninsured and underinsured in their community. The bill would authorize the appropriation of $125 million for fiscal year 2002, and such sums as may be necessary for the subsequent four years. CBO estimates this provision would result in outlays of $94 million in 2002 and $613 million over the 2002–2006 period, assuming appropriation of the necessary funds.

Primary Dental Programs. S. 1533 would authorize the appropriation of $50 million in 2002 to be available for five years, for the development of a grant program to be administered by HRSA to respond to states' dental workforce needs. The grants would provide federal matching funds to state programs for loan forgiveness, recruitment, practice expansion, dental residency programs, and for other purposes. The estimated cost of implementing this program is $10 million in 2002 and $50 million over the 2002–2006 period.

Title VI: Study

S. 1533 would require the Secretary of Health and Human Services to conduct a study to determine the ability of the department to provide for solvency for managed care networks whose member organizations are health centers receiving funds from the Consolidated Health Centers Program. The bill would direct the Secretary to submit a report to the Congress detailing the results of the study. CBO estimates the cost of implementing this provision would be less than $500,000 in 2002 and 2003.

DIRECT SPENDING EFFECTS—RURAL HEALTH CLINICS

Under current law, Medicare beneficiaries must pay for the first $100 of the Part B services before the Medicare program will begin paying for such services. The bill would exempt certain low-income beneficiaries from the requirement that they satisfy that deductible before Medicare will pay for services furnished by a rural health clinic (RHC) at which a NHSC member is assigned. The proposal would affect Medicare spending for eligible patients of rural health clinics who receive nearly all of their Part B services from those clinics. (Medicare spending would not be affected for those beneficiaries who also receive at least $100 in Part B services from other providers.) CBO estimates that this provision would eliminate the deductible in calendar year 2002 for about 200,000 low-income beneficiaries who receive nearly all of their Part B services from qualifying RHCs.

Increasing Medicare spending to pay for the deductible for those beneficiaries would also have other effects on spending by the Medicare and Medicaid programs. Annual increases in payment rates for Medicare+Choice plans are tied to increases in per-capita spending in the fee-for-service sector, so this provision would increase payments to Medicare+Choice plans. Part B premiums would also rise, so about one-quarter of the increase in Medicare spending would be offset by higher premium receipts. Medicaid spending would be reduced because Medicaid would not have to pay the Medicare deductible for some patients at RHCs who are enrolled in both programs, although some of those savings would be offset by higher Medicaid spending for Part B premiums. Taking all those interactions into account, CBO estimates the provision would increase federal direct spending by $9 million in 2011 and by $146 million over the 2002-2011 period.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The following table displays CBO's estimate of the direct spending effects of S. 1533. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By fiscal year, in millions of dollars									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Change in Outlays	9	15	15	15	15	15	15	15	16	16
Change in Revenues	Not applicable									

Estimated impact on State, local, and tribal governments: S. 1533 would preempt state laws governing statutes of limitations for cases against individuals who have breeched their contracts under the National Health Services Corps program. This preemption would be an intergovernmental mandate as defined in UMRA. However, CBO estimates that the preemption would not affect the budgets of state, local, or tribal governments because, while it would limit the application of state law, it would impose no duty on states that would result in additional spending.

The bill also would authorize a number of grant programs that could either directly or indirectly benefit state, local, or tribal governments through increased assistance for a variety of community and rural health programs. In some cases, those governments may be required to provide matching funds for the federal assistance, but their participation in the programs would be voluntary.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Alexis Ahlstrom (226-9010). Impact on State, Local, and Tribal Governments: Leo Lex (225-3220).

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

OCTOBER 17, 2001.

Hon. EDWARD M. KENNEDY;
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1533, the Health Care Safety Net Amendments of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Alexis Ahlstorm, who can be reached at 226-9010.

Sincerely,

DAN L. CRIPPEN.

Enclosure.

PRESIDENT BUSH'S STATEMENT ON NATIONAL ARTS AND HUMANITIES MONTH

Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to commend the efforts of artists and cultural organizations across the country during this difficult time. October has been National Arts and Humanities Month, and this year, in communities across the country, artists have participated in numerous public programs and performances to help families cope with the concerns they have.

In Boston, musicians from the Boston Symphony joined in a poignant tribute to the victims of the World Trade Center attack. Here in Washington, the Kennedy Center hosted the "Concert for America." So, too, in other cities across the country, performing artists have donated their time and their talent to raise funds to support those who have suffered the most because of the terrorist attacks, and to help with the healing process for all Americans who share their sense of grief and loss.

The arts represent the highest levels of human achievement. They give expression to the deepest human emotions, and they are an indispensable part of the Nation's recovery and future strength.

Last week, President Bush issued a strong statement commemorating National Arts and Humanities Month and acknowledging the special role of the arts in these challenging times. I commend the President for his eloquent statement, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 25, 2001.

I am pleased to join my fellow Americans in observing National Arts and Humanities Month in October.

The arts and humanities enrich our lives, inspire our hearts and minds, and help us to view the world from a different perspective. Capturing the diversity and richness of human experience, they allow us to explore ideas and emotions and to better understand our history, culture, and beliefs. The study and appreciation of the arts and humanities serve as both a unifying force in society and as a vehicle for individual expression.

During these extraordinary times, the arts and humanities have provided means for coping and healing in the face of tragedy. Since the September 11 attacks, individuals and groups throughout our country have joined together to celebrate their patriotism by proudly singing "The Star-Spangled Banner" and "God Bless America." Others have expressed their grief by creating visual or written tributes to those who lost their lives. People of all ages have documented their personal experiences, firsthand knowledge, and impressions of recent events to create a lasting historical record for future generations.

These varied activities point to the vital importance of the arts and humanities in maintaining a vibrant society and a strong democracy. During National Arts and Humanities Month, I encourage all Americans to reflect on the contributions of these creative and intellectual traditions to our quality of life, and to participate in activities that celebrate the spirit of our Nation and our love for freedom, justice, and peace.

Best wishes on this special occasion.

GEORGE W. BUSH.

ADDITIONAL STATEMENTS

TRIBUTE TO SERGEANT MAJOR BENCESLADO RAEL UPON HIS RETIREMENT

- **Mr. DOMENICI.** Mr. President, I rise today to pay tribute to a fellow New Mexican who is retiring after 32 years of dedicated service with the United States Air Force and the New Mexico Army National Guard. Sergeant Major Benceslado "Ben" Rael has made duty, honor and service the hallmarks of his career and is a shining example of a true American patriot.

Ben was born in Truchas, NM in 1941 and graduated from St. Michael's High School in 1960; he also received his A.A. from Wilber Wright College in 1973. Upon joining the Air Force, he immediately made an impact as a recruiting and retention specialist where he helped countless young people find a confidence and self-esteem building career in the United States Armed Forces.

Ben's skills in recruiting did not go unnoticed. Upon joining the New Mexico Army National Guard, Ben was assigned the position of Vice Chairman of the Guard's National Recruiting and Retention advisory Council. Again, Ben showed himself to be a tremendous asset in keeping the National Guard vibrant in New Mexico.

Ben has made all of New Mexico proud, and in tribute, Governor Johnson has proclaimed October 31, 2001 as "Sergeant Major Benceslado Rael Day." I want to take this opportunity to join with the Governor, and indeed with all New Mexicans, in saluting Ben on a job well done and in wishing him many years of happiness in his retirement.●

IN RECOGNITION OF THE EXPANSION OF YOUNG ISRAEL OF OAK PARK, MI

- **Mr. LEVIN.** Mr. President, I ask that the Senate join me today in congratulating the Young Israel congregation of Oak Park, MI, on completion of recent expansion of the synagogue's facilities. Since 1954, Young Israel has been serving the spiritual needs of its congregation as well as the community at large.

From its humble beginnings, Young Israel of Oak Park has grown to become the largest Orthodox Jewish congregation in the State of Michigan. Originally founded as Young Israel of Oak-Woods, the temple served the communities of Oak Park and Huntington Woods. Six years later, Young Israel of Greenfield opened its doors in the adjoining community. For over a quarter century, the two temples offered a sanctuary where the respective congregations could meet.

Then in 1997, in response to changing demographics and a desire to better serve their neighborhoods, the temples merged to create Young Israel of Oak Park. Soon after the merger, they embarked on an ambitious expansion project to provide more opportunity for communal celebration and prayer. In June of this year, the synagogue's stunning new sanctuary and social hall were completed.

Today's congregation is not only a center of Torah study, but also a forum where young and old, rich and poor, come together to share their beliefs, desires, and fears. At the same time, the temple plays a central role in maintaining the stability and vitality of the Orthodox Jewish population of South East Michigan.

For nearly 50 years, the Young Israel congregation has been a spiritual and social home for many in Michigan's Orthodox Jewish community. I trust that my Senate colleagues will join me in congratulating Young Israel of Oak Park on nearly a half century of growth and wish them the best in the coming years.●

UNITED STEELWORKERS OF AMERICA OPPOSITION TO ANWR DRILLING

- **Mr. WELLSTONE.** Mr. President, I ask that a statement by David Foster of the United Steelworkers of America be printed in the RECORD.

The statement follows:

OPPOSITION TO DRILLING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Intelligent approaches to energy development are needed at a time when energy security, economic development, and environmental protection are more important than ever.

USWA District #11 represents thousands of workers in the Pacific Northwest's energy-intensive aluminum industry where 40% of the nation's aluminum capacity is located. The recent West Coast energy crisis that resulted in the shutdown of all ten of that region's aluminum smelters awakened our union to the need for a comprehensive energy policy based on sound environmental principles. We are currently working to help transition the industry to a cleaner, safer, and more dependable mix of energy sources that will help preserve industrial jobs in the United States and lead the industry toward energy self-sufficiency.

I believe that the best long-term solution to retaining aluminum jobs in the Northwest is 1) by reducing demand through energy efficiency and conservation, and 2) by increasing the supply of diversified energy sources including clean, renewable energy generated by wind, solar, and geothermal power. This combination would minimize the environmental impacts related to energy extraction and use, create good, family-wage jobs, and protect consumers from supply disruptions and price fluctuations.

Consequently, I am convinced that drilling for oil in the Arctic National Wildlife Refuge is not a sensible option. Rather, it is a short-sighted remedy that is unreliable, environmentally unsound, and fraught with economic shortcomings. As a better alternative, I would encourage the building of a new natural gas pipeline where existing supplies of natural gas can be captured.

In particular, I would recommend that the infrastructure for a gas pipeline be developed on the North Slope to bring to market gas currently being shunted back into the ground or flared off. A new Environmental Impact Statement must be completed prior to construction, and North American, rather than imported, steel should be utilized for the construction of the pipeline. This natural gas project would produce many times more jobs and be safer for workers than drilling in the Refuge, and would increase the supply of a cleaner and more valuable energy source, without posing severe threats to sensitive wildlife and tundra.•

WORLD POPULATION AWARENESS WEEK

• Mr. HOLLINGS. Mr. President, rapid population growth and urbanization place substantial pressure on the transportation, sanitation, health care, and education infrastructure in our country and throughout the world. It is important to recognize the impact that these forces have on our natural resources and our quality of life. I applaud Governor Hodges for proclaiming the week of October 21 to October 27 of this year as World Population Awareness Week in the great State of South Carolina.

I ask that his proclamation be printed in the RECORD.

The proclamation follows:

PROCLAMATION BY GOVERNOR JIM HODGES

Whereas, world population today exceeds 6.1 billion and is estimated to continue to increase by 1 billion every 13 years; and

Whereas, rapid population growth can have negative environmental, economic, and social consequences; and

Whereas, working to sustain an equitable balance between the world's population, environment, and resources contributes to combating poverty, improving maternal and child health, and ensuring the continued prosperity of our state and nation.

Now, therefore, I, Jim Hodges, Governor of the Great State of South Carolina, do hereby proclaim October 21-27, 2001, as World Population Awareness Week throughout the state and encourage all South Carolinians to work together to raise awareness of voluntary and responsible solutions to rapid population growth.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 483. An act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

H.R. 1776. An act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

H.R. 2362. An act to establish the Benjamin Franklin Tercentenary Commission.

H.R. 2559. An act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

H.R. 2585. An act to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 233. Concurrent resolution expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. WOLF, Mr. DELAY, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mrs. EMERSON, Mr. SWEENEY, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. SERRANO, Mr. CLYBURN, and Mr. OBEY.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: and appoints the following Members as the managers of the conference on the part of the House: Mr. BONILLA, Mr. WALSH, Mr. KINGSTON, Mr. NETHERCUTT, Mr. LATHAM, Mrs. EMERSON, Mr. GOODE, Mr. LAHOOD, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, Mr. HINCHEY, Mr. FARR of California, Mr. BOYD, and Mr. OBEY.

At 5:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee on conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 483. An act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on the Indian Affairs.

H.R. 1776. An act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; to the Committee on Energy and Natural Resources.

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

H.R. 2559. An act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance; to the Committee on Governmental Affairs.

H.R. 2585. An act to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon; to the Committee on Energy and Natural Resources.

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building"; to the Committee on Governmental Affairs.

H.J. Res. 71. Joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 233. Concurrent resolution expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001; to the Committee on the Judiciary.

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first time:

S. 1601. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 951: A bill to authorize appropriations for the Coast Guard, and for other purposes. (Rept. No. 107–89).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1042: A bill to prevent the elimination of certain reports. (Rept. No. 107–90).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002." (Rept. No. 107–91).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1140: A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S.J. Res. 12: A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1595. A bill to authorize the Secretary of Agriculture to establish a program to control bovine Johne's disease; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID:

S. 1596. A bill to authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. DASCHLE, Mrs. HUTCHISON, Mr. KENNEDY, Mr. HARKIN, Mr. REED, Mrs. MURRAY, Mr. WELLSTONE, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1597. A bill to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1598. To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH:

S. 1599. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Finance.

By Mr. DAYTON:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1601. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; read the first time.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, and Mrs. CLINTON):

S. 1602. A bill to help protect the public against the threat of chemical attack; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. THOMPSON):

S. 1603. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS:

S. 1604. A bill to establish a national historic barn preservation program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself and Mr. FRIST):

S. 1605. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, and Mr. EDWARDS):

S. 1606. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1607. A bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the medicare program; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, Mr. GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

By Mr. HELMS (for himself, Mr. DEWINE, and Mr. GRAHAM):

S.J. Res. 27. A joint resolution relating to the political, economic, and military relations of the United States with Nicaragua; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 207

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 724

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1140, a bill to amend chapter

1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1303

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act to provide for payment under the medicare program for more frequent hemodialysis treatments.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1571

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1571, a bill to provide for the continuation of agricultural programs through fiscal year 2006.

S. 1578

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

AMENDMENT NO. 2026

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2026 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2039

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2039 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON SUBMITTED RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1595. A bill to authorize the Secretary of Agriculture to establish a program to control bovine Johne's disease; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Madam President, I rise today to introduce the Johne's Disease Elimination Act, which would provide incentives to encourage dairy producers to voluntarily begin testing for Johne's disease and to remove infected and exposed animals from their dairy herds.

Johne's disease is a devastating infection that has adversely impacted dairy herds across the country for many years.

Johne's disease was identified more than a century ago, yet remains a common and costly infectious disease of dairy cattle.

Johne's disease starts as an infection in calves, though indications do not appear until 2 to 5 years later. Over 20 percent of all dairy herds may be infected with an animal pathogen that causes Johne's disease, which causes losses in milk production and an eventual wasting away of the animal. And if not detected and eliminated, the disease can spread throughout the herd.

This animal disease, for which there is no cure, is projected to cost U.S. diary producers in excess of $200 million annually.

Let me repeat, $200 million. The average cost to producers is about $245 per cow. In other words, the cost for a 100 cow dairy with an infected herd would be about $24,000.

One of the biggest challenge to eradicate Johne's disease is the lack of a consistent national or industry-wide education or control program. One of the more prominent recent efforts involves the Johne's Committee of the U.S. Animal Health Association, which formed the National Johne's Working Group to begin more cohesive education, research, and control efforts to deal with the disease.

The legislation I am introducing today is based on the work of the National Johne's Working Group. My legislation would authorize the creation of a program to encourage dairy herd owners to be practically free of Johne's disease in 7 years.

This program would be absolutely voluntary and confidential, as the working group recommended.

This program would provide incentives to encourage dairy producers to voluntarily begin testing for Johne's disease and to remove infected and exposed animals from their dairy herds.

The incentives provided will also help farmers to perform herd risk assessments and utilize best management practices to develop appropriate Johne's Herd Management Plans to prevent further introduction and spread of the disease.

We need to listen to America's dairy industry and follow their common sense suggestions to eradicate a disease that hurts dairy farmers across the United States. I urge my colleagues to join me in cosponsoring this legislation.

By Mr. ROCKEFELLER:

S. 1598. To amend section 1706 of title 38, United States Code, to enhance the management of the provision by the Department of Veterans Affairs of specialized treatment and rehabilitation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, I am proud today to introduce legislation that would improve upon the current requirement that the Department of Veterans Affairs maintain specialized health care services. It is my hope that the "Veterans Specialized Treatment Act" will finally settle the issue and that high quality, specialized health care services will be readily available to our veterans at each and every VA hospital.

From its inception, the Department of Veterans' Affairs' health care system has been challenged to meet the special needs of its veteran patients, such as spinal cord injuries, amputations, blindness, post-traumatic stress disorder, substance abuse, and homelessness. Over the years, VA has developed widely recognized expertise in providing specialized services to meet these needs. We have all been proud of VA's expertise, some of which is unparalleled in the larger health care community.

Unfortunately, in recent years, VA's specialized programs have come under stress due to budget constraints, reorganizational changes, and the introduction of a new resource allocation system. Budgetary pressures, in particular, raised concerns back in 1996 that VA's costly specialized programs may be particularly vulnerable and disproportionately subject to reductions. As a result, Congress recognized the need to include protections for the specialized services programs. Public Law 104–262 specifically required the Secretary of Veterans Affairs to maintain capacity to provide for the specialized treatment needs of disabled veterans at the level in existence at the time the bill was passed, October 9, 1996 and to report annually to Congress on the status of its efforts.

While each of the VA's required reports have proclaimed success in maintaining capacity, some remain skeptical. The General Accounting Office found that "much more information and analyses are needed to support VA's, 1998, conclusion, that capacity was up to par." The VA Federal Advisory Committee on Prosthetics and Special Disability Programs has in the past called VA's data "flawed" and has not endorsed all of VA's report. In 1999, my own staff on the Committee on Veterans' Affairs also examined VA's implementation of the law and found that certain key programs, such as Post-Traumatic Stress Disorder and substance abuse disorder programs, were not meeting the mandated capacity levels.

The most recent report shows, again, that there is concern about whether VA is adhering to the law. The VA Federal Committee on Care of Severely Chronically Mentally Ill Veterans stated in an official response that the 2000 report on capacity "once again, documents the Department's decline in maintaining specialized services for . . . high priority patients, without explicitly acknowledging it." Committee members also emphasized that based on the results of the report, it did not appear that high-quality, system-wide access to specialized services is being provided by VA.

I am disappointed that VA has still been unable to properly demonstrate that adequate levels of care for those veterans with specialized health care needs are being maintained. The legislation I introduce today seeks to remedy this problem by closing loopholes in the original law to ensure VA's compliance. Congress has spoken quite clearly in the past: VA does not have the discretion about whether or not to maintain capacity for specialized services.

My proposed legislation would modify the existing report and require that VA submit information on the number of full-time staff providing treatment and the number of dedicated staffed beds; the number of veterans served by each such distinct program and facility; the number of units of service provided to veterans by such program, including the number of inpatient and residential days of care as well as the number of outpatient visits; and the amount of money spent for the care of veterans using these specialized services. Having this information for each of the distinct specialized services will allow Congress to fully understand how the specialized services are fairing. While I applaud VA's use of outcome measures, I believe it is imperative that the report contain hard data on the number of staffed beds and other information.

VA would also be required to maintain capacity of the Department at each and every medical center. Current law only requires that "overall" capacity be maintained.

Another key element of the legislation is that the Inspector General of VA would conduct an annual audit to ensure that the requirements of the capacity law are carried out every year. The IG would also be required to review the VA's yearly report and provide their assessment, on that report, to Congress. Finally, in an effort to encourage VA managers to comply with the legislation, VA would be required to look at the status of the specialized services programs whenever job performance is reviewed.

My colleagues, I ask for your support of this bill, as it would help ensure that specialized services, a crucial segment of the health care VA provides to veterans, are maintained at the necessary level.

By Mr. DAYTON:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to allow Medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs; to the Committee on Finance.

Mr. DAYTON. Madam President, one of the groups consistently left out of most current economic stimulus proposals are America's senior citizens. Prescription drug prices continue to escalate, putting enormous financial strains on seniors in Minnesota and throughout the Nation. That is why I am introducing today The Rx Relief for Seniors Act. It would give America's hard-pressed senior citizens a one-time, refundable tax credit of up to $500 per individual and up to $1,000 per married couple, to offset their payments for prescription drugs during the year 2001.

Millions of senior citizens in my home state of Minnesota and throughout this country have had their limited personal incomes ravaged by the rising costs of prescription medicines. These escalating prices force the elderly to reduce their expenditures for other essential needs such as food, clothing, and utilities. They also prevent seniors from spending money on additional discretionary items such as recreation, travel, and other needed goods and services.

The assurance of this $500 refundable tax credit, either as a credit on Federal taxes due next April 15, or as a cash refund from the Internal Revenue Service shortly thereafter, would permit budget-conscious senior citizens to increase immediately their purchases of additional consumer goods and services. Seniors, especially the majority who live on limited and fixed incomes, would be among the people most likely to spend quickly any new tax relief and thus help stimulate the economy. For this reason, the bill directs the Secretary of Health and Human Services to notify all Medicare beneficiaries that they are eligible for this refundable tax credit for their 2001 prescription drug purchases.

Since my election to the Senate a year ago, I have been urging my colleagues to adopt some form of prescription drug coverage for America's senior citizens. Regrettably, such permanent, comprehensive coverage has been once again delayed by differences over the design of such a program. Yet, for millions of elderly citizens, the financial strains caused by escalating drug costs are urgent and acute. The Rx Relief for Seniors Act would provide them with a one-time dose of immediate relief. Hopefully, it would also provide a transition to permanent, comprehensive prescription drug coverage legislation next year.

By Mr. CORZINE (for himself, Mr. JEFFORDS, Mrs. BOXER, and Mrs. CLINTON):

S. 1602. A bill to help protect the public against the threat of chemical attack; to the Committee on Environment and Public Works.

Mr. CORZINE. Madam President, today I am introducing a bill, the Chemical Security Act of 2001, that will reduce the vulnerability of our communities to releases of hazardous chemicals.

In the past, concern about chemical facilities has largely focused on accidental releases. Unfortunately, recent events have shown that the potential for catastrophic accidents is still with us. As recently as September 21, an accident at a chemical plant in France caused 300 tons of nitrates to explode, killing 29, injuring thousands, and damaging 10,000 houses.

We need to ensure that we are taking all appropriate measures to prevent such catastrophes from occurring accidentally. But today, in the world of post 9/11, perhaps more importantly, we need to ensure that we do what we can to prevent such catastrophes from being caused intentionally by terrorists.

In the wake of the attacks in New York and Washington, it is clear that wee need to look at all of our nation's assets and people as potential terrorist targets. We need to get ahead of the curve as quickly as we can. I believe that one of the places that we need to look first is at our nation's chemical production, processing, transportation and disposal infrastructure. Vulnerability of these sectors to either terrorist attack or the theft of dangerous chemicals can pose a serious threat to public health, safety and the environment.

This is not just my opinion, Madam President. The Department of Justice studied this matter last year and concluded that there is a "real and credible threat" that terrorists would try to cause an industrial chemical release in the foreseeable future. The Department noted that attacking an existing chemical facility, for example, presents an easier and more attractive alternative for terrorists than constructing a weapon of mass destruction. In addition, the Department concluded that many plants that contain hazardous chemicals would be attractive targets for terrorists because of the plants' proximity to densely populated areas. This is certainly the case in my home state of New Jersey—the most densely populated State in the Nation.

Other studies also have shown that our nation's chemical facilities are indeed vulnerable. For example, the Agency for Toxic Substances and Disease Registry studied over 60 chemical plants in West Virginia, Georgia, and Nevada. The Agency found that security at those plants ranged from fair to very poor.

As I noted earlier, beyond the new threat of terrorism is the existing problem of chemical accidents. According to the National Response Center of the United States Coast Guard, which is the sole point of registry for reporting oil and chemical spills, there were 28,822 accidental industrial chemical releases in 1998. Those releases caused 2,193 injuries and 170 deaths.

Remarkably, Madam President, despite this risk, the federal government lacks mandatory security standards for any chemical facilities. Even those in densely populated areas. Even those with extremely hazardous chemicals. Now we do require owners and operators of such facilities to prepare risk management plans that analyze the potential off-site consequences of a release of regulated substances. These reports must include plans to prevent an unintended release and to mitigate the effects of such a release, should it occur. However, no federal requirements are in place that require specific steps to prevent releases caused by criminal or terrorist activity.

Madam President, the Chemical Security Act of 2001 would fill this gap in current law by requiring common sense steps to address the highest priority threats from accidents and attacks involving hazardous chemicals.

To enable the federal government to take immediate action upon enactment to address the most serious risks on a case-by-case basis, the bill provides EPA and the Attorney General the authority to issue administrative orders and secure relief through the courts to abate an imminent and substantial endangerment from a potential accidental or criminal release.

The bill directs the EPA Administrator to consult with the Attorney General, states and localities to identify "high priority" categories within our chemical production, processing, transportation and disposal infrastructure. In designating these "high priority" categories, the Administrator is to consider a set of factors, including the severity of potential harm from a release, proximity to population centers, threats to critical infrastructure and national security, and other factors the Administrator considers appropriate.

The bill also directs the Administrator to consider threshold quantities of chemicals in establishing high priority categories. This is to ensure that small businesses like gas stations and photo shops are not swept up in the regulations.

Those businesses that are designated as high priorities are subject to two other provisions of the bill designed to reduce the threat of chemical attacks.

First, a general duty is placed on any owner or operator of a facility that falls within a high priority category to identify hazards, take measures to prevent a criminal release, and minimize the consequences of any criminal release that occurs.

Second, the EPA is directed to develop regulations for the high priority categories that will require them to take adequate actions to prevent, control, and minimize the potential consequences of an accident or attack.

The bill includes other provisions to enable the EPA and the Attorney General to carry out and enforce the act, such as the authority to obtain information that may be needed, while providing for protection of trades secrets and national security information.

Madam President, the legislation is not overly prescriptive, and this is intentional. I believe that in the wake of September 11, it is self-evident that we need to do a better job safeguarding our communities from terrorism. And I believe that the possibility of chemical attacks is something we need to look at. So the heart of the bill is a requirement that EPA and DOJ work with state and local agencies to ensure that the highest priority threats from chemical facilities are being addressed. But I don't want to tie the hands of the executive branch. I think that they should have wide latitude in determining what types of chemicals and facilities need to implement better security measures. But this latitude should not be misconstrued as a mandate to regulate gas stations, photo shops, and everyone under the sun who uses hazardous chemicals. Rather, the latitude is there to give EPA and DOJ broad enough authority so that they are able to address the most pressing threats, wherever they may be.

Madam President, strengthening security at high priority chemical sources is an immediate and necessary step to safeguard our communities. Over the longer, term, however, I believe that our desire to protect our communities and our environment will be best served by reducing the use of hazardous chemicals. That's why this bill includes provisions to require high priority chemical sources to reduce risks where practicable by using inherently safer technology, well-maintained secondary control equipment, robust security measures, and buffer zones.

We have seen this type of approach work in New Jersey, where the legislature enacted a law requiring facilities to implement alternate processes that would reduce the risk of a release of extremely hazardous substances. After the enactment of this law, the number of water treatment plants using levels of chlorine at a level considered extremely hazardous decreased from 575 in 1988 to 22 in September of 2001. Chlorine, which can cause a number of problems include burning of the skin and eyes, nosebleeds, chest pain, and death, was replaced by sodium hypochlorite or other much less hazardous chemicals or processes. Although I believe this New Jersey law has afforded my constituents a high level of safety with regard to accidents, the current federal and state security requirements in New Jersey do not address the threat of terrorist attacks. I suspect that this is most if not all of our states, Madam President. That's why it's critical for Congress to act.

I am glad to note, Madam President, that the chemical industry has indicated a willingness to engage the federal government on the issue of security. On October 4, 2001, the American Chemistry Council sent a letter to President Bush, requesting that the federal government immediately begin a comprehensive assessment of security at chemical plants. On October 10, a representative of the American Chemistry Council who testified before the House Transportation and Infrastructure Subcommittee on Water and the Environment reiterated this message, stating that "Our industry believes it will benefit from a comprehensive assessment conducted by appropriate federal law enforcement, national security and safety experts. While we are taking aggressive steps to make our operations more secure, we recognize that we cannot achieve this objective by ourselves." Madam President, I agree with the American Chemistry Council's on this point, and I look forward to working with industry to ensure that the federal government has the tools that it needs to play its proper role.

In conclusion, Madam President, reducing the threat of a terrorist attack against a chemical facility, or an accidental release of hazardous substances, is critically important to ensure the safety of all Americans. We should not wait any longer before beginning to address this problem, and I urge my colleagues to support this legislation.

By Mr. JEFFORDS:

S. 1604. A bill to establish a national historic barn preservation program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS. Madam President, I rise today to introduce the National Historic Barn Preservation Act of 2001.

As I am sure my colleagues agree, historic barns are some of America's greatest national treasures symbolizing the agriculture foundations upon which our Nation was founded. Unfortunately, many are in danger of falling beyond repair. These symbols of the American spirit are a vital component of our cultural heritage and must be preserved.

From our agricultural beginnings in Colonial times to the frontiersmen' expansion to the West, barns have been a fixture of the rural American landscape. Unfortunately, Agriculture and farm production has weathered many painful changes over the past decades. These changes have been particularly difficult for small and medium sized farms where most of our nation's historic barns reside. According to a survey conducted by Successful Farming, 65 percent of the farmers surveyed had barns over 50 years old on their property.

Our legislation allows these farmers to receive funds administered through States and non-profit organizations to bring their barns into productive use. Preserving these barns will not only ensure their survival for generations to come, it will also provide many practical benefits to the communities and economies that surround them.

Specifically, this bill will allow small and medium-sized farms to make necessary investments in their production facilities to keep their farms working by providing direct grants. In hard times, small and medium-sized farms have had to choose between making improvements on a historic structure on their property or investing in machinery to keep their existing operations running. Between 1982 and 1997, our nation saw a 15 percent decline in the number of farms in use, averaging a loss of 22,000 farms per year. This bill will ensure the economic viability of these farms by helping farmers preserve their historic structures and maintain essential investments. Given our current economic outlook, this bill will be particularly beneficial.

Also, preserving historic barns helps ensure that farmers keep their land in agricultural use. This has a tremendous effect in preventing sprawl from encroaching on rural communities. It is estimated that 3.6 million acres of farmland is removed from agricultural use each year.

This is a sensible bill that ensures the preservation of historic barns in ways individual farmers want. The National Trust for Historic Preservation recently conducted a survey asking farmers how they could preserve historic barns on their property. The number one response from these farmers was to create a national grant program, exactly what this legislation does.

This bill enjoys wide support and has been endorsed by the National Trust for Historic Preservation. I invite my colleagues to join me in my efforts to preserve our Nation's historic barns for the prosperity of future generations and the well-being of our rural communities. I ask that a summary of the legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BILL SUMMARY

The bill would instruct the Secretary of Agriculture to act through the Undersecretary of Rural Development to: Assist states in developing a listing of historic barns; collect and disseminate information concerning historic barns; foster educational programs relating to historic barns and their preservation; sponsor and conduct research on the history of barns; and sponsor or conduct research, and study techniques, on protecting historic barns.

The bill would authorize the Office of Rural Development of USDA to award $25 million in grants over FY 2002 through 2006 for barn preservation projects to the following agencies: State Departments of Agriculture, National or State Non-profits that have been determined by the Secretary of Agriculture to have experience in historic barn preservation, and a State Historic Preservation Office.

While most of the $25 million authorized would be awarded for grants used to rehabilitate or repair historic barns, the bill would allow some of the funds to be used to: Install fire detection systems and/or sprinklers; install systems to prevent vandalism; and identify, document and conduct research on historic barns to develop and evaluate appropriate techniques or best practices for protecting historic barns.

By Mr. ROCKEFELLER (for himself, and Ms. SNOWE):

S. 1607. A bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the Medicare Program; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I rise today to introduce a small bill, but one with important consequences. My measure, the "Medicare Remote Monitoring Services Act of 2001," seeks to increase access to remote management technologies by providing equal payment for these services under Medicare. I am pleased to be joined by Senator SNOWE in introducing this measure.

As my colleagues know, many new technologies that collect, analyze, and transmit clinical health information are in development or have recently been introduced to the market. These remote management technologies hold clear promise: Better information on the patient's condition, collected and stored electronically, analyzed for clinical value, and transmitted to the physician or the patient, should improve patient care and access. Instead of a time-consuming 20-mile trips to the doctor's office, it takes the patient 10 minutes to transmit the data by computer. This is not going to replace hands-on medicine, but when it's not possible for the physician to be there, this can be a tool. It's a more aggressive way to be with the patient and help avoid a crisis.

Despite these innovations, many new clinical information and remote management technologies have failed to diffuse rapidly. A significant barrier to wider adoption and evolution of the technologies is the relative lack of payment mechanisms under Medicare for services provided by a physician related to these technologies.

The June 2001 "MedPAC report to Congress on Medicare in Rural America": raises concerns about access to health care in rural areas. The report states that if policymakers are interested in expanding the use of telemedicine approaches to improve access to care, one avenue that could be explored is the coverage of technology that enables a diagnostic test to be performed on a patient remotely and then be sent electronically to the consulting physician for review at a later time.

In addition, in its March 2001 report, "Crossing the Quality Chasm," the Institute of Medicine stated that the automation of clinical and other health transactions was an essential factor for improving quality, preventing errors, enhancing consumer confidence, and improving efficiency, yet "health care delivery has been relatively untouched by the revolution in information technology that has been transforming nearly every other aspect of society."

Under this legislation remote monitoring services that are found to be comparable to face to face, encounter-based, monitoring services will be given the same coverage and level of Medicare payment as the comparable encounter-based physician service. The provision will be implemented in a budget-neutral manner. I urge my colleagues to cosponsor this legislation that will improve patient access, care, and management, as well as spur the development of new technologies that will improve services further.

Ms. SNOWE. Madam President, today I am joining with Senator ROCKEFELLER in introducing the Medicare Remote Monitoring Service Coverage Act of 2001. This bill is designed to place Medicare on the cutting edge of technology and ensure that our Nation's seniors have access to the best treatment options available.

Ever since the first stethoscope was developed in Paris in 1816, medical technology has had a dramatic impact on health care. Over the past twenty-five years, the technology of medical devices has improved dramatically. The resulting changes in the practice of medicine and the improvements in the quality of patient care of have been dramatic and this trend will continue as we move into the future.

Once such important improvement is in the ability of new cutting-edge medical devices to electronically monitor a patient's response to treatment. The new devices will collect, analyze and transmit clinical health information to the patient's physician. As a result, the physician will have access to better information on the patient's condition, which will improve patient care. These innovative devices will also monitor their own internal performance and transmit this information in real-time to the physician's office. Physicians can use this data to assess a patient's response to treatment and determine if new interventions are required.

One such device that is under development is an advanced version of the internal cardiac defibrillator or ICD similar to the one used by Vice President CHENEY. These devices monitor the heart and respond automatically when indicated. When the heart's rhythm triggers certain interventions, the patient is required to immediately contact their physician and must travel to the emergency room to determine if a more serious problem has developed. It is also crucial at these times to determine that the device is working properly. Access to care in these circumstances is imperative.

With these new devices, this important information can be transmitted electronically to the physician. The physician can then analyze this clinical data and determine if further intervention is required. As a result of this innovation, costly emergency room visits are avoided and patients can receive their physician's assessment more quickly. This reduces the cost of the health care intervention by avoiding the emergency room visit and provides piece of mind to the patient that the life-saving device is working properly. One can easily see that this is of greatest value to patients in rural areas who would otherwise have to travel great distances to the emergency room for evaluation, many times in the middle of the night.

While these new technologies hold great promise, Medicare reimbursement policies are an unfortunate barrier to their use. Under current Medicare payment policy, most physician billing codes are limited to face-to-face interactions between physician and patient. The physician payment system does not provide reimbursement for time spent on a clinical evaluation when a face-to-face encounter is not needed. As a result, Medicare payment rules will inhibit the adoption of this promising technology. This is unfortunate when one considers that, in many cases, costly emergency room visits can be avoided while the identical clinical analysis and interpretation takes place using data that is transmitted electronically to the physician.

This legislation, which we are introducing today, would create reimbursement parity between physician visits on a face-to-face basis and equivalent interventions resulting from remote patient management made possible by these devices. The legislation would provide the same Medicare coverage and level of reimbursement for remote monitoring services that are found to be comparable to face-to-face, encounter-based, services specifically for data collection and analysis. This new reimbursement policy will be implemented in a budget-neutral manner and simply designed to pay for remote monitoring when a face-to-face physician encounter would be reimbursed for the same services under the same set of circumstances.

This proposal will improve patient care and promote the adoption of this innovative new technology. Moreover, it will provide better access and improved quality of care for patients who rely on these devices, particularly in rural areas. This is especially true in cases when an immediate evaluation is required. We believe this is a sensible proposal that will reduce costs in the long-run and will ensure that seniors have access to cutting edge, life-saving technologies. We are hopeful that this legislation can be adopted quickly to assure that Medicare beneficiaries are not prevented from accessing this technology.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, Mr. GRAHAM, and Mr. CRAPO):

S. 1608. A bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WATER SECURITY GRANTS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a publicly- or privately-owned drinking water or wastewater facility.

(3) ELIGIBLE PROJECT OR ACTIVITY.—

(A) IN GENERAL.—The term "eligible project or activity" means a project or activity carried out by an eligible entity to address an immediate physical security need.

(B) INCLUSIONS.—The term "eligible project or activity" includes a project or activity relating to—

(i) security staffing;

(ii) detection of intruders;

(iii) installation and maintenance of fencing, gating, or lighting;

(iv) installation of and monitoring on closed-circuit television;

(v) rekeying of doors and locks;

(vi) site maintenance, such as maintenance to increase visibility around facilities, windows, and doorways;

(vii) development, acquisition, or use of guidance manuals, educational videos, or training programs; and

(viii) a program established by a State to provide technical assistance or training to water and wastewater facility managers, especially such a program that emphasizes small or rural eligible entities.

(C) EXCLUSIONS.—The term "eligible project or activity" does not include any large-scale or system-wide project that includes a large capital improvement or vulnerability assessment.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to allocate to States, in accordance with paragraph (2), funds for use in awarding grants to eligible entities under subsection (c).

(2) ALLOCATION TO STATES.—Not later than 30 days after the date on which funds are made available to carry out this section, the Administrator shall allocate the funds to States in accordance with the formula for the distribution of funds described in section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)).

(3) NOTICE.—Not later than 30 days after the date described in paragraph (2), each State shall provide to each eligible entity in the State a notice that funds are available to assist the eligible entity in addressing immediate physical security needs.

(c) AWARD OF GRANTS.—

(1) APPLICATION.—An eligible entity that seeks to receive a grant under this section shall submit to the State in which the eligible entity is located an application for the grant in such form and containing such information as the State may prescribe.

(2) CONDITION FOR RECEIPT OF GRANT.—An eligible entity that receives a grant under this section shall agree to expend all funds provided by the grant not later than September 30, 2002.

(3) DISADVANTAGED, SMALL, AND RURAL ELIGIBLE ENTITIES.—A State that awards a grant under this section shall ensure, to the maximum extent practicable in accordance with the income and population distribution of the State, that a sufficient percentage of the funds allocated to the State under subsection (b)(2) are available for disadvantaged, small, and rural eligible entities in the State.

(d) ELIGIBLE PROJECTS AND ACTIVITIES.—

(1) IN GENERAL.—A grant awarded by a State under subsection (c) shall be used by an eligible entity to carry out 1 or more eligible projects or activities.

(2) COORDINATION WITH EXISTING TRAINING PROGRAMS.—In awarding a grant for an eligible project or activity described in subsection (a)(3)(B)(vii), a State shall, to the maximum extent practicable, coordinate with training programs of rural water associations of the State that are in effect as of the date on which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2002.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2043. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, supra.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2047. Mr. HATCH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, supra.

SA 2050. Mr. HARKIN (for Ms. COLLINS (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, supra.

SA 2052. Mr. HARKIN (for Mr. INOUYE) proposed an amendment to the bill H.R. 3061, supra.

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, supra.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, supra.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) supra.

TEXT OF AMENDMENTS

SA 2040. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 7, strike "$361,524,000" and insert "$291,524,000".

On page 43, line 23, strike "$305,000,000" and insert "$375,000,000".

SA 2041. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 23, strike "$305,000,000" and insert "$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by $70,000,000".

SA 2042. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . (a) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT HOSPITAL SERVICES.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting "(i) IN GENERAL.—" before "The Secretary", and adjusting the margin two ems to the right;

(2) by striking "The Secretary" and inserting "Subject to clause (ii), the Secretary"; and

(3) by adding at the end the following new clause:

"(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

"(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

"(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.".

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR OUTPATIENT HOSPITAL SERVICES.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: "For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.".

SA 2043. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.

(a) DEFINITIONS.—In this section:

(1) GAMETE.—The term "gamete" means a haploid germ cell that is an egg or a sperm.

(2) SOMATIC CELL.—The term "somatic cell" means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) PROHIBITION.—It shall be unlawful for any person to knowingly attempt to create a human-animal hybrid by—

(1) combine a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) SANCTIONS.—

(1) IN GENERAL.—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) CIVIL PENALTIES.—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

SA 2044. Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. TORRICELLI, Mr. CORZINE, Mrs. CLINTON, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. 01. SHORT TITLE.

This title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

SEC. 02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent work stoppages and industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate or determine the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means that the State provides rights and responsibilities that are comparable to or greater than the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 05.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any

State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title;

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 04(b)(3);

(3) to prevent a State from enforcing a right-to-work law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(4) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear in his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(5) to prohibit a State from exempting from coverage under this title a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term "employees" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this title shall be construed to require a State to rescind or preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

(2) ACTIONS OF THE AUTHORITY.—Nothing in this title shall be construed to required that the Authority preempt the laws or ordinances of any political subdivision of a State if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights provided under this title.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SA 2045. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Heath and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(3) recent reports from the Associated Press highlight the use of Federal AIDS prevention money to conduct sexually explicit workshops for homosexual men and women;

(4) such sexually explicit workshops teach homosexual men and women how to write erotic love stories and how to use sex toys for solo and partner sex; and

(5) Federal AIDS prevention funds should not be used to promote sexual activity and behavior and potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning programs offering sexually explicit workshops using such dollars.

SA 2046. Mr. SESSIONS (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Heath and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(5) Federal AIDS prevention funds should not be used to promote sexual activity that could potentially transmit the disease that such funds were allocated to fight.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress concerning the use of all AIDS funds and explicit descriptions of programs and workshops for AIDS prevention purposes.

SA 2047. Mr. HATCH (for himself, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . Of the funds provided to the Office of the General Counsel, not less than $500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. . Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SA 2048. Mr. HARKIN proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 33, line 22, strike all after the word "Center" through the word "vivarium" on line 23.

On page 33, line 25, strike all after the word "related" through the word "project" on page 34, line 2, and insert, in lieu thereof, "contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center".

SA 2049. Mr. HARKIN (for Mr. WYDEN) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1).".

SA 2050. Mr. HARKIN (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000-2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000-2001.

(4) In the winter of 2000-2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000-2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000-2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999-2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999-2000; and

(B) the weather was 10 percent colder than in the winter of 1999-2000.

(7) In the winter of 2000-2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000-2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SA 2051. Mr. HARKIN (for Mr. HATCH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, after the period on line 15, add the following:

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than $500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. Expressing the sense of the Senate that the Department of Health and Human Services publish a Notice regarding Good Manufacturing Practices for dietary supplements.

Whereas over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status;

Whereas Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products;

Whereas Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping;

Whereas the Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements;

Whereas the Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled; and

Whereas those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget, for over 5 years: Now, therefore, be it

Resolved, That the Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SA 2052. Mr. HARKIN (for Mr. INOUYE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes: as follows:

At the appropriate place, on page 93, after line 12, insert the following:

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

SA 2053. Mr. HARKIN (for Mr. BAYH) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 93, after line 12, insert the following:

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term "administrative simplification requirements" means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

SA 2054. Mr. SESSIONS proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end, add the following:

SEC. . STUDY AND REPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SA 2055. Mr. GRAMM proposed an amendment to amendment SA 2044 proposed by Mr. DASCHLE to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After line 7 on page 9, insert the following:

"(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 31, 2001, in SR–328A at 2:30 p.m. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee Subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, October 31, 2001. The purpose of this business meeting will be to confirm the organization of the Agriculture Committee subcommittee membership, mark up the credit title of the new Federal farm bill, and consider S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 31, 2001, at 2 p.m. to hold a nomination hearing.

Agenda

Nominees: Mr. George Argyros, Sr., of California, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra; Mr. Robert Beecroft, of Maryland, for the rank of Ambassador during his tenure of service as Head of Mission, Organization for Security and Cooperation in Europe (OSCE), Bosnia and Herzegovina; and Mr. Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria; to be introduced by: the Honorable MITCH MCCONNELL.

Mr. Stephan Minikes, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, to be introduced by: the Honorable ARLEN SPECTER.

Mr. William Montgomery, of Pennsylvania, to be Ambassador to the Federal Republic of Yugoslavia; Mr. Melvin Sembler, of Florida, to be Ambassador to Italy; and Mr. Ronald Weiser, of Michigan, to be Ambassador to the Slovak Republic, to be introduced by: the Honorable CARL LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, October 31, 2001, at 2:30 p.m., in room S–407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water, be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to conduct a hearing on innovative financing mechanisms related to the drinking water and clean water State revolving fund. The hearing will be held in the room SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, October 31, 2001, at 9:30 a.m. to hold a joint hearing entitled "Terrorism Through the Mail: Protecting Postal Workers and the Public."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3061

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. tomorrow morning, Thursday, November 1, when the Senate resumes consideration of H.R. 3061, the Labor-HHS Appropriations Act, Senator GREGG be recognized to offer an amendment regarding school construction; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Gregg amendment be laid aside and Senator LANDRIEU be recognized to offer an amendment regarding Title I targeting on which there will be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that no second-degree amendments be in order to either amendment prior to the vote, nor to the language which may be stricken; that upon the use of time, the Senate resume consideration of the Gregg amendment, and then proceed to vote in relation to the Gregg amendment; that regardless of the outcome of the vote, there be 2 minutes for debate that in relation to the Landrieu amendment; that upon the use of that time, the Senate proceed to vote in relation to the Landrieu amendment, with no further intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, having had that consent agreement entered, I reiterate what the majority leader said a couple of hours ago that we are going to finish this bill this week, hopefully tomorrow. It would be really good if we could. Otherwise, we will have to work until Friday.

The leader is also extremely interested in completing the DC appropriations bill. The manager of that bill, the chairman of the subcommittee, Senator LANDRIEU, has indicated she is in conversations with the Senator on the other side regarding bringing the bill forward. Hopefully, that can be done and disposed of in a relatively short period of time.

Even though there were no recorded votes today, nor were there recorded votes yesterday, significant progress has been made on this bill. The managers have accepted six or eight amendments. A couple have been accepted by voice vote. The staff committee has been working with a number of Senators during the day, making progress on some very significant amendments. Hopefully, when these amendments are completed tomorrow, the Gregg and Landrieu amendments, we will be ready to complete work on this bill tomorrow afternoon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 504 through 510; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General James P. Czekanski, 6070
Brigadier General Hugh H. Forsythe, 0697
Brigadier General Douglas S. Metcalf, 5196
Brigadier General Betty L. Mullis, 0954

To be brigadier general

Colonel Mark W. Anderson, 0830
Colonel John H. Bordelon, Jr., 0730
Colonel Robert L. Corley, 7602
Colonel David L. Frostman, 2235
Colonel Linda S. Hemminger, 5711
Colonel Robert W. Marcott, 3557
Colonel Clay T. McCutchan, 9267
Colonel Harold L. Mitchell, 1941
Colonel James M. Sluder, III, 2422
Colonel Erika C. Steuterman, 3209

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Hal M. Hornburg, 6836

IN THE ARMY

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

To be colonel

Donald W. Dawson, III, 2908

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

To be colonel

Daniel M. Macguire, 2233

The following named officer for appointment to the grade indicated in the United States Army, Army Judge Advocate General's Corps under title 10, U.S.C., section 624:

To be lieutenant colonel

Christopher M. Murphy, 4209

The following named officer for appointment to the grade indicated in the United States Army, Army Medical Corps under title 10, U.S.C., section 624:

To be major

Daniel F. Lee, 9041

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jose L. Betancourt, 0044
Rear Adm. (lh) Annette E. Brown, 7474
Rear Adm. (lh) Brian M. Calhoun, 7720
Rear Adm. (lh) Kevin J. Cosgriff, 3968
Rear Adm. (lh) Lewis W. Crenshaw, Jr., 4960
Rear Adm. (lh) Terrance T. Etnyre, 8044
Rear Adm. (lh) Mark P. Fitzgerald, 2694
Rear Adm. (lh) Jonathan W. Greenert, 8869
Rear Adm. (lh) Curtis A. Kemp, 5881
Rear Adm. (lh) Walter B. Massenburg, 4394
Rear Adm. (lh) James K. Moran, 5752
Rear Adm. (lh) Charles L. Munns, 9043
Rear Adm. (lh) James A. Robb, 4692
Rear Adm. (lh) Joseph A. Sestak, Jr., 0962
Rear Adm. (lh) Steven J. Tomaszeski, 3394
Rear Adm. (lh) John W. Townes, III, 0177
Rear Adm. (lh) Christopher E. Weaver, 5940
Rear Adm. (lh) Charles B. Young, 0248
Rear Adm. (lh) Thomas E. Zelibor, 6272

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 81–754, as amended by Public Law 93–536 and Public Law 100–365, appoints the Senator from Connecticut (Mr. DODD) to the National Historical Publications and Records Commission, vice the Senator from Vermont (Mr. JEFFORDS).

MEASURE READ THE FIRST TIME—S. 1601

Mr. REID. Madam president, I understand that S. 1601, introduced earlier today by Senators REID and ENSIGN, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1601) to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

Mr. REID. I now ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, NOVEMBER 1, 2001

Mr. REID. I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, November 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Labor-HHS Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam president, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Thursday, November 1, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 2001:

COMMODITY FUTURES TRADING COMMISSION

JAMES E. NEWSOME, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING JUNE 19, 2006. (REAPPOINTMENT)

JAMES E. NEWSOME, OF MISSISSIPPI, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE WILLIAM J. RAINER, RESIGNED.

DEPARTMENT OF THE TREASURY

RICHARD CLARIDA, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DAVID W. WILCOX, RESIGNED.

KENNETH LAWSON, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ELIZABETH BRESEE, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2001:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JAMES P. CZEKANSKI, 6070
BRIGADIER GENERAL HUGH H. FORSYTHE, 0697
BRIGADIER GENERAL DOUGLAS S. METCALF, 5196
BRIGADIER GENERAL BETTY L. MULLIS, 0954

To be brigadier general

COLONEL MARK W. ANDERSON, 0830
COLONEL JOHN H. BORDELON JR, 0730
COLONEL ROBERT L. CORLEY, 7602
COLONEL DAVID L. FROSTMAN, 2235
COLONEL LINDA S. HEMMINGER, 5711
COLONEL ROBERT W. MARCOTT, 3557
COLONEL CLAY T. MCCUTCHAN, 9267
COLONEL HAROLD L. MITCHELL, 1941
COLONEL JAMES M. SLUDER III, 2122
COLONEL ERIKA C. STEUTERMAN, 3209

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. HAL M. HORNBURG, 6836

ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD W. DAWSON III, 2908

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL M. MACGUIRE, 2233

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHRISTOPHER M. MURPHY, 4209

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL F. LEE, 9041.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSE L. BETANCOURT, 0044
REAR ADM. (LH) ANNETTE E. BROWN, 7474
REAR ADM. (LH) BRIAN M. CALHOUN, 7720
REAR ADM. (LH) KEVIN J. COSGRIFF, 3968
REAR ADM. (LH) LEWIS W. CRENSHAW JR, 4960
REAR ADM. (LH) TERRANCE T. ETNYRE, 8044
REAR ADM. (LH) MARK P. FITZGERALD, 2694
REAR ADM. (LH) JONATHAN W. GREENERT, 9869
REAR ADM. (LH) CURTIS A. KEMP, 5881
REAR ADM. (LH) WALTER B. MASSENBURG, 4394
REAR ADM. (LH) JAMES K. MORAN, 5752
REAR ADM. (LH) CHARLES L. MUNNS, 9043
REAR ADM. (LH) JAMES A. ROBB, 4692
REAR ADM. (LH) JOSEPH A. SESTAK JR, 0962
REAR ADM. (LH) STEVEN J. TOMASZESKI, 3394
REAR ADM. (LH) JOHN W. TOWNES III, 0177
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 5940
REAR ADM. (LH) CHARLES B. YOUNG, 0248
REAR ADM. (LH) THOMAS E. ZELIBOR, 6272

HOUSE OF REPRESENTATIVES—*Wednesday, October 31, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 31, 2001.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Kathleene Card, Associate Pastor, Trinity United Methodist Church, McLean, Virginia, offered the following prayer:

Dear God, You are the Sovereign Lord of our Nation, and we thank You for Your eternal blessings. We are confident that nothing can separate us from You. That even in the face of recent challenges, You are always with us.

So, in humble surrender to Your direction, we come to You from many faith traditions, yet we come united as one truly ecumenical body, aware that we are vulnerable alone.

We need You, God; we need each other. We seek Your direction for the Members of this House of Representatives and those who work with them as they seek to represent all the people of the United States of America. We know that You care personally for each of us.

And so we pause at the beginning of this session to ask You to open our hearts and our minds so we can discern Your will for our Nation in this time of tremendous national grief and loss. Please deepen our ability to love and understand each other. Let us see this remarkable world of Yours without fear.

We come also seeking Your sacred intercession for all the men and women who have been placed in harm's way while serving to defend and protect our Nation.

For those who serve You here in this House, let them be wise leaders, Lord. Let them be led by You.

And may all honor and glory be Yours, our God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCHAFFER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. RYUN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYUN of Kansas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND KATHLEENE CARD, TRINITY UNITED METHODIST CHURCH, McLEAN, VIRGINIA

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am very pleased today to rise and recognize today's guest chaplain, the Reverend Kathleene Card of Trinity United Methodist Church of McLean, Virginia. Kathy and her family have been longtime friends with my family, and she has distinguished herself as a true community leader with whom I am proud to serve in Northern Virginia.

Kathy and her husband, Andrew Card, the current Chief of Staff of the White House, have a common passion for public service. Kathy's career has spanned the teaching profession, senior government assignments, to now her service as a minister, all while dedicated to her three wonderful children and devoted husband of 33 years.

I have had the pleasure of working with one of Kathy's daughters, Tabatha, as she worked in my various offices as Chairman of the County Board of Supervisors in Fairfax and a Member of Congress, and her other daughter, Rachel, previously served in the Office of Chief Administrative Officer in the House of Representatives.

We are all pleased that Kathy was able to join us, and we want to express our thanks and best wishes to her and her family.

SUPPORT PRESIDENT ON AIRLINE SECURITY MEASURE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the President of the United States has asked us to pass an airline security measure tomorrow on this House floor. What our Commander in Chief and President has asked for is flexibility to hire people at airports to ensure the security of the traveling public.

Plain and simple: President Bush is not going to risk the lives of Americans by buying on the cheap, so let us not get tied up in how or where they are employed or if they are called Federal employees. That seems to be the call from the other side of the aisle, that unless they are given a Federal ID Card, they will not adequately protect the traveling public.

I suggest that we follow the guidelines laid out by President Bush. I must say, he has done a phenomenal job with our Nation in Afghanistan. He went to the Yankees game last night and stood on the mound and pitched the ball, showing he is not frightened to show up in a major stadium, and now he is asking for a tool to protect the American public as they travel.

I urge this body not to get tied up in partisan politics of who hires and where they are hired and what union they belong to, but instead ensure that when you get on an aircraft you have been properly and thoroughly searched, that you are safely going to arrive at your destination.

Support the President on this issue. It is important for travel and tourism in this country.

DOMESTIC VIOLENCE MONTH

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to talk about domestic violence. I was pleased that President Bush proclaimed this month of October as National Domestic Violence Awareness Month. However, people should be aware of domestic violence every day. Domestic violence is an offense against our institutional values. One incident of domestic violence is one incident too much.

Throughout my tenure in Congress, I have been a strong supporter of domestic violence awareness. In 1999 I was proud to include in the fiscal year 2000 defense authorization language the Defense Task Force on Domestic Violence. The task force was established to review and evaluate current programs and policies associated with domestic violence in the Department of Defense. It reinforces the importance of preventing domestic violence because deterrence is key. However, when violence does occur, we must protect the victims while holding the offenders accountable.

I am confident that the task force will provide the Secretary of Defense with a comprehensive report and a plan that augments our current efforts to eliminate domestic violence within the military. Furthermore, the task force findings will help in our national efforts to address domestic violence in our own communities.

ENSURING SAFETY AND SECURITY OF EVERY TRAVELER

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, as Americans start flying again, they deserve the peace of mind that can only come from knowing that strict security measures are in place for their protection. The stories we hear about baggage screeners with criminal records are appalling, but the answer is not merely placing these same people on the Federal payroll.

The Federal Government should provide standards and provisions. The private sector should provide hard work and ingenuity in order to update and manage the security measures. We must allow airports to think creatively and act decisively, but always under the watchful eye of the Federal Government.

Most importantly, we should give the President the flexibility to implement the measures by rejecting a one-size-fits-all approach and treating each airport as an individual unit.

I urge my colleagues to support the Young-Mica bill, and ensure that traveling people have the safety and security they are entitled to.

CONTINUE BOMBING DURING RAMADAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there are those in America that say that we should stop the bombing of the Taliban during the holy month of Ramadan. I disagree. Hitler did not stop on Yom Kippur, Japan did not stop on Christmas or Easter. In fact, Egypt and Syria attacked Israel on Yom Kippur during the holy month of Ramadan, folks.

Let us get real: This is war. This is not a coffee break nor do or should we take sabbaticals. It is time to root these terrorists out. Keep the heat on.

I yield back the fact that giving this Taliban regime 30 days, they will simply reorganize and kill many more Americans.

PRESENT A FAIR AND BALANCED AVIATION SAFETY BILL

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I take four airplane flights a week. As many Members of Congress do, I fly home every weekend, two segments each time. So I am very familiar with security requirements and that what we have had has not worked.

Our purpose now is to make sure, number one, that we centralize responsibility; number two, that we have one play book that applies to all the rules, and that that play book works and is kept up-to-date. That means that we should put all the responsibility in one location for all modes of transportation.

We need something that is flexible, that is innovative, that can be changed and modified to meet circumstances as they change.

We want something that is nonpartisan. We are sorry that the Senate bill became a partisan bill by advocating just one particular position. The House bill will allow the President to choose whether these should be Federal employees or whether these should be contracted out.

I just want to say, I believe the bill that will be before us tomorrow is a fair and good way to approach the issue of aviation security. It will get away from partisan wrangling. It will ensure that the traveling public will be safe and secure.

PROFESSIONALIZE SECURITY AT AMERICA'S AIRPORTS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, the security of America should be our first priority and it should not be turned into politics. Politics should not be part of this debate.

We use over 450 airports and over 3,000 employees to transport people across this country. The size and complexity of our system requires a Federal workforce that is professional, well-trained, and well-paid, not contracted employees making less than fast food wages.

If we are to restore public confidence in air travel, we must make real attempts to address the security problems. We cannot guarantee safety with a system that leaves national security in the hands of private companies that contract to the lowest bidder.

We stand a fighting chance against terror in the skies only if we have professionalism in the law enforcement function, where we can feel confident that they are well-trained, they are competent and they will be able to protect our citizens.

We should not privatize our national security. We do not privatize the Department of Defense, we do not privatize the FBI, we do not privatize security services. We must do the right thing.

COMMENDING THOSE WHO DEVELOP READING SKILLS

(Mr. WATKINS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today to commend First Lady Laura Bush and our Nation's teachers who are helping our children develop their reading skills.

Reading is a path to successful life. I have personal knowledge of the role of special teachers and am very thankful for my good friend Dr. Ann Dugger at Will Rogers Elementary School in Stillwater, who spent many hours with our grandson Bradley learning to read.

My nephew, Josh Rogers, is a student in Mrs. Trish Fellers' third grade class at Derby Hills Elementary School in Derby, Kansas. The class read Jeff Brown's book "Flat Stanley," in which Stanley is flattened by a bulletin board and mails himself to visit friends in California.

□ 1015

My nephew, Josh, mailed "Flat Josh" to my wife and me to stay for a month. "Flat Josh" came to Washington, D.C. to visit his own Congressman, the gentleman from Kansas (Mr. TIAHRT), so "Flat Josh" is with us today.

I am grateful for First Lady Laura Bush, Dr. Ann Dugger, and Mrs. Trish Fellers and many other teachers like them, and I encourage all of us to read to our children and our grandchildren.

U.S. NEEDS FEDERAL LAW ENFORCEMENT AT AIRPORTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, it has been 7 weeks and 1 day since the terrorist attacks and more than 2 weeks since the Senate passed legislation 100 to 0, which was just referred to by one of my colleagues as a partisan bill. I thought the Senate had 49 Republicans and 51 Democrats. How could a 100 to 0 vote be partisan? We are still waiting in the House for needed legislation for aviation security because of one objection raised by a couple of the Republican leaders.

The Federal law enforcement officers would provide screening for passengers and baggage. Guess what? When it comes to security for Members of Congress, for those same Members of Congress objecting to this, private security is not good enough. We have uniformed Federal law enforcement officers, but when it comes to the traveling public, it has to be the private, for-profit sector, that has been failing miserably. The largest in the country, Argenbright, is under criminal indictment for the second time in 2 years for hiring and maintaining known felons on staff and falsifying documents; and they say, Oh, well, the Federal Government will regulate these firms.

We have been trying to regulate them. We are prosecuting them in Federal court. We are fining them millions of dollars. It cannot work. We need Federal law enforcement at the airports.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair would remind the Members that it is improper in debate to characterize Senate actions.

AVIATION SECURITY

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, today we must address and correct the security aspects of our total transportation system. Since the tragic events of September 11, we have focused solely on improving aviation security. We are all too aware of what the weaknesses of that system are: minimal standards, poor management, low morale, and little accountability. We must make security a priority for each mode of transportation. The next attack could be on an airline, a bus, a train, or even a cruise ship.

Operating within the Department of Transportation, a strong Under Secretary for Security will provide much-needed management and accountability. The Secure Transportation for America Act, of which I am a cosponsor, designates the Department of Transportation to provide the leadership for security. I urge my colleagues to support this vital legislation. The people want it.

HEAVEN HELP THIS HOUSE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, my colleagues should be aware that when they get on their planes to go home to their districts this weekend, they should know that 90 to 95 percent of the bags that will go into the belly of their airplanes will not be screened for explosive devices. This is an enormous hole in our security system, and we applaud the efforts of the Secretary of Transportation and we applaud the efforts of the Congress, as we are going to do everything we can to take nail clippers away from passengers, but it does not do any good if they can put 40 pounds of C–4 high explosives in bags in the belly of our airplanes.

Mr. Speaker, the bill that the majority party is bringing to the floor of the House is not going to solve that problem. It will have some nice rhetorical flourish language that some day, at some unspecified date, by some unspecified means, we are going to check these bags, but that is not good enough.

We have offered an amendment, and I hope the majority party will allow this House to vote on our amendment, which will assure by a specific date through a specific authorization that 100 percent of the bags that go in each jet airplane get screened to keep bombs out of them. And if we do not do that, heaven help this House.

TIME TO DO WHAT WORKS FOR AIRPORT SECURITY

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, tomorrow we have the opportunity to change the way security is done at our airports for the better. Until now, airlines have been in charge of security at our airports. They, in turn, for the lowest bid, hire companies like Argenbright and I.T.S. and others who provide minimal training, low pay, and even falsified background checks. The result of airlines in charge is 100 percent turnover and weapons making it past security points. We can no longer allow the airlines to be in charge, nor allow businesses like Argenbright and I.T.S. to remain in our airports.

Mr. Speaker, H.R. 3150 puts the responsibility for day-to-day airport security with the Transportation Security Administration. It also gives this department flexibility in its mixture of Federal employees and private-sector folks under their direct supervision to do the job right; not a one-size-fits-all of all-private or all-Federal, but what works.

SENSE OF CONGRESS RESOLUTION PROVIDING $5 MILLION REWARD FOR ARREST AND CONVICTION OF ANTHRAX TERRORISTS

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, this House, ordinarily the United States Congress, passes what they call a Sense of Congress resolution. I am proposing a Sense of Congress resolution which I believe is a good-sense resolution in behalf of the United States Congress.

What it says is very simple, that the United States Government will pay $5 million to any person who supplies information leading to the arrest and conviction of the person or persons who are responsible for placing anthrax spores in the United States mail system through to the United States Government mails, which have worked their way into the United States Government offices and into the lives of people in the United States.

Mr. Speaker, I was appalled, as I am sure other Members were, to learn that we have lost yet another citizen, a lady out of New York who has now expired at 1 o'clock this morning because she had inadvertently inhaled anthrax.

It is the right approach for the United States Government because of the assault against the United States Government to post a $5 million reward for those who are responsible for this vicious, vicious act.

SUPPORT H.R. 3150, THE AIRLINE SECURITY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as someone who spent 17 years as an airline pilot, a commercial airline pilot for major airlines, I believe I have as much experience as anyone here spending time in and out of our airports; and I want to assure my colleagues that I come today to show my support for H.R. 3150, the Airline Security Act, which we will deal with tomorrow.

A few weeks ago I was watching a news program on television, and on this particular program they tested the inadequacy of airport security. Sadly, this test was no television production.

Poor airport security has become a reality. The events of September 11 have shown us that airport security needs a dramatic and drastic overhaul.

Mr. Speaker, H.R. 3150 is the right solution to improving our aviation safety in the skies over America, and in order to make flying safer and our airports more secure, we must federalize our airport security standards. H.R. 3150 puts to good use more than $500 million that will bolster the front lines of airport security. It will place more air marshals in the skies and in our airlines. It will mandate fortified cockpit doors and give flexibility when it comes to hiring either Federal security personnel or federally certified security contractors. Support H.R. 3150.

FEDERALIZED SYSTEM PROVIDES UNIFORMITY AND ACCOUNTABILITY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, everybody knows we are in a recession. What America knows is that this body is deepening that recession by the delay in our airline security bill. There is a new fear of flying and there are enormous disincentives to flying that are having an atrocious effect on our economy.

What will it take to make the pictures of September 11 and the Twin Towers recede? People want something close to a guarantee that it will not happen again, guarantees we cannot give them.

What we can give them is a uniform system of public accountability for screening and airline safety. By definition, private contractors are not uniform. That, indeed, is one of their advantages. They give us diversity. It is not diversity we need when it comes to screening and airline safety.

What the public is demanding in order to get them back in the air is that we maximize uniformity and that we maximize accountability. The only way to do that is to federalize in the air the way law enforcement operates on the ground.

NO INTERRUPTIONS IN WAR ON TERRORISM

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of our military's ongoing efforts in the war against terrorism. In the last 25 days, the military campaign has succeeded in weakening the power, influence, and warfighting capability of the Taliban regime and the al-Qaeda network.

Now, as the hardest of Afghanistan's winter months set in, we are provided with an excellent opportunity to increase the pressure on the Taliban through the continuation of our military campaign.

Mr. Speaker, we stood before the American people and the international community and declared the war on terrorism to be a war with many fronts. It is imperative that this war's military front continue to be fought without interruption.

Mr. Speaker, the decision to postpone military action under any circumstance plays directly into the hands of those who seek to destroy us. Despite the intentions of our decision, each day we remain idle is a day for the Taliban and al-Qaeda to resupply and disperse assets at a time when the radical Islamic militia could be most vulnerable.

GRAND IMAM OF EGYPT DENOUNCES TERRORISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since September 11, we in Congress have joined the President in making clear that this is not a war between the West and the East or a war against Islam. This is not a war between America and Afghanistan. In fact, we are doing as much as we can right now to help the people of Afghanistan. This is a war between all civilized nations and the barbaric terrorists and those who harbor them.

Just a few days ago, the Grand Imam of Al-Azhar, the highest and most respected Islamic authority in the world, who resides in Egypt, also made this clear. The Grand Imam said that the Koran specifically forbids the kinds of things the Taliban and al-Qaeda are guilty of. He said the jihad Osama bin Laden has called for against America is invalid and not binding on Muslims. He said that "Islam rejects all of these acts." He called terrorism un-Islamic. In fact, he says, "Killing innocent civilians is a horrific, hideous act that no religion can approve."

Mr. Speaker, this war may take a long time to win, but we will win it and the world will remain united against terrorism and removing evil terrorists like Osama bin Laden from the caves where they hide.

PASS TRADE PROMOTION AUTHORITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, we have to pass trade promotion authority now. If we do not, we will let down America's world-class workers, farmers and businesses.

The global marketplace is increasingly competitive. Without TPA, America will lag behind. Our foreign competitors have negotiated some 130 preferential agreements while we, absent TPA, have negotiated exactly three. We need to get back in the game.

International trade is an essential and growing source of economic expansion. Exports accounted for over 25 percent of all U.S. economic growth over the last decade and support an estimated 12 million jobs. If we do not pass TPA, we risk losing our competitive edge to other nations who will continue to negotiate deals while we sit on the sidelines. With trade promotion authority, we can level the playing field.

Mr. Speaker, U.S. companies, workers, and farmers are second to none. We need TPA to make sure the rules are fair. The companies, the workers and the farmers will do the rest.

□ 1030

CONGRATULATING MIAMI CHILDREN'S HOSPITAL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, American children are learning the value of charity by helping the Afghan children, and adults are learning that educating our children and keeping them healthy are ways to contribute to the rebuilding of our Nation.

That is why I congratulate today Miami Children's Hospital, whose motto is "We are here for our children." This hospital is always seeking innovative ways to better serve the children of south Florida.

Miami Children's Hospital held a groundbreaking to further expand and renovate its medical campus. A radiology expansion, an ambulatory care building, a helistop, and a hurricane-proof encapsulation comprise the projects.

Miami Children's Hospital is indeed "building on a dream," the name it has labeled its new projects, and it is demonstrating a never ending commitment to kids. Since 1950, Miami Children's Hospital has been the leader in pediatric care, and I offer my congratulations for its many achievements.

WORLD WAR II VETERAN DIPLOMAS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, Rex Arnold Pettis and Mike Pelach are two men among many who interrupted their high school educations to respond to the call of duty by serving our country during World War II, Rex on a submarine in the Pacific sinking Japanese ships, and Mike as a medic in New Guinea.

While not in the classroom, World War II vets continued their education through experience: Geography, foreign languages, science, strategic planning, all essential in their battle to succeed.

Many of these brave men and women never had the chance to return to the classroom to complete their diplomas. Ray Alvin Pettis, twin brother of Rex, died on the battlefield in France. Fifty years later, Mr. Pettis and Mr. Pelach are receiving their high school diplomas.

For the third year, Independent School District 192 in Farmington, Minnesota, and the Farmington Veterans of Foreign Wars and the American Legion are honoring these World War II vets in a special graduation ceremony. Mr. James Robert Borman, who passed away just last week, and Mr. Ray Alvin Pettis, will also be honored posthumously for their service in the Air Force and Army, respectively.

It is only proper that we honor these who honor the call to duty, sacrificing important years of their lives for the benefit of all. I am grateful to these men for their valor and sacrifices, and I congratulate ISD 192, the American Legion, and the VFW in Farmington for honoring them with a graduation ceremony and high school diplomas.

AMERICAN AGRICULTURE NEEDS TRADE PROMOTION AUTHORITY

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, American agriculture needs trade promotion authority. Without granting the President the authority to negotiate preferential trade agreements, this industry is guaranteed to face dark days. Ninety-six percent of agricultural growers' potential market is outside of the United States. It is a business there for taking, but if we do not give our farmers and ranchers the tools they need to compete in the world market, other countries will gladly fill the gap.

Today, of the 133 preferential trade agreements worldwide, the U.S. participates in only two. Compare that to the European Union, who participates in 27. Furthermore, the European Union also outspends us almost four to one on subsidies. Granting Presidential trade authority is our only weapon of combat on the uneven playing field of world agriculture.

We cannot continue to stand idly by while other nations improve trading opportunities for themselves. Our agriculture industry is the most productive in the world. It is an honor and status that should be rewarded, and the best reward we can give our agricultural growers for their efforts, and to keep our country prosperous, is to pass trade promotion authority.

SUPPORT FOR THE PRESIDENT'S VISION OF A FLEXIBLE, VERSATILE AIRPORT SECURITY SYSTEM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I am new to this body, having spent all 42 years of my life in the State of Indiana, where common sense and common values are the order of the day. So as I approach the debate over airport security, I find myself a little befuddled, Mr. Speaker.

Other than policy wonks at think tanks around Washington, D.C., I think there are very few people that I serve who care how we make airports safer. They just want us to do it, and they want us to do it now.

For my part, I believe the light we should follow at this point is the experience of nations who have dealt with terrorism in the recent past, and we should follow a President who has earned the right to be followed, and earned our trust.

I support President Bush's vision for a flexible, versatile system for airport security. That is what the Republican bill in the House is all about. It builds on the experience of European countries and even of Israel, who have wrestled with this menace of terrorism for decades.

When it comes to airport security, let us give the President and the people we serve what we know works.

URGING SUPPORT FOR THE AIRLINE SECURITY BILL AND OPPOSITION TO THE DEMOCRAT SUBSTITUTE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, tomorrow the House will take up the airline security bill. This is a good bill. It gives the President the flexibility he needs to protect Americans as they fly. I would urge support of this legislation and defeat of the Democrat substitute.

The heart of the Democrat substitute is a mandate to make the security checkers all Federal employees. Europe has gone down that road and has rejected it.

Let me just quote out of the Washington Post what the chairman of the Europe-wide Task Force on Aviation Security had to say regarding contract employees versus government employees:

"'It is harder to do quality control on our government people,' said Frank Durinckx, director of Belgium's Aviation Inspectorate and chairman of Europe-wide Task Force on Aviation Security. 'Government agencies do not like to criticize themselves or one another, and civil servants are hard to get rid of if they are not performing well. If we give the work to a private contractor, we have control over them,' Durinckx said. 'If we are not pleased with a screener, we can withdraw their license.'"

Let us support President Bush. Support the House aviation security bill tomorrow and defeat the Democrat substitute.

WE NEED HIGH-QUALITY U.S. CITIZENS AS AIRPORT SCREENERS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, U.S. citizens should protect U.S. citizens at airports. Over 90 percent of the screeners who let terrorists board at Dulles Airport were not Americans. Some of them were illegal aliens.

The Young-Mica bill requires that all screeners be Americans. The Senate bill has no such requirement. The Young-Mica bill also requires that all screeners be deputized, badged, and uniformed Federal transportation security officers.

Like the successful U.S. Marshals Court Security Officers Program, we will deploy Federal transportation security officers who are well-trained and paid, but with key flexibility. Flexibility. It means that we will not protect nationalized employers who incompetently screen weapons or explosives aboard aircraft, killing more Americans. Flexibility means we can fire screeners who fail to protect us.

We need high quality screeners who will ensure that when we fly, we fly safe.

AIRPORT SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about this airport security issue, because it seems that the Democrat Party, in a split from the presidency and the nonpartisan spirit that we have been having in Washington, is hung up on trying to unionize and create a new Federal bureaucracy in the name of airport security.

There are pros and cons with that. We all know that. There are good employees and bad employees that are with the unions. It is a little more difficult to work with. But the issue is not creating a new government bureaucracy, the issue is protecting my children, my family, my loved ones, and your business associates and loved ones, when they travel.

I believe we need to do what is best for airport security and not what is best for a particular political party. I support the President's plan. The President's plan calls for strict Federal Government oversight on hiring and background checks, but it does not just stop at the gate; it says who is going to work on the plane. What about the maintenance people who clean the plane? What about the people who have access to the parts of the airplane in the airport itself? It is a much broader approach to airport security.

Mr. Speaker, this debate is about security, not about new government bureaucracies. I support the President's position. I hope that the Democrats will come on board and do so as well.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report accompanying H.R. 2590, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 30, 2001, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 26, 2001, at page H7337.)

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present the Fiscal Year 2002 conference agreement for the Subcommittee on Treasury, Postal Service, and General Government. This conference agreement provides $17.1 billion in funding for programs under the jurisdiction of this subcommittee of the Committee on Appropriations.

That represents, Mr. Speaker, an increase of 6 percent above the fiscal year 2001 enacted levels and 2 percent above the President's request. It is especially important to have this funding in place because of the increased demands of national security and homeland security from the events of September 11.

One of the little known facts about this particular bill is that it supports over 40 percent of all Federal law enforcement through the Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, the Secret Service, the Criminal Investigations Division of the Internal Revenue Service, and the Federal Law Enforcement Training Center.

I want to highlight that, Mr. Speaker, because of the current role these agencies are playing in ensuring homeland security, and also because, whether we are at war or peace, it is important to understand the tools that our Nation possesses to defeat our enemies, to ensure an environment that encourages trade and commercial growth, and the normal, everyday activity in conducting the business of America, and to provide for the safety and stability in the daily routines of all Americans.

I am also pleased, Mr. Speaker, that the new Office of Homeland Security, headed by former Pennsylvania Governor Tom Ridge, is within the Executive Office of the President, another portion under the jurisdiction of this subcommittee and its funding.

Historically, law enforcement officials in the U.S. Department of Treasury have fulfilled their role quietly, without fanfare, without drawing the attention of the American people. Yet, the oldest law enforcement agency in the United States Government is the Customs Service of Treasury. It was established in 1789, one of the very first acts enacted by the First Congress of the United States after adoption of the Constitution.

The evolving threats to our country are making special demands upon this, America's first law enforcement agency, the one that defends our borders, as well as the other law enforcement functions that come under the Treasury Department and within this bill.

We need to focus the support and attention of Congress and the Administration and of the American people to determine appropriate, coordinated strategies and provide the funding levels for Treasury law enforcement bureaus to enable them to fully carry out their missions.

Mr. Speaker, the conference agreement before us recognizes that there are additional resources that are going to be necessary because of the September 11 terrorist attacks. This bill begins to address those requirements. We will have within a few day's time a supplemental appropriations that will deal with further law enforcement needs and other Federal law enforcement agencies, as well as other aspects of our military and the national government.

There is within this bill some $5.7 billion for law enforcement efforts under our jurisdiction. It is an increase of almost 12 percent, $593 million above the current year. That is even before we factor in the necessary increases that will be part of the upcoming supplemental.

Specifically, in terms of supporting Federal law enforcement, this conference report provides an increase of $402 million for the Customs Service, of which some $33 million is devoted to border inspection technology; $28 million for additional inspectors and agents along the northern border, which has not received the increase in recent years that the southern border has; and $170 million is added for customs automation modernization, which includes an amount not less than $300 million, for the automated commercial environment. This system will tie together some 50-odd Federal agencies that have jurisdiction over products that are coming into the United States, part of the cargo which must be inspected by the Customs Service. Because of the manpower shortages, Mr. Speaker, customs is able to inspect only 1 or 2 percent of the entering cargo, a ratio which we intend to increase.

□ 1045

We also expand the funding for Customs for its efforts to halt trade and goods that are produced by forced child labor; also providing funding for the protection of intellectual property. Some of the smuggling that happens across our borders is not just illegal drugs. It is not just contraband shipments of alcohol or tobacco. It is not only knock-offs of American products which people are trying to pass off cheaply-produced goods overseas that have the appearance but not the quality and certainly not the original manufacture of American goods. We are also protecting intellectual property because smuggling, whether it be DVD software, compact disk recordings, whatever it may be, there is a severe organized criminal assault against the intellectual property that is produced by American artists, scientists, engineers, computer programmers and others, which is part of the great commerce and the great advantage that this Nation enjoys technologically. That intellectual property is protected by Customs just as it protects us from other illicit cargo.

We also have an increase of $45 million for Secret Service recruitment and retention. These are men and women who protect not only the President but protect our currency against counterfeiting who are in charge of the special security arrangements at the upcoming Winter Olympics to be held in Salt Lake City, Utah. These men and women have been working drastic amounts of overtime, and we want to make sure that we do not work into the ground the people that are in charge of protecting our country and key parts of America.

We also have increases for the Federal law Enforcement Training facilities that support the basic training of border inspection agents and a great multitude of the people that are involved in Federal law enforcement, working through the Federal Law Enforcement Training Center in Glynco, Georgia.

We also provide $1 million for a canine detection program sponsored by Customs to use dogs to detect chemical and biological agents.

We have some $20 million to increase the efforts of the High Intensity Drug Trafficking Areas program, bringing that account up to a total of $226 million to coordinate between the State and local government entities and the Federal Government in efforts to combat illegal drugs and the immense problems that they bring upon our society.

I should mention that we also have within this budget the Office of National Drug Control Policy. Key portions of the drug enforcement efforts are handled through the funding of this bill, not just through Customs but also through ONDCP, the so-called drug czar, and these high-intensity drug trafficking efforts and the promotional efforts such as the Drug Free Communities Act.

I am pleased to note that the conference report includes some $18 million for constructing seven border stations, including four along the northern border, again part of beefing up the borders for our border security and our homeland security.

It also includes a number of courthouse constructions to make sure the criminal justice system continues to be able to handle the load that is being placed upon it.

We also have an increase for the Internal Revenue Service, including $320 million for critical information technology investments so that when my colleagues or I or anybody else, Mr. Speaker, calls the IRS having a problem with how our taxes are being handled, that they have the information readily accessible, that they can be responsive to the public, and we are continuing the efforts through funding and mechanisms in this bill to make the IRS more responsive, more user-friendly, more customer and taxpayer oriented in what it does.

Mr. Speaker, the bill also includes several legislative provisions. It provides parity for Federal employee health benefits. It retains the current law prohibiting the use of Federal funds to pay for an abortion, and it also has the requirement that prescription contraceptives would be covered under certain circumstances and exceptions as conscience clause protections for those that have an objection of conscience, Mr. Speaker.

This bill includes a pay increase for Federal civil employees of 4.6 percent, as authorized by the Congress. It extends the authorization of the breast cancer semi-postal stamp until December 31, 2003, which provides additional funding for efforts to research and combat breast cancer. It authorizes the September 11 hero stamp to continue until December 31, 2004, honoring the men and women who were the responders or the victims of the tragic events of the World Trade Center and the Pentagon on September 11, people who we wish to honor. It also authorizes the semi-postal stamp on stamping out domestic violence, which would be a program that would continue until December 31, 2006.

Mr. Speaker, I would finally note that this conference report takes out language that had been in the House version of the bill regarding travel to Cuba. We feel that this is not the time to be addressing that particular sensitive issue in this environment, including the war on terrorism.

Mr. Speaker, I want to take this opportunity to thank the gentleman from Maryland (Mr. HOYER), the distinguished ranking member of the subcommittee. We have had an excellent bipartisan spirit and cooperation as this bill worked through the legislative process. His personal staff member, Scott Nance, and the full committee's minority member, Rob Nabors, toiled long and hard in working things through, and without their assistance we would not be able to bring this bill up in the collegial fashion that I believe it is being brought up today.

I especially want to thank the chief clerk of our subcommittee, Michelle Mrdeza, for her persistent and tireless efforts on this, as well as the great expertise, insight and counsel of the other staff members of our subcommittee, Jeff Ashford, Kurt Dodd and Tammy Hughes plus Chris Stanley, who is a detailee on a fellowship from the Secret Service, which is his normal workplace. I would also thank a member of our committee staff that worked through my office, John Albaugh, who functions also as my Chief of Staff, and frankly, Mr. Speaker, keeps things going in a very important way, for which I am grateful.

I do want to single out our congressional fellow Chris Stanley, an agent of the United States Secret Service, who will be heading to his next assignment as special agent. He has served not only on the subcommittee staff but also worked a year in my personal office, and his experience, working last year on the Subcommittee on the District of Columbia, this year on the Subcommittee on Treasury, Postal Service and General Government, has brought tremendous insight regarding law enforcement, has added a lot of benefit, a lot of professionalism, with a very strong background in the technical issues which we sometimes must address.

Combining his professionalism with his law enforcement skills, his paramedic skills and frankly his cool head and enjoyable good nature have been a great asset to us. We are going to be sorry to see Chris leave to go back to his regular assignments, but we know that the Secret Service has a great need for his direct expertise, and we hope that what he has learned here in Congress will be of benefit to the Secret Service and the jobs that they perform.

Finally, Mr. Speaker, I want to mention as part of noting the key involvement of the Customs Service and law enforcement that we were notified that yesterday a U.S. customs inspector died in the line of duty at the port of Gramercy in Louisiana. Customs Inspector Thomas Murray lost his life during an examination of the hold of a vessel in which evidently there were toxic fumes present. That is an illustration of the dangers that many Customs agents accept as part of their job.

I have personally visited some of the vessels that they have to inspect and have seen what they have to do to find the hidden compartments that are used to smuggle drugs or other contraband, all in the name of protecting our Nation. So I want to commend Customs Inspector Thomas Murray and express our gratitude for the efforts that he put in for some 31 years with the Customs Service.

We want to express our sympathy to his family, to his co-workers in the Customs Service, and thank the late Thomas Murray for his efforts in being part of the front line of defense for the United States of America and our homeland security.

H.R. 2590 - Treasury and General Government Appropriations Act, 2002

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	222,337	181,768	174,219	187,322	177,142	-45,195
Department-wide systems and capital investments programs	62,150	70,828	68,828	69,028	68,828	+6,678
Office of Inspector General	32,827	35,150	35,508	35,150	35,424	+2,597
Treasury Inspector General for Tax Administration	118,166	122,342	123,474	123,799	123,746	+5,580
Treasury Building and Annex Repair and Restoration	30,932	32,932	30,932	32,932	28,932	-2,000
Expanded Access to Financial Services	9,978		10,000		2,000	-7,978
Rescission				-8,000		
Financial Crimes Enforcement Network	37,493	45,155	45,837	45,702	45,837	+8,344
Counterterrorism Fund	54,879	44,879	36,879	44,879	40,000	-14,879
Federal Law Enforcement Training Center:						
Salaries and Expenses	99,264	100,707	102,132	106,317	105,680	+6,416
Acquisition, Construction, Improvements, & Related Expenses	54,086	21,895	27,534	33,434	33,434	-20,652
Total	153,350	122,602	129,666	139,751	139,114	-14,236
Interagency Law Enforcement:						
Interagency crime and drug enforcement	103,248	106,487	107,576	108,965	107,576	+4,328
Financial Management Service	255,972	211,594	213,211	212,316	212,850	-43,122
Bureau of Alcohol, Tobacco and Firearms	771,143	803,521	806,816	805,421	810,316	+39,173
GREAT grants			10,000	16,000	13,000	+13,000
Total	771,143	803,521	816,816	821,421	823,316	+52,173
United States Customs Service:						
Salaries and Expenses	1,878,557	1,961,764	2,056,604	2,022,453	2,079,357	+200,800
Harbor Maintenance Fee Collection	2,993	2,993	2,993	3,000	3,000	+7
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	132,934	162,637	181,860	172,637	177,860	+44,926
Miscellaneous appropriations (P.L. 106-554)	6,985					-6,985
Automation modernization:						
Automated Commercial System	122,443	122,432	122,432	122,432	122,432	-11
International Trade Data System	5,389	5,400	5,400	5,400	5,400	+11
Automated Commercial Environment	130,000	130,000	300,000	230,000	300,000	+170,000
Subtotal	257,832	257,832	427,832	357,832	427,832	+170,000
Customs Services at Small Airports (to be derived from fees collected)	1,993	3,000	3,000	3,000	3,000	+1,007
Offsetting receipts	-2,000	-3,000	-3,000	-3,000	-3,000	-1,000
Total	2,279,294	2,385,226	2,669,289	2,555,922	2,688,049	+408,755
Bureau of the Public Debt	182,699	185,370	187,927	187,318	186,953	+4,254
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	
Internal Revenue Service:						
Processing, Assistance, and Management	3,661,166	3,783,347	3,808,434	3,786,347	3,797,890	+136,724
Tax Law Enforcement	3,366,380	3,533,196	3,538,347	3,535,196	3,538,347	+171,967
Earned Income Tax Credit Compliance Initiative	144,681	146,000	146,000	146,000	146,000	+1,319
Information Systems	1,522,416	1,563,249	1,573,065	1,563,249	1,563,249	+40,833
Business systems modernization	71,593	396,593	391,593	419,593	391,593	+320,000
Staffing tax administration for balance and equity	140,690					-140,690
Rescissions (H.R. 2216)	-18,000					+18,000
Total (net)	8,888,926	9,422,387	9,457,439	9,450,387	9,437,079	+548,153
United States Secret Service:						
Salaries and Expenses	824,885	857,117	920,112	899,615	920,615	+95,730
Acquisition, Construction, Improvements, & Related Expenses	8,921	3,352	3,457	3,352	3,457	-5,464
Total	833,806	860,469	923,569	902,967	924,072	+90,266
Total, title I, Department of the Treasury	14,038,200	14,631,710	15,032,170	14,908,859	15,041,918	+1,003,718
Appropriations	(14,056,200)	(14,631,710)	(15,032,170)	(14,916,859)	(15,041,918)	(+985,718)
Rescissions	(-18,000)			(-8,000)		(+18,000)
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	28,936	76,619	29,000	76,619	29,000	+64
Advance appropriation, FY 2002	66,952	67,093	67,093	67,093	67,093	+141
Advance appropriation, FY 2003			47,619		47,619	+47,619
Total	95,888	143,712	143,712	143,712	143,712	+47,824

H.R. 2590 - Treasury and General Government Appropriations Act, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Executive Office of the President		237,775	139,255			
Compensation of the President and the White House Office						
Compensation of the President	390			450	450	+60
Salaries and Expenses	53,171			54,165	54,651	+1,480
Executive Residence at the White House:						
Operating Expenses	10,876			11,914	11,695	+819
White House Repair and Restoration	966			8,625	8,625	+7,659
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,665			3,896	3,925	+260
Operating expenses	353			314	318	-35
Council of Economic Advisers	4,101		4,211	4,192	4,211	+110
Office of Policy Development	4,023			4,119	4,142	+119
National Security Council	7,149			7,447	7,494	+345
Office of Administration	43,641			46,032	46,955	+3,314
Office of Management and Budget	68,635		70,752	70,519	70,752	+2,117
Office of National Drug Control Policy:						
Salaries and expenses	24,705		25,267	25,096	25,263	+558
Counterdrug Technology Assessment Center	35,974	40,000	40,000	42,000	42,300	+6,326
Total	60,679	40,000	65,267	67,096	67,563	+6,884
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	206,046	206,350	233,882	226,350	226,350	+20,304
Special Forfeiture Fund	233,086	247,600	238,600	249,400	239,400	+6,314
Unanticipated Needs	998			1,000	1,000	+2
Elections Commission of the Commonwealth of Puerto Rico	2,494					-2,494
Total, title III, Executive Office of the President and Funds Appropriated to the President	700,273	731,725	751,967	755,519	747,531	+47,258
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	4,149	4,498	4,629	4,498	4,629	+480
Federal Election Commission	40,411	41,411	43,689	43,993	43,689	+3,278
Federal Labor Relations Authority	25,003	26,378	26,524	26,378	26,524	+1,521
General Services Administration:						
Federal Buildings Fund:						
Appropriations	476,523	276,400	276,400	276,400	284,400	-192,123
Advance appropriation, FY 2002-2004	(276,400)					(-276,400)
Limitations on availability of revenue:						
Construction and acquisition of facilities	(477,676)	(386,289)	(348,816)	(477,544)	(386,280)	(-91,396)
Repairs and alterations	(681,613)	(826,676)	(826,676)	(844,880)	(826,676)	(+145,063)
Installment acquisition payments	(185,369)	(186,427)	(186,427)	(186,427)	(186,427)	(+1,058)
Rental of space	(2,943,854)	(2,959,550)	(2,959,550)	(2,959,550)	(2,952,050)	(+8,196)
Building Operations	(1,624,771)	(1,748,949)	(1,750,669)	(1,748,949)	(1,748,949)	(+124,178)
Subtotal	(5,913,283)	(6,107,891)	(6,072,138)	(6,217,350)	(6,100,382)	(+187,099)
Repayment of Debt	(70,595)	(72,000)	(72,000)	(72,000)	(72,000)	(+1,405)
Total, Federal Buildings Fund	476,523	276,400	276,400	276,400	284,400	-192,123
(Limitations)	(5,983,878)	(6,179,891)	(6,144,138)	(6,289,350)	(6,172,382)	(+188,504)
Policy and Operations	137,406	138,499	137,947	145,749	143,139	+5,733
Office of Inspector General	34,444	36,025	36,478	36,025	36,346	+1,902
Electronic Government (E-Gov) Fund		20,000	5,000	5,000	5,000	+5,000
Allowances and Office Staff for Former Presidents	2,511	3,552	3,196	3,376	3,196	+685
Expenses, Presidential transition	7,084					-7,084
Total, General Services Administration	657,968	474,476	459,021	466,550	472,081	-185,887
Merit Systems Protection Board:						
Salaries and Expenses	29,372	30,375	30,555	30,375	30,555	+1,183
Limitation on administrative expenses	2,424	2,520	2,520	2,520	2,520	+96
Morris K. Udall Foundation:						
Morris K. Udall scholarship	1,996	1,746				-1,996
Native Nations Institute		250				
Morris K. Udall Trust Fund			2,500	1,996	1,996	+1,996
Environmental Dispute Resolution Fund	1,248	1,309	1,309	1,309	1,309	+61

H.R. 2590 - Treasury and General Government Appropriations Act, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
National Archives and Records Administration:						
Operating expenses	208,946	244,247	244,247	244,247	244,247	+35,301
Reduction of debt	-6,084	-6,612	-6,612	-6,612	-6,612	-528
Repairs and Restoration	101,536	10,643	24,643	41,143	39,143	-62,393
National Historical Publications and Records Commission:						
Grants program	6,436	4,436	10,000	6,436	6,436	
Total	310,834	252,714	272,278	285,214	283,214	-27,620
Office of Government Ethics	9,663	10,060	10,117	10,060	10,117	+454
Office of Personnel Management:						
Salaries and Expenses	93,888	99,036	99,636	99,036	99,636	+5,748
Limitation on administrative expenses	101,762	115,928	115,928	115,928	115,928	+14,166
Office of Inspector General	1,357	1,398	1,498	1,398	1,498	+141
Limitation on administrative expenses	9,724	10,016	10,016	10,016	10,016	+292
Government Payment for Annuitants, Employees Health Benefits	5,427,166	6,145,000	6,145,000	6,145,000	6,145,000	+717,834
Government Payment for Annuitants, Employee Life Insurance	35,000	33,000	33,000	33,000	33,000	-2,000
Payment to Civil Service Retirement and Disability Fund	8,940,051	9,229,000	9,229,000	9,229,000	9,229,000	+288,949
Total, Office of Personnel Management	14,608,948	15,633,378	15,634,078	15,633,378	15,634,078	+1,025,130
Office of Special Counsel	11,122	11,784	11,891	11,784	11,891	+769
United States Tax Court	37,223	37,305	37,809	37,305	37,305	+82
Total, title IV, Independent Agencies	15,740,361	16,528,204	16,536,920	16,555,360	16,559,908	+819,547
Grand total (net)	30,574,722	32,035,351	32,464,769	32,363,450	32,493,069	+1,918,347
Current year, FY 2002	30,507,770	31,968,258	32,350,057	32,296,357	32,378,357	+1,870,587
Appropriations	(30,525,770)	(31,968,258)	(32,350,057)	(32,304,357)	(32,378,357)	(+1,852,587)
Rescissions	(-18,000)			(-8,000)		(+18,000)
Advance appropriations, FY 2002 / FY 2003	66,952	67,093	114,712	67,093	114,712	+47,760
(Limitations)	(5,983,878)	(6,179,891)	(6,144,138)	(6,289,350)	(6,172,382)	(+188,504)
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	145,000	148,000	148,000	148,000	148,000	+3,000
Federal Reserve Bank reimbursement fund	131,000	134,000	134,000	134,000	134,000	+3,000
US Mint revolving fund	13,960	22,000	17,000	22,000	17,000	+3,040
Sallie Mae	1,000	1,000	1,000	1,000	1,000	
Federal buildings fund	-74,000	31,000	-5,000	140,000	14,000	+88,000
Advance appropriations:						
Postal service, FY 2001/2002	64,436					-64,436
Postal service, FY 2002/2003	-66,952		-47,619		-47,619	+19,333
Across the board cut (0.22%)	-47,000					+47,000
OMB/CBO adjustment	35,491					-35,491
Compensation of the President:						
Mandatory		450	450			
Discretionary		-450	-450			
U.S. - China Security Review Commission (HR 2216)	1,700					-1,700
Total, scorekeeping adjustments	204,635	336,000	247,381	445,000	266,381	+61,746
Total mandatory and discretionary	30,779,357	32,371,351	32,712,150	32,808,450	32,759,450	+1,980,093
Mandatory	14,679,607	15,690,450	15,690,450	15,690,450	15,690,450	+1,010,843
Discretionary	16,099,750	16,680,901	17,021,700	17,118,000	17,069,000	+969,250

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to rise and join the gentleman from Oklahoma (Mr. ISTOOK), the chairman of this subcommittee, in expressing our deep sorrow at the death of Thomas Murray, a long-time employee of the Customs Service, killed in the line of duty, killed while trying to defend this country from the importation and introduction into our borders of materials which are either illegal or dangerous.

Every day Customs agents, INS agents, DEA agents, FBI, Secret Service, ATF, IRS and Federal employees who are not perceived to be in law enforcement or tax enforcement are themselves, because of the very fact that they work for the Federal Government, at risk, and it is important that we remember them and that we appreciate them. We thank them for the contribution they make to making America free and great.

This bill does that in part by assuring that they will receive a comparability adjustment, which does not get them to comparability but an adjustment which will move them further towards their private sector counterparts. I thank the chairman for his support of that effort.

Mr. Speaker, this conference report provides a total discretionary funding level of nearly $17.1 billion in discretionary dollars; that is, dollars over which we make a decision. That includes 969 million above last year's level and 388 million above the President's suggestion.

I want to mention a few important items. To some degree this will be repetitive, but I think it is important for both sides to mention these issues.

For Treasury law enforcement, which as the chairman pointed out makes up nearly 40 percent of all Federal law enforcement, we have provided 4.8 billion, 400 million above the President's request. Very frankly, that number will go up in supplementals to provide for better security and a better ability to meet the threat that now confronts this great Nation.

Important additions in this bill to the President's law enforcement request include the following: 170 million to modernize the Customs Service import processing system, for a total of 300 million in fiscal year 2002; 33 million for the Customs Service to purchase nonintrusive inspection technology.

We had the opportunity of talking to Secretary O'Neill last night about that issue, critically important to our Nation and to our commerce. Safety and commerce come together on that particular issue.

Twenty-five million for additional Customs inspectors on the northern border. Forty-five million above the President's request for the Secret Service to complete its work for its balancing initiative. Critically important if we are going to have Secret Service agents work for hours that do not tax their effectiveness and efficiency.

We include 10.6 million for new facilities at the Federal Law Enforcement Training Center in Glencoe, Georgia, and Artesia, New Mexico, critically important as we confront the beefing up of our law enforcement capability in this country and on our borders.

The funding level also includes 226.4 million for the HIDTAs, the High Intensity Drug Trafficking Program. 20.3 million above last year's level. Mr. Speaker, I have been a long time enthusiastic and strong supporter of the HIDTA program. The HIDTA program has significant dollars in it, now almost a quarter of a billion dollars, but it is a most important contribution, and a contribution which will become even more important in these days and the days ahead is the coordination it provides between Federal, State and local law enforcement and public safety agencies.

□ 1100

Tom Ridge, the new director of our homeland security effort, spoke to the Democratic Caucus this morning and talked about the necessity for coordination. HIDTA is a perfect example of that kind of coordination.

Mr. Speaker, I continue to be concerned with the level of support the Treasury law enforcement agencies receive from this administration, and I might say, from previous administrations. The emergency supplemental request sent to Congress underfunds the Customs Service. The Customs Service is on the front line protecting our borders. As we have just seen, Mr. Murray was on the front lines. He lost his life. If we are to enhance homeland defense capabilities, the Customs Service will require more support from the administration and from Congress.

This funding agreement includes $2 million in addition to our law enforcement accounts for a program called First Accounts. This is on top of the $10 million enacted last year and will give to Treasury $12 million to provide a very important service for Americans who are unbanked: They have no checking account, they have no credit cards, they have no ATM card obviously, because they have no checking account.

The gentlewoman from Florida (Mrs. MEEK) has championed this program, which is intended to establish affordable, electronic banking accounts for low-income families, and increase the availability of ATM machines in low-income neighborhoods as well. It will also serve to educate low-income Americans about the benefits of having a bank account and managing their finances. It will protect them hopefully against being ripped off every payday by those who want to charge them exorbitant rates for cashing checks or making short-term carry-over loans.

For the IRS, Mr. Speaker, $9.4 billion is provided. $548.2 million above fiscal 2001. This includes an additional $320 million to continue modernizing its business systems. It is appropriate that we mention the work of Charles Rossotti, the Commissioner of the IRS, who has done an extraordinary job as a manager, bringing the IRS into a position of carrying out the Internal Revenue Service Reform Act and making sure that we get the most efficient operation of our tax collection enterprise as is possible.

The conference agreement, Mr. Speaker, also provides $280.6 million for court house construction. That is essential in my opinion and, in fact, could be more. We are obviously still within fiscal constraints, but it does move further than was originally proposed. The amount provided surpasses the amount requested by the President by almost $64 million.

Also included in the budget of the General Services Administration is $19 million for the Food and Drug Administration consolidation. This will save large sums of money and provide for much more efficient administration of the Food and Drug Administration. That could not be more timely in light of the threat that we have to our food supply in the context of terrorism.

This is an ongoing, multiyear project that will replace abysmal facilities that are scattered across the metropolitan area, and provide FDA employees with state-of-the-art technology to do their jobs even better; and they do an excellent job now of protecting Americans and protecting our food supply and our drug integrity.

For Federal employees, the bill, as I said, includes several important provisions. I want to highlight just a few. First, as the chairman has pointed out, it includes the 4.6 percent pay raise, which will not get them to where they need to be, but will move them further along the road of becoming comparable with their private-sector counterparts. In addition, it makes permanent a provision that allows Federal agencies to improve the affordability of child care for lower-income Federal workers, which is a critical need. And it continues a provision that allows Federal employees to receive contraceptive coverage, as the chairman has pointed out.

Finally, Mr. Speaker, I would like to address the issue of election reform. I believe most Members of Congress are committed to addressing the issues facing our election system. Although dramatic examples of those shortcomings in our election system were found in Florida, we soon found that the same problems which existed in Florida existed in many other States throughout this Nation, very frankly including my own in Maryland.

As the ranking member on the Committee on House Administration, I am continuing to work with the chairman, the gentleman from Ohio (Mr. NEY), on broad-based legislation to address these issues. That legislation, which hopefully we will pass out of the Committee on House Administration in the next few weeks, will require significant resources; and I plan to address this need with the committee at the appropriate time. The reforms that will be effected ultimately will be under the jurisdiction of this committee, and I have discussed this with the chairman. He and I have both discussed it with Chairman Young; and this matter, although not addressed in this bill, will have to be addressed in the near future.

Mr. Speaker, as I wrap up my remarks, I want to join the chairman in congratulating the staff of this committee. First of all, I want to mention an extraordinary staffer, Michelle Mrdeza. Miss Mrdeza is the Chief Clerk of our committee. "Clerk" is a word that implies to some a job of ministerial importance as opposed to policy importance. Now, Miss Mrdeza would be the first to say that she does not enter into policy, it is we Members who do so, but frankly, the advice and council she gives to both sides of the aisle is invaluable as we consider this bill. She has institutional knowledge that is helpful to each and every member of the committee, and we thank her for her leadership of the staff and for her critical assistance as we mark up this bill.

I also want to mention Jeff Ashford, who does an outstanding job; Kurt Dodd, Tammy Hughes, both of whom are of great assistance to Members on both sides of the aisle. I also want to mention John Albaugh, who works for the gentleman from Oklahoma (Mr. ISTOOK), as does Scott Nance, who works for us personally, but who is very much involved in the committee's consideration of this legislation.

Also, of course, I want to mention Rob Nabors. Rob Nabors is our committee staffer on the minority side and he does an extraordinary job. He is new, but not new to the budget process. He comes from OMB and is extraordinarily knowledgeable and has been a valuable asset to not only our side of the aisle but, I think, to the committee as a whole.

Lastly, I want to join the chairman in thanking Chris Stanley for his contributions to the committee.

We get some outstanding talent from the various Federal agencies. We get the talent and their personnel get the experience of how this process works. We think both sides are advantaged by that exchange program. So I want to thank all the members of the staff.

Mr. Speaker, this is a good bill. We ought to pass it and we ought to pass it overwhelmingly.

I thank the chairman for working with us in a bipartisan fashion. We have not always agreed, but we have worked in a bipartisan, open fashion, so that all sides knew what the issues were and they could be addressed in an open, democratic way, and I thank him for that.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a fellow member of our committee.

Mr. KNOLLENBERG. I thank the chairman for yielding me this time. I will be somewhat brief, but I do want to rise, Mr. Speaker, in strong support of the Treasury, Postal Appropriations conference report.

I want to commend Chairman Istook for his work, and also the ranking member, the gentleman from Maryland (Mr. HOYER), for their teamwork on this whole issue and on this whole bill.

In particular, let me salute the chairman for his work in securing some $28 million-plus for a northern border hiring initiative for Customs officers. This is a significant increase over what the House or the Senate passed in their versions of the bill. The new Customs officers will help alleviate the long delays that have occurred at the U.S.-Canada border in the wake of the September 11 terrorist attacks.

This is no small matter for my congressional district, nor for the State of Michigan, or for that matter, for the Middle West. More than $1 billion worth of goods and services cross the northern border every day. This constitutes the largest bilateral flow of goods, services and capital between any two countries anywhere in the world, and four of the seven busiest ports of entry between the U.S. and Canada are between the Michigan-Canada border.

Immediately after the attacks, the wait time for cars and trucks to cross the border reached a staggering 14 hours. The ripple effects of this were severe. Manufacturers in Michigan, for example, and across the country, cut costs "with just-in-time deliveries," but when those deliveries cannot be made "just in time," it causes economic hardship for manufacturers throughout my home State and the Midwest. We actually saw plants close down temporarily in September because of supply disruptions. And if the wait time continues to be longer than usual, we risk extended economic difficulty. Funding this northern border hiring initiative is a step in the right direction towards preventing further disruptions.

There is more to do, particularly with technology and infrastructure needs, and I look forward to working with Chairman ISTOOK to ensure that the country is secure and that our economy remains strong.

Once again I thank the chairman for yielding me this time, and I thank him for his help and urge all my colleagues to support this conference report.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), another member of our committee.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him and the gentleman from Maryland (Mr. HOYER) for all the good work they have done on this bill. I know it is very difficult to balance all the requests of Members.

I have a particular interest in this bill, in that it provides the funding for the Federal Law Enforcement Training Center, which is partially headquartered in the District that I represent. As my colleagues know, FLETC, as we call it, has grown under the gentleman's leadership; and I wanted to ask a question about the issue of Federal sky marshals. We are interested in getting them involved in some of the training down in Brunswick, Georgia.

As the gentleman knows, right now there are 250 different classes for law enforcement training, and some 71 different law enforcement groups or agencies are training there right now. We believe the facilities are up and running that would help tremendously in this need to get some trained air marshals.

I was wondering if the chairman could comment on that.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. The gentleman is correct that we are trying to make sure the resources are there at the Federal Law Enforcement Training Center (FLETC) in Georgia.

As much as possible, we try to consolidate Federal law enforcement training that is generalized through this facility. Then, when they have specific needs, for example the Secret Service has protective detail needs, the air marshals have some specific needs for specialized training that is done in New Jersey and at Fort Dix and so forth, but for the generalized law enforcement training needs, especially for example someone coming into the air marshal program that does not have a law enforcement training, they might be coming out of the military and such, their initial weeks of training are to be at FLETC.

The number of people in that program is being kept classified, so I am not going to detail the numbers, but we are certainly making sure that, as part of the expansion of homeland security, we are utilizing the facility that we have at the Federal Law Enforcement Training Center. And I want to make sure that we continue to use that as the best way to apply the taxpayers' dollars towards how we handle these national homeland security issues.

Mr. KINGSTON. I thank the gentleman, because as he knows, there is a complete law enforcement facility there.

I also want to thank the gentleman from Maryland (Mr. HOYER) for his support and his visits down there, and extend to the chairman that the door is open. When his very busy schedule allows him the chance to come to Georgia, we would love to host him.

Mr. ISTOOK. I thank the gentleman.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and I salute him and I salute the ranking member for bringing together this conference report of Treasury, Postal, which I hope every Member of this body will strongly support.

This bill came about through true bipartisanship, and the makeup of the bill demonstrates that. I also want to pick up on thanking the staff that helped to craft the legislation that came up before us today. It is consistent with the bipartisan budget agreement reached with the President, and it recognizes that there may be additional resource requirements associated with the September 11 terrorist attacks.

□ 1115

One of the provisions of the bill that I am especially pleased to acknowledge is the requirement that the FEHBP providers include coverage for prescription contraceptive services. This provision has widespread support, adds no significant cost to the FEHBP, and deserves to be a permanent part of the Federal Employees Health Benefit Program.

I am also delighted to see that pay parity between military personnel and Federal civilian employees has once again been achieved. H.R. 2590 establishes a pay increase for Federal civilian employees at 4.6 percent, which is the least we can do for our civil servants.

The events of September 11 have demonstrated what many of us who have a predominant number of Federal employees already knew, our Civil Service is absolutely essential to the well-being of this country. Increasing their salaries shows that we in Congress recognize the sacrifices that they make by choosing to be public servants.

Finally, I am most proud we have chosen to make permanent the existing authority to provide day-care in Federal facilities. For the last several years, we had authorized agencies, only on a yearly basis, to use funds from their salary and expense accounts to help lower income employees pay for child care. But because we had never made that authority permanent, many agencies were reluctant to spend money to set up child care centers if their authority might be taken away the following year.

I am the sponsor of the bill that made the authority permanent, and I am delighted to see that we have now recognized the need for quality child care to be available for our low income Federal employees. In some Federal child care facilities, families are charged up to $10,000 or more per child per year. Many Federal employees simply cannot afford quality child care; so by allowing agencies that flexibility to help their workers meet their child care needs, we encourage family friendly workplaces and higher productivity.

Mr. Speaker, this bill has many other excellent provisions. I urge all of my colleagues to support it.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time, especially to someone who rises in opposition to the conference report.

Mr. Speaker, in July by a vote of 240 to 186, the House approved the Flake amendment to lift the travel ban on Americans traveling to Cuba. This marked the second consecutive year this travel ban was lifted by the House. Regardless of that fact, it is the second consecutive year that it has been stripped from the bill. It is time that we change our approach.

Mr. Speaker, the travel restrictions to Cuba have outlived their usefulness. For 40 years we have tried to isolate Cuba and to change that Communist country by not allowing Americans to travel there. It has not worked. Fidel Castro is still entrenched in power.

I was able to travel to Cuba just a month or so ago and was able to see firsthand the mess that Fidel Castro has made of that country. Why we would deny Americans who cannot get a travel waiver to go there, why we should deny them the ability to go and see for themselves is beyond me.

We want to change China. We want to change North Korea. But in doing so, we do not deny Americans the ability to travel there. That is simply un-American. I hope that we will move beyond this policy. We have better things to do with our time and our money and our resources at the Department of Treasury than to deny the travel ability or to enforce restrictions and impose fines on school teachers, for example, who want to take a trip to Cuba and do a bike tour there with their Canadian friends. We should not be doing this any more. We had a chance in this bill to lift that restriction, and we failed to do so.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his statement. The chairman of the conference committee from the Senate was very strongly in favor of the gentleman's provision. Very frankly, I was in favor of the gentleman's provision. I agree with the premise the gentleman has stated, but the President indicated he would veto the bill if the gentleman's provision was kept in. It proved to be an insurmountable obstacle to us in doing that, but I think the gentleman's comments are well taken.

I will tell the gentleman that I believe next year, assuming that provision is in this bill, I do not know whether the Senate can get the same provision in, it is a little difficult for the Senate to accede to the House's provision, but they want to do that if the House does not hold to its position. I thank the gentleman for his comments.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for his comments. We will be back next year, and I believe we will have the same margin, or even greater margins next year.

There are other reasons to oppose the bill as well. The bill is $1.129 billion over last year. That is a 7.1 percent increase. It is $388 million above the President's request. It is $48 million above the House passed bill. I think that we need to spend our time and resources differently. For that reason, I oppose the bill.

Mr. HOYER. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend from Arizona, I agree with his first proposition and strongly disagree with his second proposition. The gentleman points out that this bill is almost exactly at the dollar level, $48 million is a lot of money, but we are talking about a bill that is close to $30 billion for both mandatory and discretionary spending. Essentially they are very close, the Senate and the House bills.

I think this is a bill worthy of support as it passed the House. It continues to be worthy as a conference report from the conference committee. I hope that Members would support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have mentioned, this bill tries to meet the needs of Federal law enforcement and border security, although not totally so because there are greater needs that we hope to meet in further legislation coming forward. I think it is important to mention that of the numbers mentioned by my colleague from Arizona, there has been coupled in that mandatory spending from previous Congresses for things such as the insurance and retirement benefits for Federal employees that are not under the control of this subcommittee.

We have control over certain accounts and we have sought to be very responsible making sure that it is the Federal law enforcement, such as through Customs, that has the 12 percent increase that makes some other numbers look higher in this bill than they actually are.

We know that, at our borders, only 1 to 2 percent of the cargo that comes through is currently inspected. Why? Because we have neither enough manpower nor technology to examine these things for the safety of the American people, to be looking for things that may be chemical, they could be biological, they could be nuclear. We know the threats are out there. We are trying to improve the security of our homeland. We cannot do it without providing the resources.

We are trying to prosecute the war on terrorism with the troops that we see on land, at sea and in the air in the Middle East, in Afghanistan right now. We have to pay for those things.

We have an economy that is suffering from the impact of the attacks that were made. Part of the response to that, for example, dealing with the airlines, comes under the U.S. Department of Treasury, which is the chief agency that we address in this bill.

The Office of Homeland Security, an extension of the White House and the Executive Office of the President, comes under our jurisdiction through this bill.

We have sought to put the focus on homeland security. Yes, I know some people say that does not count. "I want people to travel to Cuba." We have seen some significant changes between who were allies and who were antagonistic and enemies in past years. It is well beyond the lessons from World War II in the differences in our relationships with Japan and Germany today.

We find that with Pakistan, sanctions are being lifted and a new spirit of cooperation has come in. We find that of all nations, Iran holds promise of cooperating with the United States. Afghanistan, which was an afterthought in so many people's consideration of foreign policy before, assumes extra importance. There are critical and fragile negotiations going on around the globe on what do we do to link together changes in our policy toward a nation with their cooperation in the fight against global terror.

Cuba has a history as a bad actor when it comes to sponsoring terrorism. If we are going to have a change in our policy towards Cuba, it should be part of what is coordinated with the administration, with the Secretary of State, with bringing them on board into compliance with many things that meet the security needs of the United States of America and the global security in our war against terrorism.

Mr. Speaker, it should not be just because some people say it is time to end it. It ought to be done as part of a coordinated change that involves other significant changes with Cuba if we are going to change that travel policy. It is for reasons such as this that the Administration said they would veto this bill if it contained the language that was sponsored by Members of this House and put in this bill on the House floor.

Let us not bury our heads in the sand. Let us recognize that paying for security does cost. We acknowledge that cost, and are trying to do it in the most responsible manner possible. I urge every Member to support this bill.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of the Conference Report for the FY 2002 Treasury Postal Appropriations Bill. This is a good bill, one that is a tremendous improvement over the President's original request. It uses the available resources wisely.

I want to commend Chairman ISTOOK and our outstanding Ranking Member STENY HOYER, and all of the majority and minority staff, especially Michelle Mrdeza, Rob Nabors and Scott Nance, for the hard work, care and attention that went into this bill and report. It certainly shows. I also want to thank Chairman BILL YOUNG and Ranking Member DAVID OBEY for providing the Subcommittee with a realistic and responsible 302(b) allocation that recognized the importance of the functions addressed through this bill and made it possible to meet many of the agencies' needs.

At the same time, I think it is essential for all of us to heed Chairman YOUNG's reminder that he gave us at the meeting of the Conference Committee and recognize that this bill is a pre-September 11th bill. There are huge unmet needs with respect to seaport security and border security not addressed in this bill that we must address as part of the Homeland Security effort to win the war against terrorism.

This bill does not address the needs for additional seaport security. While the bill provides some funding for additional Customs inspectors on the Northern border with Canada, the Customs Service will need significantly more resources to meet its mission on all of our borders. I urge the Administration to move immediately to address these omissions and give Customs the resources it needs.

Now let me mention a few of the items in the Bill and Report that I particularly like.

I am very pleased that the bill provides $15 million for the Miami Federal Courthouse, the remaining funds required to build the new Federal Courthouse in Miami, a project that is desperately needed by our Federal courts, the busiest in the country.

I am pleased with the significant steps that we take in this bill to improve our support for Treasury law enforcement, particularly with respect to Customs and the Secret Service.

The $300 million investment that the bill funds for ACE, the customs modernization project, $170 million more than the Administration proposed, is urgently needed. This money will help the trade community and law enforcement tremendously. It certainly will be enormously helpful in Miami. If we continue to fund this program appropriately, we will make the transition to ACE on a realistic timetable that will enable us to meet the expanding needs of the trade community and law enforcement, not have a 13 or 14 year project.

At the same time, however, we need to be doing more for Customs. As I have repeatedly discussed before the Appropriations Committee, South Florida urgently needs more Customs employees at Miami International Airport (MIA) and the Miami Seaport. The House bill provided $15 million expressly to hire additional Customs inspectors where the need was greatest. Unfortunately, this provision did not survive the Conference. I urge the Administration to revisit this issue as when it considers what additional resources Customs may need to fight the war against terrorism and provide for Homeland Security.

I am very pleased that the bill funds pay parity between civilian and military personnel by providing a 4.6 percent pay increase to civilian employees; and that it continues contraceptive coverage for Federal employees in the Federal Employees Health Benefits program (FEHBP).

The bill provides $2 million in FY 2002 funding for the First Accounts initiative, a program that I have championed to increase the access of low and moderate income persons to financial services, such funds to become available upon authorization of the First Accounts program. The First Accounts Initiative is a demonstration program. It is designed to help end check cashing ripoffs by improving the access of low and moderate income Americans to basic financial services that most of us take for granted—such as bank accounts and ATMs. It is one of the few programs in the Treasury Postal bill that is specifically geared to helping low-income Americans.

Mr. Speaker, it is estimated that 8.4 million low income American families—22 percent of all such families—do not have bank accounts. Families without bank accounts frequently resort to check-cashing services to pay bills and cash checks. Some estimate that low-income families could pay over $15,000 in fees over a lifetime to pay bills and cash checks in this way. Many such families also resort to payday lenders and are subject to the enormous, often predatory fees that such services charge.

We know that providing "unbanked" families with low-cost access to financial services will increase the likelihood that they will began a savings program and accumulate some assets. It also will significantly decrease their reliance upon high-cost check cashing services and payday lenders. Such a program has tremendous potential to improve the net worth of low-income Americans.

All of us should want to provide the "unbanked" with an alternative to the check-cashing services and payday lenders. By continuing to fund First Accounts, we can have a fair test of whether the program is able to achieve its intended objective of increasing the access of low and moderate income persons to basic financial services.

I urge the authorizing committees to authorize the "First Accounts" program at the earliest opportunity. I will be working with the Administration and the Treasury Department to ensure that they promptly develop and implement a plan to optimize the use of available "First Accounts" funding.

It is also very satisfying to note that this bill funds the workforce initiative at the Secret Service to reduce agent overtime to more manageable proportions. The $45 million that we give the Secret Service for recruitment and retention is very important. Secret Service Director Stafford told us that an average of 55 Secret Service agents were now leaving the force each year, 6 times the rate only 7 years ago. He indicated that the amount of overtime required of agents contributed significantly to the exodus.

Director Stafford also noted the irreplaceable loss to the Secret Service skills base when experienced agents leave and are replaced by newcomers. We spend about $240,000 to train each Secret Service agent. Keeping them longer through more humane personnel policies is fiscally prudent. More importantly, giving these agents a manageable life is the right thing to do.

While I wish that we could have preserved the increase provided in the House bill, I am pleased that we have maintained funding at the FY 2001 level for the National Historical Preservation Records Commission at the National Archives. The $2 million cut that the Administration proposed for FY 2002, a 31 percent reduction in grant funding from the FY 2001 level of $6.436 million was extremely ill-considered.

The NHPRC grant programs provide outstanding support to state and local archivists, and other organizations and institutions that deal with the identification, preservation and use of historically significant records and documents. Many of these grants support projects relating to historically underdocumented groups, such as African Americans, Hispanic Americans, Native Americans and American Women.

Finally, while this bill does not fund election reform initiatives, the conference report confirms the intention of the Committee to address and appropriately fund election reform as soon as the authorizing committees have acted. Mr. Speaker, election reform is an issue that affects all America, not just Florida, and a problem that we must address as soon as possible.

Now is not the time or place to discuss the particulars of all that we need to achieve election reform, and no doubt there will be differences among Members as to whether we should have uniform federal standards for election reform, but one thing is clear: All of our efforts to pursue election reform must be guided by the simple principle that all legally qualified voters have the same opportunity to vote and to have their vote counted. That didn't happen in the election last November and we must ensure that it never happens again.

I know that my good friend, Mr. HOYER, and Chairman NEY of the House Administration Committee are working diligently on legislation to authorize substantial funding on an ongoing basis to assist state and local election officials in making changes to their technology and their voting processes. I urge the Appropriations Committee to fund election reform as soon as authorizing legislation is passed.

Mr. Speaker, again, I thank Mr. ISTOOK and Mr. HOYER for all of their efforts. I urge all of my Colleagues to support this Conference Report.

Mr. ISTOOK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COOKSEY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2299, be instructed to insist on inclusion of the highest possible level of transportation security funding.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct is very straightforward. It is a motion to instruct the House conferees to insist on the highest possible level of funding for transportation security.

□ 1130

As the conference on the differences between the House and Senate versions of the fiscal year 2002 Transportation Appropriations bill begins, we now have an opportunity, in light of the tragic events of September 11, to provide additional transportation security resources.

Funding in the Senate bill for aviation security is over $14 million higher than funding in the House bill. The Senate bill funds civil aviation security at $150.2 million and the House bill funds it at $135.9 million. Likewise, funding in the Senate bill for Coast Guard operating expenses is $45 million above the House bill. While not all of this funding is directly related to increased transportation security, much of it is because Coast Guard operations are multimissioned.

Currently Coast Guard homeland security missions have increased substantially while other missions, such as drug interdiction, have decreased. In context, I must say that the Senate also had a higher 302(b) allocation for total resources available than the House did.

Accordingly, this motion to instruct directs the House conferees to agree to the Senate funding levels for transportation security programs.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no problem with this motion to instruct. As the gentleman from Minnesota knows, the House-passed bill included reductions in the FAA's operating expenses for their civil aviation security program. We made those reductions out of total frustration at that time with the FAA's delays and mismanagement of airport-airline security.

We are beginning to get back on track, but at the time we passed the bill, that was the situation. We wanted to get their attention, using the power of the purse, to compel them to make these long-needed improvements. We read in this morning's edition of the Washington Post the Secretary of Transportation is saying the problems continue even to this day in airport-airline security beyond what we had been promised and told.

The House is scheduled tomorrow to debate an airport-airline security bill which would remove those functions of security from the FAA and transfer them to a new agency which has transportation security as a whole as its function, not just airline security but pipelines and trucks, barges, trains, whatever, security for transportation in general. There would be a new agency within the Department of Transportation to which the FAA's heretofore obligations on airport security would be transferred, and the FAA would no longer have those responsibilities nor the need for the funds for that purpose. So in all probability then, after tomorrow when the House acts, the Senate acts, those activities would be handled not by the FAA but by a new agency within the Department of Transportation, hopefully.

Given this, I do not believe we will have the problems being described this morning in the future. We should give this new agency within the Department of Transportation a fresh start, not hamstring them with the problems that the FAA has had with airline security; and I wanted to assure my colleague, my helpmate, my soul mate on the floor here, that I will do all I can as chairman of the conference to ensure the highest possible level of funding for transportation security, not necessarily within the FAA.

One other note. We all obviously are concerned that the Coast Guard is not getting all the money that they would like to have. They would like to put into a supplemental bill moneys that we could not fund in the regular bill. If we see in this conference items within the Coast Guard's request that relate to security and the need for improved security, we can address that, but I would hope that we would limit our conversation in that regard to the matters that pertain to security and the need for the Coast Guard to improve their security capability.

As I say, Mr. Speaker, I have no problem with the motion to instruct.

I want to thank the staff and the gentleman from Minnesota and his staff for the cooperation and the hard work that all have shown.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I come in support of the Senate bill that will come to the floor on airline security.

I formerly represented Los Angeles Airport, LAX. As I go in there to come back to Washington, D.C., there is not a time that the staff at whatever airline does not approach me to secure the planes that they have to fly and serve on. It is an essential move that we have to make now.

People do not want to fly because they think it is unsafe. We have to have a force checking everyone, checking bags. We have to have them uniformed. We have to renew the spirit of flying in this country. We have to save the industry. We have to encourage the American people that they can feel safe on their airlines. We must pass the bipartisan bill now. We must secure the safety of our planes, our passengers, our airports.

I would encourage everyone to vote "aye" on the compromise bill.

Mr. SABO. Mr. Speaker, I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, lost in all the debate and politics over airline security is the very common-sense idea that the best long-term strategy for improving security is with new technology. I think we cannot increase security at our airports for this 21st century war with technologies from the 1950s.

There is a world of technology from biometric authentications, radio tracking for baggage, and passenger scanning and identification systems that can be deployed as our first line of defense against the terrorist threat. Systems such as electronic fingerprinting, retinal scans, facial geometry and signature scans could present a level of secure access that is not being provided today.

At check-in we can instantly match passengers against terrorist watch lists. For employees, we can better secure the restricted areas of airports and planes by ensuring that entry is tied to biometric identifiers.

Two weeks ago the gentleman from California (Mr. HONDA) and I introduced the Aviation Security Technology Enhancement Act so we can find out which technologies work best and what would be the best way to implement these new technologies. Technology will provide better security, more efficiency and eliminate the problem of profiling because it will check everyone.

Mr. Speaker, American innovation is at its best when we face a challenge. We are the Nation that put people on the moon and created the Internet. We must put our technological capacity on the front lines of this new challenge.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

We would not dream of contracting out the protection that our police provide and we would not dream of contracting out the protection our military provides. Why in the world are the leaders of this body attempting to contract out our airport security? Airport security forces must be reliable, standardized and verifiable. There should be no compromise on this.

Following September 11, I have been meeting with thousands of school kids from my district. Recently I asked them the question, should the security forces that protect our airports be federalized like the police and military? The kids resoundingly answered yes. It is common sense; kids know it, the American public knows it. But my colleagues on the other side of the aisle do not seem to know it.

National defense and security are charges of the Federal Government, and keeping our skies safe is part of that responsibility. It is plain and simple common sense. Ask yourself, who do you want protecting you and your family, a Federal security force or the lowest bidder?

Support this motion to instruct conferees to include more money for airport security.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DeFAZIO).

Mr. DeFAZIO. Mr. Speaker, I thank the gentleman for yielding time.

This motion to instruct is vital. The House of Representatives in the 7 weeks and 1 day since these terrorist attacks has yet to directly appropriate one dollar for enhanced aviation security or consider one piece of legislation, no matter how minor or major, to enhance the failing system of today.

I feel pretty secure here in the Capitol, and I believe my colleagues on the other side of the aisle who are fighting against a Federal law enforcement work force for aviation security feel pretty secure here, too. We have uniformed Federal law enforcement officers protecting the United States Capitol and protecting us. But somehow when it comes to the safety of the American traveling public, this failing private security business is paramount. They are the best we can do. Security on the cheap.

We have reports 3 feet deep from the GAO over 30 years of the failures of this system, but they say, "Don't worry. We'll have new Federal standards."

Let us talk about the Federal standards. The second largest private security firm in the United States of America, Argenbright, is under criminal indictment for the second time in 6 months. But their bill would keep them in business. That is great. Let us keep them in business. Let us give them a chance. I guess they believe in three-strikes-and-you're-out for the private security firms.

The second time they are under indictment for hiring known felons, maintaining known felons on staff. They have violated their probation by maintaining known felons on staff. They have continued to falsify documents to the Federal Government about training and background checks, but they want to perpetuate that system. They said, "Don't worry, with a little Federal oversight it will get better."

Federal oversight? What could be tougher Federal oversight than the United States Department of Justice, a Federal judge, a million-dollar fine and probation for a criminal conviction? This system does not work, and it will never provide the security the American traveling public needs and deserves.

They say, "Well, we'll do other things. We'll mandate the wages. We'll mandate the benefits. The Federal Government will do the background checks. The Federal Government will supervise or actually conduct the training. The Federal Government will supervise these people."

What role is left for these failing private security companies except to give campaign contributions to the other side and to turn a little tidy profit? The government would be assuming everything but, in name, the security function under their bill.

Let us just do it straight up. When you go to Hawaii, they inspect your baggage for contraband agricultural goods. The people who inspect your baggage for contraband agricultural goods in Hawaii are uniformed Federal law enforcement officers. In fact, this United States Congress has even deemed that the beagles that sniff your baggage are Federal law enforcement officers. The INS are Federal law enforcement officers. Customs are Federal law enforcement officers. As I pointed out earlier, those who protect the Capitol are Federal law enforcement officers. But somehow when it comes to screening passengers and baggage and carry-on bags and protecting the secure side of the airport, we should continue this failing private system.

No, we can do better. It is time to totally junk that system and adopt a new one that will protect the traveling public.

☐ 1145

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us talk about airline security and the bill coming up tomorrow, since the gentleman would like to talk about it.

What are we talking about when you talk about securing an airplane for the safety of the passengers? Well, you are talking about the baggage that is checked, that goes into the hold of the plane; you are talking about the person, the flier; and you are talking about whatever purses or baggage that that person carries into the cabin of the plane.

Do you need a security expert to look through a purse? I hardly think so. Do you need a technician that is paid $50,000 a year to look in your briefcase? I do not think so. Do you need a $50,000 a year person to look at an x-ray screen that is looking at your purse or your briefcase as you go through the checkout line? No, I do not think so.

What you do need, Mr. Speaker, is a Federal agent there, with the proper authority, to receive information from our security agencies, the CIA, the FBI, the INS, the DEA, all of the Federal agencies that have something to do with learning whether or not you might be dangerous on that airplane. So it is the person that is getting on the plane that is altogether important, and, yes, the Federal Government needs a Federal agent at every checkpoint checking on the person that wants on the airplane. That is the most important thing. An innocent person, a non-terrorist that carries a machine gun onto the plane is no danger, but a terrorist with a box cutting knife is the most dangerous. So it is the person that needs to be checked.

Now the Federal security agencies do not have input, are not allowed to have input, frankly, and the FAA is not given the data from these agencies to check whether or not you as you try to enter the plane are in fact a suspected terrorist. That is a problem. That needs to be fixed. The only way to fix that is to have a law enforcement officer who has the proper security clearance to receive information from CIA, FBI, and so on, there on the spot checking the passenger list to be sure you are okay. That is important. That is necessary.

But you can hire people to check the bags. That is not a complicated security job. You can get it done more quickly, you can get it done more efficiently, you can get it done for a better expenditure of the Federal taxpayers' dollars, I think, by contracting that out under Federal supervision, under Federal clearances, under Federal regulations and guidelines, so that when the person is hired we know whether or not they have a criminal background, or they will not be hired if they do; that there will be Federal certification required, which is not the case now, before a person is hired for those types of jobs. There would be Federal supervision, Federal training, and dismissal if the person does not fit up to the standards that are required.

Under the Civil Service laws of our land, rightfully so, it is very, very, very difficult to discharge, to fire, a person for incompetence. It is practically impossible. I do not want those kinds of rules applying to the person checking to see whether or not a terrorist is entering my airplane. If that person is not doing the job, fire them right on the spot, just as happened last week in New Orleans where a person was allowed on a plane with a gun. The person, the screener, that allowed that to happen was fired instantaneously by the private contractor. Had that person been a Federal employee, they would still be checking at that gate today.

So, Mr. Speaker, let us understand what we are talking about here. Yes, we need a Federal takeover of security screening of people and items going on planes. Yes, a Federal takeover, Federal agents on the spot 24 hours a day being sure that people and things going on planes are not dangerous. You can deal with the details of that though much more efficiently and more cheaply, frankly, for the taxpayers by contracting out the small items, the things that can be done by untrained, frankly, untrained personnel.

So I hope tomorrow when we have the airline security bill, that we will do what the President wants, what the Secretary of Transportation wants. Norm Mineta we all know. The Secretary of Transportation, Norm Mineta, was a Member of this body. He was chairman of the Committee on Transportation and Infrastructure for a number of years. He is an expert if there is one on airline security. He has advised the President, the President's staff all agrees, the President agrees, the Secretary of Transportation agrees, the FAA agrees, all of them agree that the best way to go is a Federal takeover of airline security, but contract out the mundane details that can be done by just about anybody.

So I hope tomorrow we will exercise good judgment, that we will follow the lead of our former colleague in this great body with high respect on both sides of the aisle, Norm Mineta, Secretary of Transportation, and we will follow the lead of our President. And let us not worry. Let us not get in the way of what this country needs to do right now, and that is to defeat the terrorists. And let us not get bogged down in a detail like this, when I think it is a fairly insignificant detail, and let us stay focused on the big picture.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me respond quickly. The gentleman mentioned cheaply. We do now have the cheapest system you can buy. It is failing us miserably. That should not be a consideration before us.

The gentleman talked about insignificant details. Is it an insignificant detail to smuggle a fully assembled, loaded handgun onto a plane, or a hand grenade through security? Because that is what has happened with private security today. The FAA has tested this system, and they have been able to get hand grenades through, fully loaded handguns.

The gentleman mentioned machine guns. I am not sure that happened yet, but it may have. But he said it would be okay if someone brought it on with good intentions. I do not think so.

But, if I could, the gentleman talked about $50,000 a year people. Well, I am not sure what we pay these Capitol Hill police, but we should pay them $50,000 a year. And if we think we need $50,000 a year uniformed Federal law enforcement officers to protect the United States Capitol and the Members of the United States Congress, I will tell you what, no one is going to take the Capitol up off the ground and fly it into a building and kill people, but airplanes go up in the air every day. And the flight attendants are not feeling good about it, the pilots are not feeling good about it, they are not getting the security they need.

We need better security screening. It is our first line of defense. I do not know if the gentleman is familiar with the CTX-5000. It is a very complicated piece of machinery, and we probably need to pay at least $50,000 a year for someone to operate it. It sniffs and looks for bombs in baggage. It is a machine that they say you basically have to be a radiologist to analyze, because it is like using a CAT scan. It is very

very complicated. But the gentleman would want to put a minimum wage person operating that machine, because that would be cheaper.

What does it take to operate the machine? Actually it takes an expert to operate that machine. So this is not something you can do on the cheap. But we want to go around the barn and say, well, the Federal Government will have law enforcement officers there, the Federal Government will supervise, the Federal Government will do the background checks, the Federal Government will set the wages and benefits, but these will not be Federal employees because we are worried we cannot fire them.

Actually, if the gentleman read our bill, he would see in the bill it says they do not get protections that are performance-based, they can be fired for lack of performance. This is a better option.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman misrepresented what I said. I, of course, would not say it is okay to take a machine gun on an airplane. I resent that inference.

Mr. DEFAZIO. Would the gentleman yield?

Mr. ROGERS of Kentucky. I do not yield.

Mr. DEFAZIO. Would the gentleman like me to have the words read back?

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from Kentucky is recognized.

Mr. ROGERS of Kentucky. I would appreciate the gentleman responding and respecting my time, as I respected his.

Of course, I did not say that. I would never say something like that. I did not say that it would be minimum wage employees operating expensive equipment. Of course you have to have experts to operate the new CAT scan-type x-ray machines that we are bringing on-line now and paying for in our bills.

If you take a tour of the Rome airport, for example, as the ranking member and I did just a while back, and saw the expensive, highly-paid classified workers out of sight beneath the airport searching all baggage, including searched baggage, you know that it must be done by an expert. Of course it must be.

I am just saying for the routine things, looking in purses, opening up a briefcase looking for something, you do not have to have a highly paid person doing that. But you do, of course, have to have the highly paid Federal workers that are there with security clearances to receive information from our security agencies to check the person, to see if they are on the watch list, to see if they have been involved in problems overseas somewhere, or here. That is the person that needs to be the expert, and that is what I would advocate that we do.

Now, the system as it now is run by the airlines, they have been in the past needing to get by on the cheap, and they have. And no one defends the present system, certainly not me. I have been probably one of the most critical of it there is. But that was done because the airlines have been responsible for security, and their bottom line was important to them, and therefore you had minimum wage employees now doing the screening.

Of course that should be done away with. You do not need to pay these people minimum wage. The Federal Government when it takes over the system will be able to hire the people that the requirements of the position will demand and we will pay whatever the rate is. I am sure it will not be minimum wage.

But the essential point is we need a Federal takeover of airline security. We need Federal agents on the scene at all times, not only just to run the screening process, but the baggage process, and access to the tarmac, to the airfield. That all needs to be controlled under a Federal mandate.

But please give the President some choices, some options here, to do it the best possible way. I hope the gentleman is not telling us that he knows more about this than Secretary Mineta. I do not believe the gentleman will tell us that he knows more about this than people who have devoted their lives to airline security, who are saying to us please give the President options.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, if the gentleman can answer briefly, since the gentleman has admitted the present system is failing, would the gentleman bar the present firms, particularly those who are under criminal indictment and have been criminally convicted, from continuing to provide services under a new privatized system? Would the gentleman accept that? I guess not.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Listen, I am the one who I guess broke the story on one of the companies.

Mr. DEFAZIO. So you would.

Mr. ROGERS of Kentucky. That was under indictment, in fact pled guilty in Philadelphia. So if that company or any other company could qualify under the conditions that we set down, sure. But I have got a feeling, as far as I am concerned, that the standards would prohibit that.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, the Young bill, that would not prohibit firms who are criminally convicted of violating existing guidelines from continuing to provide private security. The parent company in Britain has just been found to have committed very, very serious breaches of security in Heathrow Airport. So you have a foreign-owned firm which is on both sides of the ocean failing, and your bill would not prohibit that firm from bidding.

□ 1215

Mr. SABO. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. OLVER), our good friend.

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me time. I did not realize at what point we were in this debate, and I came over as soon as I knew that it was going on.

I am pleased to see that this motion to instruct has been offered, and I am glad to see that the gentleman from Kentucky (Mr. ROGERS) has indicated that he has no problems with the proposal, with the motion to instruct the conferees.

I think it is an entirely appropriate thing that we should be doing here; that is, asking for the highest possible level of transportation security funding. It goes far beyond just security for airports, although that is the area that, because of the horrendous events on September 11, has had the most attention. Clearly, we need better security in our tunnels, on our bridges, in our rail stations, in our subway stations. We will have to get around to that. But we have become focused, at least for the moment, upon airline security and the airports' security.

Since September 11, the economy has been in a steep slide toward recession. There are at least 100,000 direct employees, direct employees of the airline companies, who are out of jobs, and that does not say anything about the many-times-that of other employees, often part-timers and such in the tourism industry, that have been affected by the steep slide in the economy. It comes because air travel is a major portion of our whole economic system. The airports are half-empty. Even in those that are running fairly effectively, we find the confusion that goes on in the security systems that are there. They do not know what to do because they never had any training, never had any standards, never had any real professionalization in the process; and that is still affecting them, even though there are fewer than half the people going through the airports today that were going through earlier, and we are expecting that we are going to end up with some of our airlines going out of business. Yet, we have had in, now, almost 2 months no law; with all the different things that we have done, nothing on the professionalization of the airport security systems and not a single dollar to establish that kind of professionalization.

Mr. Speaker, we really have to professionalize our airport security system with ultimately the responsibility for that being clearly in the hands of the Federal Government. It can be in terms of very strong management with features that are being talked about in the several bills that are here, but we really have to require a Federal uniform system to protect all passengers, or passengers are not going to return to the airlines and they are not going to return to our airports and our economy will still be in the tank.

We have to expand the air marshal program. We have to develop new methods to modify cabin and cockpit security in our planes. We have to require extensive background checks of security personnel. And we need to maximize the use of explosion detection equipment. But at the bottom of all of that is that we must professionalize the personnel systems that are involved in airline security.

It is more than a month ago already, it was in September, and here we are on the last day of October, that we held a joint hearing of the Senate and House Subcommittees on Transportation of the Committees on Appropriations, where we heard powerful testimony by the Federal Aviation Administration, the General Accounting Office and the Inspector General for Transportation documenting the utterly poor security systems that are operated by the airlines. As they operate in this country, it is the weakest system of any of our major Western countries, as far as I have been able to detect, looking at the systems that are available in Western Europe and in Israel; and ours is very like Canada's at the moment, or has been.

Both the General Accounting Office and the IG extensively tested the security systems and found that screeners frequently failed to detect guns, knives; other threats at security checkpoints the IG reported repeatedly breached, and there has been a long history of that, document after document, stacks of documents showing that to be the case, breached security areas in a large percentage of their tests at major airports.

Once they have breached the secure areas, persons who had gotten through what security systems were there could enter any of the planes. Well, why are those breaches, why were those breaches, so easy?

Well, the GAO and the Inspector General cited specifically the very low wages and benefits of security personnel, little or no training of the screeners, weak to no criminal checks on the screeners, no uniform standards for screening and, interestingly, extremely rapid turnover which, in the testimony, indicated that the turnover ran from 80 percent at a minimum in the lowest turnover at one of the companies up to 250 percent and, I think, as much as 400 percent turnover. These are people who were working for no more than a couple of months and the minute that they could get out of that job, because there was no kind of standard involved and no morale on the jobs, would go on to something else.

In other words, these were the largely dead-end jobs, the very deadest end of jobs that were being used in protecting the security of American travelers, and yet we have not really done anything formal in that period of, now, almost 2 months to make corrections in it.

So we now are going to deal with that tomorrow with legislation. I think that the Democratic bill is much stronger in what it puts forward, because it does professionalize the security system and put the responsibility directly on the Federal Government to make certain that the security system is one that is reliable; and that may give people the degree of confidence that they need so that they can come back to the business of flying and the business of why they fly, whether it be for tourism or for business itself.

We have had indications that some of the companies have pleaded guilty to criminal violations and yet they are still contracted companies in the system as it operates today. With that happening, with the failure to conduct background checks on employees staffing those security checkpoints, it is highly unlikely that we will get back the confidence of the American people in the air travel systems that we have and get our economy back running.

So I am very pleased that the chairman is happy to support the motion to instruct. I hope that when we get finished with this legislation tomorrow that we will have the strongest possible, the strongest possible law in place that will protect the security of the American traveling public.

Mr. SABO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON of California. Mr. Speaker, when anthrax was discovered on Capitol Hill two weeks ago, the House Leadership acted quickly and prudently to protect Congressional employees from the threat of terrorism. I support that decision. But the speed with which Congress moved to protect itself stands in stark contrast with our failure to provide for the security of the flying public.

Mr. Speaker, it has been fifty days since September 11th, and yet the House of Representatives has still not acted to pass an airline security bill.

It has been forty days since the House of Representatives voted to authorize a fifteen billion dollar bailout for the airlines, and yet the House still has not passed an airline security bill.

It has been twenty days since the other body voted unanimously to provide for airline security, and still, the House has not yet passed an airline security bill.

You might think that this delay was because our leaders were searching for a novel approach, or a well-calibrated solution. But, in fact, it was because of a partisan dispute about whether the screeners should be Federal employees. This despite that the fact that an overwhelming majority of Americans have said that they want the Federal Government to run airport security.

In the wake of the September 11th attacks, Americans asked for, and received, an outpouring of bipartisan leadership from their elected officials. How sad that the one key thing that Congress must do to safeguard their security has been held up by a partisan dispute. I urge my colleagues to support this motion, and I urge you, Mr. Speaker, to bring the Senate's bipartisan airline security bill to the floor without delay.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. ROGERS, WOLF, DELAY, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, Mrs. EMERSON, Messrs. SWEENEY, YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, CLYBURN and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. KAPTUR moves that the manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2330, be instructed to insist on the highest possible levels of funding permitted for international food activities under P.L. 480, Title II.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Texas (Mr. BONILLA) each will control 30 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Let me say to my colleagues and to the gentleman from Texas (Mr. BONILLA), our esteemed chairman of the subcommittee, that this motion is simple and to the point. It instructs our conferees to agree to the highest possible level of funding for international food programs within the scope of the conference, including the Title II Public Law 480 Food for Peace program.

Mr. Speaker, perhaps never in the history, in the recent history of our great country have we had a greater need to use our food power to build a more peaceful world. Three matters individually and collectively within our purview in this legislation justify the need for the highest possible level of funding. I just wish to mention them and make a few remarks.

The first is the Global Food for Education Initiative.

The second is the ongoing need for an expanding emergency need for food assistance for Afghan refugees and other desperate people in and around that beleaguered country.

Thirdly, to offset the administration's proposal to reduce the section 416 commodity assistance with the resultant increase in dependency on the Public Law 480 Title II program for vitally needed development assistance throughout the world.

It is interesting to think about the conditions which breed revolution and instability, and to observe how often that desperate people living in desperate conditions in the countryside provide the seed bed for political instability. If we think historically, just for a second, back to the middle part of the 20th century, the countryside became the killing fields inside what became the Soviet Union through the forced starvation of millions and millions of people by Joseph Stalin and his consequent success in gaining control over what became the Union of the Soviet Socialist Republics. The countryside was dead center in what happened with control of the food supply.

If we think to China and the revolution in 1949 and the role of Mao Tse-tung in moving people back to the countryside, the rural countryside became the seed bed for the revolution and the consequences that followed, and the imposition of will over 1 billion people.

Now, today, in the Middle East, in East Africa, we have witnessed the powerful instability that can grow from food insecurity with little to eat and little to hope for; and it is not just in Afghanistan where people are at prefamine levels with millions that have fled that sad state of affairs. If we also think about the madrassas operating inside Pakistan that use the lure of milk to feed hundreds and thousands of little boys who are then systematically taught to hate anyone whose religion is unlike theirs.

Food is being used as a weapon in the conflict that we face with Enduring Freedom.

□ 1215

It is best that we understand it, and that we use the power that we have with our food commodities to help build a more peaceful world.

The Global Food for Education Initiative, the program so strongly supported and developed by Senators Bob Dole and George McGovern, can be an important piece of the solution.

Why can we not think about using the Global Food for Education Program to offset what the madrassas are doing in Pakistan, and to feed children out of our good will, and to provide educational opportunity to both boys and girls, and hopefully produce new political leaders for the future that will embrace the world in a more fair open manner?

This body has said we would like to see the funding for this program continued, and we would like to see permanent authorization as part of the farm bill, the authorizing legislation itself being H.R. 1700.

So we want this motion to instruct to place some responsibility on these conferees to see that the Global Food for Education Initiative, and the hard work that the gentleman from Massachusetts (Mr. MCGOVERN) and others have done, to make that a permanent authorization and to receive the support it deserves inside this conference.

Secondly, in terms of the starvation and pre-starvation levels that people in Afghanistan and the refugees are facing, there is no question about the ongoing immediate need for expanding emergency food programs for those refugees, whether they be inside the country, if we can find a way to deliver it, or to the adjoining nations, during our Nation's conduct of Enduring Freedom.

We know that the United Nations World Food Program has predicted that we will need to provide a minimum level of assistance for 7.5 million people, and that such aid could last for well over 1 year. Even though the administration has already suggested more resources will be provided, and has done so out of the emergency funding we adopted earlier this year, there is no doubt that more will be needed; and not only direct food, but once stability reigns again, to help people develop their own abilities to raise food so there can be a more permanent chance for development in that region.

Once we complete emergency assistance, we have to look at meaningful development assistance so we can leave the region in a more self-sustaining condition than it is in, obviously, today.

If we want to change the concerns about poverty, malnutrition, and how people are treated, including women, then we must also have long-term development goals in mind, and that is where food for peace, food for progress, section 416, are answers that make the most sense.

Finally, before yielding time, let me say that the administration's proposal to reduce section 416 commodity assistance may have made sense before September 11. I do not really think it did. But after September 11, it makes absolutely no sense at all, because it will force the resultant increase in dependency on the Public Law 480 title II program, which we need for the type of developmental assistance in the Middle East, in East Africa, and other places where instability reigns.

If we are to have longer programs that will end world hunger, a goal to which our Nation leads the world and has subscribed to throughout our existence, then we have to be sure that any emergency food assistance is followed up with a program of meaningful development assistance, and that is why these programs were invented.

This program benefits American farmers and our States seeking to develop new markets for our commodities as the largest food-producing Nation in the world, as well as the countries receiving the benefit of the program, targeted to those who are hungry in the urban areas and to development in the rural countryside, to stem the instability that we know has bred the revolutions of modern history.

Public Law 480 has a long history of turning former recipients into longstanding customers and into stable political allies.

Mr. Speaker, I yield such time as he may consume to the esteemed gentleman from Massachusetts (Mr. MCGOVERN), who has been such a leader on these international food programs.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague for yielding time to me, and I am very glad to see and strongly support this motion to instruct the conferees to support the highest level of food aid assistance.

I believe that United States food aid programs will play a critical role in averting disaster in Afghanistan and in the Near East. Even before the tragic events of September 11, the United States was the largest contributor of food and humanitarian assistance to the people of Afghanistan through the United Nations World Food Program.

But I also believe that the United States should support these programs worldwide. The United States has long fought to end hunger and poverty, and these programs are a critical part of that development effort. They reflect the compassionate, humanitarian character of the American people.

As my colleagues know, along with the gentlewoman from Ohio (Ms. KAPTUR) and the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Ohio (Mr. HALL) and over 100 Members of this House, I support the establishment of the Global Food for Education Initiative that would fund school feeding programs around the world, including Afghanistan, Pakistan, and throughout the Mideast.

This program was inspired by two great leaders of our country, former Senators George McGovern and Bob Dole, and as I said, has enjoyed incredible bipartisan support, not only in the House but in the other body.

School feeding programs accomplish a number of things. First, they get food and nutrition to hungry kids. We all know that hungry children cannot learn.

Second, school feeding programs increase school attendance. In various pilot programs, as in the pilot program of this Global Food for Education Initiative, we have seen school attendance increase dramatically, especially among girls. Education is really a key tool in combatting some of the terrible effects of poverty and ignorance and illiteracy.

We talk about how do we deal with intolerance and hate around the world. Education is the way to do that. So this program would actually get more young people into schools, and I think it is an effective tool in combatting the types of conditions where terrorists tend to seek recruits.

I am pleased that we have been able to get some language in the farm bill in the House, and hopefully the other body will follow suit, but I would call on President Bush to extend this particular program through fiscal year 2002.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) again for her incredible leadership on this and so many other food aid issues. I support this motion to instruct conferees to support the highest levels of funding for U.S. food aid programs.

I think this is an important motion. This is an important statement for the Members of this House to make.

Ms. KAPTUR. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Massachusetts so very much for speaking out again today, and for providing the type of national leadership that we need in order to make this Global Food for Education Program permanent.

I think, if the gentleman might want to engage in a colloquy at this point, I know he has thought a great deal about how our commodities leverage food from other countries, and the participation of other nations in this Global Food for Education Initiative.

Perhaps the gentleman would wish to place some of that on the RECORD at this time.

Mr. McGOVERN. Mr. Speaker, what we are proposing here is not just a program where the United States goes it alone. What we are trying to do here is inspire other countries around the world to follow suit, and to make a strong effort to eliminate hunger among the world's children.

We have the ability to do that. Our country, working with other countries around the world, we can eliminate hunger among children. We could eliminate hunger among the entire world if we had the political will to do so.

As Senator McGovern has said time and time again, hunger is a political condition. It is something that we can solve if we have the political will to do so.

Our goal here is to have the United States be a leader in this effort, but to go to other countries around the world, as we have been trying to do, to get them to participate in this program. So it is a worldwide effort, a worldwide effort to combat hunger.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for those comments. I am reminded of the day that we had the special press conference up here in the Capitol with Senators McGovern and Dole, these two dogged World War II veterans who could be doing anything else with their lives at this point, yet they were here on the Global Food for Education Program because they as veterans understand what it takes to build peace.

What a contribution they are still making, though not legislators or Members of Congress at this point in their lives, to have an influence to do what is good in the world as Americans, regardless of party. We owe them so much. They are giving their great genius to the country, and we owe them such thanks for that, and for making a difference working with us, especially now.

I wait for the day when the gentleman from Texas (Mr. BONILLA) and the gentleman from Massachusetts (Mr. McGOVERN) and I can go into Pakistan and help to distribute maybe some of this milk, and to take a look at what is being taught in private schools that are being established there as we try to help part of the world that so greatly needs greater stability, to use our food programs as the real fulcrum of a better future for millions of children.

Mr. McGOVERN. As the gentlewoman pointed out earlier, too, this really puts our farmers in the forefront of this effort to make this world a better place.

The food we are talking about, much of it would be grown right here in the United States by American farmers who would also benefit from this program, and I have often felt that we could do more around the world to promote stability and human rights by utilizing this incredible surplus we have in our farm commodities right here in the United States.

Again, there is an incredible need out there, and as the gentlewoman pointed out, we have been engaged in these incredible humanitarian efforts in the past. I think we need to redouble our efforts, especially in the wake of September 11. We need to bring the world community together. We can make this world a better place. We can eliminate hunger among children. We can promote global education. We can make this world a safer, less violent, more tolerant place. Again, I thank the gentlewoman for her motion.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman, and I yield myself such time as I may consume.

I just want to place on the RECORD, as we talk about this, if we look at the hijackers here that did such damage to our country, 15 of 19 of them came from what is now Saudi Arabia. If we look at the areas of Saudi Arabia they came from, they came from the rural, southern parts of the nation.

Other nations have been subjected to terrorist attacks, but if we really see where many of the Shiite and Sunni fundamentalists who are committing most of these acts come from, they come from parts of the country that never received support from their own governments. So therefore, these are breeding grounds for the discontent that is destabilizing that part of the world, and now our part of the world.

I know from every single farmer in my region to every single farmer across this country, they know they can be a part of the answer to retooling for peace using food as the fulcrum for a better future. I know the gentleman sees this in his mind's eye, and we can do so much good if we can get even our own government to recognize the power of people who have been fed, and that those who would seek to do harm in their own regions or in others would have less cause for action.

It is too bad that the world has to move to this point, but I will say, in defense of our country, prior to September 11 there was one Nation providing the majority of food commodities inside Afghanistan, and it was the United States of America, through the World Food Program.

So we have tried to make an effort. In some of these other nations, I think it has been more difficult to get the governments to be willing to allow food commodities and assistance to flow to some of these rural areas that may not be looked upon favorably by the central governments. But I think people may and these nations may be rethinking the damage that has been caused by ignoring major segments of the population that then are underdeveloped and underfed, and are prime targets to be lured by those who would want to create harm and instability, and to create a political movement that grows out of the poverty and deprivation of huge segments of the nations of the Middle East and of East Africa.

So I know that we have other Members who are desirous of speaking on this subject. We have been hoping that they would make it to the floor from their committee meetings. They do not appear to be here at the moment, so I think we are going to have to move on with the legislation.

Mr. Speaker, I thank the gentleman from Texas (Chairman BONILLA) so very much for his leadership on this, and for his support.

Mr. Speaker, I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion of the gentlewoman from Ohio (Ms. KAPTUR). I know this has been an issue she has been working on long before the current crisis that exists in Afghanistan, and this program has proven to be very beneficial in this area as we undertake our mission there.

But again, well before this situation arose, the gentlewoman from Ohio (Ms. KAPTUR) has been a leader on this issue through her subcommittee work, and well before that, as well. I commend her for her longtime commitment to this issue.

□ 1230

We have no objection and, in fact, we support this motion enthusiastically.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO), the very able member of our subcommittee, who has been such a leader on not just domestic food programs but world food programs. We thank her for leaving her committee meeting in order to come to the floor to discuss this very important motion to instruct.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for the motion to instruct and I rise in strong support of this motion.

This motion would add vital funds to international aid programs that help both citizens of poor countries and it helps American farmers. Now, more than ever, since the attack of September 11, we must fund these programs at the highest levels possible.

In the last 50 years almost 400 million people worldwide have died from hunger and from being poor. That is three times the number of people killed in all wars fought in the 20th century. Today almost 800 million people, about one-sixth of the population of the world's developing countries, do not have enough food. Two hundred million are children.

U.S. food aid is essential in fighting world hunger. It has been instrumental in averting a famine in the Horn of Africa. It has helped redevelop Bosnia's agricultural sector and feed more than 50,000 children in Haitian schools and hospitals.

Food aid empowers people, families, communities. It enables them to break out of a cycle of hunger and poverty and return to lives of dignity. On a broader scale, food aid helps countries improve their people's health, their incomes, and their living conditions. It helps them progress forward as a nation. And at the same time, the food aid helps our farmers across agricultural sectors, wheat, soybeans, rice, peas, milk to name a few; in one of the darkest times of our agricultural history. It has helped them to sell more of their products and keep their farms and their families secure. At a time when family farms are struggling day-to-day for existence, international food aid offers them hope.

After the tragic events of September 11, more than ever the United States needs to reach out to our neighbors. Our core principles of justice, liberty and opportunity are what makes this Nation strong. We must continue to live by them and promote them. We must continue to provide assistance, support developing nations. We must let these countries know that despite the unspeakable act of terror against our Nation, we will continue to stand strong with them in their fight to improve the lives of their citizens.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) for such an eloquent statement and for her leadership on international food programs as well as our domestic programs like WIC and all of the Food and Drug Administration programs on which you have worked so hard in the subcommittee. We are truly fortunate to have you as a Member of this Congress and Connecticut certainly has made a very good choice in sending you here.

Mr. Speaker, I would like to just mention before calling on our dear able colleague from North Carolina (Mrs. CLAYTON), that it is probably important as we talk about this motion to instruct to acknowledge the courage, the dedication and the patriotism of the workers from the U.S. Agency for International Development and the World Food Program who have been working under extremely difficult conditions, certainly in the Middle East and Central Asia, but in Africa, in Indonesia, in so many other places on our globe.

They do not get a great deal of publicity. Over the years so many have lost their lives. They in my judgment are as important as any person serving our Nation and we want to thank them, and we want to let them know that this Congress understands the heroism of their work and the great humanitarian role that they play in treating all people equally and bringing the bounty of this land to places that most Americans will never see. We wish them to know the depth of our thanks and respect that we hold for the work that they do largely unacknowledged.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON), a very high ranking member of our Committee on Agriculture. If the word is agriculture, if the word is leadership, if the word is development, she is at the front of the line.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would announce the gentlewoman from Ohio (Ms. KAPTUR) has 7 minutes remaining.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank her for her leadership and for the motion to instruct that we will indeed instruct the conferees to go to the higher level for this very important program, Public Law 480.

This is a program that is in place and has been doing good work. It has been doing well for our farmers because indeed our farmers have benefitted from the abundance that we have, an ongoing inventory that we can now use to do very good deeds around the world. So many of our programs have been very effective in relieving hunger. There is the Food for Peace, Food for Development. There are various programs under the Public Law 480. I am very pleased that we are recognizing this as a tool for not only our agricultural expansion but also a tool for our relief.

Earlier this morning I was in a discussion where we were talking about what other things could be done in this whole conflict in terms of terrorism, particularly in Afghanistan and the region. The mere ability to help people to feed themselves was given as a strategy.

Well, guess what? This program can be used and we think that we could expand that. Obviously, they had a program that was going to be modelled a little differently; but there is no reason we cannot use this program to supplement whatever comes out of that initiative in terms of responding to the refugees. I read yesterday about the children of the garbage, they are called, out of Los Angeles, where kids go through scavenging enough products to sell and recycle so they can buy enough food to feed their families.

If we could think of this as one way of stabilizing families who are suffering from hunger, but more than that, it could be used as a tool to bring stability where we are fighting and have a military strategy. This could be a part of our diplomatic approach, is to use our development of agriculture and our U.S. AID.

We pulled AID into our State Department. For what reason? To use it as a tool that we can have as our international policy. So our food programs that we have through the Public Law 480 certainly is a tool I think is underutilized and I want to expand it.

There are many food programs I could mention. The gentlewoman from Ohio (Ms. KAPTUR) mentioned the Global Food Program, which I am very much aware of, and the Global School Lunch Program. We are very pleased that is moving along and my colleague's leadership there has been evident, and we are very pleased Congress is moving in that direction.

I commend this amendment, but more than that, I commend our understanding that we can use food as one of the tools in our arsenal for peace and stability as well as we respond to the hunger and the needs not only in Africa and India but also in the very troubled area that we are involved in, Afghanistan and that whole region.

This is a significant beginning and I hope it leads to it.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for that very generous statement and strong support and also for her continuing leadership on so many fronts. I know that some of the initiatives that the gentlewoman has taken on for Africa, for example, using these programs will be the first time that farmer to farmer programs and modernization programs will be used for development in rural Africa in areas that so desperately need attention, and I hope that the people of North Carolina understand the genius that they have sent here in allowing the gentlewoman to serve in our Congress, and I thank the gentlewoman so very much for being here with us today.

In closing, Mr. Speaker, I just wanted to say, as we look at the range of what America can do in order to promote a more peaceful world, what other programs have such scope as these? We are talking here about emergency assistance for Afghan refugees and food inside Afghanistan.

These programs are being used currently in places like Lebanon where for the first time in the history of our country we have taken food commodities such as wheat and soy oil, sold them inside Lebanon, and now we are helping to redevelop villages, very poor, poor villages that did not even have water rights at the Lebanese-Israeli border in order to try to build a more peaceful world.

What other programs do we know that have this kind of range? If we think about the farmer to farmer programs that the gentlewoman from North Carolina (Mrs. CLAYTON) was talking about in Africa or those that operate in the Caribbean, here we have programs that operate globally, using the bounty of this land being a win-win, helping our farmers and our rural communities bolster their income and yet, in my opinion, being the most important development bank that this country has in place with vast experience in every corner of the world.

So as we vote on this motion to instruct today and ultimately move our agriculture appropriation bill, we certainly would ask for the membership's full support of our international food programs, particularly at this time in our Nation's history being front and center and well understood as providing us a path to a more peaceful future.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

Mr. BONILLA. Mr. Speaker, at this time I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. KAPTUR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. BONILLA, WALSH, KINGSTON, NETHERCUTT, LATHAM, Mrs. EMERSON, Messrs. GOODE, LAHOOD, YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, and Messrs. HINCHEY, FARR of California, BOYD, and OBEY.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2925. An act to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1550

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 3 o'clock and 50 minutes p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 273 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 273

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 273 is a standard rule waiving all points of order against the conference report, and provides for consideration of the conference report to accompany H.R. 2647, the fiscal year 2002 legislative branch appropriations bill.

The conference report provides yet another example of a carefully crafted bill from the Committee on Appropriations that balances fiscal discipline with the true needs of our first branch of government, the legislative branch. This legislation represents a responsible increase in overall spending of 4.6 percent.

I would like to also commend the gentleman from North Carolina (Chairman TAYLOR), the ranking member, the gentleman from Virginia (Mr. MORAN), and other members of the Committee on Appropriations for their hard work on what is truly a noncontroversial conference report, and for maintaining the position established by the House in almost every instance.

Mr. Speaker, the legislative branch appropriations conference report ensures that the diverse funding needs of this institution are met, from legislative work to security to tourism.

Specifically, this bill funds congressional operations for the House of Representatives, including our staffs and employees. It addresses the needs of the United States Capitol Police, and continues to support their efforts to modernize as they perform essential security functions for the protections of not just Members of Congress and our staffs, but for the millions of visitors who come to our seat of government every year.

This bill includes important funding to hire additional new officers, and provides needed funds to bring their salaries in line with other Federal law enforcement agencies.

I would like to take a minute to express my personal gratitude to the men and women of the United States Capitol Police for their tireless efforts during this time of war.

Day after day, regardless of the hour, truly in rain and shine, these men and women faithfully carry out the duties which ensure the safety and security for all of us who live, work and visit our Nation's Capital. Their dedication, professionalism, and seemingly endless hours of service to ensure our security have not gone without notice and are most appreciated.

Mr. Speaker, this conference report also provides for the needs of the Architect of the Capitol, including the various operations and maintenance activities under his jurisdiction for the Capitol, House office buildings and the surrounding grounds, and including an additional $70 million for needed House and Senate office space at the new Capitol Visitor's Center.

In addition, it funds the needs of the invaluable but often behind-the-scenes work performed by the Congressional Budget Office, the Government Printing Office, and the General Accounting Office.

The conference agreement also provides funding for the Library of Congress and for the Congressional Research Service, including the employees who collectively help us and our staff make sense of the many complex issues we face every day.

Mr. Speaker, this conference report maintains the House-passed measures aimed to help meet the needs of an ever-changing and dynamic workplace. It helps this institution keep pace as an employer, including a monthly transit benefit, and makes modest infrastructure changes to make cycling to work more appealing; that is, as in riding a bike cycling. These transit benefits will help reduce demand on the already-limited parking, and help reduce traffic congestion.

In addition, the conference report calls for a study of options for a self-sustaining staff fitness center.

Finally, the conference report recognizes our need to become more environmentally friendly and efficient in reusing and recycling our waste by directing a review of the current recycling program, identifying ways to improve the program, establishing criteria for measuring compliance, and setting reasonable milestones for increasing the amount of recycled material.

Mr. Speaker, this is a good conference report and deserves our support. I urge all of my colleagues to support this straightforward rule, as well as the underlying noncontroversial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule allows for the consideration of the conference report on the legislative branch appropriations bill for fiscal year 2002, and it waives all points of order.

The bill appropriates money for the operations of the House and Senate and the maintenance of the Capitol complex. It also funds legislative branch agencies that support Congress, including the Library of Congress, the Congressional Budget Office, and the General Accounting Office.

In the aftermath of September 11, the American people I think have found increased confidence in the Federal Government and Congress in particular, and I believe that the confidence is well-founded.

The men and women who serve as Members of Congress, and I do not speak of myself, but I speak of my colleagues, are an extraordinary group of dedicated individuals. They are served by a corps of talented and hard-working staff, and I am very proud to serve with them.

Representative democracy is never easy, and it is even more difficult in times of crisis, but I am proud to support this bill, which allows our vital work to continue. I urge the adoption of the rule and of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we have said here several times, this is a noncontroversial conference report that has been agreed to by the House and that has been agreed to by our conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 11 minutes to the gentleman from Wisconsin (Mr. OBEY), the former chairman of the Committee on Appropriations and the ranking minority member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I want to thank the gentleman for yielding time to me, and I would like to say that I think each and every person who serves in this body is a very fortunate human being.

First of all, we have been blessed by having the express confidence of the people we represent. They have entrusted us to deal with matters that deal not only with our own districts but with the Nation as a whole.

□ 1600

And I know each and every one of us feel a profound sense of gratitude for being able to provide that service. We have also had a lot of pressures put upon each and every person who works in this place, not just Members but staff, and those who support this institution and provide for its security.

I think that no one is the recipient of more gratitude than the Capitol Police who are funded in this bill. They have been working overtime since the unfortunate events of September 11 in order to try to provide security, not just for the physical buildings that make up Capitol Hill, but also for each and every human being who works on this Capitol Hill.

We have also been served, I think, tremendously well by the Attending Physician, who has taken on duties that I am sure he never imagined he would have to deal with when he first signed on as the job of the Attending Physician for the Capitol. We have seen a lot of turmoil on the Hill; and, in my judgment, the bill that this rule brings to the floor will prove insufficient in terms of meeting all the expenses attendant in dealing with the new world that we now live in.

I noticed this morning, I saw in one of the Capitol Hill newspapers a story about some of the extraordinary expenses that congressional employees have personally borne to try to make up for the fact that some of our Members at this point are not able to operate out of their own offices. You have had extraordinary arrangements that a number of Members and staff have had to make in order to get back to Washington after they were, in effect, trapped outside of Washington when all of the airlines were brought down, correctly, by Secretary Mineta in order to prevent further tragedies on September 11. And so we all know that there is a tremendous amount to be done to secure this Capitol and its surrounding environs.

I congratulate the members of the subcommittee who have worked on this bill. I have no basic problems with this bill. But I think it is appropriate during consideration of this bill to recognize that no matter what security measures that are being taken are probably going to have to be, in fact, enhanced. And I have very little doubt that we will be facing a supplemental appropriations for this branch of government and for many other agencies of government as well. But I would like also to caution every Member because I think it is necessary to understand that, in addition to securing buildings like the ones that we work in, we also have an overriding obligation to increase the safety and security of each and every American that we represent.

There are many other public servants also at work today in this country, and some of them have been brought under attack. The postal workers of this country are the ones who first come to mind. I think it is necessary for this Congress to understand that there are so many security vulnerabilities in this very changed world after September 11 that we must think through in fundamental ways the way we approach every single security-related issue in the government.

I think the private sector of our economy is going to have to think through the same things. And that means in my view we are going to have to face up to the fact that in addition to everything that we do in this bill today to deal with the problems of Capitol Hill, we are going to have to deal with a good many other problems around the country, and I would like to walk through what I think some others are that deserve equal attention.

This morning we had Governor Ridge in the Democratic Caucus, and he comported himself very well. I think those who have served with him in the past in this institution understand that he is a first-rate individual who will be doing his very best to provide additional homeland security for the entire country. But when he was in our Caucus this morning, I urged him to recognize that just as we are facing in this bill the obligation to move forward with the number of projects to enhance the security of the people's House, so too must we provide him with additional authority in order to do the same thing for everyone in this Nation.

Among the things I suggested to him was that, in my view, he needs to get control of the budget process because there are a whole range of security actions that need to be taken across the country that, in my view, are not being taken at the same time. And I do not think any of us want to be in the position where we are taking what we consider to be adequate security measures here on Capitol Hill, if we were not at the same time taking adequate measures to secure the life and safety of each and every American.

Some of the items that need to be considered are as follows: We have laboratories all across the country that are generating dangerous biological and chemical agents. There is no central registry of such agents or the quantity that they are being produced in or the quantity in which they are held. CDC has requested $10 million simply to begin enforcing existing laws requiring the reporting of the transfer of such agents. So far that has not been funded in the administration request.

We have been told by Secretary Thompson, my good friend, the former governor of Wisconsin, that he is going to be asking for 300 million doses of additional vaccines in order to strengthen our ability to respond to other challenges in the public health field. I applaud that, but it seems to me that we need to move far beyond that.

We need to dramatically beef up the ability of the public health surveillance mechanisms in this country so that we can, in fact, tell if we are in an epidemic when an epidemic begins, not after we are 2 weeks into it.

While the Public Health Service has requested well over half a billion dollars in additional funding, they have so far only had $65 million of that approved.

We have had a $500 million request from Amtrak for security of the Rail Passenger Service. So far, on the part of OMB, only 1 percent of that funding has been approved.

The Customs Service has asked for about $700 million for increasing border inspections, particularly on the Canadian border. To my knowledge, at this point, none of that has been approved by OMB.

The FBI, they have asked for an additional $1.5 billion. They have huge overtime costs. They have huge additional responsibilities. They are devoting a huge percentage of their investigative forces to the problems of terrorism. Their requests so far have been cut by two-thirds.

So I would simply say that these and many other items I think indicate the fact that we have much work to do in the area of securing the homeland. No matter what we do, there will be vulnerabilities. We understand that, but this bill that will be before us either today or tomorrow takes some minimal steps to add to the security of Capitol Hill. We have many much larger steps that must be taken across the country to attend to the security of the entire Nation, and I hope that this body will be receptive to such efforts in the remaining weeks of this congressional session.

I thank the gentleman from Ohio (Mr. HALL) for the time.

Mr. SESSIONS. Mr. Speaker, I continue to reserve my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to commend Members on both sides of the aisle for having put together this legislation, and I will not object and will, in fact, support this rule and the legislation. I think it is at this particular time in our Nation's history important that we spend our resources protecting the symbol of our democracy, our Capitol and all of the Senate and House office buildings associated with it.

In fact, in light of recent revelations, we find that perhaps this capital, if not our entire country, could be the targeted attacks of weapons of mass destruction at the hands of terrorists, and it is that issue which I think is appropriate to discuss during both this debate as well as the debate in a few moments on the Energy and Water appropriations bill.

In particular, I would like to bring to the attention, Mr. Speaker, of Members of this House an article from today's Reuters News Service from its Washington Bureau, and I quote from that article:

The September 11 attacks have increased concerns that extremists would use weapons of mass destruction, including possibly nuclear weapons, against the United States, Undersecretary of State John Bolton said on Wednesday. Answering questions at a breakfast with defense writers, Bolton predicted that if extremists possessed weapons of mass destruction, a term that encompasses nuclear, biological and chemical arms, they will use them.

The article then quotes Secretary Bolton, I am concerned about weapons of mass destruction everywhere, and my concern about weapons of mass destruction everywhere has gone up since, end of quote, the U.S.-led anti-terrorism war began, he said.

The article then says, Bolton, the State Department's top official dealing with arms control and international security affairs, said he was worried, and this is his quote, there will be the use of a weapon of mass destruction. The term encompasses nuclear, chemical and biological arms.

Mr. Speaker, and my colleagues, I think this article and Mr. Bolton's comments point out the obvious. Those who would use airplanes as a tool, as a weapon against the United States and our citizens and all we care about and our values, and certainly they would not stop, in fact, would be encouraged to use weapons of mass destruction, be they biological, chemical or nuclear.

While I think it is important in this Legislative Branch bill we do try prudent efforts and steps to protect this Capitol, the symbol of our democracy, I think in further debate today, we are going to find that some of us are deeply disappointed that while we are protecting the Capitol, as we should in this bill, we are not doing what we must do and have responsibility to do in other legislation to protect American citizens from the threat of nuclear terrorism.

While there will be more discussion on that in a few moments, let me quote Mr. Bolton when he says, basically, that one consequence of the U.S. attacks was a heightened awareness of the interrelationship between nonproliferation and terrorists and that as a result efforts to halt the spread of nuclear, chemical and biological arms will receive more attention in coming months.

Mr. Bolton's comments are correct in regard to biological and chemical weapons. We are already taking action. Yet in other legislation we will debate on this floor today we are actually reducing funding for perhaps the single most effective program designed to keep nuclear weapons and materiels out of the hands of terrorists.

This is a good bill, designed to continue forward our democracy and the symbols of our democracy and the operating offices of our democracy, but we must not stop here with this bill. We have an obligation and a moral responsibility to protect the American people from what I think is a serious threat; that is, the threat of nuclear materiels getting into the hands of terrorists who would gladly kill millions of American citizens.

□ 1615

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Ohio of the Committee on Rules for yielding me this time, as well as the gentleman from Texas, for bringing up this rule.

Mr. Speaker, this is a good conference agreement. I want to express my appreciation to the chairman of the committee, the gentleman from North Carolina (Mr. TAYLOR), the members of the Subcommittee on Legislative, who worked closely to craft a good bill and a good final conference agreement. It largely reflects the same legislative branch appropriations bill that got 380 votes in the House earlier this year.

Our objectives have always been to provide the legislative branch with the resources and the guidance that it requires to carry out its mission, even in these most trying of circumstances. The legislative body is the Federal essence of our democratic process, and all of the components of the legislative branch are well treated in this conference agreement.

It prioritizes our capital improvement program, confronting, not deferring, personnel issues, such as an aging work force and retention challenges, and I do not mean the Members, I am referring to many of the staff up here on the Hill, and funding several new technology projects that will allow us to perform our work more efficiently, to make this work more readily available to the public and to preserve it for posterity.

The Library of Congress, the General Accounting Office, the Government Printing Office, and the Congressional Budget Office will largely receive what they requested. Joint committees and leadership accounts will receive what they will need.

In addition, this bill includes provisions that will help us respond and be better prepared for the new terrorist threat.

Let me stress that security and the need to preserve the ability of this institution to continue to function have been our paramount concerns. This agreement provides the funds to hire an additional 79 police officers, bringing the Capitol Police force to 1,481 full-time equivalents and to fund their benefit increases. Between this agreement and the funding set aside in the fundamentals, this institution should be receiving all the resources it needs to address our security needs.

The bill also includes provisions that address several long-standing problems that should now be resolved.

I want to recognize the gentleman from Maryland (Mr. HOYER) and express my appreciation for the successful effort that he led to end the long-standing practice by the Architect of the Capitol of using temporary workers for long-term projects to get around providing them health and pension benefits. These temporary workers have been employed by the Architect on an average of 4½ years.

Recognition should also be given to the gentlewoman from Ohio (Ms. KAPTUR) for her efforts to help contract cafeteria employees who have been without pay since the closure of the Ford and the Longworth cafeterias, so that they can be compensated for their lost wages.

I am also pleased to see the conference agreement set aside sufficient funds to enable all offices, be it a Member's office, a committee, or the Congressional Budget Office or the Government Printing Office, to provide their employees with a $65-per-month employee transit benefit which should increase to $100 tax free by next year. In light of the terrorist attacks on September 11, this benefit and the effort to reduce the number of parking spaces and cars around the Capitol have taken on even greater importance.

On a related issue, I am pleased the House Administrative Officer will be working on a plan to help more Members, staff, committees, and legislative branch agencies access their computer systems from a remote location. In times of peace, this initiative would have been called teleworking. In times of war, and our experience with the closure of House offices, providing Members access from a remote location, be it from the General Accounting Office or their home computer, has become an essential requirement to preserve the operations of this institution.

I want to be certain we are doing all we can to ensure that we can function effectively no matter what the context, and certainly we have learned from our experience when the House office buildings were shut down.

Over the long term, I believe that the transit benefit, assistance on student loan repayments, and greater teleworking opportunities are good personnel policies that will also help us attract and retain employees and professional staff in all legislative branch agencies.

I do want to say a word about the student loan program. It will apply to the Senate, the CBO, the GAO, but not the House of Representatives; and this inequity is unfortunate and should not have occurred. It is largely due to inaction on the part of the Committee on House Administration and will give the Senate and other legislative branch agencies yet another edge on the House in recruiting qualified employees. The lack of this student loan incentive gives an advantage to the Senate that the House does not have in recruiting qualified employees.

I would hope that the Committee on House Administration will move quickly to recommend criteria and guidelines so that we can set up such a program as soon as possible. I have spoken to the gentleman from Maryland (Mr. HOYER) about this, and I know that he is ready, and has been ready, to work with Chairman NEY to develop the kinds of guidelines that we need to make this student loan repayment program work and provide another incentive to get top-notch staff working for us here on the House side. Unfortunately, we could not do it in time for this conference, but I trust it will be done.

Similarly, the House administration needs to authorize the full transit benefit permitted under current law. With enactment of this agreement, money should no longer be an issue, though. This appropriation provides the money. We still do need authority from the Committee on House Administration. If my colleagues at the Federal executive branch, State and local governments, and the private sector can find the resources to provide their employees transit benefits, assistance repaying student loans, and teleworking options, so can we.

In all, I think we have a good agreement that will go a long way toward addressing the needs and operations of the legislative branch for the balance of this fiscal year, and I urge my colleagues to not only approve the rule but to approve the conference report on the legislative branch appropriations bill.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think House Members would be interested in what I consider to be an egregious anomaly in this bill.

Today, administrative assistants in the other body are paid, on average, $118,000. In this institution they are paid approximately $22,000 less per person. A legislative director in the other body is paid about $85,000, on average. That is about $25,000 more than we pay for similar responsibilities in the House. For a legislative assistant, the gap is about $15,000 between the pay afforded to a House staffer versus a Senate staffer.

We have another provision in this bill which is going to make it even more difficult for House Members to retain our staff, because it will be much easier for the Senate to entice staffers to come to work for them, all because of a provision in this bill. There is a provision in this bill that enables the employees of the other body and CBO to begin a student loan repayment program.

Now, I have nothing against that, but the problem is that that will not happen in the House of Representatives because we have not had the proper authorizations approved by the committee of jurisdiction in this House. That means that there will be yet another recruiting tool that will enable the Senate to entice our staffers away to work in the Senate. We cannot function as effectively as the People's House ought to function if we are essentially advised by people who have very short tenure in their jobs before they either move over to the Senate to get much better pay or before they go downtown to get much better pay than they can get working in either the Senate or the House.

I would urge everyone with the appropriate responsibilities in this House to recognize that this provision in this bill today will add to our difficulties in retaining quality staff and attracting quality staff in competition with the other body, and I would urge them to take the appropriate action so that we will be able to compete with the other body on an even footing. I think we owe that to the people we represent and to the people who work for us.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had an opportunity to hear several speakers who have talked about some very important aspects of what this legislative appropriations bill does. We have also heard some of the perhaps downsides or fallacies.

I, like the gentleman from Wisconsin (Mr. OBEY), wish to express confidence in the men and women who come to Washington, D.C., who work for the legislative branch. They work tirelessly. They are people who are up till late at night. They are people who care deeply about not only the success of the House of Representatives and the people who work here but also the institution. It is my hope that in the coming years we will be able to further work on issues related to employment, issues related to pay, issues related to student loans.

But I would add an overriding remark, and that is that I believe that this institution and body is well served by the men and women who are here. And we have not only respect for them, but we also give them our gratitude and our thanks; and that goes for all the people who are living through some very difficult times now, when we have some offices closed, when we have some uncertain times that we are dealing with. And I think that they should hear, just as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. HALL) have stated, that we are proud of the men and women who work here, the police who protect us, and the people who day-to-day come into contact with us, including those people who serve in our cafeterias and other avenues to support this institution.

Mr. Speaker, this is a good conference report which we have been discussing. It is one which responds to the critical needs of the first branch of our government, which is the legislative branch. Adopting this rule will allow us to consider this important conference report and send it quickly to the President for his signature. I urge a "yes" vote on the rule and adoption of this must-do piece of legislation.

Mr. BLUMENAUER. Mr. Speaker, I rise today in support of the rule for the Legislative Branch Conference Report. I commend the conferees for their work in preparing this report. The report includes important provisions that have a beneficial impact on the entire Washington, D.C. region and improve the quality of life for the thousands of men and women working on Capitol Hill.

I came to Congress to promote more livable communities with the Federal Government being a better partner to make our families safe, healthy and economically secure. An important part of making those communities livable is ensuring that people have choices about where they live, work, and how they travel.

During these troubled times that have fallen upon us since September 11, it is easy to lose sight of the essential daily items that improve quality of life. I commend my colleagues for moving forward on key provisions that will strengthen communities and give employees improved choices on how they live and work.

These livability provisions include the full funding of an increase in the allowable amount to $65 for Legislative Branch employees participating in the transit benefit program. In addition to this important provision, language is also included to update bike facilities here on the Hill including providing new, more secure bike lockers for those Representatives and staff who bike to work, and to study alternatives for a staff fitness center.

These types of provisions that improve quality of life for employees and the livability of the communities in which they live is an important step in making America stronger and more resilient no matter the disconcerting circumstances at hand.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

□ 1630

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

On approving the Journal, de novo;

Conference report on H.R. 2590, by the yeas and nays; and

House Resolution 273, de novo.

The Chair will reduce to 5 minutes the time for the third electronic vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote followed by a second 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 39, answered "present" 1, not voting 18, as follows:

[Roll No. 412]

YEAS—374

Abercrombie
Ackerman
Akin
Allen
Baca
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps

Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Aderholt
Baird
Borski
Brady (PA)
Brown (OH)
Capuano
Costello
Crane
DeFazio
English
Filner
Gutknecht
Hastings (FL)
Hefley
Hilliard
Holt
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Ramstad
Sabo
Sanchez
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—18

Andrews
Armey
Bachus
Blunt
Cox
Cubin
DeGette
DeLay
Dreier
Dunn
Granger
Lantos
McCrery
Portman
Pryce (OH)
Sweeney
Thompson (MS)
Watts (OK)

□ 1654

So the Journal was approved.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of agreeing to the conference report on the bill, H.R. 2590, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 85, not voting 8, as follows:

[Roll No. 413]

YEAS—339

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Traficant
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—85

Baldwin
Barcia
Barrett
Berkley
Berry
Blumenauer
Boswell
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Chabot
Coble
Costello
Crane
Davis (CA)
DeFazio
Deutsch
Duncan
Etheridge
Evans
Everett
Flake
Goode
Goodlatte
Graves
Green (WI)
Hall (TX)
Hayworth
Hefley
Herger
Hill
Hilleary
Holt
Honda
Hooley
Hostettler
Inslee
Israel
Jenkins
Jones (NC)
Kerns
Kildee
Kind (WI)
Kucinich
Langevin
Larsen (WA)
Lucas (KY)
Luther
Lynch
Matheson
McKinney
Moore
Moran (KS)
Napolitano
Paul
Petri
Phelps
Pickering
Pitts
Platts
Ramstad
Rohrabacher
Ross
Royce
Ryun (KS)
Sandlin
Schaffer
Schiff
Sensenbrenner
Shays
Sherman
Shows
Stearns
Strickland
Stump
Tancredo
Taylor (MS)
Thune
Thurman
Toomey
Turner
Udall (NM)
Wu

NOT VOTING—8

Andrews
DeGette
Dunn
Granger
Lantos
McCrery
Sweeney
Thompson (MS)

□ 1720

Messrs. BLUMENAUER, GRAVES, BARCIA, HONDA, KILDEE and Mrs. CAPPS changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for the remaining electronic vote on the remaining question on which the Chair has postponed further proceedings.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 273.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 9, as follows:

[Roll No. 414]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
DeGette
Dunn
Granger
Lantos
McCrery
Sweeney
Thompson (MS)
Woolsey

□ 1735

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, I was not present for rollcall votes 412 through 414 due to a family emergency. Had I been present, I would have voted "yea" on rollcall No. 412, "yea" on rollcall No. 413, and "yea" on rollcall No. 414.

PERSONAL EXPLANATION

Mr. SHOWS. Mr. Speaker, on October 30, 2001, I missed roll call votes 408, 409, 410, and 411 because I was in my congressional district on official business and to attend the funeral of a lifelong friend.

Had I been present, I would have voted yea on all four votes.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LaTOURETTE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING THE LEGAL ASSISTANCE FOR VICTIMS OF DATING VIOLENCE ACT DURING DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month and to introduce the Legal Assistance for Victims of Dating Violence Act, which will turn that recognition into action.

In recent weeks, much attention has been focused on humanitarian issues in Afghanistan, particularly the cruel treatment of women under the Taliban and their struggle with domestic violence.

While conditions for women in the United States are light years ahead of those for the women of Afghanistan, domestic violence has too long been a problem in our country, as well. The Justice Department reports that there were over 791,000 domestic violence victims in 1999, with 85 percent of these attacks occurring against women.

Over half of domestic violent crimes against both men and women from 1993 to 1999 were committed by a current boyfriend or girlfriend, and almost one-third of women murdered annually are murdered by their current or former partners.

Most troubling for me is that dating violence most often affects our youth. The age group of 16 to 24, which is the group most likely to be in dating relationships, experiences the highest rates of dating violence. These statistics are alarming.

Dating violence crimes are not restricted to any one racial, cultural, or socioeconomic group. Dating violence could happen to anyone in a dating relationship. These acts occur everywhere, and are committed not by a stranger in a dark alley but by people known and trusted by the victims.

These heinous crimes not only violate the victims, but can destroy their ability to trust their friends and loved ones. Dating violence affects every aspect of a victim's life, from his or her relationship to their performance at school or work. We must act now to help the victims of dating violence, these men and women who are attacked by the very people in their lives who they trust the most.

In the last Congress I was proud to cosponsor the reauthorization of the Violence Against Women Act. I was more than pleased that the overwhelming majority of my colleagues agreed with me on the value of this legislation. With 239 cosponsors, VAWA passed overwhelmingly by a vote of 371 to 1 in the House and 95 to 0 in the Senate.

VAWA went a long way in addressing the problem of domestic violence in the United States. Unfortunately, however, VAWA omitted critical protections for victims of dating violence. When VAWA took the much needed step of creating a first-ever legal definition of dating violence, as well as authorized a new grant program to provide civil legal assistance to domestic violence victims, dating violence victims were not covered under the new grants.

Many domestic violence and dating violence victims do not have the money or resources necessary to regain control over their lives. These grants go to nonprofit organizations that then collaborate with domestic violence and sexual assault service agencies to provide civil legal assistance to victims of violence. Access to the legal system can make the difference in these victims' power to break the cycle of oppressive abuse and regain control over their lives.

Mr. Speaker, my legislation addresses this omission within the VAWA legislation. My bill will address this inconsistency by allowing grant recipients to use their funding to assist victims of dating violence. This legislation does not cost anything. It simply allows grant recipients to help dating violence victims in the same way they currently help domestic violence victims. The victims of dating violence deserve the same legal assistance given to other victims of domestic violence.

The ability to obtain a legal protection order or pursue other legal remedies is just as important for victims of dating violence as it is for domestic violence victims. We must ensure that all of these victims receive the assistance they need to get their lives back in order.

I would like to thank our former colleague, Mr. Hutchinson, who is now the administrator of the Drug Enforcement Administration, for introducing this important legislation before he left Congress. He recognized that it is only right that dating violence victims have access to the same services as domestic violence victims, and I wish him the best of luck in his new post.

I would also like to thank my friend and neighbor, Senator MIKE CRAPO, who has introduced this bill in the Senate.

As we recognize Domestic Violence Awareness Month, I can think of no better way to show victims we care than to pass this legislation. I urge my colleagues to cosponsor this important bill and help make a difference in the lives of so many men and women in our country.

CONCERNS REGARDING THE FOREIGN OPERATIONS APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, tonight I would like to talk briefly about some concerns I have in the foreign operations appropriations bill, about some rumors that are circulating.

The bill has passed the House and it has passed the Senate. As we go to conference, it is important that we address some of these concerns and we do not retreat on our anti-narcotics efforts.

□ 1745

I know Americans are deeply concerned about the anti-terrorism as I am, but in the process of focusing on the terrorism question, we should not retreat from our war on drugs. As my friend and the Democratic ranking member of the Committee on Government Reform, the gentleman from Maryland (Mr. CUMMINGS), has said, we are in a chemical war in the United States. They have distributed illegal narcotics throughout our country. We are watching the Taliban to see if their heroin makes it over from Europe. They dominate the Europe and Asia markets, but clearly we have thousands of Americans dying of illegal drugs, which is a consistent problem.

I want to talk first about an understanding that the Senate has been pushing to drop a drug certification. First, I do not think it should be dropped. I know countries do not like it. I met with our leaders and presidents in Mexico and throughout South America and in the Summit of the Americas. I know they do not like it. They do not like that it seems judgmental. But the truth is we have certification on human rights and we have certification on terrorism. Are we saying that we will drop all criteria for foreign aid and standards, including human rights and terrorism? We should not.

It is important that we have an idea of which countries in the world are cooperating in our efforts against illegal narcotics, human rights and terrorism. And if we drop one because of judgment, all will be dropped. If we have drop none, that would be the better point.

Now, let me draw in some particular things. Mexico and Colombia as well as Peru and Bolivia have in fact responded and been aggressive. Certification is not about whether you have been successful but whether the government involved is doing its best to try to cooperate with our government, and Mexico has undertaken incredible efforts in the last 4 years. Colombia has changed its government and has been fighting in the war ever since, as did Peru and Bolivia.

What you need are a carrot and stick approach. In those countries when they elect leadership, they deserve to be rewarded with assistance. The point of being on the list is whether or not you get assistance.

We do need to make some changes in the law. For example, we should not have to certify. The question should be is if you are in noncompliance and nonassistance then you should go on a list like in terrorism or human rights. In the drug certification question, in the drug list, it only applies to whether you are going to get aid. If you do not get aid you are not on the list.

The second concern is the chopping down of the funds in the Andean Initiative. If we are to ever make progress, we cannot push in Plan Colombia. We have to look at the countries around Colombia. We cannot just focus on military. We have to focus on legal aid and economic aid. As we reduce the Andean Initiative, we will have wasted the money that is now going down into that area if we do not continue to follow through the strategy that we put in, which is we squeeze and put the pressure on the narco-traffickers in Colombia, but then as we start to move and as they start to transfer their planning and their trafficking to Ecuador to Peru and Bolivia and Brazil, we should not be backing off the efforts and spread the drug war to those countries. We need in the Andean Initiative to make sure that they are funded so our American drug addiction does not spread this terrible war to the countries around Colombia and, in fact, we can make progress.

The drug issue is very similar to the terrorism question. Unless you can get it at its source, there is only so much we can do at the border, and once it gets across the border it is about impossible to tackle.

We have worked with drug-free schools, drug-free communities, drug treatment, but in fact the closer we can get to the source the better. Just like in terrorism, once those terrorists come into our region and get across our borders, it is very hard to find them in a country that practices liberty.

I hope in the Foreign Operations bill we do not back off with a new Democratic Senate and a new Republican President from our strong efforts against narcotics, either in the Andean Initiative or in the certification of nations who are not cooperating with the United States.

AIRLINE SECURITY

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it has been 7 weeks and 1 day since the horrific attacks by the terrorists using our commercial airlines and innocent civilians and passengers and crew as weapons in attacks on the World Trade Towers, the Pentagon and the other plane which crashed in Pennsylvania.

It has been more than 2 weeks since the United States Senate voted 100 to 0 on a comprehensive bill to improve aviation security. Now what has gone on in the House so far in these issues? Nothing.

We had the airline bailout bill, $16 billion. There was not a penny in it for aviation security. I tried to amend in at the end of the consideration of the bill a provision for aviation security, but lost that vote.

Now, I think there is pretty broad agreement on both sides of the aisle that the current system is failing. The FAA testers, the regulators who oversee the system find it failing frequently. Their testers are able to smuggle through fake hand grenades, weapons, bombs with great regularity. It is failing us.

Then we have the issue of a number of large private security firms, most notably Argenbright, largest in the United States, subsidiary of one of the largest in the world, the three major private security firms which provide security at airports, are foreign owned. They have a problem. They were criminally convicted last year of hiring known felons, maintaining known felons on staff, lying to the Federal regulators, falsifying documents to Federal regulators. They were fined $1.1 million and put on probation.

Well, here we are a year later and guess what? They are in court again. They are under indictment for hiring known felons, maintaining known felons on staff, falsifying documents to Federal regulators. So although there may be agreement here that we need to do something, unfortunately the majority, particularly a couple of leaders on the majority side, want to perpetuate that system. They said, all we have to do is take the Argenbright Company, known felons, the company itself, in for its second felony trial and supervise them more. How much more supervision can you provide than probation?

They are on probation. They are violating their probation. Maybe if we put the CEO in jail that will get their attention, but I cannot see that this new system of supervision they are talking about is going to shape these people up. They have got problems over in Europe at Heathrow. They have 38 people working in critical positions allowing access to secure parts of the airport who had not had background checks. Same problem they got here in the United States.

Some members of the leadership of the majority on that side want to perpetuate this failing $800 million a year security on the cheap bureaucracy because it is immensely profitable to those companies employing minimum wage, undertrained and abused employees. That has got to change.

We just cannot fix it. We cannot bring in the same firms, the same firms that have committed felonies and make them better with new regulations. They are saying, well, this is what we will do, we will set the wage; we will set the benefit package. This is the Federal Government. We will set the training, we will supervise the training, we will do the background checks and we will supervise the workers, but they will not be Federal employees.

What sense does that make? If we are going to do all that, why not make them into Federal law enforcement personnel, just like we have right out here at the doors of the capitol. We do not have private security out there because I do not think most Members of Congress would feel safe. We have armed Federal law enforcement agents.

Should we do any less for the traveling American public when it comes to aviation safety? Should they go into the airports and have these companies that have committed felonies and perpetuated in those crimes or should they have a Federal law enforcement workforce, just like when they confront the Immigration and Naturalization Service, the Customs Service. The Department of Agriculture checks bags in Hawaii and at other times people coming into the United States. They are all sworn Federal law enforcement officers, but somehow they are telling us either we cannot afford that.

I mean one very candid member of the Republican leadership said these people could join unions if they become Federal employees. Well, guess what? They can join unions if they are private employees. In fact, this legislation is being opposed by a private union because they have unionized some of these folks. They can be unionized one way or another.

There is another concern I have about that. Most of the people who were working and died, other than those innocently at work, on the day of this tragedy, the firefighters, the medics, the police, the pilots and the flight attendants, they were all members of unions. What is wrong with unions?

DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, today marks the last day, this last day of October, as the last day of the month for national domestic violence awareness. Though society has made great strides in bringing attention to the crime of domestic violence, over 4 million individuals of this country continue to find themselves victims of physical, psychological and sexual abuse. While our Nation's attention is currently occupied by security threats both here and abroad, domestic violence is an issue that this country must continue to address.

Domestic violence rarely makes the headlines, primarily because most of the abuse occurs behind closed doors. In most instances, the victim knows the attacker. Over 50 percent of the victims are battered by a boy or girlfriend. Over 30 percent are assaulted by spouses, and around 15 percent are attacked by ex-spouses. Many victims are reluctant to report these incidents to anyone because of fear of reprisal.

There are many theories to explain why individuals use violence against their partners. Some explanations include dysfunctional families, inadequate communication skills, stress, chemical dependency and economic hardship. Though these issues may be associated with battering, they are not the causes, and merely removing these factors will not end domestic violence.

Batterers begin and continue to have abusive behavior because violence is an effective method of gaining and keeping control over another person. The abuser usually does not suffer adverse consequences as a result of this behavior.

Historically, violence against women has not been treated as a real crime but rather a private matter between domestic partners. The consequences for domestic violence are often less severe than the penalties for other criminal forms of abuse.

Society tends to misplace the blame for continued abuse, focusing on the victim and criticizing him or her for not leaving the abuser. In many cases women simply do not have physical or financial resources to get out of the relationship. Risks of retaliatory abuse and injury are also factors in staying.

Every year, domestic violence results in approximately 100,000 days of hospitalization and over 28,000 visits to emergency rooms. In these cases, major medical treatment is often required.

Fear of death is another consideration. The possibility of being murdered by an abuser increases to 75 percent if the woman attempts to leave on her own.

For these reasons, outside support networks and services are vital. Yet these resources are often limited.

The lack of resources and shelters are a particular problem in rural areas. In my 66-county district, there are only nine domestic violence and sexual assault shelters. For many women in central and western Kansas, the distance to the closest shelter may be hundreds of miles away. In Kansas, one domestic violence murder occurs 55 minutes and 48 seconds. Proximity to a safe facility can mean the difference between life and death. Ensuring safe havens for women who leave abusive environments is a priority.

Most domestic violence centers rely primarily on grants and local donations. Federal grants made under the Violence Against Women Act provided essential funds for shelter operation and support service. That program has been credited with substantially reducing the levels of violence committed against women and children. We must continue to ensure that our shelters and crisis centers receive adequate funding.

As National Domestic Violence Awareness Month draws to a close, we are reminded that domestic violence is an issue that must be addressed all year long. Only through funding, education and support can America hope to end this terrible crime.

ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, antibiotic resistance is a major health threat that does not receive the attention it deserves. When bioterrorism is a prevailing concern, we can no longer afford to ignore or downplay the threat of antibiotic resistance.

Introduced in the 1940s, antibiotics gave us a tremendous advantage in our fight against tuberculosis, pneumonia, typhoid, cholera and salmonella and many other long-term killers, but some bacteria exposed to antibiotics are able to survive. These antibiotic-resistant strains then flourish and pose a dangerous threat to public health.

□ 1800

We in Congress cannot go home to our districts and say we have taken the steps necessary to prepare for future bioterrorist attacks unless and until we confront the issue of antibiotic resistance.

The links between resistance and bioterrorism are clear. Antibiotic-resistant strains of anthrax and other microbes are recognized to be some of the most lethal forms of biological weapons. These weapons exist today. We know, first, that Russian scientists have developed a strain of anthrax that is resistant to penicillin and tetracycline. We can only assume that anthrax and other lethal agents will be engineered to resist newer antibiotics like Cipro.

Overuse of antibiotics, misuse of antibiotics will render more microbes resistant to our current stockpile of drugs, potentially leaving the Nation poorly prepared in the event of bioterrorist attacks. As we have seen with the recent anthrax attacks, the broadscale use of antibiotics associated with bioterrorism compounds the resistance problems, which in turn can render our existing antibiotics ineffective against future attacks. It is an alarming cycle.

To adequately prepare for a bioterrorist attack, surveillance capabilities at the State and local levels are crucial. State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax and other lethal agents. To protect our antibiotic stockpile, we must be able to isolate emerging antibiotic-resistant microbes, monitor the ongoing effectiveness of existing antibiotics, and carefully track and discourage overuse and misuse of current antibiotic treatments.

Surveillance also provides the data needed to prioritize the research and the development of new antibiotic treatments. Drug-resistant pathogens are a growing threat to every American. We cannot, we must not continue to treat this threat as a long-term issue and a lesser priority. It is an immediate threat, and we must deal with it now.

Under last year's Public Health Threats and Emergencies Act, sponsored by my colleague, the gentleman from North Carolina (Mr. BURR) and my friend, the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that can equip State and local health departments to identify and to track antibiotic resistance. The gentleman from New York (Mr. BOEHLERT) and I are requesting that the Committee on Appropriations include at least $50 million for this grant program in the Homeland Security supplemental appropriations bill, which we will take up either late this week or early next week.

I urge Members on both sides of the aisle to weigh in on this issue. Let the appropriators know that funding of antibiotic resistance is critical. We must help State and local health agencies combat antibiotic resistance. Our success against bioterrorism absolutely depends on it.

THE AMERICAN AND GERMAN NAVIES MEET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I will attempt to read from an e-mail which was sent from a young ensign aboard the U.S.S. *Winston Churchill* to his parents. The *Churchill* is an *Arleigh Burke*-class AEGIS guided-missile destroyer, commissioned March 10, 2001, and is the only active U.S. Navy warship named after a foreign national.

I read: "Dear Dad: We are still at sea. The remainder of our port visits have all been canceled. We have spent every day since the attacks going back and forth within imaginary boxes drawn in the ocean, standing high-security watches and trying to make the best of it. We have seen the articles and the photographs, and they are sickening. Being isolated, I do not think we appreciate the full scope of what is happening back home, but we are definitely feeling the effects.

"About 2 hours ago, we were hailed by a German Navy destroyer, *Lutjens*, requesting permission to pass close by our port side. Strange, since we were in the middle of an empty ocean, but the captain acquiesced and we prepared to render them honors from our bridge wing. As they were making their approach, our conning officer used binoculars and announced that the *Lutjens* was flying not the German but the American flag. As she came alongside us, we saw the American flag flying at half mast and her entire crew topside standing at silent, rigid attention in their dress uniforms.

"They had made a sign that was displayed on her side that read "We Stand by You." There was not a dry eye on the bridge as we stayed alongside for a few minutes and saluted. It was the most powerful thing I have seen in my life. The German Navy did an incredible thing for this crew, and it has truly been the highest point in the days since the attacks. It is amazing to think that only a half-century ago things were quite different.

"After *Lutjens* pulled away, the officer of the deck, who had been planning to get out later this year, turned to me and said, 'I'm staying Navy.' "

Mr. Speaker, to our German friends we can only say, danke schoen. To our countrymen and colleagues I say, be of strong heart, we are not alone. We will prevail.

Mr. Speaker, before I yield back, a number of colleagues have asked if they could get copies of this e-mail as well as photos of the Navy destroyer *Lutjens*. They can get that by simply going to my Web address at gil.house.gov.

PEDIATRIC EXCLUSIVITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to speak on a bill that will be coming to the floor soon. H.R. 2887 is commonly called the pediatric exclusivity bill. This was a good bill. It was passed and implemented back in 1997. It had a 5-year sunset, so it is necessary for Congress to reauthorize the pediatric exclusivity bill.

Pediatric exclusivity simply says this: If a drug company that currently has a drug on the market will do an exclusive study for young people, those 18 or under, we will grant to them a patent extension for 6 years.

It is amazing, but as drug companies put forth drugs, they were not required to see what the effect would be on young people. Thus, we created the pediatric exclusivity bill to make sure an opportunity was provided to have studies done to make sure the proper dosage, the amount and the type of drug, would be beneficial to young people, those under 18 years of age. Just for agreeing to do a study that the FDA wants for young people, a drug company can get its patent extended. That is of great benefit to the drug company, of course, because they hold the patent and make money off the drug, and this bill is now due to be reauthorized.

As we move through this bill in our Subcommittee on Health of the Committee on Energy and Commerce, there are a number of improvements we would like to see made with the bill. While there have been a number of improvements made already, there is still one part of the bill that troubles me, and hopefully, I will be able to offer an amendment to correct this inequity in the bill. What my amendment would say is that if we provide a pediatric exclusivity, before that patent extension is provided, the drug company must make the necessary label changes on a product that has been studied.

In fact, I would like to quote the FDA's report to the Congress dated January of this year. It says, and I quote, "The ultimate goal of encouraging pediatric studies is to provide needed dosing and safety information to the physicians in product labeling." To paraphrase, and I want to emphasize, "The goal of pediatric exclusivity is the labeling." It is the labeling where we find out how much to give, the safety information, and who should be given it. That is why I must offer my amendment when this bill comes to the floor. My amendment would tie the grant of exclusivity to the necessary labeling changes.

There have been 33 drugs approved for pediatric exclusivity, but only 20 of them have made the needed changes on the label. How would a doctor, a parent, or a patient who is under 18 know what is the right dosage or if this drug is safe for them without this information? Currently, the exclusivity period is given only for conducting studies. For the safety of our children, for our health care system, this must and should be changed.

Take, for example, one of the drugs that has been granted pediatric exclusivity, Eli Lilly's drug Prozac. The benefit to the public, specifically parents, patients and pediatricians, is zero, because the manufacturer has yet to place any information in the public record regarding the pediatric dosing or other data relating to the drug's safety in juvenile populations. Just for doing a study, for doing very little to aid our understanding of the operation of this antidepressant drug, they are allowed to have the pediatric exclusivity, to make the money, but not without giving us full disclosure of the needed safety information. That information on Prozac is never given to doctors, parents and patients on how it affects young people.

Sadly, physicians and parents have no way of knowing what the results of the study were on Prozac regarding the myriad of presumed uses of Prozac in young people. Unless Eli Lilly elects to tell us, we do not know what testing occurred, in what specific age groups, what dosage, or what reactions. Pediatricians, parents, and patients have no information; they are literally left in the dark.

When the current bill comes to the floor, it will only require that manufacturers in the future will be required to label their products after the results are known. But that knowledge will not be given until 11 months after the product is on the market. That gives them 11 months to negotiate with the FDA in a secret proceeding, unless the FDA is prepared to declare a product misbrand, and the FDA has been reluctant to do so.

Under my labeling amendment, which I hope to bring to the floor, all new drugs must complete the labeling requirement before the product is marketed. I cannot understand why we allow drug manufacturers to undertake a pediatric study but not provide the doctors, the patients, and the parents with the results of this study and the information they need to make it available.

FOOLISHNESS OF FIAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the world's politicians, special interests, government bureaucrats, and financiers all love fiat money because they all benefit from it. But freedom-loving, hardworking, ethical and thrifty individuals suffer.

Fiat money is paper money that gets its value from a government edict and compulsory legal tender laws. Honest money, something of real value, like a precious metal, gets its value from the market and through voluntary exchange. The world today is awash in fiat money like never before, and we face a financial crisis like never before, conceived many decades before the 9–11 crisis hit.

Fiat money works as long as trust in the currency lasts. But eventually trust is always withdrawn from paper money. Fiat money evolves out of sound money, which always originates in the market, but paper money inevitably fails no matter how hard the beneficiaries try to perpetuate the fraud. We are now witnessing the early stages of the demise of a worldwide financial system built on the fiction that wealth can come out of a printing press or a computer at our central banks.

Japan, failing to understand this, has tried for more than a decade to stimulate her economy and boost her stock market by printing money and increasing government spending, and it has not worked. Argentina, even with the hopes placed in its currency board, is nevertheless facing default on its foreign debt and a crisis in confidence. More bailouts from the IMF and U.S. dollar may temper the crisis for a while, but ultimately it will only hurt the dollar and the U.S. taxpayers.

We cannot continually bail out others with expansion of the dollar money supply, as we have with the crisis in Turkey, Argentina, and the countries of Southeast Asia. This policy has its limits, and confidence in the dollar is the determining factor. Even though, up until now, confidence has reigned, encouraged by our political and economic strength, this era is coming to an end. Our homeland has been attacked, our enemies are not easily subdued, our commitments abroad are unsustainable, and our economy is fast slipping into chaos.

Printing money is not an answer, yet that is all that is offered. The clamor for low-interest rates by all those who benefit from fiat money has prompted the Fed to create new money out of thin air like never before. Driving the Fed funds rate down from 6.5 percent to 2.5 percent, a level below the price inflation rate, represents nothing short of panic and has done nothing to recharge the economy. But as one would expect, confidence in the dollar is waning.

I am sure, due to the crisis, a faith in fiat and a failure to understand the business cycle, the Fed will continue with the only thing it knows to do: credit creation and manipulation of interest rates.

□ 1815

This policy reflects the central bank's complete ignorance as to the cause of the problem: Credit creation and manipulation of interest rates.

Since the Federal Reserve first panicked in early January, it has created $830 billion of fiat money out of thin air. The country is no richer. The economy is weaker. The stock market has continued downward, and unemployment has skyrocketed. Returning to deficit spending, as we already have, will not help us any more than it helped Japan, which continues to sink into economic morass.

Nothing can correct the problems we face if we do not give up on the foolishness of fiat.

Mr. Speaker, a dollar crisis is quickly approaching. We should prepare ourselves.

FOURTH WTO MINISTERIAL CONFERENCE SHOULD NOT BE HELD IN QATAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today we are preparing to send a letter to the President of the United States expressing the displeasure of many Members and genuine concern about the administration decision to send a delegation from our countries to the World Trade Organization's fourth ministerial conference in Qatar. That is to occur next week.

We are writing to express our deep reservations about the appropriateness of that venue in light of recent actions by the monarchy in Qatar, not to mention the obvious security concerns for our citizens.

We are deeply disappointed by the failure of the Qatari monarchy to support U.S. military action in Afghanistan. In fact, the President of the United States has said Nations should choose sides. Well, Qatar has chosen the wrong side. Indeed, in this war against terrorism, Qatar has decided to sit on the sidelines, and at worst to condemn U.S. military action; so why are we sending a delegation there?

Indeed, the government of Qatar has condemned the air campaign against the Taliban and refused to make its airports and infrastructure available to U.S. forces. On October 23, Qatari Foreign Minister Sheikh Hamad bin-Jassem bin-Jabr al-Thani condemned, and that is a quote, the allied attacks on Afghanistan and called them unacceptable.

What is unacceptable is the notion that Doha, Qatar is an appropriate site for the World Trade Organization ministerial.

Mr. Speaker, we will be asking the President to prevail on the World Trade Organization officials to move the ministerial to another location in light of the government of Qatar's opposition to the war on terrorism.

The government of Qatar should be made to understand that its failure to support the coalition in the campaign against terrorism has consequences, and it is not business as usual.

In the Financial Times today, there is an article indicating that Vice President CHENEY disregarded fears over the WTO choosing the venue of Qatar for this meeting. In fact, it says that the White House disregarded security concerns among top U.S. trade officials this month by committing Washington to sending a delegation to the meeting of the World Trade Organization previously scheduled for Qatar.

It mentions that U.S. Government security experts on Friday warned business lobbyists planning to accompany the delegation that there were substantial risks in attending the meeting in the small Gulf state.

One delegation member was very concerned about Mr. CHENEY's call and said, "I think this is a momentously bad call based upon what we have learned about security risks there."

It is no secret this organization calls itself the World Trade Organization, and when those two Trade Towers came down in New York, those were the Twin World Trade Towers. There is a message here, and it is a pretty important one.

For the RECORD, I will be including information on Qatar's policy of denying its own people fundamental rights. In fact, the government officially prohibits such things as public worship by non-Muslims. Our own CIA Fact Book indicates that the people of Qatar do not even have the right to vote, and freedom of speech is severely limited. I could not be giving this speech in Qatar.

In addition, like the Taliban, the rulers of Qatar oppress women, and women occupy a strictly subservient role inside that society.

I think it is fair to say that trade has failed to bring freedom to Qatar. In fact, the U.S. State Department calls oil the cornerstone of Qatar's economy, accounting for more than 70 percent of total government revenue in that country. Starting in 1973, oil production there increased dramatically, but freedom certainly has not followed.

We are constantly told how freedom takes root in unfree countries if we simply trade, whether it is Vietnam, China or Qatar. That logic is simply not true. Despite billions upon billions of dollars worth of engagement between Western commercial interests and Qatar, the people of Qatar have no freedom of speech, no freedom of assembly, no freedom of religion, no freedom of association.

Mr. Speaker, I would ask the Bush and Cheney administration to seriously review the decision that they have made to send a delegation to Qatar and to find a location that is safer in view of these very troubled times.

The material previously referred to is as follows:

(From the Financial Times, Oct. 31, 2001]

Cheney Disregarded Fears Over WTO Venue

VICE-PRESIDENT PLEDGED US PARTICIPATION DESPITE EFFORTS TO MOVE MIDEAST MEETING

. (By Guy de Jonquieres in London and Edward Alden in Washington)

Dick Cheney, the US vice-president, disregarded security concerns among top US trade officials this month by committing Washington to sending a delegation to next month's ministerial meeting of the World Trade Organisation in Doha, Qatar.

Mr. Cheney pledged US participation even though US intelligence officials are seriously concerned that its delegation—due to include Robert Zoellick, the US trade representative, Don Evans, commerce secretary, and Ann Veneman, agriculture secretary—cannot be protected adequately in Doha, according to congressional and business representatives who have been briefed by the administration on security plans.

Intensive efforts are being made to launch a global trade round at the five-day WTO meeting, which starts on November 9. The Gulf state was the only WTO member to offer to host the talks, after riots marred the last meeting, in Seattle, two years ago.

US government security experts on Friday warned business lobbyists planning to accompany the delegation that there were "substantial risks" in attending the meeting in the small Gulf state.

Mr. Cheney gave his assurances by telephone 10 days ago to the emir of Qatar, despite efforts by Mr. Zoellick to persuade other countries to move the meeting to Singapore, according to accounts by diplomats from several countries that were not contradicted by US officials.

The vice-president's intervention came after strong diplomatic pressure from Qatar, which told the US and other WTO members that shifting the meeting would offend Islamic countries that have supported the US-led anti-terrorism coalition.

"I think this is a momentously bad call based on what we have learnt about security risks there," said one US delegation member. Mr. Cheney's office did not return telephone calls seeking comment yesterday.

The US team in Doha was originally due to include about 30 congressmen. But Washington has decided to cut its delegation by more than half.

Mr. Zoellick said he was keeping his delegation "as small as possible for their safety", adding that the situation in Doha "is not exactly the happiest in terms of overall security". He said that while every effort was being made to ensure a safe meeting "there is undoubtedly risk".

The US is worried that Islamic extremists or others with ties to al-Qaeda, the organisation headed by Osama bin Laden, may have penetrated Qatar's security.

State Department Condemns Qatar; USTR Ignores Human Rights Abuses

Qatar would be a poor example of the argument that "trade brings freedom." However, the United State Trade Representative has continued to push for the next World Trade Organization (WTO) trade ministerial to be held in Qatar.

FACT NO. 1. QATAR DENIES ITS PEOPLE FUNDAMENTAL RIGHTS

The people of Qatar don't even have the right to vote. According to the CIA Factbook, the government of Qatar has granted its people suffrage for municipal elections only (which likely indicates that municipal offices lack any real power). The people of Qatar do not enjoy any of the freedoms that we espouse. Moreover, Human Rights Watch has criticized the selection of Qatar as the venue for the next WTO meeting because the government does not recognize a right to freedom of assembly.

The U.S. State Department has formally noted severe restrictions on the freedom of speech, assembly and association. Although Qatar is the home of the free-wheeling al-Jazeera satellite television station that Osama bin Laden frequently uses as a loudspeaker to the global village, otherwise freedom of speech is severely limited.

The government has banned political demonstrations. The government does not allow political parties, or membership in international professional organizations that might be critical of the government (or any other Arab government). Private social, sports, trade, professional and cultural societies must be registered with the government, and government security forces monitor the activities of such groups.

The government officially prohibits public worship by non-Muslims. So if our trade negotiators go there next month, they won't be able to attend church, go to Mass or synagogue or participate in any other form of worship unless they are Muslim.

FACT NO. 2. LIKE THE TALIBAN, THE RULERS OF QATAR OPPRESS WOMEN

As in Taliban-controlled Afghanistan, women occupy a strictly subservient role in Qatar. This is taken from the U.S. State Department Country Reports on Human Rights:

"The activities of women are restricted closely both by law and tradition. For example, a woman is prohibited from applying for a driver's license unless she has permission from a male guardian. This restriction does not apply to noncitizen women. The Government adheres to Shari'a in matters of inheritance and child custody. While Muslim wives have the right to inherit from their husbands, non-Muslim wives do not, unless a special exemption is arranged. In cases of divorce, Shari'a prevails; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. However, local authorities do not allow a noncitizen parent to take his or her child out of the country without permission of the citizen parent. There has been a steady increase in the number and severity of complaints of spousal abuse by the foreign wives of local and foreign men. Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves.

Women largely are relegated to the roles of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media. Women appear to receive equal pay for equal work; however, they often do not receive equal allowances. These allowances generally cover transportation and housing costs. Increasingly, women are receiving government scholarships to pursue degrees at universities overseas. The Amir has entrusted his second wife, who is the mother of the Heir Apparent, with the high-profile task of establishing a university in Doha. In 1996 the Government appointed its first female undersecretary, in the Ministry of Education. Although women legally are able to travel abroad alone, tradition and social pressures cause most to travel with male escorts. There also have been complaints that Qatari husbands take their foreign spouses' passports and, without prior approval, turn them in for Qatari citizenship documents. The husbands then inform their wives that the wives have lost their former citizenship. In other cases, foreign wives report being forbidden by their Qatari husbands or in-laws to visit or to contact foreign embassies.

There is no independent women's rights organization, nor has the Government permitted the establishment of one."

FACT NO. 3. TRADE HAS FAILED TO BRING FREEDOM TO QATAR

The U.S. State Department calls oil "the cornerstone of Qatar's economy," accounting for more than 70 percent of total government revenue. Starting in 1973, oil production increased dramatically, bringing Qatar out of the ranks of the world's poorest countries and providing it one of the world's highest per-capita incomes. But freedom did not follow.

Accordingly to the State Department, "Qatar's heavy industrial projects . . . include a refinery with 50,000 barrels-per-day capacity, a fertilizer plant for urea and ammonia, a steel plant, and a petrochemical plant. All these industries use gas for fuel. Most are joint ventures between European and Japanese firms and the state-owned Qatar General Petroleum Corporation. The U.S. is the major equipment supplier for Qatar's oil and gas industry, and U.S. companies are playing a major role in North Field gas development." So here we see Qatar's commercial sector and government-controlled oil industry directly engaged with outside interests—the European Union, Japan and the United States.

We are constantly told this is how freedom takes root in unfree countries—whether it's China, or Vietnam, or Qatar. It is not true. Despite billions upon billions of dollars worth of engagement between Western commercial interests and Qatar, the people in Qatar have no freedom of speech, no freedom of assembly, no freedom of religion, no freedom of association. And women are still subjected.

OCTOBER MARKS DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, October marks Domestic Violence Awareness Month, and I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) for arranging Members to come to the floor and remind my colleagues about October as Domestic Violence Awareness Month.

This is a time of heightened awareness of the problem, and a time to discuss what our society and local communities can do to help. I would like at this time to talk briefly about the Call to Protect program. As a participant in this program, my offices have collected thousands of phones from around the country to donate to victims of domestic violence.

Call to Protect is a domestic violence prevention project. It provides those in danger with instant access to help in the form of a wireless phone. Donated phones are programmed so that victims can reach emergency personnel with a click of the button. This gives victims the power to protect themselves rather than live in fear.

This program has helped thousands of women. One success story is particularly close to me as it happened in my district. Brandon Pope, a 5-year-old boy, used a donated phone to save his mother's life in Centralia, Illinois. Brandon's mother, Sandra, was a victim of systemic abuse from her husband. She sought assistance from a domestic abuse help center, and received an emergency wireless phone through the Call to Protect program.

Unfortunately, the physical effects of the domestic abuse caused Sandra to have occasional seizures. In February, Sandra suffered a particular strong seizure that caused her to fall and lose consciousness. Having learned about 9-1-1 in his Head Start class, Brandon used his mom's wireless phone to call for help. Paramedics arrived on the scene and quickly administered treatment. The wireless phone donated to Sandra was the family's only means of communication.

This is only one story of many where ordinary citizens and community organizations come to the aid of a victim of domestic abuse.

Mr. Speaker, I would like to especially thank the Cellular Telecommunications Industry Association, CTIA, who run the Call to Protect program; and Motorola who refurbishes all of the donated phones so victims have access to emergency numbers. Due to the services of these companies, this program truly saves lives.

NO RED LINE THAT TERRORISTS WILL NOT CROSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, the Cold War is over, and the world is a more dangerous place. September 11 and the carnage that followed proved to us that there is no red line. There is no line that terrorists will not cross. There is no limit to what they might and in fact will do.

We are in a race with terrorists to prevent them from getting a better delivery system for chemical and biological agents, to get nuclear waste material to explode in a bomb, a conventional bomb, or even to get a nuclear weapon. They will use all of those weapons because there is no red line to them.

It is not a question of if we will face a chemical or biological attack. As we are finding out, it is a question of when, where and of what magnitude. Not every attack will be the thousand-year storm or the hundred-year storm, and we are not going to wait on our roofs with an umbrella over our heads in anticipation of that. We are going to get on with our lives, but we need to know that we are truly in a race.

We are at war. This war requires us to do what three commissions have told us: The Gilmore Commission, the Bremer Commission, and the Hart-Rudman Commission. They said we need to have a proper assessment of the terrorist threat, we need to have a strategy to face this terrorist threat, and we need to organize our government to be more effective.

Tom Ridge and his Office of Homeland Security is going to have to work overtime in understanding what we face, making the assessment of the terrorist threat with others who will be helping him, and develop that strategy and then organize the government to respond.

One of the issues that we will be debating tomorrow is airport security. I am amazed with the amount of time and effort that is being spent discussing whether they be Federal employees or not Federal employees. That is not the issue. The issue is safety. They could be Federal employees and provide very good service to the country, and they could not be and provide very good service to the country. The key is that they be professionals, that they view this as a job that they want to develop an expertise in, and that they gain knowledge and provide tremendous energy in carrying out their duties.

My biggest concern with airport security is obviously safety. It is safety in making sure that we do not have bombs in the belly of aircraft. As things stand now, we do not check the luggage when it is put in the plane, and I am grateful that the majority party has looked to address this issue, that they are putting in the manager's amendment an amendment that will require that by the end of the year 2003, that all baggage will be checked that goes in the belly of an airplane to make sure that we do not have Pan Am 103 and others like it in the years to come.

Mr. Speaker, I would like to say that the Special Order by the gentleman from Minnesota (Mr. GUTKNECHT) about the *Lutjens* and its respect for our American sailors touched my heart as well, and I am happy the gentleman talked about it today.

AIRLINE SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, the topic I want to talk about tonight, and I am pleased very much to be joined by several of my colleagues, including the gentleman from New Hampshire (Mr. BASS), the gentleman from South Dakota (Mr. THUNE), the gentleman from Illinois (Mr. KIRK), and the gentlewoman from Pennsylvania (Ms. HART), is the topic that we will be debating on the floor tomorrow, and it is a topic of great concern for every single American, and that is the security of our airline system and our air travel system here in this country.

Tomorrow we will debate airline security legislation, and it is very important that we do that because we are being urged by some to rush to judgment and pass the bill that the Senate has already passed.

□ 1830

I do not think it is appropriate to ever rush to judgment when you are legislating. Legislation becomes permanent, it becomes the law of the land, and it is binding and cannot be changed until the Congress meets again to change it. And so I think we have a duty to do that conscientiously and thoughtfully.

I want to begin by talking about what this debate is really about and what it is not about. First of all and most importantly, for the people of America, for American families who vacation by taking an airplane someplace and for American businesswomen and businessmen who have to travel on our Nation's airlines to do the business of this Nation, the issue is, how do we create the absolute safest, most secure airline system and air passenger system in the world?

As is sadly often the case in these debates on the floor, a lot of people try to hide the ball and not focus on what really is the issue. I think it is very, very important to understand that both sides in this debate believe passionately that we need to create the safest system. One side says, the Senate bill has already done that; the other side is saying, "No, wait a minute, let's take a look at that legislation."

But I want it understood that, although people may have heard that this is a partisan debate, I and my colleagues who will speak tonight on this issue do not believe that this is a partisan issue. We believe that this is an issue solely about the safety of our airline system, aviation safety in America and how to create the best possible system and the safest possible system. There is not a Republican way to do that or a Democrat way to do that, and this is not about somebody's motives. This is about how do we do it best, how do we create the best and the safest system.

Those of us who will be arguing for the House bill tomorrow and arguing it for tonight genuinely believe that it is a better piece of legislation, that it will go further and do more to protect the American people, and that there are serious problems with the Senate bill. I do not question the motives of the Senators who wrote the Senate bill. I do not question that they intended to make some mistakes in that bill; they did not intend to make mistakes. But as this discussion tonight, I think, will illustrate, there are some serious flaws in that legislation that deserve to be debated and scrutinized and analyzed; and if, in fact, they are flaws, then they ought to be corrected in the process. That is what we are trying to do.

Secondly, having said that this is about creating the safest aviation system in the world, I want to make it very, very clear that this is not about the current system. I want to put up a chart here that shows that system.

A few moments ago on this floor, one of my colleagues stood up and said that the proponents of the House bill want to, and this is a direct quote, he said, perpetuate that system, referring to the current system of aviation security; and he said they wanted to do that because it is profitable for the companies, and he said we want to keep the same companies that are currently doing the job.

I want it understood in the clearest possible terms that every one of my colleagues in this Congress and every American can download the House bill and can discover for themselves what I am about to tell you, and that is that those statements that the House bill perpetuate the current system, that we are doing so because it is profitable for those companies and that we would keep the same companies are absolutely, totally, abjectly false and no honest debate can go forward on untruthful information.

The current system in America which that Member of Congress was referring to requires the airlines of America, American Airlines in my home State, America West, United, you pick it, to hire the guards that perform the screening of passengers as they board airplanes. They are hired by the airlines and they are private companies. I want to refer to this chart over here. Under the current system, the airlines hire private companies and there is absolutely no Federal supervision, no Federal law enforcement supervision of the personnel that do those jobs.

Let me make this point clear: I want to drive it home over and over again in this debate. No one is proposing that we keep that system. No one is proposing that we continue to rely on the existing airlines to hire the current private companies. So all the anecdotal information that you heard here on the floor about those companies are being indicted, those companies have hired felons, those companies underpay, those companies have perhaps even lied or perjured themselves, none of that is relevant to this debate because the current system is gone. It is absolutely, totally gone.

The airlines, following the effective date of this legislation, will not hire or be responsible for hiring or paying for the individuals who do the screening. Under the House committee bill, the Transportation Committee bill, the bill that I believe is a more thoughtful and better product, responsibility for airline security, aviation security, is handed over to the Federal Government and it is performed by Federal law enforcement personnel at every single site. Let me just put up a little chart that shows that.

This is a schematic of the system that would be in existence following the passage of this legislation. If you see this little green man down here, he is a passenger. When they come on board, that passenger's baggage, carry-on baggage is screened, right here. Federal personnel are at that gate, are at that checkpoint to screen that carry-on baggage. His checked baggage goes through, and as the gentleman from Connecticut (Mr. SHAYS) was just explaining, that checked baggage will be screened by personnel who are either Federal employees or who are being currently supervised at that site, at that moment, by Federal employees.

You go on through the system and there are other personnel, there is camera surveillance, there are Federal marshals. Every little blue man that you see on this screen is Federal Government law enforcement personnel or is somebody trained and currently being supervised right on site, at that location, by a Federal Government employee who is a law enforcement officer.

The difference, and we will go into this in greater detail as we continue this discussion, between the House bill and the Senate bill, which I believe is flawed, and we will walk through the flaws in the Senate bill, is that they say in the Senate bill, every single employee on this screen, indeed perhaps the food handlers, perhaps the people who clean the planes, perhaps the mechanics, would have to be a Federal employee or at least they would have to be screened by a Federal employee; and we say it can be a mix. We support that mix because that is in fact the system that is used throughout Europe and in Israel by El Al, the airline that is the most targeted of any airline in the world.

I just want to make this point one more time. You are going to hear all day tomorrow that this is terrible. I just want to read these points again because they are so important. The gentleman actually accused Members on this side of the aisle and some of the leadership on this side of the aisle of wanting to perpetuate the current system because it is profitable to the current companies, and they want to keep those same companies.

That is abjectly false. The current system is gone. No longer will airlines hire the screening personnel, no longer will they be the employees of Argenbright or the other companies, they will in fact be private contractors, contracted to the Federal Government and overseen by Federal Government employees on site, law enforcement personnel.

I want to turn to one more point before I defer to some of my colleagues. We talked a little bit about the Senate bill, and I want to just lay the groundwork for the key problems with that Senate bill which we are being urged to just adopt, go ahead and adopt it, and tomorrow it will be here on the floor as either a substitute or it will be here on the floor as a motion to recommit. Let us talk about some of the problems with that Senate bill just in outline form before I turn to some of my colleagues.

Number one, one of the most critical problems on September 11 was that some of the terrorists penetrated our system, although there is no evidence that there was a failure by the screening personnel at any airport because the weapons they carried on board were legal at the time, but they penetrated the system by going to small airports and flying from those small airports to bigger airports. At least it is clear they tried to do it in that fashion.

One of the incredible things about the Senate bill is, it treats small airports and big airports differently. It assigns the responsibility for large airports to the Attorney General and says that will be Federal. But it says, on the other hand, if it is a small airport, well, he, the Attorney General, can decide to hand that responsibility over to local law enforcement.

I would suggest that if local law enforcement is good enough for small airports, it is good enough for large airports, and if it is not good enough for large airports, it is not good enough for small airports. We cannot have a separate standard.

In my State of Arizona, we have a couple of very, very large airports. If you go through those, you would go through one standard. But if you get on at one of the smaller airports in a small town like Yuma or Flagstaff or Prescott or Page, when you land in Phoenix, you are inside the security perimeter. You do not get checked again.

Why in the world would we have an unequal standard, an unequal set of responsibilities, for those different size airports under this legislation? I think it is a serious flaw. I do not think the drafters of the Senate bill intended it, but it is there.

There is another problem with regard to that, and that is the fairness of the fees. The Senate legislation says, if you are lucky enough to fly from a big airport to another big airport, you are going to pay one fee. If you are not lucky enough to do that, because you live in a small State or in a small town and you have to fly a small commuter plane from your small town to a big city, you pay at least double the fee of anyone who lives in a large city. That seems to me to be unfair.

Another issue in the Senate bill, and I just want to touch on these briefly in outline form and we can go into greater detail later, there is a clear question about the accountability of the Federal employees that are mandated in this Senate bill, which creates a straitjacket and says every single employee must be a Federal employee because by getting their paycheck from the Federal Government, somehow that would make the airlines safe.

The problem with that language is detailed, and I will go into it later, but fundamentally it is not clear that those employees do not have civil service protection. Nowhere in the bill does it say that they do not have the civil service protection created by title 5. It does not say that they are at-will employees, though I know that some of the sponsors of the Senate bill believe they are at-will employees, and it does not exempt them from civil service in the same fashion as we have done in the past.

I want to touch briefly on the House bill, just to make sure that everybody understands that legislation and understands it clearly, as contrasted with the current system which is a flawed system and which, although my colleague attacked it earlier and said that is what we were trying to have, that is not at all what we are trying to have.

The current House bill, created by the Committee on Transportation and Infrastructure, the bill of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) says, number one, there will be Federal supervision of screening personnel at every single security gate, at every single baggage check location. You will all be screened at a location where there are federally trained people present, including law enforcement officers or military personnel, with the capability and the ability to question someone trying to board a plane and, if necessary, to make an arrest of that person.

Second, it says that there will be Federal personnel at every checkpoint.

Third, it sets Federal standards.

And, fourth, it requires that they be either Federal law enforcement personnel or, as is happening in the case right now, military personnel. I could go on talking about these issues, but I know there are many of my colleagues that would like to get in on this discussion.

Let me first start with the gentleman from New Hampshire (Mr. BASS).

□ 1845

Mr. BASS. I thank the gentleman for yielding to me. I was glad to yield to my friend from New York to make it possible to bring this important piece of legislation to the floor tomorrow. It is important. It is important because Americans demand, expect and will get aviation safety with the passage of the bill we are going to consider tomorrow.

My good friend from Arizona has talked at some length about the differences between the Senate and the House bill, and they are significant, and they are important, and it is critical that this body adopt the Mica-Young version of the bill, because it does what it needs to do, it does it quickly, and it does it effectively.

There are four aspects of this bill that are important to understand.

Number one, the Republican bill provides for real safety. It has enhanced security screening by creating Federal standards, Federal control, Federal supervision, but it does it quickly and it does it without months and possibly years of training that it would take to get personnel in place under the bill passed by the Senate.

It also provides for accountability. It provides for a zero tolerance policy for every federally certified baggage screener.

It provides for quality, incorporating the very best manager practices by hiring qualified baggage screeners and going through thorough background checks and investigation. We have heard a lot of rhetoric about how the status quo will continue under the Republican plan. Well, my friend from Arizona from the very beginning has pointed out the system will be different, the system will be reliable, and the system we are proposing will work.

Let me give Members some observations about where I see airport security at this point. As one who myself, and I think almost everybody else in this body, we are frequent fliers and we fly back and forth to our districts every week. The reality of it is that airport security today, in my opinion, is dysfunctional. You have huge lines for checking bags, and little or no baggage screening. You have enormous lines in some concourses for security screening.

I was up at an airport in the area the other day, I paced it off, there was a 1,000-foot line to get through two security screening areas. There were three available, but only two were running.

The airlines need to get the business customer back. Otherwise, this body and this government is going to be subsidizing the airline industry indefinitely. If we want exactly what we have to do, 1,000-foot lines, dysfunctional airports, vote for the substitute motion, vote for the Senate bill, because what it does is it institutes a system which is totally federally employed that will not be flexible, will not be able to reflect the realities of having to provide efficient, quick, but effective safety procedures at airports, and we will have what we have today indefinitely. We will wait for 4 or 5 years for new rules to come to make minor changes that will make airline systems run better.

Under the Republican plan, or under the plan that I support, there is Federal supervision, Federal rule making, Federal standards, but the airport authorities can adjust the system to reflect for the size of the airport or the type of system or the way the building is constructed. The employees can be trained where they qualify from the existing workforce, and it happens quickly.

But what is most important about this is that the airlines will have some input in being able to attract the business customer back by offering innovative ways for frequent fliers to get from one side of the airport to the other.

Let me give an example. If you fly two or three times a week and you are willing to undergo a complete background check, maybe a retinal scan and other things, maybe you can get to your gate more quickly than somebody who does not fly very much at all or somebody that does not want to divulge any personal information.

This kind of a concept, which could easily be implemented under the Republican plan, is unlikely to be practical under the Senate plan because the Senate plan is a one-size-fits-all approach to a problem that differs in every single airport.

I hope that Americans understand that Democrats, Republicans, the Senate, the House, liberals, conservatives, we all share the same objective, and that objective is moving forward in a productive manner to provide real, serious, effective and quick airport safety. I would suggest to my friend from Arizona and to the Speaker that our plan will do it, and it will do it right.

Mr. SHADEGG. I thank the gentleman for his participation. I know he has thoughtfully studied this legislation and cares very much, as we all do, about airline security, about making sure we have the safest system, and not about doing a quick and easy fix of just saying well, if we make them Federal employees, that will solve the problem.

There are serious problems with the Senate bill, beginning with this issue of should we have a different set of responsibilities for small airports and should people who live in small towns pay a different price?

The gentleman is from New Hampshire. I wonder if he has given the question any thought of why should we have different responsibility at those smaller airports than we have at the larger airports and how fair is it to say to people who live in small towns, you are going to pay more than people who live in large towns?

Mr. BASS. If the gentleman will yield further briefly, when you have a system that applies a block standard at this point and a block standard at that point, you tend to get situations that do not work in some instances.

Let me give one example. I note with some dismay that airport parking lots now that are within 300 yards, I believe, of the terminal, are blocked off.

In some instances, in the Manchester Airport in New Hampshire, that means that two-thirds of the entire parking area is blocked off and cannot be used and you cannot go around. I can go through the details.

But the fact is that if we continue with the system that has been implemented now, these airports are going to continue to be dysfunctional. We need to have a system that applies the same standards to all the airports, big or small, so we do not have the situation discussed earlier where we do not have people properly checked getting into a properly screened area, but, secondly, these airport authorities need to get waivers and be able to make the airports work.

Mr. SHADEGG. We are joined by my colleague the gentleman from South Dakota (Mr. THUNE). I know he has concerns about this disparate treatment of small versus large airports.

Mr. THUNE. I thank the gentleman from Arizona for yielding, and I would simply echo some of what my colleague from New Hampshire said, that those of us who represent more rural areas of the country, this creates enormous problems.

I again would harken back to what the gentleman from Arizona said in his opening remarks, and that is the overriding concern here ought to be safety. We have got a lot of discussion and debate that will go on the floor tomorrow, there already has been in the buildup to this debate, and there has been a lot of talk about who ought to do this checking, and there has been some argument whether it ought to be Federal employees, whether it ought to be private contractors.

I think the bottom line is, it ought to be the best system put in place that will enable us to provide the highest level of security and safety for people who travel.

Frankly, the bill that we will debate tomorrow, the Mica-Young bill that came out of the committee, and I serve on the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, does not in fact preclude the use of Federal employees. In fact, it steps up Federal standards, Federal supervision, Federal enforcement, and in many cases there will be Federal employees who are employed for the specific purpose of providing security and safety to air travelers as they travel through the airports in this country and get from their origin to their destination.

But the bottom line, again, Mr. Speaker, and I would say harkening back to what the gentleman said earlier, is this really is about safety. What is the best system? How do we achieve the objective of making sure that people in this country who travel are protected and are safe and secure until they get to their destination, without respect to the argument about whether or not they should be or should not be Federal employees. That is an issue which, frankly, the discretion is provided to the administration. The President has asked for this authority in this particular legislation for him to decide, for the FAA, the DOT, the Justice Department, to decide if in fact these ought to be Federal employees.

Now, there are circumstances in which it might make sense to come up with another practice which would achieve the same level of safety, be more efficient and more cost-effective, and that is a decision that, frankly, our legislation allows, that basically puts it under the auspices of the administration. That is what the President has requested, and it gives him the flexibility and the discretion, and I think that is an approach that makes a lot of sense.

Now, let me speak specifically, if I might, again, to the points raised earlier about the impact of the Senate legislation, if it becomes the final law of the land, on smaller, more rural airports.

I come from a state that has 77,000 square miles and 730,000 people. Under the Senate legislation, as I read it, as I understand it, there is only one airport of the seven in my State of South Dakota that would be covered under the 142 airport standard in the Senate bill, which essentially relegates the other six airports in South Dakota to the status of second class airports.

We are going to have different standards of safety and security for people who travel and board airplanes in Watertown and Aberdeen and Huron and Pierre and Rapid City than those who board planes in L.A. and San Francisco and Chicago and Boston and places like that.

So I do not think, Mr. Speaker, that that makes a lot of sense. I do not think we want to create a two-tiered system, a two-class system, in effect, which will essentially treat travelers in rural areas of the country better than those who board airplanes at the more populated areas in the urban areas of this country.

The second thing that has already been noted is not only does it provide or apply a different level of safety and security to people who board at rural airports, it also assesses them a higher fee. They are going to in effect subsidize people who fly from larger airports for levels of safety and security that they are not going to have the same level set for rural airports.

So I think for a lot of reasons, one, it applies a different level, a different standard, to people who board at airports in smaller rural airports in this country, and secondly, it charges passengers a higher fee, because it imposes the fee on each leg of the flight.

I can tell you, there are no places in South Dakota that get direct service. There are no direct flights from Washington, D.C. to any destinations in South Dakota. We always connect through Minneapolis, through Chicago or St. Louis, and we think we are fortunate to have the air service that we have in my area of the country. But, nevertheless, we do not believe we ought to pay more for that service than people in other parts of the country, and that is in effect what the Senate bill does.

For that reason, it is inherently unfair. I think if one looks at the legislation that we are going to consider tomorrow and how that treats people all around the country, again, it emphasizes and puts in specific priority on making sure that we have a new system in place.

I think the gentleman from Arizona noted in his opening remarks as well that there is not anything about this legislation that accepts as a premise that anything in the current system will stay in place. It is just flatly not true.

We have had our colleagues on the other side of the aisle get up and say that the Republicans want to lock in and their leadership wants to lock in the failed system that we have today. That is patently, flatly untrue, because the system we have today, as the gentleman from Arizona noted, is the airlines who hire those companies. This requires new Federal standards, new Federal supervision, new enforcement. It creates a new, entirely new, system.

So trying to make this a debate about whether we retain the old system is irrelevant. It is not a valid part of this debate. It ought to be discarded. People who are listening to this debate should just tune it out. But that is what we will hear tomorrow.

I also think that the whole issue of whether or not it ought to be Federal employees or not Federal employees, as politically controversial as that may be in the course of the debate, is not the fundamental issue. The fundamental issue is how can we put the safest system in place in the most efficient and cost-effective way that serves the traveling public in this country and treats passengers all across the United States in an equal and fair way?

My concern, as I come to this debate and I look at the legislation that came out of the Senate, is it does create a two-class system. It does create a system that treats unequally people who board from airports in more rural areas of this country, smaller airports, and those in the more populated urban areas, and it also penalizes them by forcing them to pay a higher fee. I find that to be incredibly unfair. I do not think it makes sense.

I think, frankly, that the legislation that we will act on here tomorrow, that the Young-Mica bill puts those safeguards in place, air marshals, strengthens our cockpits, makes sure we have highly screened carry-on and checked baggage through the highest of inspection equipment, well-positioned, multilayered security forces at all the points throughout the airport, and again we are not excluding or saying that they these should not be Federal employees. We are simply saying that the experts who understand this ought to be making the decisions and that they have a different idea about what works in Rapid City, South Dakota, than what works in Buffalo New York, and that that ought to be a decision they have the flexibility to make.

That is what the President has requested, I think it makes sense, and as we are going to have this discussion tomorrow, it is important that we debunk all the myths that will be put out by the other side who really want to convert this into a political debate rather than a debate about the safety of the traveling public.

So I appreciate the gentleman taking time this evening to discuss this issue. I yield back to him.

Mr. SHADEGG. I thank the gentleman. Let me comment. I want to thank the gentleman for bringing out some of the points that I think are so important to this debate.

As the chart here shows, the current system, which is what was attacked by our colleagues on the other side yesterday and today, just before we started, no doubt if there is an hour special order after ours it will be attacked later, that the current system does not work and that the companies operating it are corrupt.

That system is gone, and I appreciate the gentleman pointing out that the House bill is very, very difficult different from that.

I also think it is important that the gentleman has brought out the fine point, and it is an important distinction, that the House bill, the House Committee on Transportation and Infrastructure bill that some of us believe is the more thoughtful legislation, is being supported by editorials by the Wall Street Journal, the New York Times, the L.A. Times, USA Today, the Chicago Tribune, the Washington Times, the Arizona Republic and USA Today. That legislation importantly does not say that they cannot be Federal employees or that they must be Federal employees.

□ 1900

What it says, as the gentleman accurately points out, is that that is the kind of technical decision on the implementation of the legislation that should not be made by Federal mandate, should not be proscribed and commanded by the Congress as saying, we want the safest skies, but the only way to get there is this way.

I think the gentleman made an excellent point in saying that the Secretary of Transportation under the House bill could, in fact, choose to make them all Federal employees, make some of them Federal employees. Many of them will be Federal employees, but the discretion is left there.

I would quote from the Washington Post in its editorial. They said, referring to this issue of all-Federal or a mix of Federal and private that "Security could work either way, as long as there is a government agency in charge dedicated to safety only and insisting on overseeing high standards in hiring and training." That is in the House bill. That is what we have. It goes on to point out that a number of European countries and Israel use a mix of private and public.

But I think the gentleman dealt very well with this issue in pointing out that in the House bill, we simply choose not to create a straightjacket saying we want a safe air system and oh, by the way, we, the Congress, know how to do that. Rather, we just say, we want a safe air system; you figure out the right mix and the right way to do that.

I thank the gentleman for his comments. I particularly appreciate his comments about the idiocy of charging people in small towns who have to fly multiple segments more money for the system and having, quite frankly, a different set of responsibilities for those.

If the gentleman wants to add anything further, please do.

Mr. THUNE. Mr. Speaker, I could not agree more. I think the gentleman is exactly right in his assessment in how this impacts different people in different parts of the country. Again, the debate will be shifted tomorrow, as the gentleman has noted, by the other side to try and make this about somehow codifying a failed system that is currently in place. That is absolutely untrue.

This is a system which creates the strongest standards, but I do not think, again, the gentleman made the point, that we as a Congress ought to be making that determination. Frankly, there are people who are a lot better equipped to make those decisions than we are.

Mr. SHADEGG. Mr. Speaker, reclaiming my time, let me yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I know the gentleman has a lot of transportation experts here, and unfortunately, I have an engagement I want to go to. But one of the central questions here is, do we want to support the President of the United States or not. It is that basic.

It amazes me, as I watch television on Sundays, that every week across the aisle, there is a new Senator born who is an expert on security. Yet, I do not recall them being named to any key security committee. They are not in charge on the homeland security. They have not been the foremost experts on terrorism. Yet, suddenly, there are 100 experts on terrorism in the United States Senate, and they want to second-guess the President's team.

I think at this time it is important for us to be supportive of the President and his team of experts, and nonpartisan because this is a nonpartisan issue. I am just appalled that every week there is a new Senator who seems to think he has a lock on all of the intelligence that we need to fight terrorism.

I feel real strongly that this House bill gives the President and future presidents, Democrat or Republican, the flexibility they need to secure not just the airways, but all modes of transportation in America. I thank the gentleman.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for participating. I think he makes an excellent point.

The President has said that the Senate bill has problems in it, and we have been talking about some of those problems. One of the problems is, it says there is just one way to do this. The President has said, no, he thinks there are multiple ways to do it. No less than the Washington Post, not exactly an arch right-wing organization, has said, yes, the House bill is a reasonable bill and it would do the job. We just need to get it passed.

I also commend the gentleman for pointing out that as sad as the debate tomorrow will be on the issue of partisanship and one side attacking the other side, saying that because we do not support the Senate bill it is because we are partisan or we are Republican or we love the companies that are currently doing the job, which is rather ridiculous, this really is not a partisan issue. This is about how we make our skies as safe as possible.

On that point, one of the arguments that has been made over here is that we really cannot ever delegate this kind of responsibility to anything other than Federal law enforcement personnel. Well, I came to the United States Congress having in a past life been a member of the Arizona attorney general's office. I spent my life in law enforcement, and my dad was a deputy sheriff before that.

I will tell my colleagues that I do not know many law enforcement personnel who believe standing in front of a screen looking at whether the image inside there reflects a knife or a gun or something is necessarily a law enforcement function, and certainly they do not think that as law enforcement officers, they want to spend their days saying, would you please empty your pockets of change and will you take your laptop out of your briefcase and put it on the shelf, the notion that every person at a checkpoint who says to you, will you please take out your laptop or the change out of your pockets has to be a law enforcement officer.

But on this point of whether or not some of these functions could be performed by a mix of law enforcement personnel and contract personnel who are not Federal law enforcement personnel, I think there is some precedence. I am glad we are joined by the gentleman from Illinois (Mr. KIRK), and I would like to yield to him to address that specific issue.

Mr. KIRK. Mr. Speaker, I thank the gentleman. I would also like to thank the gentleman from South Dakota (Mr. THUNE) for pointing out the difference between the House bill and the Senate bill in treating airports differently.

I represent a district which largely uses O'Hare. We are going to have the highest technical level of security. But we are a feeder airport, and if passengers arriving at O'Hare are coming from rural airports that are not protected, then we are not protected. So his point is exactly right, that the Senate bill does not offer the level of protection that the House bill does.

We want to federalize airport security, but not rigidly nationalize the system. I must note that all 19 hijackers of the September 11 attack were admitted to the United States by Federal workers. While most Federal workers are hard-working, idealistic Americans, their status as civil servants does not guarantee safety in our skies. We must do better. We need an airport security bill in this Congress; we cannot accept the current status quo.

I would note that 90 percent of the screeners at Dulles Airport were not American citizens. Some of the screeners in our country who let terrorists aboard were illegal aliens.

Our bill would replace those screeners with American citizens, and we stand for the basic principle that U.S. citizens should protect U.S. citizens at U.S. airports.

Our bill also requires that all screeners be deputized, Federal transportation security agents. They will have a common uniform, badge, and arrest powers. Their mission will be clear: As Federal transportation security agents, they will ensure that when we fly, we fly safe.

We want these agents to have arrest powers under rules in which they are highly paid and trained. Our models for such security arrangements are two: Israel's El Al Airlines and the U.S. Marshals' Court Security Officer Program.

With regard to El Al, El Al Airlines has operated under a 30-year threat from terrorism. The combined El Al team has defeated attempts by the PLO, the PFLB, Black September and Hezbollah to hijack Israeli airlines. El Al has evolved into a public-private partnership, and its partners in the Israeli Government, as well as its contractors, Israeli Security Agency and Mossad, have formed a team that has defeated all terrorist attacks in the past. I will note that Mossad regularly tries to screen weapons and explosives aboard Israeli aircraft to test the screeners, and if those screeners fail, they are discharged.

Similarly, let us look at a U.S. program, the U.S. Marshals' Court Security Officer Program. This program started in 1983 and currently employs over 3,000 court security officers. They are privately contracted employees, but they are recruited exclusively with 3 years' minimum police experience. Unlike the current airport screeners that failed us, these court security officers are paid $16 to $24 an hour. Their mission is to protect judges, witnesses, juries, prosecutors, and courthouses.

In the courtrooms they face a daunting security threat, a much higher threat, I would note, than what screeners face at airports, and we can think of who would come to a Federal courtroom: mobsters, terrorists, drug gangs, mass murderers. But these court security officers perform their function and perform it well with one key difference between them and civil servants. Court security officers can be discharged immediately for allowing weapons and explosives into a courtroom.

We provide for all screeners in our bill to be U.S. citizens and to be deputized Federal transportation security agents. We give them standards, supervision, and training, but we do not protect them from their own criminal activity or incompetence. Worse than having no screener is a screener who has job protection that would allow him to permit weapons to kill more Americans aboard an aircraft.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to insert into his remarks actually a direct quote from Frank Durinckx, the director of the Belgium Aviation Inspectorate, and he is the guy in Belgium who oversees their security. He says, "It is harder to do quality control on our own government people." And the reason he said that is, government agencies do not like to criticize themselves or one another, and civil servants are hard to get rid of if they are not performing.

He goes on to say, "If we give the work to a private contractor, we have control over them. If we are not pleased with the screener, we can withdraw his license. If we are not pleased with a company, we can get rid of a company."

That is exactly what the gentleman is saying. It gives the United States far more flexibility, and this is security we are talking about. This is not politics, this is not creating jobs; this is a security program.

So I appreciate the gentleman for letting me stick that into his comments, but I thought it was very relevant.

Mr. KIRK. Mr. Speaker, I thank the gentleman.

I will note that European security officials have started out exclusively with public employees, but they have modified their structure into a public-private partnership, so that now 31 of 35 European airports are this public-private partnership, to ensure the quality of the screening personnel. This was a mixture that allowed them to defeat terrorist threats from the Bader-Meinhof Gang, the Red Brigades, the ELP and the IRA, and it has been a very effective tool used by both our European and Israeli allies.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, what is so relevant to this is that we are not alone in this. We do not have to go out and invent something, we just need to follow the model in Europe and in Israel and in Ireland, because they have been living with terrorist threats for 20, maybe, years, or even 30 years. So we have a tried and true method. It is not speculation. They do know because they have experimented.

Mr. KIRK. Mr. Speaker, I thank the gentleman. I will note that it has been 25 years since an Israeli aircraft has been successfully attacked.

Mr. SHADEGG. Mr. Speaker, reclaiming my time just a moment, if I might, maybe the gentleman would want to refer to these charts, because they make the point he is making.

This is the private-public partnership that is in place in Europe. If we look at this chart, we will see that it shows the countries that have switched to, instead of a 100 percent government employee operation, to a mix of government supervision and training, but with some private-sector employees actually doing some of the work. It began in, I believe, 1982, and if we look at the dates on here, it shows the dates on which all of these countries switched to that private-public partnership.

This is a second chart that kind of follows on to that, and it shows the mix of what we have. That is, for example, this is the number of private-sector employees and the number of public-sector employees in each of those locations. So we look at this and we see that in Norway necessity has 150 private-sector employees supervised by 20 public-sector employees, and in various other countries, across the map we can look at that in Brussels, it is 700 private-sector employees supervised by 50 public-sector employees. It illustrates precisely the points that the gentleman has been making.

Then I think he was just about to talk about what the effect of that was going to be. This shows the trend beginning in 1982 of how they went to this private mix, and I think the last point, maybe I will let the gentleman discuss this chart, which I hope he has seen, which shows what is happening. The gentleman was about to say it has been quite some time since there has been a hijacking in Israel which uses this kind of mix.

Mr. KIRK. Mr. Speaker, it is. I was very honored to be able to contact Israel's Ambassador David Ivry who dispatched a team from Israel to brief the Congress and the Committee on Transportation and Infrastructure in particular on this.

□ 1915

We had six to nine Members there, about 70 staffers. We looked at not just the screening problem, but they took the airport security problem as layers of an onion. Each layer had to work. Transportation security, El Al, had to be able to task Mossad with tasks to collect foreign intelligence. We had to take care of the tarmac, the ramp, the gates, and then the aircraft itself.

Mr. Speaker, this is a life or death function. We need to be able to discharge screeners who allow weapons aboard the aircraft. We have the models. We have looked at El Al. We looked at the Marshal Court Security Officer Program, and we have learned the lessons of security that have worked well against Hezbollah, the PFLP, the El Rukin drug gangs and the Mafia.

Our bill ensures highly trained professionals with a badge will protect us, but also that their supervisor will have the power to be able to replace screeners who fail us in this life or death mission.

I will also note that our bill makes one other change. In the chairman's amendment we have a deadline that by December, 2003, all baggage will be screened. The Secretary of Transportation has focused particular attention on the government's deployment of the CTx 550 machines that will enable us to reach our goal of having all the baggage entering not just the passenger compartment but also the cargo hold to be screened for weapons and explosives. That gives us the critical edge in security that this bill would provide.

I thank the gentleman for organizing this special order.

Mr. SHADEGG. Mr. Speaker, let me just ask the gentleman a couple different points to make sure I understand this.

This screening requirement for baggage says all baggage must be screened by December 2003. That is currently not being done. I heard our colleagues on the other side railing about the fact that that is not currently being done, but if I am not correct, and I would yield to the gentleman to answer this, that requirement that 100 percent be screened by December 2003 is nowhere in the Senate bill whatsoever, is it?

Mr. KIRK. Correct. In fact, this bill will give us a security system that is even stronger than Israel's. Even El Al at this time does not screen all baggage that enters the cargo hold for weapons and explosives. But under the House Republican bill, we have a deadline of December 2003 that, when using the CTx 550 and other technologies, all bags will be screened. That will give us the world's highest level of security standard.

Mr. SHADEGG. That requirement is not in the Senate bill, which we are going to be urged to pass?

Mr. KIRK. It is not.

Mr. SHADEGG. The gentleman referred to the requirement that all screeners be U.S. citizens. Is that in the Senate bill we are going to be asked to pass tomorrow?

Mr. KIRK. That is, but that is a critical difference from the current status quo, which we are against. Over half of all the screeners in the United States are not American citizens. Over 90 percent of the screeners at Dulles were not American citizens. In fact, prior to the September 11 attack, the Department of Transportation Inspector General was leading an investigation of illegal aliens who were serving as airport screeners.

All of this will come to a stop under our bill.

Mr. SHADEGG. So when somebody attacks the current system in the debate later tonight or tomorrow and says, well, the other side, our side, the House Committee on Transportation and Infrastructure majority side wants to retain the current system, on that point they would be dead wrong and that argument would be unfair, would it not?

Mr. KIRK. No. Well over half of the 20,000 screeners, by the terms of our bill, would automatically be discharged from their duties because they are not American citizens. We would have to upgrade to the new system under regulations and supervision by the Department of Transportation under the Secretary for Security, and these people would be badged Federal transportation security officers with full arrest powers at the screening site.

Mr. SHADEGG. My understanding is that also there is no requirement in the Senate bill that they have to speak English. Is that correct?

Mr. KIRK. That is correct, as well. We stand for a key principle: that U.S. citizens should protect U.S. citizens at U.S. airports.

There is a critical danger here in the war on terrorism which will take quite some time. The al-Qaeda organization, with its vast network and resources, is able to put sleeper agents into countries who could then take jobs as airport security agents. But I will note of the hijackers, none were American citizens. We would give the flying public that extra level of security by making sure that only people with a U.S. passport can even apply for these jobs.

Mr. SHADEGG. Mr. Speaker, the gentleman made an interesting point. He said none of the hijackers were U.S. citizens. That means that all of the people who got here made it through some government employee, through some government process to get here in the first place. And if mistakes were made, those mistakes were made by government employees.

Now I am a fan of government employees. I have a lot of great government employees who are personal friends. I do not think because one works for the government one is better or worse. I do not think if one's paycheck comes from the government, as mine does, one is somehow bestowed with special powers or less than special powers. I think we are all human beings.

But the notion that government employees cannot make mistakes is kind of belied by the fact that a number of the hijackers were here in violation of their visas or had obtained visas falsely, or had otherwise slipped through a system run by government employees already.

Everybody makes mistakes; I certainly do. That is why I think the requirement that we just say, oh, well, everything must be done by a government employee and that is the sine qua non really kind of misses the boat.

To that point, I just want to reemphasize something the gentleman said. This Marshals Court Service or Court Security Program, those individuals are in fact private sector employees; is that what I understand the gentleman to say?

Mr. KIRK. Yes. They are badged, uniformed, armed deputized U.S. Marshals.

Mr. SHADEGG. So the notion that we have never delegated this kind of authority to anyone other than a Federal employee is simply wrong?

Mr. KIRK. Correct. And there is another thing. In the current airport security program, turnover can reach 400 percent, but in the U.S. Marshal Court Security Officer Program, turnover is less than any normal civilian, 4 percent. So we have a stable, highly-trained force with law enforcement experience that protects that critical Federal courtroom where many criminals are asked to come. That is delegated to deputized Federal agents.

Mr. SHADEGG. An even perhaps more dangerous environment than otherwise.

We are joined by our colleague, the gentlewoman from Pennsylvania (Ms. HART). I would hope she would join in this debate and express her concerns on this issue.

Mr. Speaker, I yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank the gentleman for yielding to me. It is an honor to be here.

I want to add something that the gentleman from Illinois had said regarding the issue of technology. The fact that currently not all baggage is screened is a serious problem, but it is the way it is now. The fact that the House bill would require all baggage to be screened by a date certain is extremely important.

But beyond that, one of the reasons that I think it is important that we maintain this mix of public and private involvement in the actual security is that we will encourage competition among those firms that wish to participate.

I had a discussion in my district just last week with a gentleman who is the chairman of a company that produces high-technology optical devices and x-ray devices. I had spoken with him about what they use those x-ray devices for now. He said that some of it is comparable to the kinds of things we will need in baggage screening down the road.

The more advanced optics of a company like this, every time we have competition and opportunity for a better product, it is going to only make us safer and everyone who flies safer.

So I am pleased to join in the discussion with my colleagues, and I am pleased that the gentleman allowed me some time.

I did want to shed some light on some of the issue of really why we are here in the first place. I am from Pittsburgh. The area that I represent is a hub. We have a lot of people who not only work for the airlines, but who live there because they fly often as a matter of their daily life, for their living, to support their families.

This issue is, yes, about the things we have been discussing tonight. It is about why our plan is better. But the ultimate concern and what we are looking to address is the safety of the American public.

Our interest, and the reason that we have spent this hour with America tonight, is to explain why what we are doing is better. It would certainly be much easier for us to take the path of least resistance and to support the bill that passed the Senate, but we know it is not the best we can do.

That is why we are here. It has to do with safety, it has to do with concern for those people who fly every day as a matter of their living, for their families; and those people who want to take a vacation and fly on a plane; and also those on the ground who, as we saw on September 11, could all too easily be harmed or killed as a result of bad screening and bad safety precautions.

Mr. Speaker, one of the things I want to talk about regarding that that is so much superior in the bill that the House has produced is the mobilization of the new security system. We all know as Federal Government employees how long it takes to get a new system up and running. If the Federal Government wants to start a new system that is completely federalized, it will take a while.

Our goal is efficiency. Our goal is delivering that safety, conveying that safety to the public as soon as possible and have it be as safe as possible.

Having a new Federal bureaucracy put into place and forcing that whole thing, with every employee to be a Federal employee, will take much longer than mobilizing a brand new system, yes, a brand new system, but with people who are highly trained, a combination of Federal, law enforcement people, Federal security people, and people in the private sector who do this, who compete with each other to do the best job. Otherwise they will not get the contract. That can be put into place much more quickly.

In my opinion, the mobilization of the system is paramount, and we need to support the House bill, because it will get us there sooner.

The House bill is also very organized. The way the system will work is so much better. It creates a new Transportation Security Administration within the Department of Transportation, because this is all about transportation. It is not just airplanes, it is also trains, it is other public modes of transportation that we need to keep safe.

So there will be within the Federal Government under our bill, but not under the Senate bill, this center, this brain center of security. It is important for us to have that, because that will provide for us someone to go to, the accountability that we need to be secure that we will be safe.

Mr. SHADEGG. Reclaiming my time for just a moment on that point, Mr. Speaker, as I am sure the gentlewoman is aware, the Senate bill is very confusing on that issue. It says that overall transportation safety goes to a Deputy Secretary of Transportation, but says that airline safety or airline security goes to the Attorney General, and it fails to sort out who has the ultimate authority.

It seems to me that is a serious problem with the Senate bill, and I think the gentlewoman has said it quite well, that the Senate bill, although a good bill and well-intended with some good provisions, is not the best we can do. We can improve upon it in this body.

I would be happy to continue to yield.

Ms. HART. I think that is why we have a bicameral legislature. The Senate did a very good job and did it first, and usually, doing it first, you take a risk that someone will look at the bill and find things that can be done better. That is what we have done.

The gentleman's point about the Department of Justice having some authority and the Department of Transportation having some authority is actually extremely important, because if we do not know who to go to to be ultimately accountable for the security on our transportation system, on our planes, on our trains, then we will not be able to enforce it, and enforcement is going to be extremely important.

The other issue I wanted to touch on quickly was that we do get the best of both worlds by having a system. I mentioned earlier about competition. When we have the opportunity to bring in specialists from the private sector and have them offer their professionalism to us as a Federal agency, I think we will get the best of both worlds.

Again, as I said, our concern is ultimately the safety of every passenger. In order to get that, I think we need to bring in a mix of the finest we have to offer: Federal agents and private specialists.

Mr. SHADEGG. Mr. Speaker, I want to thank the gentlewoman for participating. We are about down to the last minute-and-a-half. I would kind of like to summarize.

I think she makes the point very, very well. The reality, as the gentlewoman said, is that at the end of the day this is not a partisan debate. This is not Republican and it is not Democrat. There is not a Republican or Democrat way to make our skies safe.

But it is a very, very serious debate. I think the gentlewoman has said it well, and I appreciate her and all of my other colleagues who have joined us tonight. Our number one concern and the challenge before us in this debate is to create the safest and most secure aviation system in the world, and we can do that.

There are many, many good things in the Senate bill. It has many good pieces, and I commend the people who wrote it. I think they did a great job, and much of it is in the House bill. If we go to conference, much of it can be put into the House bill.

But the question tomorrow is, should we just pass the Senate bill, or should we look at where it is flawed? And sadly, I am afraid that the debate tomorrow is going to sink into some partisanship, with some people saying, well, it is just House leaders that do not want a new system.

As we said earlier, and we began this debate and I want to end this debate by making this point, the demagoguery and the rhetoric we will hear on this debate on the floor here tomorrow saying that the current system is what we are trying to perpetuate could not be further from wrong. It is absolutely wrong.

Under that current system, airlines hire private companies to do the job. Under the House bill, the Committee on Transportation and Infrastructure bill, that authority is given to the Federal Government, to Federal law enforcement officials who are at every single gate and every single checkpoint and who have total responsibility.

□ 1930

But there are serious, very, very serious flaws in the Senate bill. It gives different responsibilities to two different airports and says we are going to treat the big and the small differently. It has vague language on accountability.

We owe it to the American people to conscientiously legislate and to create the best possible legislation. That is what we will be arguing for here tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3150, SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

Mr. REYNOLDS (during special order of Mr. SHADEGG) from the Committee on Rules, submitted a privileged report (Rept. No. 107–264) on the resolution (H. Res. 274) providing for consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I am pleased to be able to join in extension of remarks that were made earlier this evening by many in the Women's Caucus to stand to speak out this evening against domestic violence and I am graciously thanking my colleague, the gentleman from New Jersey (Mr. PALLONE) for yielding time for me to enter into this dialogue with my other colleagues earlier this evening. I thank the gentleman for yielding that time to me as well.

October is Domestic Violence Awareness Month. This is the last day of that month. It is a time when battered women's advocates, policy makers and grassroots activists across this Nation focus the public's attention on the insidious epidemic of domestic violence. Of course, we can call attention to this fact and these matters in October. The challenge is before us every single day of the year.

In the United States alone, nearly one-third of American women report being physically or sexually abused by a husband or a boyfriend at some point in their lives. For this reason I am introducing legislation which would provide women of all ages and backgrounds with preventive services such as domestic violence screening and treatment. With a simple screening test that can be administered by any health care provider such as a personal health provider, a doctor, a clinic, an emergency room provider, red flags and signals can be given and referrals can be made which can pick up more instances and get people into prevention and treatment much earlier.

I believe that it is vital that we begin to educate young women and men in an effort to prevent the incidence of domestic violence and to curb its devastating effects.

Not surprisingly, current Department of Justice statistics indicate that women in their high school years to their mid-twenties are nearly three times as vulnerable to attack by husband or boyfriend or former partner as those in any other age group. So we must keep in mind that domestic violence has ramifications for more than just those parties who are involved. It affects every family, every workplace and every community.

For these reasons it is essential that we all play a role in combatting the prevalence of this epidemic. If we can take responsibility and action, we can prevent this criminal act from occurring. Action can be as simple as contributing money or clothing to a local battered women's shelter, volunteering time to a program that aids victims of abuse, talking to a child or to a classroom about relationship violence, posting awareness materials in public places.

I stand here this evening in recognition and to honor the many people in my community on the central coast of California who work diligently each day staffing shelters, raising funds to keep the shelters going, working to develop materials within nonprofit groups that serve young women, Girl Scouts and Girls Clubs and Boys Clubs entering our school places and working with classroom teachers to create a climate of awareness and acceptance and referral possibilities.

This is diligent work that goes on day in and day out in my community and across this Nation. This is the way we will get to the heart of the matter and the way we can hope for raising a generation of young people who can speak out against violence, can learn alternative ways of conflict resolution and protecting themselves and their friend and others, and that we can hope for a time when domestic violence will be a thing of the past.

At the close of this month, we must remember that each citizen has a duty to help end domestic violence, not only nationally but also globally, and we think and are mindful of the Afghan women who are now subjected to the Taliban regime for whom this is an ever-present part of their lives.

But our work does not stop today on the last day of October. We must continue to work diligently every day, every hour and every minute to put an end to domestic violence and all violence against women.

VIOLENCE AGAINST AFGHAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding.

This morning a very important development occurred in the work of the world to build toward a post-Taliban regime in Afghanistan that will be democratic. A group of Afghan women asked to be included in talks concerning a new democratic government in Afghanistan.

Women are the oppressed people of Afghanistan. There can be no freedom there if the United Nations and the United States do not yield to this plea of Afghan women.

I believe I know what segregation, racial segregation is because I grew up in the segregated District of Columbia. I believe I know what racial apartheid was in South Africa. I was one of the first four people to go into the embassy which led to many people being arrested and finally sanctions and the end of apartheid.

But what we are seeing in Afghanistan is something I have never seen up close before. It is gender apartheid. That is very different from gender inequality which is, of course, universal. Gender apartheid as we are seeing in Afghanistan is much like the stigmatization we saw in Nazi Germany or to slavery. Indeed, the women in Afghanistan have been essentially converted into slaves. All the elements of slavery are there. They cannot work. They cannot go to school. They cannot go to universities. They cannot even leave home except in the company of a man. It has become shameful to be a woman. You are covered from head to toe, not just your face and head as so many religions require, but every part of you. It is shameful to be seen as a woman.

All the physical aspects of slavery are there, public flogging, selling into prostitution, women taken by commanders as wives, killing, indeed, for those who violate Taliban decrees.

What makes this especially tragic in Afghanistan is that pre-Taliban, in some way Afghan women were more advanced than women in most advanced countries. Half of the university students were women, 40 percent of the doctors, half the health care workers, 70 percent of the teachers. All that is gone. That is all merit and hard work brought down.

The Afghan Constitution guaranteed freedom and equality to women, as our Constitution does not explicitly. That was suspended in 1992. Now, 75 percent of the refugees are women and children.

I am not surprised that a regime propped by people who use planes as missiles to take down innocent people would treat their own women as chattel. I would be surprised, I would be very disappointed and I do not believe we can let happen if our government does not insist that the liberation of

Afghanistan must include the liberation of its women. Any future government talks must have the women of Afghanistan at the table.

AVIATION SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I may be joined by other colleagues. I am not sure at this point. This evening I wanted to talk about the issue of aviation security in the aftermath of the tragedies of September 11, and I must say that in many ways I would like to start out by responding to the special order given by some of my Republican colleagues just a few minutes ago.

I want to express my disappointment in what they said, and basically almost emotionally if I could explain why I am so disappointed in the statements that were made by some of my Republican colleagues just a few minutes ago.

In my district in New Jersey, I represent right now two counties. We had about 150 victims of the World Trade Center who died. We have been to a lot of funerals. We have been to a lot of vigils. We have been to a lot of services over the last 2 months or so. I have to say my constituents really have lost patience. They no longer believe that this House of Representatives is going to do anything effectively on the issue of airport security. They wonder why we are even debating this issue tonight and why this issue was not disposed of within a week or two of those tragedies.

It is now October 31, about a month and a half since September 11. In fact, it is about 2 or 3 weeks I believe since the Senate took action on the bill that my Republican colleagues have been criticizing, and I would ask initially this evening as I begin, why have we waited? If they do not like the Senate bill, why did not they bring up a bill in the House the next day, 2 or 3 weeks ago, to address this problem? Why have they waited for a month and a half to even address the issue? I sincerely doubt their willingness to address the issue of airport security.

I believe that what they are doing now, what the House Republican leadership is doing now in bringing up this bill tomorrow is nothing but a ruse. I do not think that they want to change the status quo at all. I believe that they like the status quo, and I believe that the reason they are not bringing up the Senate bill tomorrow and they are bringing up a new House Republican bill is because they hope that they can pass that bill on a partisan vote, send it to conference, and because it disagrees significantly from the Senate bill, they will simply kill any legislative initiative to try to address the airport security issue, and as a consequence, those corporate interests, those airline interests that do not want to see any changes in the status quo will triumph. That is what is going on here.

No one can tell me that this House of Representatives cannot act quickly in the aftermath of the type of tragedy that we had on September 11. No one can tell me that if the Senate bill passed 2 or 3 weeks ago that we could not have passed a bill within a few days of that.

What is happening now is that the momentum is building in my State and around the country where people are outraged over the fact that we have not taken action on this measure, and the Republican leadership knows that the public wants something like what passed in the other body, like the Senate bill, and that they want a Federal workforce and that they do not like the status quo.

So now the Republican leadership in the House feels that they have to bring up something, even a fig leaf. So they will schedule a vote tomorrow and they will start a debate, knowing full well that once that bill passes, it will go to conference and nothing will happen and the status quo will continue.

I heard some of my Republican colleagues talk about the fact that they do not like Federal workforces. I do not really care whether they like or do not like Federal workforces. I mean they can stand up here and they can talk about whether they like the Postal Service or they think it should be privatized, whether they like the Border Patrol or they think it should be privatized, whether they like the Customs Service or they think it should be privatized. The bottom line is that we know that whatever system, and in this case a private corporate system that was in place on September 11, failed, and it failed miserably.

The fact of the matter is that it has not changed. I have my constituents come to my town meetings. Because I am not very far from Newark airport, we are maybe half an hour away, if not maybe less, and they tell me when they go to the airport nothing really has changed. Their baggage is not being screened. They are able to get through with devices to bypass the screening machines, and they are very, very disappointed in the quality of the workforce.

I heard my colleagues say that they do not like the existing workforce. Well, the existing workforce is a private workforce that is put in place by the airlines, and there is no way in the world that we are going to create competition and create some sort of private enterprise system that is going to correct it. There is no money available.

I heard one of my colleagues say, well, maybe they should be paid $16 an hour, they are only being paid minimum wage, maybe they should be paid $16 an hour. Is he going to mandate in the legislation that they get paid $16 an hour? The problem we have now is that the airlines, many of them, are bankrupt. Many are in very bad shape. They have no incentive to go out and hire people and pay them a living wage. They have no incentive to do the type of training that would be effective.

□ 1945

And the people who are manning these screening devices do not have any esprit de corps. They do not have pride in what they do.

If my colleagues were to go to Newark Airport, they could go to the screening device and look a few feet away and see some of the fast food restaurants. Some of the people working in the fast food restaurants are being paid more than the people manning the screening devices. Why should they have any more pride in what they do if they are not getting properly paid and they have no benefits? They are not going to have pride in what they do.

One of my Republican colleagues said, well, 80 or 90 percent of them are not even U.S. citizens. What do my colleagues expect? Should we expect that U.S. citizens are going to take minimum wage jobs under the conditions they have to work with these screening machines? Of course not.

The only way that we can do anything is if we make a radical change. And I say "radical" because I understand that putting together a Federal work force something like the Customs Service or the Post Office or the Border Patrol, I understand that is a radical change from what we have now, but I do not have a problem with it. Not because ideologically I think a Federal work force is superior, but just because I know the current system does not work and we cannot just tweak it.

One of my Republican colleagues said, well, we will make sure that at every entrance to the airport there is a Federal employee, but I do not want the people manning the screening devices to be Federal employees. What are we afraid of? Is it some sort of ideological nonsense or something in my colleagues' minds that somehow this is socialism or communism or something? I just do not understand it. I just think that this is a practical problem that needs a practical solution and that we cannot wait for some tweaking of the system when we know that we have to do something dramatic to change it because the status quo is currently not working.

I just wanted to mention, if I could, a few talking points about the Senate bill. I call it the House Democratic Aviation Security Bill, which I understand will be the alternative tomorrow, the substitute, that hopefully we will be allowed to vote on in lieu of this House Republican bill.

If I could just talk about this bill, first of all, understand that this passed the Senate, the other body, 100 to nothing. In the other body they were not being partisan. There were a lot of people in the other body, in the Senate, who are very right-wing ideologically, but they were willing to join together, Democrat and Republican, 100 to nothing, unanimously, to say that we need to make some major changes, we need to have a Federal work force, we need to create a new body of people that are going to screen and do the security and who will take pride in what they do.

I do not understand why if the other body, the Senate, could eliminate all the ideology and do something on a bipartisan basis, why the House Republican leadership cannot do the same here.

The Senate bill, and now the House Democratic alternative, ensures that Federal security personnel screen and check all individuals and baggage before boarding a plane. Specifically, the bill federalizes all security screening functions at the 140 busiest airports to ensure a professional, well-trained and well-qualified air security law enforcement force.

Now, some of my Republican colleagues said, well, why are we only dealing with 140 of the busiest airports? For over 250 smaller airports the legislation would allow the Justice Department the flexibility to use Federal law enforcement personnel or State and local law enforcement under strict Federal oversight as screeners. My colleagues said, that is not fair, we have different systems, different standards for the larger airports than the smaller airports. I think the reason is basically recognizing the fact that the smaller airports do not have, maybe, the same responsibilities.

But if my colleagues on the Republican side do not like the two-tiered system, then let us federalize everyone. Let us not say that because the Senate bill does not allow the smaller airports to have a Federal corps of employees that we should not have them for any of them. I think the answer is, if there is strong objection to a two-tiered system, make them have Federal law enforcement officers at all of the airports, small and large combined.

What we are trying to do, and I want everyone to understand this, what we are trying to do with this Federal security screening work force is to ensure that the security screeners are more highly paid, rather than continuing the practice of private contractors hiring personnel at minimum wage basically. Experts, including the General Accounting Office, the Federal Aviation Administration, the Transportation Department have all indicated that low wages and high turnover are the major problems in aviation security.

Under the bill, under the Democratic alternative, the Senate bill, screener applicants would be required to pass a rigorous selection examination and complete classroom and on-the-job training. It also gives the government flexibility to suspend or terminate underperforming employees.

Under the Democratic alternative, there is a mandate that all checked baggage be screened by explosive detection equipment. We require screening of all persons, vehicles and other equipment entering secure areas, including catering and other companies with access to secure areas. All current air carrier, airport and screening personnel have to submit to background checks and criminal history record checks.

There are many other things that we do, and I would like to go into some of them, but I see that one of my colleagues is here, and I know that he is very interested and has been involved in this issue, so I would like to yield now to the gentleman from Texas.

Mr. RODRIGUEZ. I thank my colleague for yielding to me and for being here tonight. I know it is late tonight and the gentleman is working out here making things happen for our communities, and I know this issue is a key issue.

Aviation security is a national security issue, and it is something that we need to take a look at from that perspective. The current system is broken, and we do have a lot of problems with it and we need to begin to do a lot of things. This bill brings it in that direction, begins to open it up, begins to look at one of the key problems that we have, and that is that we have in the past privatized some of the inspection efforts.

As the gentleman well knows, some of the companies have not done a good job of hiring people. They have not been doing background checks, and their turnover rates in some cases are over 400 percent because of the fact that they pay very low wages. So there is a real need for us to get professionals there. Just like in law enforcement, we want people that are well-educated, that are professionals, and we should have nothing less to make sure that we secure the airports.

When we look at the security of our President and the security of our Nation, we would not even consider privatizing that. So when we look at securing our airports and the public, we should consider nothing less than the most important thing, and that is to make sure we provide the best in security.

When we talk about privatization, yes, sometimes things are improved upon. Private companies might do a lot of things a lot better. But with time, one of the basic principles about that system is that it is a for-profit system, so sometimes they will start cutting corners to make a profit. So when we look at that issue, I think it is important that we federalize our screeners and we make them part of the system.

We have great professionals at Customs; these people check baggage, and I can share a couple of incidents. We caught a terrorist on the Mexican border because, as they were crossing back into Mexico, one of the persons was just asked where he was headed, and the individual hesitated in terms of responding. That was a clue that there was something wrong. These people that are professionals are able to catch them, and that is what we need to do.

We are hoping that we do not politicize this bill, that we do the right thing on behalf of all the people in America, which would be to federalize those workers. I know that the Senate, 100 percent of them, voted for it. I know Senator HUTCHINSON, Senator GRAMM from Texas, both Republicans, supported it, and I am hoping that we can pass it out of the House.

It has been almost 7 weeks since September 11. We need to move forward on this and hopefully make this happen, because we have a lot of work, as the gentleman well knows, that we still need to do in a lot of other areas where we still feel very uncomfortable.

And I just want to thank the entire Nation as a whole, because I know we have come together after this incident. This is a war that we have to win and this is a war that we have no other choice but to go forward with and make sure that we pull it off. I know that we can, but we have to continue to work together; and one of the first things we have to do, as we all know, is secure our borders. We need to secure our borders. Airport security is part of that effort.

There still are a lot of other efforts. I know we filed, as Democrats, other pieces of legislation on bioterrorism that talk about making sure that we have those first response teams also. That is also extremely critical. Throughout this country a lot of our towns and cities and communities are having a lot of difficulty. Some might not have as many qualified as they should to do that first response, but that will be very important, that we provide those resources.

So we need to look at that piece of legislation that is very comprehensive, that looks at our borders and at a lot of our agencies.

As we move forward, there will be a variety of other pieces of legislation, and I want to thank the constituents out there because they have been providing us with ideas as to what we need to do and not do. Most of these ideas have come from back home, our constituents, who have the answers to a lot of these questions.

As we move forward, we are hoping that we can come to grips with this. Yes, a lot of it is trial and error. We have never been in this kind of situation before. But I know that we can begin to solve these problems and, working together, we can make some good things happen.

I am looking forward to pushing forward on this particular piece of legislation on aviation, on national security at our airports, because this will be one bill that would allow that sense of security. We still have a lot more, but it is definitely going to be helpful in moving in that direction.

We also need to do a lot when it comes to our infrastructure. I know the GAO just came out with a major report talking about our bases throughout this country and the fact that a lot of them are vulnerable. We have started in that area. We need a lot of resources to make sure from an infrastructure perspective there are safeguards at all our bases, not to mention our facilities and where people meet.

There have been a lot of comments from people as to, what can I do, what is the best thing that we can do; and I would just say, educate yourself. Let us continue to move forward. It has been an educational process for all of us. I think that we need to learn how to act and be able to react appropriately to certain crises and certain things that occur. Part of that is doing the right thing, and the right thing is making sure that we have good, qualified people and that we just do not go to the lowest bid when it comes to our security people in the airports. So I am hoping that we will be able to pass that legislation.

And once again I want to thank the gentleman for allowing me to be here with him tonight.

Mr. PALLONE. I thank my colleague from Texas.

When the gentleman started off and he was talking about the federalization of the work force, he made me think about my Republican colleagues that were here for the first hour tonight. I was wondering, if we proposed that the Capitol Police, for example, if they should be privatized, whether they would support that.

It is sort of ironic, because here we are and we are protected by a Capitol Police force. They are not contracted out. We know that there is a certain pride that we see with the Capitol Police officers. My colleagues have no problem with the force here that is federalized, but they do not want to see it for the average person at the airports.

Mr. RODRIGUEZ. I apologize for interrupting, but our leadership here is also protected by Federal workers. Our President is protected by the Secret Service that are Federal workers. We should not expect any less when it comes to our airports. It is a national security issue. It should require Federal workers that are well-trained, well-equipped and well-paid to make sure they do the right thing.

And I was told, well, what about if they make a mistake; we are not going to fire them. We have made some stipulations on that. If they are not doing their work, they are going to get fired. So it is important for us to move forward on that versus what we have right now, which is a shambles, a 400 percent turnover.

And by the way, 82 percent of the people, based on what the Washington Post says, say that they want Federal workers there making sure they check our baggage and making sure they check on people as they move forward.

So I think if we expect that for our President, and we should expect the best, then we should expect it for our public and for our airports throughout this country. So I am hoping we can make that happen. And I am optimistic that we will get a lot of Republicans like we have on the Senate side where we got over 49 Republicans to vote with us.

Mr. PALLONE. I want to thank the gentleman again for his comments, and I want to now yield to the gentlewoman from Florida.

Ms. BROWN of Florida. First of all, I want to commend the gentleman for his leadership on this matter. I really stand with my colleague and all of the people from his area, all those families, who after 9–11 their lives will never be the same.

I hope the gentleman will take a look that I have on black and orange for Halloween. This is October 31. But, my colleague, we might be in for another trick tomorrow. Tomorrow, the House leadership may not bring up the aviation security bill after all.

□ 2000

Would that not be a horrible trick on the people of the United States?

After September 11 we all pulled together to stand by this country and to make sure that we moved forward together with one voice. I cannot believe that 7 weeks after September 11 we have not had an opportunity to vote on an aviation bill. When we were passing the airline bailout bill, I told my colleagues then that we should have included airline security in that bill. We should have made sure, as the airlines were getting $15 billion and not a dime for the workers, and to this date not a dime for the workers.

In addition to that, I have not heard anything about those schools that train pilots. As we speak here on the floor, there are aviation schools training pilots today, terrorists, today. Mr. Speaker, I cannot believe that people can walk into a school and give $25,000 cash, and they will train pilots: for what? It is ironic that one of the planes that went down in Pennsylvania on September 11, that the people on that plane pulled together. They took a vote and they voted that they were going to stop this plane and those people. They are heroes.

Here we are in the House of Representatives, the people's House, 7 weeks after September 11, and we have not had a vote. We have not had a discussion on the floor. The Senate on a bipartisan vote of 100 to zero passed the bill. We need to take up that bill and pass that bill. By tomorrow afternoon that bill can be on the President's desk. He can sign it and we can move on to other things.

Aviation security is just one area that we need to work on. We also need to work on port security, rail security, bus security. We need to change the way we do business in this country. The economic stimulus package which passed this House, the same old big dogs were eating. Nothing in there for all of the areas of security that we need to address, like the United States Coast Guard, giving them additional monies to patrol our ports. The list goes on and on.

A lot of people during election times say it does not matter who is in charge. It does matter because if the Democrats were in charge, we would have had an aviation security bill on this floor, and not one person would be delaying and delaying and delaying that bill.

Mr. Speaker, I am outraged that on October 31 we have not yet discussed or debated an aviation security bill and what should be included in the bill. One of the things that should be included is cockpit security. The pilot and the flight attendants all agree that is one of the things that should be included, one of the things. In addition, marshals, U.S. Marshals on all of the planes.

The only question it seems is whether or not the people that screen the luggage should be Federal employees. We have Members here who say they do not like Federal employees; but more than that, they might join the union. They might join the union.

I have something to say, Mr. Speaker. We have been honoring some great Americans, the pilots that went down on September 11, the flight attendants, the police and firefighters, every single one of them were union men and women who were fighting and died for this country on September 11. We have not done one single thing to make sure that does not happen again. I am very disappointed in the leadership of this House. This is the people's House. We should have been first in addressing the needs of the American people.

One of my colleagues said that the big dogs always eat first. A lot of people want to know what do we mean by the big dogs. I am talking about the lobbyists with the money. That is what is driving it. There are some people that want to make sure that the companies that really failed us on September 11, those are the ones that are going to continue to have the business and pay minimum wage. Minimum wage with no training, what do Members expect. America is better than that.

I am hoping tomorrow we will pass an aviation security bill, and that tomorrow evening at this time that bill will be on the way to the President's desk and that we can move forward and look at other security needs in this country. It may not be a perfect bill. I have been here for almost 10 years, and we have never passed a perfect bill; but it is a perfect beginning. Let us pass that Senate bill tomorrow and move forward for the American people.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman, and if I can comment on a few things she said.

I am embarrassed when I have town meetings, and I have had a town meeting almost every weekend, and my district is about a half hour from Newark airport. I talk about aviation security, and they do not want to laugh, but some literally laugh when I talk about what we are going to do. They go to the airport and they witness the same problems that existed before September 11. They cannot imagine how the tragedy of September 11 does not spur us to action.

Ms. BROWN of Florida. Mr. Speaker, some of the changes are just cosmetic. Unless we agree to screen all of the luggage, have background checks and communication between the FBI and CIA and the airport security, it does not work. We need to put a system in place that protects the American people. This is not a game. We talk about bipartisanship. I am for it. I am for it as far as it goes, but that is not what we have. It is my way or nothing at all. That is the rule of the House of Representatives. It matters who is in charge of the House of Representatives. This is the people's House. The people should have an opportunity to put their issues on the floor and have an up-or-down vote.

Mr. PALLONE. Mr. Speaker, the gentlewoman points out so well that if this Senate bill was taken up here tomorrow, if it passed, if the Republican leadership did not do whatever they could to try to prevent it from passing, it would immediately be signed by the President. There is no question about it. Our colleagues this evening were talking about the conference.

Ms. BROWN of Florida. Mr. Speaker, it was disgusting. They were talking about why were we rushing. I would have passed the bill on September 12. Here we are 7 weeks later and we are rushing? I am on the House Committee on Transportation and the Infrastructure. We have not had a discussion, a debate. What we passed out should have been on the floor. But we have the leadership refusing to take up a bill. The Senate passed a bill on October 11, I think.

Mr. PALLONE. It has been several weeks.

Ms. BROWN of Florida. Yes.

Mr. PALLONE. And our Republican colleagues were talking about the conference. It was a foregone conclusion that they were going to conference, which the gentlewoman knows can take weeks.

Ms. BROWN of Florida. We understand who runs the House. People talk about we are working together, but the proof is in the pudding. Let us pass an aviation security bill for the people of the United States.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I have come to the floor tonight because we are in the cusp of a pivotal vote tomorrow. The vote will decide whether to make a full commitment of the United States to a secure and meaningful airline security bill or, at the bidding of some very well-paid lobbyists for some companies who have a large financial stake in this, will adopt a half-baked half-measure, a low-bid proposal that will continue the loophole driven, Swiss cheese, alleged security system we have at the gates of our airports.

I think the choice is that stark. In the last decade the United States has engaged in an experiment. That experiment involved having private companies who sent in their low bids to airlines that were routinely accepted, that as a result got the cheapest employees with the least training, with zero certification under FAA supervision, under the supervision of the Federal Government. That was the experimental system that we have had for the last 10 years.

That experimental system failed on September 11 big time, as someone said. Yet some of our colleagues, the leadership in the Republican Party, because of this fixation of anti-union sentiment, want to continue that failed experiment because the meat and bones of their proposal is this: Let us continue to have private companies with low-bid contracts supervised by the FAA handle security at airports.

Members have to understand that they have dressed this up with a few ribbons, but the proposal is to continue this failed relationship. The reason it is a failed relationship is because of something that is happening tonight as we speak.

The reason that this system has not worked is that every single time the FAA and the U.S. Congress has even talked about having meaningful training and standards for these employees, these employees with million dollar contracts, and to some degree the airlines, have gotten on the phone to the lobbyists and instructed them to go to Capitol Hill and tell Members to lay off. We do not want to spend another dollar on safety. It is going to cut into our profits.

As a result, Congress has not acted. The FAA has not acted, and we have had low bid, no certification, no training, no citizens, no speaking English, felons hired to do this job.

Our friends across the aisle, at least the leadership, want to continue this failed experiment. We are going to get the same result. If we do the same thing time after time, there is no reason to expect anything to change. Tonight we are seeing that same thing happen.

On Halloween, Members are going to hear the kinds of things that one hears on Halloween, but we are also going to hear the sound of arms breaking, because some arm breaking is going on by the Republican leadership. We have Federal employees who are our border guards and our Capitol Hill police, and there is no reason these airport security screeners are not Federal employees. Lobbyists for these low-bid companies are so afraid they are going to lose their contracts they want Members to back off and adopt this half-a-loaf approach.

These companies and their lobbyists, who are asking our friends on the other side of the aisle to vote to continue their failure, they are afraid that they are going to lose their contracts, and they should be. They should lose their contracts and should be out of business. They should be seen as failures. We should not allow the Republican Party, at the largess and the request of their favorite lobbyist, to allow that continued failure.

□ 2015

We should go in there and do what we ought to do.

I have heard that they have said that some of the European countries, that there are some other countries that have some other systems, that have some private employees doing their work. I always kind of thought America was supposed to lead the parade, not follow it. If they pull this off in Lithuania or Germany, fine, but in Germany, apparently the companies cannot come in and tell the government not to enforce safety rules. They have been effective in doing that here, in part because of the effectiveness of their lobby. That is why in this country we need the same kind of safety we have with our border guards, to have government employees to be certified to do this job.

I will mention one other thing before I defer. We have been working, many of us have been working for the last weeks, to try to convince the majority party to have an insistence that the baggage that goes into the belly of an airplane is screened for bombs, because as you know, 90, 95 percent of it is not screened today. Why is it not screened? It is the same thing we talked about. They send the lobbyists down to the FAA and say, we don't want to spend a buck to do this and the FAA has backed off and they have had some of their friends on the other side of the aisle back off. The same thing has happened.

Ms. BROWN of Florida. If the gentleman will yield, is the technology available to screen the luggage?

Mr. INSLEE. Yes. The good news is that these machines are built, many of them are in airports today, but unfortunately the airlines have not turned them on. They stick them in a corner. The U.S. Government spent $400 million 5 years ago for a technology called CTX-5000s; they are machines with a very good success rate of finding explosive devices. Many of the airlines took them, put them in a corner and did not even turn them on, literally. We have finally got them to turn them on, but the problem is, we do not have enough of those machines yet; we need to buy some more and we need to get them into these airports.

We have finally prevailed on the majority party to put some at least sugarcoating language to say they are going to do this to get these machines into airports. That is great. We have finally got them to put some language in there like that. But if you have people falling asleep working for these low-bid contractors at the machine, it does not matter how good your machine is if you have still got incompetent ex-felons who cannot read directions on the machines, how to run them.

So if we are going to do this, we need certified people to do it. We also need a way to pay for it. The Senate bill, which we are proposing, specifically allows the Airport Improvement Trust Fund to be used by airports to bring these airports up to speed. They do not have any way to pay for it.

I have proposed an appropriation that was rejected by the Republicans. The Senate bill allows the Airport Trust Fund to be used to help airports. We have got to find a way to pay for this. So what I am saying is, if we are going to have a real screening of bags to keep bombs out of the belly of airplanes, we have got to pass the Senate bill.

Ms. BROWN of Florida. I agree with the gentleman 100 percent. Following that up, I am just concerned that the Europeans, he mentioned them, they talked about their system. But I want to be clear. Those jobs in Europe and other places are not minimum wage jobs.

Mr. INSLEE. That is right. As the gentlewoman knows, that is exactly what we have ended up with. And as has been pointed out, with a 400 percent turnover rate.

Mr. PALLONE. If I could just mention one thing, one of the things that really irked me tonight was when we had the conversation among some of our Republican colleagues about the value of competition. They were talking about how, if we have a Federal work force, we are going to eliminate competition. All I kept thinking in my mind is, how can it be competition when you are paying people minimum wage, you are not providing them any benefits, they have no pride in the work force, you are going to create competition?

Half of these airlines are bankrupt or near bankruptcy. There is no incentive in a competitive process to do any better. The whole notion of competition in this atmosphere where there is not the money and they are not paying the wages is just nonsense.

Mr. INSLEE. To me, this is a relatively easy question. We can have arguments about what goes on in Europe and everything else, but the question is, are there certain functions that are so important to Americans' lives, the issue is if this job is done well, people live and if it is done poorly, they die; and are there certain functions that are so pivotally important to the continuation of human life that you make sure you have the government do it.

We do that in certain cases. Firefighters, we do not privatize firefighters because people die if it is not done well. Police officers, we do not privatize police officers; people die if it is not done well. Capitol Police, the same thing. Border Patrol, the same thing.

FBI agents, the nature of this function is a law enforcement function. It is not an administrative, baggage handling function; it is a law enforcement function. These people should be treated as law enforcement officers.

I will just leave by saying one thing. It is a well-established American value that our law enforcement people ought to work for Uncle Sam. I think that is the right thing to do. I hope the House votes in that way.

I thank the gentleman for letting me join him this evening.

Mr. PALLONE. I appreciate his comments.

I do not like to sound morbid, but as I started out tonight, people have died. We had 6,000 people die at the World Trade Center, many of them my constituents. It is just incredible to me to think that with all of that happening that we have not moved on this and that that does not move the House Republican leadership to take up this bill that was adopted unanimously, 100-to-nothing.

Ms. BROWN of Florida. Many of us went to Ground Zero a couple of weeks ago, over 100 Members of Congress, and everyone talked about the physical devastation. What stands out most in my mind was the number of people that lost their lives. We cannot put that back together. How many families got destroyed? We can rebuild the buildings, but we need to do what we can in this House to make sure that that never happens again.

That was my commitment. I wish it was everybody's commitment, in particular the people on the other side of the aisle. I do think it is not most of them; it is just a few people that are holding up our passing a meaningful aviation security bill. Shame on them. Shame on them.

Mr. PALLONE. I want to thank the gentlewoman. She expresses better than I do how I feel about this right now. I really appreciate what you have said.

I want to yield to my other colleague from California and stress that this evening part of the argument that I have been trying to make is not only that the Republican House leadership has refused to bring up an aviation security bill, but by contrast, they have instead last week brought up this so-called economic stimulus package with all these tax cuts that go primarily to corporate interests and wealthy people.

I think we estimate that of the money that is given back in tax breaks in that Republican economic stimulus package that was passed last week, very narrowly, by two votes, I think, of $100 billion in tax cuts in the next year, 2002, $70.8 billion benefits corporations and $14.8 billion benefits affluent individuals.

So here we have where two-thirds, I guess, of the money that they would like to allocate with these tax breaks is going to corporate interests, and then at the same time they will not pass a bill on aviation security because those same corporate interests refuse to spend the money or make a commitment to do the aviation security. It is part and parcel of the same thing. Where are the priorities? The priorities for the Republicans in trying to get the economy going again are to give money to the corporate interests.

I do not see how in the world that stimulates the economy in the way that they hope it to be stimulated. I think just the opposite occurs. Of course, the Democrats had an alternative last week, which did not pass because we are not in the majority, that does the opposite. It gives money back to the displaced workers, it gives unemployment compensation, it gives health benefits, it provides for a major component of funding for security not only for airlines, but for all other means of transportation as the gentlewoman from Florida said. That is the kind of thing that would create the economic stimulus and create the jobs and get people back to work, and they are not willing to do it.

Ms. BROWN of Florida. Just one last point. Recently, for the past couple of weeks I have been flying into Orlando. Orlando aviation has over 30 million people flying through there. It was very disturbing that nobody was there. Why? Because if you want to stimulate the economy, pass aviation safety so people will feel confident and secure in traveling again, so we can get the economy moving. Let us put the money, the economic stimulus, into security.

In closing, one of my favorite scriptures is "To whom God has given much, much is expected." The people of this country are expecting a lot from the Members of the House of Representatives. They are expecting us to put aside partisan bickering and do the people's business in the People's House.

Mr. PALLONE. Well said.

I yield to my colleague from California.

Mr. SCHIFF. I want to thank the gentleman from New Jersey for yielding.

Mr. Speaker, I rise today to express my continuing concern over the economic stimulus package passed in the House and to urge my colleagues in the Senate to put forth a more balanced, effective stimulus that will stimulate our economy in the short and long term and provide help to those who have been most affected by the events of September 11. We need a smaller, more targeted, more temporary and more bipartisan stimulus package.

Congress should act to restore consumer and investor confidence in the safety, security and solvency of America. We cannot use the economic predicament or the war as an opportunity to merely revisit priorities and agendas we advocated before September 11, thus spiraling Congress into budget-busting deficit spending. This would threaten the fiscal discipline that prompted much of the 1990s' economic boom. Already, long-term interest rates remain high despite the Federal Reserve's cut in short-term rates because of market concerns that deficit spending is making a comeback.

We must concentrate on boosting the economy by doing everything possible to restore confidence in the management of our government, in the prosecution of the war, and in the development of a stronger and more secure nation. We should not be providing more of a tax cut for the wealthiest Americans, who have already enjoyed their fair share of tax cuts this year or for the Nation's most powerful corporations. Renewed fiscal discipline is important because we must maintain our standing in the world financial markets and ensure the solvency of the stock market.

Further, we do not know yet how much this war on terrorism will cost. We must make sure that our military personnel are well-equipped and well-trained and, as Secretary Rumsfeld has stated, this is a marathon, not a sprint. We need to be prepared to support the cost of a long war without spending erroneously at the outset.

But perhaps most importantly, we need to stimulate the economy by putting money in the hands of people who will spend it immediately. This is the true meaning of an economic stimulus.

We need to focus on ensuring unemployment relief, training and reemployment opportunities for workers laid off as a result of the terrorist attacks. We also need to help the unemployed maintain their health insurance and provide relief for laid-off workers who would otherwise slip through the cracks in the current unemployment insurance system. By providing unemployment benefits and health care coverage to those laid-off workers, we will be targeting those who are most likely to spend and, thus, most likely to help in reviving the economy.

If you give financial assistance, whether it is tax cuts or unemployment insurance, to people who can put the money in savings, they are not going to spend it; it is not going to stimulate the economy. If you provide unemployment or health benefits to a laid-off worker, they are going to spend it immediately. The rent is not discretionary. Food is not discretionary. Medicine is not discretionary. This is an effective economic stimulus.

I have introduced legislation that I believe can be an essential component of these efforts to help those affected by September 11. My bill, the COBRA Coverage Act of 2001, would provide a 50 percent tax credit toward COBRA coverage for laid-off workers. We simply cannot allow so many hard-working Americans and their families to go uninsured. We must find a way to make COBRA coverage more affordable for the thousands of laid-off workers trying to recover from the September 11 attacks.

This bill does exactly that. The COBRA Coverage Act of 2001 provides continuing health care coverage for laid-off workers at half the price. Under this legislation, laid-off workers would be eligible for a tax credit of 50 percent towards the COBRA coverage premium, receiving an immediate benefit, not having to wait till the end of the year to claim the tax credit. Nearly identical legislation has been introduced in the Senate by Senators JEFFORDS, LINCOLN, CHAFEE, BAYH and SNOWE. Our bipartisan effort will ensure that American families can afford to remain insured in case of sickness or injury.

We must take the lead in ensuring that the thousands of hardworking Americans who have fallen victim to the effects of September 11 are not further set back by a lack of health insurance. We must remain diligent in our efforts to protect the American people, and that starts right here in the U.S. Congress.

□ 2030

Our commitment to sound, effective government must be reflected in our ability to provide relief to laid off workers and jump start the economy during our war on terrorism.

I urge my colleagues to join me in this effort to make COBRA coverage more affordable for laid off workers and to offer the people of this country an economic stimulus package that actually works.

Mr. PALLONE. Reclaiming my time, I want to thank the gentleman from California (Mr. SCHIFF). I do not think there is any questions that what is happening with the Republican leadership in terms of this economic stimulus package is very similar to what is happening on the aviation security issue. And that is, nothing is happening.

We know that last week when the Republican leadership put forward this so-called economic stimulus package, they knew full well it was not going to go anywhere. They were barely able to get the votes. I remember at one point at the end of votes there were more votes against it than for it. And we saw some of the Republican leaders going around and strong arming their colleagues so they could turn around a few votes. I think it ultimately passed by one or two votes maybe at the end.

We know the way the procedure works around here. If a bill passes on strictly a partisan vote and then it goes to the other body, the Senate, where the Democrats are in majority and totally disagree with this bill because of the way that is structured, that nothing is going to happen. There either never is a conference where the two Houses get together or if a conference occurs, there is no meeting of the minds.

So once again, just like with the issue of aviation security, my major criticism of the House Republican leadership and my colleagues who spoke earlier on the Republican side tonight is that they keep talking about the need to go to conference, which really means the need to delay, delay on aviation security, delay on economic stimulus. Meanwhile, the economy does not get any better and the problems with aviation security at the various airports continue.

I just think it is very sad. People want action. Regardless of whether we agree or disagree they want action and we are not getting it. We are certainly not getting it on the part of this leadership on the Republican side of the aisle.

Mr. Speaker, I know there is only a few minutes left, but I just want to point out the contrast which you did so well on what the Republicans had in mind with this economic stimulus package. I mentioned of the $99.5 billion in tax cuts proposed for the next year, 2002, $70.8 billion benefits corporation, $14.8 billion benefits affluent individuals, and only $1.37 billion goes to workers with lower incomes who did not get the previous rebate. A lot of it is even going to finance multi-nationals so the money would not even be spent here, which is incredible to me. How can you have an economic stimulus package when you have a provision that allows multi-national corporations to defer U.S. income taxes on profits from certain offshore activities so long as they are kept outside of the country. That is $260 million next year, $21.3 billion over 10 years.

Now, by contrast what we did, as was pointed out with our Democratic substitute, is provide rebates or tax breaks or unemployment compensation for displaced workers or money for aviation security and other investments in public infrastructure. That would be mean dollars immediately going into the economy either because the person who gets the unemployment compensation would spend it or because we would be hiring people for these various public infrastructure necessities such as the security that we talked about earlier this evening.

I do not understand. I do not know an economist on the face of the Earth who would suggest that what the Republicans tried to pass last week would do anything significant to benefit the economy. And I do not know what we do. I think the only thing we can do is to simply come here every night as we are, as Democrats, and demand action, demand that whether it is a security issue or an economic issue that the Republican leadership take some action, work in a bipartisan way so we can actually accomplish something. Nothing is being accomplished here. We just have to continue to demand that something be accomplished in a bipartisan way that can achieve some progress in these areas. But so far we are not getting it.

Mr. Speaker, with that I want to thank my colleague, the gentleman from California (Mr. SCHIFF).

CIVIL RIGHTS ABUSES UPON AFGHAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, the subject I was going to speak on tonight is the treatment of women in Afghanistan.

In 1996, I had the opportunity with Senator Brown on the Senate side to co-chair a hearing on what was underway in Afghanistan and that same year I organized a hearing on the House side here as well to call attention to the civil rights abuses that were occurring in that country and to call attention to the fact that Afghanistan was rapidly becoming a national security threat to the United States, and this is something that I have been speaking on over the years, the fact that in Afghanistan the terror and the chaos and the despair has become worse and worse year after year.

However, in the wake of September 11 and that terrorist attack on that day, many Americans are just beginning to learn about the horrific treatment of women in Afghanistan. The practice there of the Taliban of restricting the rights of women has even been explained by some as being in line with traditional practices and I have to say to the contrary. It is clear that the Taliban is at odds with Islam and Afghan society, especially in its treatment of women.

Prior to the Soviet invasion of Afghanistan, women there had the right to vote, along with other liberties enjoyed by most people around the world. But when the Taliban swept into power in 1997 that organization immediately institutionalized widespread and systemic gender apartheid. A government mandate made it unlawful for women and girls to go to work or to go to school.

This edict was a devastating blow to the women and to the country. And at that time women were a vital part of the Afghan workforce. They made up 70 percent of the school teachers, 40 percent of the doctors, 50 percent of government workers. They were 50 percent of university students. And with that edict none of them could continue to work or go to school.

Women under the Taliban regime have been subjected to remarkably harsh restrictions that impede their ability to move freely, to prevent them from socializing, to prevent them from seeking medical treatment. There is in place a complete ban on women working or receiving education outside the home. And to tell you how bad this is, the reality is that for one of the organizations that helped teach women how to read and write in the home, to be a member of that organization is to face capital punishment in Afghanistan.

If a woman leaves her home, she is required to don a head to toe garment known as a burqa, which has only a small mesh screen for vision. A designated close male relative also must always accompany her wherever she goes. If so much as an ankle is not covered she can be whipped in public.

There is a ban on the use of cosmetics. How is it enforced? Women with painted nails have had their fingernails pulled out by the Taliban authorities.

Women must paint their windows so that no one can see inside their home. Among other restrictions, women are banned from laughing loudly, from riding in taxis, from playing sports or entering a sport center or club, from riding bicycles or motorcycles, gathering for festive occasions, playing cards, riding public buses with men and appearing on the balconies of their homes. Even owning a kite, flying a kite or keeping a caged bird can become a criminal offense.

If a woman is accused of disobeying prohibitions, a severe punishment is often administered. Women have been whipped, they have been beaten, they have been verbally abused in the streets, but I am afraid there have been many worse Taliban abuses than that. Women who have been accused of adultery have been stoned to death. Women accused of prostitution have been hanged in public. And I think many of us have viewed the film of the women who have defied Taliban edicts who were taken into the soccer stadium in Kabul, and before audiences of men seated there publicly executed in the stadium.

A few weeks ago on CNN the anchor was interviewing a Taliban official and the anchor reporter asked why there is no more soccer at the sports stadium which the European Union helped build before the Taliban's rise. The official was so brazen to answer, "If they build us another place to hold our executions, then we will play here."

Mr. Speaker, I did want to bring this condition to the attention of the Chair and to the Members.

AVIATION SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight on the eve of consideration by the House of Representatives of the Aviation and Transportation Security bill, which is scheduled for debate and consideration tomorrow before the House.

Tonight is Halloween. It is a time when sometimes people are frightened. It is a time when goblins and ghosts and images are raised. Unfortunately, in some of this debate about aviation and airline security there has been some scaring on this Halloween eve.

I happened to hear some of my previous colleagues who spoke about the aviation security measure. And I want to say from the Republican side of the aisle, from the majority side, that each and every one of us want to pass legislation that will ensure the safety, the security of every member of the traveling public. We think it is absolutely essential that we pass the best possible legislation.

Part of being an American is being able to go anywhere you want at any time without any restrictions. And we want people to feel safe, to be able to take to the air if they choose and feel secure anywhere they have takeoff, whether it is a small airport in a rural area, in a small state or one of the metropolitan areas or one of the major hubs.

As chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, I have tried to work in a bipartisan manner. I have only had this responsibility for some 8 or 9 months and, of course, was thrust into the limelight by the events of September 11.

I have tried to approach my responsibility in a business-like fashion. Particularly since I took office, one of my concerns has been aviation security. I have gone around and around about issues of aviation security with FAA from, I believe, February, when I first took on this position, and from the beginning I have been concerned that we have not properly prioritized the risk that the travelling public has taken. In fact, I have had communications back and forth to the Security Director of FAA, who has now been replaced and removed, but we went back and forth in regard to the deployment of equipment that sat idle in regard to setting priorities, in regard to instituting on a more expedited basis security measures.

Unfortunately, some of that was not done as of September 11. Now it is very important that this Congress act in a responsible fashion and craft legislation that deals with not just the political questions that have made the headlines and have been the center of some of the debate, screeners and their role as in any new proposed structure as either Federal employees or private sector employees, but looking at the larger picture of aviation security.

Even going beyond that, one of the things we have done is sat down, and it is amazing. When I sat down and looked at who is responsible for transportation security, under the current structure it is almost impossible, to pinpoint who has that responsibility in the Department of Transportation.

□ 2045

Then we look at the other modes of transportation. Of course everyone is now focused on aviation, but when we look at highways and hazardous materials and trucking, we look at pipelines, we look at our ports, we look at any type of transportation security and we see that there is no one, if we look at a chart of organization, in charge with the specific responsibility and also the authority to move on issues of security. So that is one of the glaring examples that we all found lacking.

We find actually in the Senate proposed bill that they do create a new Deputy Under Secretary of Transportation Security in a measure that will be before the House tomorrow, and the House Republican majority proposal also has that provision. To start out, when we look at the problems of transportation security and see no one in charge, we know that someone specifically must be in charge of all modes of transportation security.

We have done that in the House majority bill. What is better than the Senate proposal, which was somewhat hastily crafted and put together, is, we have given some specific authority. If we look at the provisions of the Senate proposal, they create the position of a Deputy Under Secretary for Transportation Security, but that individual can only act when a national emergency is declared.

What is even more lacking in the Senate proposal, again that was hastily put together, is there is no ability for that individual who is charged with transportation and aviation security to put in place security rules on an immediate basis. In fact, that is the biggest flaw of the bill. That is why if that measure should pass, I would urge the President to veto the Senate bill.

It was hastily crafted. It is a nice cosmetic proposal that says we are going to make baggage screeners Federal employees and that is going to solve the problems. But I say to my colleagues, that is merely a cosmetic proposal. Whether those employees were under Federal supervision or all Federal employees or all private employees, it does not matter a bit. What matters is the standards that are put in place.

Most people, if we stop and just take a minute and look at what happened on September 11, baggage screeners were not at fault. Baggage screeners did not fail. Baggage screeners actually did their job according to the rules and regulations established by Federal employees and the Federal Government. The Federal Government was not able, even after two directives by Congress, to put in place standards for improving the quality, the qualifications, the background checks, and again, generally improving all of the requirements for being a baggage handler for more than 6 years. And, as of tonight, on Halloween night, we still do not have in place strong provisions for qualifications for baggage handlers.

That is for a very simple reason. That is because it takes, on average, in the Department of Transportation 3.8 years to pass a rule; in other words, to get a regulation to put in place newer standards. So today, some 6 years after Congress first directed FAA to get a rule into place, higher standards and regulations for baggage screeners and background checks, those qualifications are still not in place.

What is absolutely astounding is the Senate proposal does not even have a single provision giving the new Deputy Under Secretary any authority to put in place rules on an expedited basis, so that actually, if we pass the Senate provision, it puts us in a worse position than we were on September 10. And we have not learned very much by the experience, the horrible experience, that we never want repeated of September 11.

So, first, the Senate bill creates a position with really no authority, some limited responsibility, mainly to report to Congress, but the whole crux, the whole solution to the problem we face is getting rules into place on an expedited basis. So, on September 11, there were no high standards for baggage screeners. On September 11, there was no requirement, there was no regulation put in place to put in place the very best equipment we could, the very best technology. In fact, getting a rule in place was thwarted.

We have technology, and this will not show up to all of my colleagues who are watching, Mr. Speaker. I do not think my colleagues can see this, but this is technology that is electromagnetic technology. It is not x-ray technology. X-ray technology and the machines we see at most airports, that happens to be equipment from the 1970s and 1980s; it will detect metal.

On September 11 we believe that hijackers took plastic weapons, possibly plastic knives, they could have been ceramic knives, but the x-ray technology of the 1970s will not detect that. This shows a body outline and it shows plastic weapons, plastic guns, plastic knives and others that we are able to detect with this latest equipment. This technology has been tested, but not deployed, because we cannot get a rule passed to get the latest technology into place.

We can have a Federal employee, we can have a Federal employee as we require who is an American citizen, we can have a Federal employee supervised by a Federal employee, we can have a Federal employee with a college degree, we can have a Federal employee as a screener who has a Ph.D.; but he or she is only as good as the equipment that is issued. The Senate bill has not one word, again, or one ability for the new Deputy Under Secretary to get this equipment, this new technology in place on an immediate basis. So basically, if we pass the Senate bill, we would be just as bad off as we were on September 10, the day before the tragedy; and it will not make any improvement in the ability of the screener, be he or she a Federal employee, a contract employee or whoever.

So the Senate bill does not address the basic problems with the deployment of technology.

I heard the gentleman from Washington (Mr. INSLEE) and some others who were discussing some of the problems with getting legislation passed, and let me say again tonight there were some scary things said, and the American people should not be frightened to fly. The American people should understand, first of all, that the President of the United States acted immediately, and under his order, within just a matter of days now, every large commercial aircraft flying in the United States will have secure cockpit doors. The President acted. Secretary Mineta has informed me by, I believe it is November 5 or 7, but within a few days, every commercial airline or large aircraft, not all of the smaller aircraft, but the large ones, will have secure cockpit doors. That is one of the provisions of both the Senate bill and the House bill. That is a moot point. That has been done. It is in place and it is ongoing.

A second provision that is very similar, and the American people again should not be scared on Halloween or any other time, because the President of the United States has acted with due speed and he has required that air marshals be on flights.

I can tell my colleagues, as chairman of the Subcommittee on Aviation and former chairman of the Subcommittee on Civil Service, and we will get into that in just a second, but I can tell my colleagues as chairman with, again, the responsibility in the House on the aviation side, that air marshals are being trained every day, they are being deployed, they are on most of our flights, that hijackers will not know which ones; and whether the bill passes or not, they will be on almost every domestic and international flight. So that has been done.

I can tell my colleagues that Secretary Mineta acted yesterday, issuing additional orders for higher security and improvements and higher standards. So the administration has acted. The President has acted. It has never been safer to fly.

Now, is it impossible, or is it possible, I should say, to have some other incident? When we have people who are willing to give up their lives to destroy an aircraft, to go into a marketplace and blow themselves up as they have done in Israel, there is no place that can be totally secure. So we put in place the best provisions humanly possible.

What is important now is not for the Congress to rush and act, and everyone says, oh, the Senate passed this in a few weeks; and, yes, they did, and the product shows that it is a product of haste, it is a product of lack of consideration.

We, on the House side, held 4 weeks of public hearings, numerous public hearings. We held several closed hearings. We brought in experts from around the world and around the United States to hear what was going on. I do want to say that there has been a scare again by some of the previous speakers about baggage checking, and I can tell my colleagues that tomorrow, when the House votes on the package, the final package that the House majority has put together, it has the very best provisions for checking baggage.

Now, as the gentleman from Washington (Mr. INSLEE) has said, 95 percent of the checked baggage is not screened. He was correct in saying that. The problem we had, and he did attend, I will give him credit for attending one of our hearings, which is more than the gentleman from Iowa (Mr. GANSKE), who is the prime sponsor, has ever done. One of the prime sponsors of the Senate measure and a member of the majority never bothered to discuss with me or anyone else any of the provisions of our legislation, but at least the gentleman from Washington (Mr. INSLEE) did take the time to come to the hearing. I do not know if he heard everything that was said at the hearing about checked baggage; and he did repeat tonight on the floor some information about explosive detection devices.

What the House of Representatives cannot do is repeat the mistake they made in 1996 after the TWA 800 crash, after Oklahoma City, when all the attention became glued on explosive devices. We went out and we spent $443 million, almost a half a billion dollars, on buying explosive detection devices. Some of that sat in warehouses, some of it is not used. We had testimony to that effect in the hearings that we had. Why? Because some of it does not work, and Congress required the purchase of that.

We also heard from experts, technology individuals from a broad range of the sciences, who told us that the explosive devices, the actual materials, explosive materials are changing every 3 or 4 years. There are new products that can be used as explosive devices. So the last thing we need to do is put a provision in a law that requires us to go out, put in place in 3 years, or some specified time, equipment that will be outdated by the time that it all gets deployed.

□ 2100

It does not matter how we deploy that equipment, it still will take a number of years to get it deployed everywhere.

So in the House measure we have the tightest and the best provision. We do not repeat the mistake when we spend a lot of money, when the equipment is not used, when new technology is being developed, and we have spent the money on old technology, and we get this in place on an expedited basis.

The other thing that the Democrat side has lost is that we cannot get that technology in place without a rulemaking expeditious provision in the law. The Senate bill has no provision. If we go through the normal rule-making to require this type of equipment, it could be some 5 to 7 years, as we have seen in the past, so the public is left in the lurch. Baggage checking at the level that should be done is not complete.

So we do not want to make the mistakes of 1996. Everyone says we must hurry, that this legislation should be rushed through. It passed the Senate 100 to nothing. The worst thing we could do is make a mistake tomorrow and pass bad legislation.

I do not want to be rough on the Senators, Mr. Speaker, but the Senate passed legislation, the other body passed legislation that primarily deals with the airline screening process. It is only a small piece of the total transportation security network, a small piece of the total aviation security network that we should be dealing with.

When they passed their legislation in haste, they moved it to the Department of Justice. The Department of Justice, let me read what the Department of Justice has said about the Senate provision.

It says: "We also feel that attempting to divide the responsibility for aviation security between two separate agencies is not the most effective way to enhance aviation security."

They also go on to say that right now, "In light of DOT's strong capabilities and the Department of Justice's many responsibilities in fighting the war on terrorism, we feel that the resources would be better spent carrying out our current mission than developing a new transportation expertise."

Again, that is in opposition to what the Senate passed. Their focus is on going after terrorism. Actually, the most important function, if we wanted to increase the number of Federal employees, we only have 11,000 Federal FBI investigative agents. This bill creates 28,000, now get this, baggage screeners, Federal baggage screeners. Would we not be much better off getting investigative personnel for the FBI?

If we look at the events of September 11, again, it was not the baggage screeners that failed. It is nice to make them the scapegoat, but to tell the American public everything will be fine if we just make them Federal employees, that in fact will not solve the problem. The problem is that we cannot get security in place with, again, a disjointed organization that is created by the Senate bill.

We have a plea from the Department of Justice not to send and create a two-tiered system. What is strange in the Senate bill, and I went through the Senate bill, the Senate bill in fact creates several layers of aviation security.

Now, if the traveling public and Members of Congress are concerned about a good aviation security system, they should read this bill. I would venture to say that 95 percent of the Senators did not read this legislation. This legislation by the Senate was put together so hastily they left the actual law enforcement functions, law enforcement functions, under the Department of Transportation, while transferring baggage screening to the Department of Justice.

Not only did they leave the Department of Transportation with the law enforcement responsibility, and it is hard to believe, but that is exactly how it reads. I went back and had the staff attorneys check this to see if in fact that is what they did, and it appears they did it by error.

However, what they did was they also created several levels of law enforcement. They only require one law enforcement officer at each airport screening location at the 100 largest airports. There are another 270 airports for which they exempt security at small community airports, and they go on and say that at smaller airports with scheduled passenger operations, they should enter into agreements under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel.

So we might get in in Portland, Maine, as some of the hijackers did, and there would be one level of security. Someone might come to Boston and have a different level of security. Again, this is a fractured system that is far worse than what we have now.

Now, trying to make 28,000 baggage handlers Federal employees in even the most expedited fashion might take some 3 years. In the meantime, we would have created a disaster with some of the current services that have already been considered by private vendors.

I am not here to defend any of the private vendors who have not put in place already standards. Of course, FAA, a Federal agency and Federal employees, did not require the higher standards. We had no rule in place and could not get a rule for 6 years, and do not have a rule tonight. With the Senate bill, we have no hope of getting a rule because there is not an expedited rule-making process.

So again, the bill was hastily crafted by the Senate, sent over to the House, and I think that their intent was that we work on this measure as they have sent it to us. We have conducted, again, a much more comprehensive series of hearings, bringing experts in and trying to see how this would function best. A split system between the Department of Justice for baggage screeners, for some law enforcement to be under the Department of Transportation and for some screening to be done by State and local officials, is not the way to go. It is a fractured, disjointed security system.

The bill which we have proposed in the House is well thought out. It has one level of responsibility first of all for transportation and aviation security. That is an undersecretary of transportation level. That Secretary is responsible for all security measures in transportation and all in aviation; all elements, not just a few, not just the baggage issue.

There are also issues of airport perimeter security; there are issues of cargo security; there are issues of ramp personnel, those who have access to the airplane; there are issues of those who maintain the airplane and clean the airplane; there are issues of the FAA towers at each of these airports, and we have heard reports some of those may be at risk.

The Senate bill does not touch any of those issues. They only deal with the most visible, doing a cosmetic job on the public and convincing people that they acted in a hurry and they got the job done and sent it to the House and we did not act.

I can tell the Members that nothing is further from the truth. We acted in a very reasoned manner. We held hearings. We heard testimony from dozens and dozens of witnesses, the best experts. We looked at what was successful in Europe.

Today, there is an article from the former head of El Al Airlines. We had that individual come and testify before us. We said, "What worked well?" Do Members know, in Israel and Europe they tried federalization in the 1970s and 1980s and it did not work. They went to Federal supervision, Federal management, Federal oversight, Federal background checks, and Federal testing. That has worked. That is the best model. That is the model that we bring before the House tomorrow.

We also again go back to the individual responsible for all of these elements of transportation and aviation security, not only responsible, but with the authority to put in place security regulations on an immediate basis.

That is the biggest problem with the Senate bill. The Senate bill is a terrible measure, again taking us back to September 10. Have we learned nothing from the events of September 11?

So while screeners are the most visible, while we want them under Federal supervision, now the airlines have that responsibility. The airlines now are charged with that responsibility, and are also paid for airline and airport security.

The Republican measure, the House majority measure, takes that responsibility away from the airlines. It makes it a Federal process. We have made the Federal Government responsible for aviation security and transportation security, but not just making someone responsible, because we have done that in government before.

We have passed two measures, one in 1996 on aviation security, in a reaction to TWA 800, which incidentally turned out to be a technical malfunction in the gas tank, the fuel tank of the airplane. But we passed that legislation in 1996. We passed legislation a year ago, in 2000, directing that we have higher standards for baggage screeners, and it still is not, as of tonight, in place. So Members can have someone with the responsibility, but they must have the authority.

It is absolutely unbelievable. We have to take their bill and look at the bill. The bill has no provision for an expedited rulemaking, so we cannot get the rules in place, we cannot get the new technology in place. The mistakes of September 11 can be repeated. It would be years if we could ever get in place this latest technology that can scan the body.

Incidentally, we had this tested. We asked why we would not get this in place. Basically, they cannot pass a rule, so they might have the responsibility to get the latest technology in place, government, but they do not have the ability through the rule-making process, which is delayed or which people go into court and try to kill or stymie, to get this technology.

This technology can detect plastics, ceramics or other materials, and there will be even a later technology coming on board. Of course, this technology also has upset some of the civil liberties union. It is very invasive. It shows body parts in great detail, but it will detect materials. It would have, if it had been in place in Boston Logan, detected if in fact a plastic weapon was used on one of those flights.

The Senate bill does nothing to address the rule-making process. It again divides responsibility in an unclear split between the Department of Justice and the Department of Transportation. It leaves law enforcement in charge, actually under the direction of the Department of Transportation. Now, get this: They move baggage screening to the Department of Justice, but they leave law enforcement under the Department of Transportation.

Mr. Speaker, I said that we must have rules in place in an expedited fashion. We do not have the rules for high standards for baggage screeners in place. We do not have the technology in place because we have not had the ability to put a rule in place. No one has expedited rule-making ability under the Senate provision.

I have to repeat that, Mr. Speaker, because no one seems to hear it. It is nice to come here and pass legislation, but legislation that does nothing is a fraud on the American public. Legislation that does not enhance security or put in place security measures on an expedited basis is a fraud.

At this time it would be an abdication of our responsibility as Members of Congress not to put it in place, and if it takes another day, if it takes another week, if we have to go to conference, but this time to do it right so that we have a comprehensive transportation and aviation security measure.

This is not a bipartisan issue. Actually, we worked very closely the last 4 or 5 weeks with members of both sides of the aisle. The gentleman from Minnesota (Mr. OBERSTAR) worked with us. We crafted most of this legislation with the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and infrastructure. We crafted this legislation with the gentleman from Illinois (Mr. LIPINSKI), my counterpart, the ranking Democrat member on the Subcommittee on Aviation. We did this in a bipartisan fashion, and this is a good bill.

□ 2115

One issue deep-sixed the bill that the Democrats were going to introduce which was exactly the same as ours and one word. They said all screeners shall be Federal employees. We said all screeners may be Federal employees. We gave the option because again we think a public-private partnership can serve us best.

Let me say, I have no problem with having Federal employees handling the supervision. I have no problem with Federal employees handling the oversight. I have no problem with Federal employees doing the background checks, the testing, all of the other management responsibilities of the screening process, and that is what our bill proposes. It makes this a Federal process and then gives the President and also the DOT security administrator the option, and we think that is the best way to go.

One of the problems that has already arisen with the Senate bill is the language, when they passed this bill in haste, in trying to make it appear that they were doing something, they passed this bill in haste, and unfortunately, it has raised some questions about unionization of the potential Federal employees. Part of this was done by some of those who would like to represent the new Federal employee group of some 28,000.

A quote taken just the other day from AFGE, the American Federation of Government Employees, Legislative Director Beth Moten said the union could live with the measure; that is, the Senate measure, but litigation may be required to ensure most of the civil service obligations remain in place.

We were told that this would be a different brand of Federal employee, but it appears the way the language is written that every one of the constraints now and every one of the obligations that are now provided by law for a Federal civil servant will be imposed on those that may be employed of this force of 28,000.

My colleagues have to understand the size of 28,000 Federal employees. There are five agencies in the Federal Government, five Cabinet departments, that do not have 28,000 Federal employees. This will be larger than the State Department. It will be larger than the Department of Labor. It will be larger than HUD. It will have more employees than the Department of Energy, more employees than the Department of Education, and they will all be baggage screeners. So we will have a department basically of baggage screeners, taken away from the Department of Transportation and put into the Department of Justice with the Department of Justice saying today that they have no ability to handle them.

The Department of Justice only has 11,000 FBI agents in the entire agency and only has between 4- and 5,000 Federal marshals, but we are going to put them in charge of baggage screening. It just is a ludicrous idea. It may sound good.

What does it do? Here we create Federal employment with the possibility of getting into a brawl over the status of these individuals the way the language is poorly written on the Senate side.

I implore my colleagues, look at this. We cannot create a huge bureaucracy, and having been chairman for 4 years in the House of the Subcommittee on Civil Service, I tried on this floor on numerous occasions over my 4-year tenure to bring to the floor measures that would require performance standards for Federal employees, a performance-based management system, and I actually passed it in the House several times, and it was defeated in the Senate, and we still have nothing in place.

Let me say out of the 1.9 million Federal employees, and there are 8- or 900,000 postal employees, there are some dedicated employees. There are some great employees who go to work every day and do an incredible job in the country, serving their agency.

When I was chairman of Civil Service, I met so many of these dedicated individuals, but if you get these people aside and you talk to them about what would improve their agency, they will tell you what improved their agency is getting rid of the deadwood, and it is part of the problem we have with our Federal bureaucracy and sometimes government at every level is that we create an insular system, a system in which you cannot, as you do in the private sector, get rid of the deadwood.

We tried everything, including giving the employees the right to set up a performance-based system: Reward good employees and get rid of the bad employees, but it is almost impossible to do. In fact, it takes years to get rid of a Federal employee, and if they want to fight the system, it takes on average 38 months just to go through the normal complaint process. That is on average.

If we want responsiveness in those screeners that are out there doing a job, if we want the ability to fire somebody and get rid of the poor performers, then certainly the Federal model is not the way to go. I might say that there are Federal employees that try to do the best job, and even if they attempt to do the best job, they make mistakes, too.

Let me cite an example of a Federal prison in one of our States. A recent report said that in a maximum Federal prison facility, with Federal guards, Federal employees, Federal oversight, with strip searches, with body cavity searches, with searches of the personnel coming in, with detection screening equipment, still more than a hundred weapons entered the Federal security prison. So it can happen. We have the possibility of a weapon getting on to a plane, but we also have the possibility of weapons going into a Federal maximum secure facility.

What is important here, again, is when we create this position that we have someone responsible, who can act on an immediate basis, not just giving someone the responsibility but without the authority, and that is what happens if tomorrow they pass the other body's provision, the Senate's provision. They have the responsibility as they may define a partial responsibility in a new individual but no authority to move forward.

The other thing that we tried to do in this legislation is find a responsible manner to pay for aviation security. I have Republicans who do not like to impose any taxes. I have Democrats who can never find a tax high enough and they are trying to find a compromise. It has been a challenge but we did put a provision that allows up to a maximum of $2.50 per one-way trip in our legislation, and this money can only be used to pay for aviation airline security. It cannot be used for ads. It cannot be used for anything else.

We also do not let the airlines off the hook. Interestingly enough, the airlines have been anxious to get rid of this screening responsibility. They do not want this. This is a hot potato, but they also now pay for it, and they pay about a billion dollars out of their revenues, and heaven knows, we have tried to help the airlines get back on their feet. We may even have to do more because we are so dependent on aviation as a transportation system in this country. We felt that it was important and we asked questions to these airline representatives: Would you be willing to pay? They said they would pay.

Of course, they would like to get off the hook for aviation security responsibility because of the costs, but they have agreed, and under our legislation, the airlines can also be assessed part of the cost. The passenger can be assessed part of the cost. We tried to do a very fair measure.

With the Senate provision it basically lets the airlines off the hook. They get a billion dollar free ride, and the taxpayer is going to pay because it is going to come out of the national Treasury and the passenger will pay for the balance.

I think people are willing to pay. I have never voted for a tax. I do not consider this a tax. I consider it a user fee, and we do have specific provisions in our legislation that says the actual cost of the screening, passenger screening must be passed on, and we give an amount up to, but we also make the airlines partially responsible, which we think is very important.

What concerns me is not only the disjointed approach to aviation security proposed by my colleagues from the other side of the aisle and rapidly put together and sent to the House by the Senate. What concerns me is that we have this disjointed part of the functions now in the Department of Justice, who has said publicly today they have no way of handling 28,000 more employees. They are not geared to that. They think it is best in the Department of Transportation.

It also takes out part of the Transportation function, one part of it, and leaves all the rest sort of to hang by itself, again leaving the public at risk. Who knows what is going on in the airport perimeter? Who knows what is going on with ramp personnel? Who knows what is going on with maintenance people? Who knows what is going on with the mechanics? Who is protecting the FAA tower?

So they do sort of a half-baked job with a split, undefined responsibility, having screeners in the Department of Justice, 28,000 of them, leave law enforcement under the Department of Transportation, which is just beyond me, having a different level of law enforcement for the hundred top airports. The smaller airports, well, they sort of fend for themselves, and we will take State or local offerings, and again, we do not believe that that is the way to go.

We need Federal standards across the board. We need someone with responsibility and someone with authority, which again is lacking in the measure that will be presented by the other side tomorrow.

The worst thing that we could do is have several levels of security at our airports. We have another measure in the bill for screening. Some of the screening at the smaller airports may or may not be done according to having Federal standards and Federal regulations in place that are even and across the board for small airports and for larger airports, and that is important. There must be a seamless security and comprehensive security plan or we are just fooling the American public and that would be a shame.

Most of what is being done by the Senate bill is cosmetic. Most of it was done in haste. There was a hundred to nothing vote on it to get it over here. The Senate has voted a hundred to nothing before. They voted unanimously, after the British burnt the Capitol in history, if you look this up, to move from Washington, and it was saved by a few votes in the House of Representatives. The House votes unanimously every day on issues. We had several votes today. I think that we were unanimous. Everything is done by unanimous consent and they unanimously tossed the ball into our court, and we tried to be responsible.

We held continuous hearings, both open and closed. We brought in the best experts, and we tried to put together the very best provisions possible.

One of the other provisions of the legislation that sort of surprised me, and I have the Senate bill here, and again I would venture to say very few Members have taken the opportunity to read this legislation, and that is the frightening part because they will wake up if they pass the wrong measure and see that we do not have in place the very best provisions for airline security, but one of the interesting things is that the Senate bill brings together all of the different intelligence agencies' and enforcement agencies' information, but the Senate measure does not have any way to distribute information about the bad guys. We do provide that that information be available to the airlines.

□ 2130

The airlines are the only ones that have the passenger lists. We have a requirement that every airline that flies into the United States must provide us with a passenger list.

If we want to avoid the mistakes of September 11, we need to at least allow the airlines to have some information about who the suspected terrorists are. The Senate bill puts together a committee, but has no requirement. It does not require that every airline coming into the United States provide us with a list.

So the very least we can do is learn by the mistakes of September 11, see that they are not repeated. The very least we can do is not make the same mistakes we made in 1996, when we passed knee-jerk legislation, and we bought billions of dollars' worth of equipment, made all kinds of changes, and addressed explosive devices. We acquired explosive devices, and we have unused explosive devices because we do not have rules to get in place the proper explosive devices.

The worst thing we can do is repeat the mistakes of 1996, so we do not want to do that.

Then again in 2000, when we saw we still did not have in place rules for baggage handlers, we passed another law directing the agency to do it. As of tonight, they still have not done this. So while the Senate bill, I think, was well-intended, they tried to pass something in a hurry and get it to us, but it was done in haste.

We need to proceed with caution. We need to proceed in an expeditious fashion, but also take the very best from others who have put into place the tightest possible security systems, to put people in place who have both the responsibility and, most importantly, the authority.

If there is no other reason to defeat the Senate proposal, it is because it lacks the ability to put rules in place relating to security on an expedited basis, and this brings us back to September 10, not learning one single thing, using airline screening employees as the scapegoats. Airline screening employees on September 11 did not fail; it was the lack of Federal standards put in place to check even their background. It was the lack of Federal agencies to do their jobs.

If we want to put more personnel someplace, we should put them in our visa department. I checked to see how many people work issuing visas around the entire world, and it is somewhere in the neighborhood of 5,000. Here we are creating a bureaucracy of 28,000 baggage screeners and what we may need are people who can identify a potential terrorist, a hijacker, a potential murderer who may be let legally into the United States.

Most of the terrorists used our border as a swinging door with a visa, with a permit. We can do all the checks, we can send the National Guard to do a check at the screening area, we can have a Federal employee or a contract employee, we can have the airline employees all become Federal employees and they can check the IDs. But if Mr. Adda comes to the counter, and they check him, and he has an ID and a visa, they let him go; and he goes next to the airport screener or to a National Guard person, whoever is checking the IDs there now, and that person checks it and say, oh, this is Mr. Adda, go forth Mr. Adda, you have a visa. A Federal Government employee has given him that visa; therefore he goes to the next stage and he gets on the airplane. Congratulations, Mr. Adda; welcome, get on the plane.

So if we are going to put Federal employees someplace where we need them, we need to put them at the visa locations. There are less than 500 INS inspectors and inspectors along our Canadian border, and that is where we understand the terrorists came in. We have 6,000 or 7,000 down in Mexico, but these terrorists picked our weakest point. If we are going to put employees there at the airports, 28,000, why not put a few in place to protect our borders to catch these people as they come in?

So we need the intelligence, first of all, about these individuals. We need someone checking the visas. All the protections in the world can be put in place, but they will be useless if we do not do this.

Again, look at the September 11 events. Plastic weapons were not in place because we did not have the most modern equipment in place. We cannot make the mistakes we have made in the past.

Tomorrow my colleagues will have an opportunity to debate this and, hopefully, we will do the right thing to ensure a comprehensive transportation and aviation security plan for the country. We must do it right. We must do it in a comprehensive fashion. I plead with my colleagues not to make this a partisan issue, but to make it a public interest issue and pass the very best legislation. The American people deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE). Members are reminded to refrain from characterizing Senate action.

ABUSES SUFFERED BY AFGHAN WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 60 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, once again we have come to denounce the ongoing abuse of Afghan women, and we will not stop coming here each week to highlight the atrocities of this attack on the very fundamental human rights of women and children, especially their girls. I want to ensure that the plight of Afghan women and girls is not forgotten, and in order to do so, we must continue to bring attention to their status.

The women of this House have constantly taken a stand for Afghan women, and some of the very sensitive men as well. Tonight I am joined by one of my colleagues who has been extremely sensitive and passionate about the Afghan women and their plight and the atrocities that they have had to withstand. But it is the resolve of the entire Congress that will help return civil society to Afghan women and children.

Women and children in Afghanistan have been the primary victims of the Taliban regime. Before the Taliban took control, women were leaders in public life and politics. For example, in Kabul, over 70 percent of teachers were women. Forty percent of the doctors and the vast majority of the health care workers were women. In addition, over half of the university students were women. In fact, in 1977, women made up over 15 percent of Afghanistan's highest legislative branch. Now, that is more than the 14 percent of women that serve here in the U.S. Congress today.

When the Taliban came to power, they banned women from working, prohibited women and girls from attending school, and forbade women from leaving their homes without being accompanied by a close male relative. Women have been brutally beaten, publicly flogged and killed for violating the Taliban decrees, decrees no doubt that the Taliban imposed and no one else.

Let me cite some of the horrific examples of the heinous acts of the Taliban. A woman who defied Taliban orders by running a home school for girls was killed in front of her family and friends. A woman caught trying to flee Afghanistan with a man not related to her was stoned to death for adultery. An elderly woman was brutally beaten with a metal cable until her leg was broken because her ankle was accidentally shown from underneath her burqa. Women have died of curable ailments because male doctors are not allowed to treat them. The two women who were accused of prostitution were publicly hung.

Mr. Speaker, these acts are unconscionable and inhumane and members of the Women's Caucus here in the House, of which I serve as co-chair, have taken on this project, along with my dear friend and colleague, the gentleman from California (Mr. ROYCE). Together, we are working to make sure that the women throughout this Nation and around this world help to empower Afghan women. We will continue to take action until we end this horrendous gender apartheid.

Mr. Speaker, tonight I am joined by this friend of mine who has been diligent in working to bring attention, to shed light, and has been most passionate about the plight of Afghan women. The gentleman from California is no stranger to this issue, as he is no stranger to the many issues surrounding women in this House. He has a bill that he has introduced, and I am one of the original cosponsors, which is the Radio Free Afghanistan Act. He is here tonight to share with me this hour to talk about the women of Afghanistan.

I now would like to yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentlewoman from California, and I very much appreciate all the effort she has put into calling attention to the plight of these victims.

The gentlewoman is right to say that women were leaders in Afghanistan. I think many people today, when they look at the situation there, they do not understand how that culture was hijacked, how the Afghan culture was hijacked by the Taliban and the consequences to that society. When we think about the fact that, as the gentlewoman correctly pointed out, the majority of the people in the work force were women, we should ask why that was. It was because so many men had lost their lives in the battles when the Soviet Union invaded Afghanistan. So women were typically the heads of household.

Because women had played a role in Afghan society, women had the right to vote. Women were in the work force, as the gentlewoman said. They were such a large percentage of the professionals, I think 40 percent of the doctors. So many university students were women, over half the student body.

Imagine for a society like that what a shock it was, since these were the majority of the people who were heads of household, bringing home a paycheck to feed children in an economy that was already in trouble, the day that edict came down that said women could no longer work in the work force. This was a death knell for many families. Starvation followed. People were subjected to unbelievable deprivation.

One of the things we wanted to do with Radio Free Afghanistan, and we have been working for some time to try to get some other voice into that society other than Radio Taliban. Radio Taliban comes on at night and tells people only what the government wants them to hear, and comes up with these proclamations, one after another, about what is to be interpreted as illegal under Taliban law. And as that list grows, so many of these restrictions are on women, I just thought I would share some of the restrictions that the Taliban have placed on society.

Women are not to laugh loudly; that is against the law. Women are not to ride in taxis or play sports or enter a sports center or ride bicycles or motorcycles or gather for festive occasions or play cards. Riding public buses with men is against the law. Appearing on the balconies of their home is against the law. When they are in the home, they are to paint the windows so that no one can see in.

But far more serious than these dictates are the costs paid in human lives for those women brave and bold enough to defy these laws and to go into homes and try to home school a new generation of young Afghan girls so that they will have the ability to read and write, so that they will have the capacity in life, someday, hopefully, if this iron control that the Taliban has over society lets up, so that they will have hope.

□ 2145

Those brave women are often put to death.

I mentioned earlier the response by the Taliban official that soccer is a game enjoyed for years in Afghanistan. There was a question put by a representative of the European Union about soccer returning to Afghanistan. The response by the leader of the Taliban was, if the European Union will build us another stadium, then we can have soccer; but we need this stadium for our public executions. I think all of us have seen photographs of the women brought into the stadium, the Taliban men filling the bleachers, brought down and publicly executed for not following the rules of the Taliban.

Since women are not allowed to work to support themselves in Afghanistan, thousands of Afghan war widows have reluctantly become beggars in that society. Because male doctors may not examine women, women are banned from working, Afghan women have no access to health care.

One example, one day while filling a woman's tooth, Taliban police stormed the office of a male dentist and began whipping the women present because they were not accompanied by male relatives. The dentist was jailed and his office was closed for 2 days.

To cope with the overwhelming stress living under Taliban control like this, large numbers of women are turning to drugs. From 1995 to the year 2000, there was a 75 percent increase in drug addicts with no health care to support their addiction, to get them off of drugs. It is not surprising that the suicide rate for women in Afghanistan has escalated. Many women choose to take their own lives rather than live the life that the Talibans dictate that they live.

One female Afghan refugee told a reporter, "Because of the Taliban, Afghanistan has become a jail for women. We do not have any human rights. We do not have the right to go outside and look after our children. We do not even have the right to go to the doctor. We always need permission." Those are the words of an Afghan woman.

The Taliban denial of women to have a job has created a flood of unemployment. These unemployed women face serious financial problems; and as a natural consequence, what happens to the children? The children suffer from hunger, from malnutrition and a chronic state of poverty. Most of them have lost their last recourse to income. They have sold most of their possessions to buy food. Those who could afford leaving the country, have already sold their assets to do so. Those who could not are making up the bulk of the beggars in Afghanistan today. Here we are with Afghanistan's brutal winter approaching.

A large number of these beggars are ex-teachers. A large number are ex-civil servants. This is the horror of what has been happening in Afghanistan. A false assumption by some is that Afghans in general back these practices. While the Taliban maybe by some was originally seen as a force for stability, and we have war-weary Afghans after years of fighting, they heard on Radio Taliban that a force for stability is coming. But that force for stability that those people thought might be stability soon wore out its welcome. Faced with a few years of this abuse, it is no surprise that Afghans now want to overthrow the Taliban.

In a recent poll conducted by Physicians for Human Rights, that poll found 90 percent of Afghan men and women rejected the Taliban's restrictions that exclude women from participating in education, employment, and other aspects of civilian life. 94 percent of women in the Taliban-controlled area said that the Taliban has made their lives much worse, and attributed their declining physical and mental health to Taliban policies.

Muslims at large do not support the Taliban's fanatical practices. Moderate Muslim governments oppose the Taliban's treatment of women and its false interpretation of Islam. The Taliban is a repressive political regime whose aim is to monopolize power in Afghanistan; and to do that, it practices pure terror.

President Bush recognized this in his speech to the Joint Session of Congress which we heard here on the floor when he said, "The United States respects the people of Afghanistan, but we condemn the Taliban regime." The Taliban has demonstrated a blatant disregard for the well-being of Afghans, and by harboring terrorists, it has demonstrated a blatant disregard for human life, both within and outside the Afghanistan borders.

The U.S. is right, therefore, to seek to overthrow the Taliban government. This will rid the world of an evil regime and will improve the livelihood of the Afghan people and will put a stop to the violations of women's rights which in Afghanistan today is a more dire situation for women than anywhere else on this planet.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for organizing an ongoing effort to call attention to the plight of these women. My hope is that the world community becomes more involved and understands better why it is we have to make certain that this Taliban regime is replaced, and that the women of Afghanistan are again given a voice and basic human rights. I thank the gentlewoman for yielding to me.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman. I am certain that we will continue this each week and will not stop until we see the improvements on women and children in Afghanistan.

We have been joined by another member of the women's caucus who has spoken out passionately about the women of Afghanistan, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I want the gentleman to know that there are many women who appreciate his leadership on this issue and appreciate the gentleman coming to the floor and speaking out for the women in Afghanistan.

I also want to bring to the attention of my colleagues in Congress and others the leadership of the gentleman on the Voice of America, the voice for Afghanistan, to bring the truth to the people about what our country is trying to accomplish. The fact that we are also supplying humanitarian aid and that we are attacking terrorists, not Afghanistan and the people there, but the Taliban and the terrorists.

I would like the gentleman to explain his bill which I think is an extremely important one, which I support. Even though it is not the purpose of this Special Order, I think it is an important issue and one that should be highlighted.

Mr. ROYCE. Mr. Speaker, I thank the gentlewoman for this opportunity to explain what we have in mind with respect to Radio Free Afghanistan.

Basically the people of Afghanistan, and through this region, have not had the opportunity to hear information that contradicts the ongoing propaganda from the government in a way which was intended to explain the lies and to explain to the people what was actually happening inside the country.

So the concept behind Radio Free Afghanistan is to do what was done with Radio Free Europe in Poland or Czechoslovakia. When we talk with leaders of Poland or the Czech Republic, they say that the hearts and minds of those people in those countries were turned by the opportunity to listen daily to a radio broadcast which explained what was actually happening inside their society. These broadcasts which were done by ex-pat Czechs and Poles, and so forth, was able to explain and put in context what they would be hearing from the Soviet broadcasts.

Over time we know, from those leaders that we have talked to, that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe, so much so that we all recall what happened with the Berlin Wall. We recall what happened in Poland with the solidarity movement, and part of this was because they had access to information.

What we are trying to do with Radio Free Afghanistan is to explain to the people of Afghanistan what exactly the Taliban is telling them and why it is false. Why is that important? Because the broadcasts in Afghanistan say this: They say bin Laden is innocent of any attack on the World Trade Center bombing. The assertion is on their information system that there were 4,000 Jewish workers who were absent that day from work because the Israeli government had told them that they were going to bomb the World Trade Center. Of course that is not true because we know how many people lost their lives and how many Jewish employees lost their lives. It is a lie, but it is a lie that is repeated over and over and over again, not just on that radio station, but on newspapers in this part of the world.

So the opportunity to explain the facts are essential. The opportunity to remind people that the Taliban has hijacked that Afghan culture is essential, reminding people that women used to have the right to vote and used to have the right to work and to learn to read and write.

Ms. MILLENDER-McDONALD. If the gentleman will yield, I really do think that the gentleman's bill is so crucial now given the fact that the Taliban is telling the people that the humanitarian efforts that we, led by our President is doing for that region, the food is poisonous and what they are saying now and putting out that type of propaganda, trying to influence and bring a type of stalemate or trying to keep the folks from knowing that the United States is in there to help them as opposed to hurting them.

It is very clear that we need to have that bill passed so that we can get radios into the people of Afghanistan, especially the women, so they can understand what the real issue is and not be blind-sided by the Taliban and their barbaric regime.

I know that the gentlewoman wants to speak on this issue, and I yield to the gentlewoman.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for organizing this Special Order tonight that really focuses on the plight of the women in Afghanistan.

Mr. Speaker, 2 weeks ago I came to the House floor to condemn the Taliban's appalling treatment of women. I relayed the tragic story of a 16-year-old girl who was stoned to death for going out in public with a man who was not her family member; and for a woman, for the crime of teaching girls in her home, was also stoned to death in front of her husband, children and students.

□ 2200

Sadly, these terrible acts are real, and they continue under the Taliban regime.

But tonight I want to highlight who the Afghan women are and how we must support them when Afghanistan rebuilds. Afghan women are neither weak nor helpless. They are merely being imprisoned by an oppressive and brutal regime. Many of those women behind the burqas are strong, capable women who once played a major role in Afghan society.

Women's rights in Afghanistan have fluctuated greatly over the years. Women have bravely fought the forces of extremism at various points in the country's turbulent history. At one time, women comprised 70 percent of the school teachers, 50 percent of the civilian government workers, 40 percent of the doctors, and 50 percent of the students in universities. They were scientists and professors. They led corporations, nonprofit organizations, and were very active in their local communities.

Extremist forces in the early 1990s, some of the same groups that are being proposed as potential leaders of a new government in Afghanistan, began to curtail women's freedoms. But when the Taliban came to power in 1996, it banned women from all public life. Working itself became a crime. Today, women who were once diplomats and judges can be beaten for improper dress. Women who were once army generals can be shot for leaving their homes without a male escort, even to receive medical care. The Taliban condone rape as an effective means of punishing women and rewarding soldiers.

Mr. Speaker, one of these days, we do not know how long it will be, but it will happen, we will end the Taliban regime for its support of terrorism; and we will be in a position to help Afghan women forge a better future for themselves and their families. We must begin to discuss the future of women in Afghanistan. It is crucial that any coalition that is assembled to run Afghanistan fully restore the rights of women. We will not need to construct a new, novel idea of equality between men and women. Instead, we can help reconstruct an old and better way of life.

Afghan women are proven leaders among their people. They can once again rise as thoughtful, powerful community leaders. Women in Afghanistan were guaranteed equality in their constitution, which they helped write in 1964. Women represent the majority of the Afghan people. We need to ensure that their voices are heard and their impact is felt.

Eliminating the Taliban will not automatically end the struggle for women's rights in Afghanistan. There are no angels waiting in the wings to deliver Afghanistan from all the evils of its checkered past. When the U.S. liberates Afghanistan from the Taliban, we must use our moral authority to ensure that power does not fall into the hands of a new regime with extremist views on women's rights. Any regime will surely be better than the Taliban, but our standard must be much higher than that.

President Bush has done our country proud in our war on terrorism and against the Taliban. I urge him to be mindful of this issue and vocal about it as he begins to lay the diplomatic groundwork for a new Afghanistan.

Ms. MILLENDER-McDONALD. I thank the gentlewoman from New York. We know how strong she has been and how outspoken she has been on the issue of empowering Afghanistan's women. We want her to come each week as we come to this floor to talk about this plight, to ensure that not only the American women, but women around this world and across this Nation take part in helping us to fight until these women have gotten their rightful fundamental rights, human rights restored back to them.

We do know that millions of people in Afghanistan are experiencing the most desperate poverty imaginable. In addition to the Taliban's barbaric rule, the region is suffering under the most severe drought in decades and military incursions continue to displace hundreds of thousands of Afghans. Seventy-five percent of refugees are women and children; the conditions in which they fight to survive are horrific. According to some estimates, every 30 minutes a woman dies in childbirth and one in four children die before 5 years of age.

During these uncertain times, women and families need safe havens. We must do everything within our power to guarantee humanitarian efforts and aid benefits for the women and children of Afghanistan who are suffering in this region. A significant increase in food, shelter, education and health care services is necessary to ward off starvation, disease and death and to prevent further regional instability that breeds terrorism.

You might recall, Mr. Speaker, for the past 6 years, Afghan women and girls have pleaded with the world to free them from the grip of the brutal Taliban militia and have warned that the Taliban's threat to humanity would extend beyond the borders of Afghanistan. In the wake of September 11, we have come to see the realization of their warnings.

Mr. Speaker, again I applaud the administration's commitment to $320 million in humanitarian aid and support, a dramatic increase in the United States' efforts to provide long-term humanitarian assistance. More importantly, I stand in full support of providing direct funding to Afghan women-led organizations like the Revolutionary Association of the Women of Afghanistan, known as RAWA, to ensure that the primary beneficiaries are women and children. As we cannot forget the tragic events of September 11, we must not forget the Afghan women and girls and children, the first victims of the Taliban.

I want to engage again my colleagues on some of those things that the Afghan women have been very prominent in, like in 1924, they had the first women's magazine and published that about Afghan women. In 1964, women were appointed to the advisory constitutional drafting committee. In 1977, Afghan women participated in the drafting committee of the constitution of Afghanistan.

As you can see, women were very much into the whole fabric of Afghanistan, and as my friend, the gentleman from California (Mr. ROYCE) was saying, and he certainly knows this history of the Afghan women, we must again fight to ensure and restore women in these pivotal positions, such as publishing magazines, advisory committees on the constitution, because we know that the constitution in 1923 guaranteed equal rights to all citizens of Afghanistan.

The Congressman from California knows this history better than I, but these were the absolute, entrenched women of Afghanistan doing these types of things that during those eras really a lot of women from other countries, including ours, did not have the ability to do.

So you might want to expound again on some of those things that I have outlined here.

Mr. ROYCE. Let me respond.

What is astounding here is the fact that, as the gentlewoman says, you had a culture in which women played such a pivotal role, especially in education, in the professions, in governance; and suddenly, because of the civil war, first the war to repel the Soviet invasion and then the country in turmoil, in despair, you had the Taliban appear on the scene that, through a ruthless effort, grabbed control, not only of the government, but grabbed control of the ability to communicate through radio to the people. What was unique about Afghanistan is that most people got their information from radio, 85 percent of the Afghan people.

Once the Taliban forces had seized the radio stations, the broadcasting stations, they were able to begin a disinformation campaign, a propaganda campaign, to direct the people with misinformation in order to try to have them follow the Taliban.

In 1997, I had suggested to the former Under Secretary for South Asia that we support in the United States a Radio Free Afghanistan at that time. Why? Because the Taliban were sweeping across the country and, with propaganda, the fact that they controlled the information system in much the way that Goebbels in Germany controlled the information system, they were propagandizing on a daily basis.

I said at the time, if we could get a Radio Free Afghanistan up in that society, we would be able to give people true information about what was actually happening, and probably it would head off this Taliban movement, because they thrive through the lies that they spread.

What we found was that once they got control of most of the country, of course they have never been able to take all of it, but once they got control of the lion's share of Afghanistan, they then, in addition to propagandizing, began to eliminate dissenters, began the process of rounding up and eliminating anyone who tried to disagree with them.

So how do you get information into a society like that? What you do, in my view, is recognize the fact television is already illegal, the Taliban passed a prohibition, it is a criminal act to own a television, so no one owns televisions any longer in the country. The thing you can do to reach these people, in my view, is a constant message on the air to tell them what has actually happened to them, why it has happened, who has done it to them, and why the United States is finally responding to Osama bin Laden. It took an attack on the United States to get us to finally act.

My hope is that we can commit ourselves, as the gentlewoman has correctly pointed out and as the gentlewoman from New York pointed out, not just to ending this cruel operation of al Qaeda and bin Laden, but also making certain that some measure of justice is done here to eliminate that Taliban control and to take the country to a position that it once had with a constitution, with rights.

There is such a dangerous precedent for human rights and for the rights of women especially, in terms of what the Taliban has been able to do, it demands the international community stepping in and making certain that a constitution and the rule of law come back to that country.

Ms. MILLENDER-McDONALD. It is amazing you would say the international community, because what we are trying to do as members of the Women's Caucus is to engage women around the world, ambassadors of various countries, NGOs, nongovernmental organizations, women organizations, to help us in this plight.

We applaud RAWA, because RAWA is right there in Afghanistan trying to bring about the type of human rights, the type of democracy and to bring empowerment back to women. We know that is a plight in and of itself, because the Taliban is quickly trying to denounce anyone who tends to want to give freedom and democracy to the people who are so distraught and who are in the throes of their very barbaric actions.

And so the bill, Radio Free Afghanistan, will really help to bring the type of information where the women, those others who are trying to do their level best to bring some sanity and some type of democracy back, will be more informed of what we are trying to do, what people around the world, this international community, is trying to do; and hopefully will help us to restore that type of democracy. Once that is done, I think we must ensure that women have a rightful place in any type of negotiations, any type of legislation.

Indeed, there should be types of elections where they are elected back into office and they get the education that they need so that they can be prominent in the whole fabric of that society.

We cannot stop once we restore the empowerment to women, and we will indeed continue that until we do that. But we must ensure that they continue to have their place and their seat at the table. In fact, we are asking here that Members of Congress include in all proposed legislation on the future of Afghanistan any language that assures the inclusion of women and women organizations in reconstruction of the country at every level of planning, decision-making and implementation.

□ 2215

We must do that. We have seen through the ages through the history of Afghanistan that women have played a very pivotal role. I think about in 1919 when Afghanistan women got their right to vote. In fact, that was a year before we were given the right to vote. A progressive king encouraged women to take part in the political process.

This is what we are doing here in America. This is what we must do with the women there and must ensure that the constitution that has been passed in that country be restored or be done in terms of ensuring that women get their equal rights back. It was written in 1923. We must allow that to be the sole document that encourages women to know that they have an equal right as a citizen of Afghanistan, and that this constitution that was deemed written and adopted in 1923 will encourage women to know that they have a right, a fundamental right and, therefore, should be given the restoration of their democracy and their freedom.

Mr. ROYCE. If the gentlewoman would yield, I would just like to second your observation that a return to the constitution and the rule of law in this part of the world is absolutely essential along with the development of a broad-based inclusive government in Afghanistan. We have to commit ourselves to that.

We have had an opportunity to see the terror that can result when rule of law, when Democratic principles are subverted, and that terror has given rise to an ability of Osama bin Laden and al-Qaeda to use a network of terrorist training camps across that country.

Now, if there had been a Democratic regime or if there had been a broad-based government there, there is no way that these types of terrorist training camps could be used in order to wage war ultimately on the United States.

Terrorists have a difficult time when they are on the run. But when they have a state, as the Taliban in Afghanistan presented as a state, the opportunity for terrorists to come and train and plan and prepare and be financed and to rehearse and not just rehearse attacks but to use gas and chemicals. All of this was offered to bin Laden and al-Qaeda by the Taliban. This is why it is important to us in the United States in terms of our own lives. Not only should we care about the human beings in the rest of the world that live under this type of tyranny, and tonight we have talked a great deal about just how bereft people are in Afghanistan of any fundamental rights and how women are treated worse there than under any other regimes in the world, but we should also recognize that when the world community and when the United States ignores this type of evil, it eventually, I think, catches up with us as well.

Ms. MILLENDER-McDONALD. Mr. Speaker, I could not agree with the gentleman more. And this is why the bill authorizes, the gentleman's bill that he will be bringing to this floor, authorizes the funds that will allow a new transmitter that will roughly have 12 hours a day of broadcasting so that they can and in their local language where the Afghan people can really get the true meaning of what we are trying to do, get the type of information that will help to empower them, to get the type of support and to know about the support that it is not only inside RAWA, but on the outside with the international community, then this will help hopefully to further and to make the task a bit easier for us.

But we must ensure that the legislation that the gentleman is pushing, and I am the original co-sponsor of that with him, that we bring this about because we can ill afford to allow the truth not to be told to the people, especially the women of Afghanistan.

Mr. ROYCE. Mr. Speaker, we will be bringing that bill before the Committee on International Relations. We will be passing it out on Thursday. But after that the gentlewoman and I will be working to bring it to the House floor as soon as possible because I believe that time is of the essence.

We want the people of Afghanistan to understand why the United States is involved in this military action against the Taliban and against bin Laden. We want them to understand so that they will be our allies in this effort. And my belief is that their response, once they hear the truth, will be the same as the response by the people of Poland, the people of the former Czechoslovakia, the people of Hungary when they had that opportunity to listen to those Radio Free Europe broadcasts and when the people went to the street and said enough. It is time for tyranny to end. It is time for us to have our freedom.

Well, it is time for the people of Afghanistan to have their freedom and it is the time for the women of Afghanistan to have their human rights back.

Ms. MILLENDER-McDONALD. Mr. Speaker, that is the empowerment that we are trying to do.

As we looked on yesterday with Michael Jordan returning to basketball, I am reminded of the Afghan women who in 1961 had women basketball players win the national championship in Afghanistan. This just goes to show you that they were entrenched throughout that country and not only in education, not only in medicine, not only in application, as we have said, that they made up the largest legislative body than we do now presently in the U.S. Congress, but they were also in sports. So they had the freedom to move about.

We know that a lot of them traveled to Turkey to seek higher education. And so given all of this, 1996, the Taliban came in and they just disrupted the whole lifestyle of a group of women and children. Of course, we will continue to denounce this. We will not allow this type of thing to happen, not only to women of Afghanistan but to women around this globe, around this world, we will not allow that to happen.

So with men like you, with other men in this body who are passionate as we are about the women of Afghanistan, they too will help us rise up and will fight and bring back the dignity and the democracy that they should and have enjoyed in Afghanistan.

Mr. ROYCE. Mr. Speaker, I must again thank the gentlewoman for her efforts around the country to get the information out, the truth out about what has happened and this gross violation of the rights of women in Afghanistan. I do believe that there are more and more of our colleagues now who are committing themselves and saying we are not just going to try to attack al-Qaeda and then leave.

My belief is that unless we see this through and see the Taliban government catapulted out of power there, we risk having this cancer, that the al-Qaeda network and the Taliban expand beyond Afghanistan. I think for the hope of civilization, for the hope of the next generations, it is very important that this broad-based coalition that the President and that our Secretary of State Colin Powell have put together in order to wage this effort stay the course until we see that the Taliban rule is extinguished, and that we make certain that the international community plays a role in afterwards bringing peace and restoring fundamental rights and showing by example why the United States stands for principles of human rights, rule of law, the importance of liberty. We have to follow through.

I believe we did not do all that we should have done after the Soviet Union left Afghanistan. I believe that the United States at that time instead of adopting a strategy of benign neglect, which has basically been the strategy since the Soviet Union was defeated finally and pulled out of Afghanistan, allowed this outside group to develop this nucleus there and in this state of despair and anarchy that existed, they were allowed to grab control.

I think there is a lesson in this. We should have at the time made certain that people had access to information, not only inside Afghanistan about what was going on around the world. We should have been more attentive to what was happening. Well, now we know. There is no longer any excuse for anyone not to rally to this cause of bringing justice for the people of Afghanistan.

Mr. Speaker, I thank the gentlewoman again.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman so much for being with me tonight. We do understand that we were encouraged to stay there once the Soviet Union had left, had really been defeated in their purpose, but we did not listen. I think the old adage of, "If you do not know your history, you are doomed to repeat it," I think at this juncture we will not do that. Once we have defeated the Taliban, we will stay there and restore democracy and give the people the type of lifestyle they want they want to know.

We have to recognize that the Taliban, Mr. Speaker, took control and that is when women who were leaders in public life and politics, leaders in every aspect of that country were then thrown aside, were not permitted to go out any more without having this burqa, really were denied the basic human rights that they enjoy.

Mr. Speaker, as I opened tonight I said that we will be here each week. Well, continue to come here each week to talk about the Taliban's barbaric ruling, how they have destroyed or think that they have destroyed the women of Afghanistan, but they have simply given us the opening and the opportunity by the attacks of September 11, we have not seen that, the atrocities in Afghanistan, and we will not stop until we can eradicate that.

Mr. Speaker, with that I will say that while the tragic events of September 11 were eye-openers for some, they presented windows of opportunity into the lives of the women and children of Afghanistan, and we will not rest until gender apartheid is nonexistent not only in Afghanistan but throughout the world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mrs. MEEK of Flordia, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on October 31, 2001 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 70. Making further continuing appropriations for the fiscal year 2002, and for other purposes.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, November 1, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4453. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Payments for Professional Services in Low-Access Locations (RIN: 0720–AA58) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4454. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Legal Assistance Matters—received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4455. A letter from the Administrator, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Exemption from Control of Certain Industrial Products and Materials Derived from the Cannabis Plant [DEA–206] (RIN: 1117–AA55) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4456. A letter from the Administrator, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Interpretation of Listing of "Tetrahydrocannabinols" In Schedule I [DEA–204] (RIN: 1117–AA55) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4457. A letter from the Administrator, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Clarification of Listing of "Tetrahydrocannabinols" in Schedule I [DEA–205] (RIN: 1117–AA55) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4458. A letter from the Principal Deputy Associate Administrator, Enviromental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, Ventura County Air Pollution Control District [CA 242–0292c; FRL–7067–2] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4459. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes; Kentucky and Indiana; Approval of Revisions to State Implementation Plan; Kentucky [KY–117; KY–126; KY–129; KY–132–200202; IN–121–3; FRL–7082–9] received October 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4460. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Native Veterans Allotments [WO–350–1410–00–24 1A] (RIN: 1004–AD34) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001–NM–257–AD; Amendment 39–12385; AD 2001–16–16] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 206L–4, 407, and 427 Helicopters [Docket No. 2001–SW–29–AD; Amendment 39–12443; AD 2001–13–51] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4463. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF34–3A1, –3B, and –3B1 Turbofan Engines [Docket No. 2001–NE–21–AD; Amendment 39–12441; AD 2001–19–02] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Flightcrew Compartment Access and Door Designs [Docket No. FAA–2001–10770; SFAR 92] (RIN: 2120–AH52) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes [Docket No. 2000–NM–385–AD; Amendment 39–12444; AD 2001–19–04] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211 535 . Turbofan Engines [Docket No. 2001–NE–22–AD; Amendment 39–12445; AD 2001-19–05] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4467. A letter from the General Counsel, National Science Foundation, transmitting the Department's final rule—Conservation of Antarctic Animals and Plants—received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4468. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation, "To authorize appropriations for hazardous material transportation safety, and for other purposes "; jointly to the Committees on Transportation and Infrastructure, the Judiciary, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[October 31 (legislative day of October 30), 2001]

Mr. SESSIONS: Committee on Rules. House Resolution 272. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–260). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 273. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–261). Referred to the House Calendar.

[Submitted October 31, 2001]

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 107–262 Pt. 1). Ordered to be printed.

Mr. BOEHLERT: Committee on Science. H.R. 2275. A bill to amend the National Institute of Standards and Technology Act to ensure the usability, accuracy, integrity, and security of United States voting products and systems through the development of voluntary consensus standards, the provision of technical assistance, and laboratory accreditation, and for other purposes; with an amendment (Rept. 107–263). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 274. Resolution providing for consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes (Rept. 107–264). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2269. Referral to the Committee on Ways and Means extended for a period ending not later than November 9, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 3189. A bill to extend the Export Administration Act until April 20, 2002; to the Committee on International Relations.

By Mr. SCHIFF (for himself, Mr. SIMMONS, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. LOFGREN, Ms. HARMAN, and Mr. FARR of California):

H.R. 3190. A bill to amend title 49, United States Code, to authorize the Administrator of the Federal Aviation Administration to establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshal program as volunteers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mr. LAFALCE, Mr. LEACH, and Mr. GREEN of Wisconsin):

H.R. 3191. A bill to provide home ownership assistance for public safety officers and teachers; to the Committee on Financial Services.

By Mr. GILMAN:

H.R. 3192. A bill to establish an advisory board to monitor the collection and allocation of relief funds by charitable organizations in response to a disaster; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT (for herself, Ms. SLAUGHTER, Mr. QUINN, Mrs. MORELLA, Mr. STARK, Mrs. CAPITO, Mr. SHIMKUS, and Mr. THOMPSON of California):

H.R. 3193. A bill to amend the Violence Against Women Act of 2000 by expanding the legal assistance for victims of violence grant program to include legal assistance for victims of dating violence; to the Committee on the Judiciary.

By Mr. CAPUANO:

H.R. 3194. A bill to expand the September 11th Victim Compensation Fund of 2001 to include individuals diagnosed with anthrax; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. JOHNSON of Illinois, Mr. TOWNS, Mr. RANGEL, Mr. RAMSTAD, and Mr. KOLBE):

H.R. 3195. A bill to extend the Medicare community nursing organization (CNO) demonstration project; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3196. A bill to provide compensation to individuals who are injured by an escaped prescribed fire and to amend the tort procedure provisions of title 28, United States Code, relating to claims for such fires, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 3197. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Ways and Means.

By Mr. PUTNAM:

H.R. 3198. A bill to respond to the vulnerability of the United States agricultural production and food supply system to international terrorism; to the Committee on Agriculture.

By Mr. SMITH of Michigan:

H.R. 3199. A bill to require congressional approval of proposed rules designated by the Congress to be significant; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 3200. A bill to require that the United States Postal Service issue a special commemorative postage stamp under section 416 of title 39, United States Code, in order to provide funding to the United States Postal Service for mail security enhancements, and for other purposes; to the Committee on Government Reform.

By Mr. TANCREDO:

H.R. 3201. A bill to prohibit any department or agency of the United States from transferring funds to any individual or entity that prohibits the display of the flag of the United States; to the Committee on the Judiciary.

By Mr. VITTER:

H.R. 3202. A bill to amend title 49, United States Code, to require air carriers to remove from a passenger aircraft any baggage that is checked by a passenger who does not board the aircraft, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. MCHUGH, Mr. BURTON of Indiana, Mr. RUSH, Mr. GEPHARDT, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. CRAMER, Mrs. THURMAN, Mr. CARDIN, Mr. MCGOVERN, Mr. OWENS, Mr. WAXMAN, Mr. SHIMKUS, Ms. NORTON, Ms. WATSON, Mr. HOEFFEL, Ms. CARSON of Indiana, Mr. SABO, and Mr. SERRANO):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency; to the Committee on Government Reform.

By Mr. FORBES:

H. Res. 275. A resolution honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. PETERSON of Pennsylvania (for himself, Mr. MURTHA, Mr. GEKAS, Ms. HART, Mr. KANJORSKI, Mr. HOLDEN, Mr. HOEFFEL, Mr. MASCARA, Mr. SHUSTER, Mr. PLATTS, Mr. DOYLE, Mr. PITTS, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, Mr. SHERWOOD, Mr. WELDON of Pennsylvania, Mr. ENGLISH, Mr. GREENWOOD, Mr. TOOMEY, and Mr. COYNE):

H. Res. 276. A resolution praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

200. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 118 memorializing the United States Congress that the State of Ohio expresses admiration and support for the President and the United States Congress, for the Governor of New York, the Mayor of the City of New York, and for the law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation, all of whom decisively responded to the terrorist attacks in the City of New York and Washington, D.C.; to the Committee on Government Reform.

201. Also, a memorial of the General Assembly of the State of Oregon, relative to House Joint Memorial No. 15 memorializing the United States Congress to abolish the Northwest Forest Pass portion of the Recreational Fee Demonstration Program and permit the citizens of Oregon to enjoy the national forests in the state without payment of a fee; to the Committee on Resources.

202. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to support granting of posthumous citizenship to noncitizen soldiers who sacrificed their lives on behalf of our nation; to the Committee on the Judiciary.

203. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 125 memorializing the United States Congress that the People of Guam condemn the hijackings of American commercial passenger airlines by terrorist forces and wholeheartedly and resolutely support the promise and determination of the President of the United States; to the Committee on the Judiciary.

204. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Memorial No. 1 memorializing the United States Congress to extend the current Canada-United States Softwood Lumber Agreement; encourage the end of Canadian lumber subsidy practices; and enforce United States trade laws to offset Canadian subsidiaries and eliminate injury to the United States timber industry if the Canadian subsidies are not terminated; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. YOUNG of Alaska introduced A bill (H.R. 3203) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Caledonia*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 747: Mr. DIAZ-BALART.
H.R. 826: Mr. PRICE of North Carolina.
H.R. 959: Mr. BRADY of Texas.
H.R. 968: Mr. PRICE of North Carolina.

H.R. 1354: Mr. KENNEDY of Rhode Island and Mr. TAYLOR of North Carolina.

H.R. 1436: Mr. BLUMENAUER, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HONDA, and Mr. MENENDEZ.

H.R. 1475: Mr. MEEKS of New York.

H.R. 1504: Mr. BONIOR.

H.R. 1556: Mr. WATT of North Carolina and Mr. KANJORSKI.

H.R. 1616: Mr. SHUSTER.

H.R. 1645: Mr. FLETCHER and Mr. FORBES.

H.R. 2063: Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Mr. JEFFERSON, Mr. WATT of North Carolina, Mr. MOORE, and Mr. KUCINICH.

H.R. 2220: Mr. STUMP, Mr. SHUSTER, and Mr. STRICKLAND.

H.R. 2235: Mr. SHUSTER.

H.R. 2287: Mr. TOWNS, Mr. PALLONE, Mr. ENGEL, Ms. NORTON, and Ms. SOLIS.

H.R. 2354: Mrs. MINK of Hawaii, Mr. ROGERS of Michigan, and Mr. CONDIT.

H.R. 2357: Mr. FLAKE.

H.R. 2376: Mr. GEORGE MILLER of California.

H.R. 2623: Ms. HARMAN.

H.R. 2709: Mr. CAPUANO, Mr. STUMP, and Mr. LUTHER.

H.R. 2715: Mr. GEORGE MILLER of California.

H.R. 2783: Mr. CROWLEY and Mr. STARK.

H.R. 2839: Mr. BROWN of Ohio.

H.R. 2874: Mr. GREEN of Wisconsin.

H.R. 2896: Mr. BARCIA.

H.R. 2897: Mr. MCGOVERN.

H.R. 2955: Mr. WEINER and Mr. DEFAZIO.

H.R. 2991: Mr. WATT of North Carolina and Mr. LANGEVIN.

H.R. 2998: Mr. LANTOS, Mr. GILLMOR.

H.R. 3029: Mr. FRANK.

H.R. 3035: Mr. MCGOVERN.

H.R. 3058: Mr. LATOURETTE, Mr. LANGEVIN, Mr. BROWN of Ohio, Ms. VELÁZQUEZ, and Ms. PELOSI.

H.R. 3067: Mr. SMITH of Washington, Mr. TOWNS, Mr. LANGEVIN, Mr. MEEK of Florida, Ms. DEGETTE, Mr. FARR of California, Mr. MASCARA, Ms. RIVERS, Mr. WEINER, Ms. ESHOO, and Mrs. TAUSCHER.

H.R. 3111: Mr. FROST.

H.R. 3143: Mr. GIBBONS, Mrs. CHRISTENSEN, Mr. LARSON of Connecticut, Ms. RIVERS, Ms. ROS-LEHTINEN, Mr. BALDACCI, Mr. DAVIS of Illinois, Mr. CONDIT, Ms. SOLIS, Mrs. TAUSCHER, Ms. HOOLEY of Oregon, Mr. CROWLEY, Mr. ISRAEL, and Ms. VELÁZQUEZ.

H.R. 3150: Mr. SIMPSON.

H.R. 3164: Mr. TOWNS and Mrs. CHRISTENSEN.

H.R. 3166: Mr. MCNULTY and Mr. FROST.

H.R. 3167: Mr. HEFLEY, Mr. LAMPSON, and Mr. MCINNIS.

H. Con. Res. 162: Mr. HONDA and Mr. ISRAEL.

H. Con. Res. 197: Mr. TURNER.

H. Con. Res. 232: Mr. WU, Mr. LANGEVIN, and Mr. RANGEL.

H. Con Res. 254: Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. MURTHA, Mr. MASCARA, and Mr. GEKAS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. YOUNG of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

40. The SPEAKER presented a petition of Citizens for Lewis and Clark Development Site #1, Illinois, relative to a Resolution petitioning the United States Congress to support the development of the Lewis and Clark Memorial Tower to commemorate the Lewis and Clark experience in Illinois for generations to come; to the Committee on Resources.

41. Also, a petition of United City of Yorkville, Illinois, relative to a Resolution petitioning the United States Congress that the United City of Yorkville shall observe a moment of silence to express respect and condolences to the families and individuals who have experienced a loss during this national crisis; to the Committee on the Judiciary.

42. Also, a petition of the Council of the City of Kodiak, Alaska, relative to a Resolution petitioning the United States Congress to fully fund the United States Coast Guard's budget for operational readiness and recapitalization requirements to ensure the U.S. Coast Guard bases such as the one in Kodiak, Alaska, remain ready to protect and preserve not only the fishing community of this island community, but the greater national security and well being; to the Committee on Transportation and Infrastructure.

43. Also, a petition of Grand Lodge of Missouri, relative to a Resolution petitioning the United States Congress that all Missouri Freemasons hereby pledge their loyality, respect, admiration, devotion, and dedication to the United States of America; to the Committee on Veterans' Affairs.

44. Also, a petition of Gaston County Board of Commissioners, North Carolina, relative to a Resolution petitioning the United States Congress that they unanimously thrust all of its support to the President of the United States and Congress as they endeavor to seek out the perpetrators of this heinous crime and bring them to justice; jointly to the Committees on International Relations and Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3150

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 15, after line 24, insert the following:

"(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States;

Page 16, line 1, strike "(7)" and insert "(8)".

Page 16, line 3, strike "(8)" and insert "(9)".

EXTENSIONS OF REMARKS

THE RETIREMENT OF REAR ADMIRAL JAMES W. EASTWOOD, U.S. NAVAL RESERVE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a privilege to take this opportunity to pay tribute to Rear Admiral James W. Eastwood, on his retirement from the United States Naval Reserve after more than three decades of distinguished and dedicated service to our nation. Rear Admiral Eastwood is a native of Philadelphia, Pennsylvania. Pennsylvania has a rich heritage of individuals who have made significant contributions to their communities, the Commonwealth of Pennsylvania, and our country. Rear Admiral Eastwood is part of this proud tradition which places him among those who exemplify the founding principles of this great nation.

In the way of background, Rear Admiral Westwood graduated from Villanova University's NROTC Program in 1968, and reported to the USS *Gyatt* (DD–712) as Main Propulsion Assistant. In late 1968, he became the First Lieutenant on USS *John W. Weeks* (DD–701) and while on operations in the western Pacific, he took over additional responsibility as Antisubmarine Warfare Officer. He completed his active duty tour as the Executive Officer of New London Test and Evaluation Detachment and immediately affiliated with the Naval Reserves in Philadelphia.

From 1971 through 1982, he served on USS *Lowry* (DD–770) and USS *Corry* (DD–770) and USS *Corry* (DD–817) as a Department Head, DESRON Thirty Staff and then Officer in Charge of a unit assigned to supplement DESRON Thirty. These 11 years with the NRF Program became the foundation of his entire Naval Reserve Career.

In 1982, upon promotion to Commander, he was selected to Command SIMA Phila DET 504 serving in that capacity for three years. After one year on COMNAVBASE Phila Staff, he was selected as Selected Reserve Coordinator for USS *Oliver Hazard Perry* (FFG–7) where his unit became the first primary SELRES crew ever to take part in an entire Great Lake Cruise. Subsequent to a very successful tour on *Perry* COMNAVSURFGRU Four selected Rear Adm. Eastwood to oversee all Reserve Activities on five Naval Reserve Force ships in Philadelphia.

After selection to Captain in 1989, he assumed Command of Naval Readiness Unit "A", followed by Command of SIMA Philadelphia HQ Unit 104 overseeing the activities of four local Detachments and eight outlying Augment units. He has also served on the CNAVRES Policy Board for two years, the FY92 and FY94 O–6 Selection Board and the FY93 O–5 Selection Board; attended the CINCLANTFLT senior Officer Orientation Course, the Leesburg Management Course and Strategy Forum 92. In January 1996 he was notified of his selection for his second star in the Naval Reserve and served as the Readiness Commander, Region Four Headquarters at Fort Dix, New Jersey. In addition, Rear Adm. Eastwood served as Commander, Region Four Headquarters at Fort Dix, New Jersey. In addition, Rear Adm. Eastwood served as the Deputy N86 on OPNAV staff. In May 1999, he was assigned as Deputy Commander, U.S. Atlantic Fleet.

Rear Adm. Eastwood has received numerous military medals and commendations. In addition to achieving the rank of Two Star Admiral, he has been awarded the Legion of Merit, two Meritorious Service Medals, two Navy Commendation Medals, the Vietnam Service Medal and various other unit and theater commendations.

In civilian life, RADM Eastwood is President of Granary Associates, a full service facility development firm located in Philadelphia, Pennsylvania and New York, New York. The Company provides architecture, interior design, planning, project management, relocation management and various real estate services to the healthcare, corporate and public sectors.

He lives in Bryn Mawr, Pennsylvania with his wife, Linda and has three children; Erica Lamontagne, who along with her husband David, graduated Villanova University in 1994, Jim a recent 2000 Villanova University graduate and Brooke a senior also attending Villanova University.

Rear Admiral James W. Eastwood has served his country with great ability, valor, loyalty and integrity. On the occasion of his retirement from the United States Navy and the United States Naval Reserves, I commend him for his outstanding service. He is Pennsylvania's finest, and I wish him well in the years ahead.

IN TRIBUTE TO ROB ROY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Rob Roy, who has worked tirelessly over several decades to make agriculture a safer, stronger and more viable industry in my congressional district, throughout the State of California, and across the United States of America.

I have had the pleasure of working with Rob for the past 25 years, both professionally and personally. He is a man of great talents and great integrity.

Rob Roy graduated from the University of California, Irvine, with a bachelor's degree in Spanish and from the California Western School of Law with a Juris Doctorate degree. Rob is admitted to legal practice before the California Supreme Court, the Ninth District Court of Appeals, all four U.S. District Courts of California, and the U.S. Supreme Court.

He has used his legal expertise to strengthen the agricultural industry, first as an attorney for the Western Growers Association and, for the past 25 years, as General Counsel for the Ventura County Agricultural Association.

Rob has participated in more than 25 published Agricultural Labor Relations Board decisions during his career, five of which were ultimately decided by the California Supreme Court. Cases Rob argued included one that led to the first Board pronouncement on the issue of secondary boycotts and another that was the catalyst for a complete transition to farm labor contractors and the end of the United Farm Workers in the local citrus industry.

In 1987, Rob pioneered the creation of VCAA Insurance Services to assist members in controlling workers' compensation costs. In 1993, he and former VCAA Chairman Ken Creason spearheaded an effort to create the District Attorney's Fraud Investigation Task Force, which Rob ultimately chaired. Today, the Task Force is fully funded by the State Department of Insurance.

For the past 14 years, Rob has also chaired the American Bar Association Subcommittee on State Agricultural Labor Law Development.

Mr. Speaker, Rob Roy also is no stranger to our nation's capital. For the past five years he has spent considerable time here working with other agricultural organizations and legislators in an effort to enact a guest worker program for U.S. agriculture. He has served as an Alternate Director and Director of the National Council for Agricultural Employers. He is also on the NCAE's Executive Committee.

I could go on for several more minutes about Rob's accomplishments and dedication to our agricultural committee. Let me just state that I have only provided a partial list.

Of course, I would be remiss if I did not mention the tremendous love and support Rob receives from his wife of 14 years, Marianne, and his children, Michael and Jenna.

Mr. Speaker, our agricultural industry is stronger and more viable today because of Rob Roy's passion and commitment. I know my colleagues will join me in recognizing Rob for his dedication to an industry that is vital to our nation's economy.

TRIBUTE TO STREAMS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to share the success of an environmental organization from Huntingdon Area Middle School, a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

school in my district, that has shown determination to protect our precious natural resources. The students are members of Science Teams in Rural Environments for Aquatic Management Studies, or STREAMS. Members of the eleven year old organization, STREAMS, study watershed ecology and then apply their knowledge to resolving local environmental problems.

The members of STREAMS share a common belief that we need to protect and preserve our environment for future generations. Three members under the leadership of STREAMS advisor Fred Wilson recently completed a stream assessment of Standing Stone Creek. I commend students Kaleigh Selisberto, Amy Slicker, and Margo Wilson for their hard work on this project. Let me share some of the accomplishments of STREAMS members over the last few years:

Constructed a wetland—They helped design, pay for, construct, landscape and create partnerships to build the wetland completed in September 1996.

Built a shallow ditch known as a swale—550 feet long by 35 feet wide with a two-feet depth to stabilize the streambanks with vegetation and prevent erosion, completed in September 1998.

Created Riparian Buffer Projects—Planted vegetation along a stream to stabilize the 550 feet swale in March 1999, and a second project was completed along another 440 feet swale in October 1999.

Planted Street Trees—Since 1995, students planted over 100 street trees, costing $4,100, in Huntingdon Borough.

Completed Streambanks Restoration Projects—To encourage private property owners along Muddy Run stream to restore streambanks sections of the waterway, made a monetary contribution to help one homeowner place a 60 feet rip rap along an eroded high bank and donated large limestone rocks for a project on 24th Street.

Established a Tree Honorarium Program—In 1998, established a Community Tree Honorarium Award for people who have made significant contributions to improve the quality of life in Huntingdon. American veterans were the first recipients of this program.

Education—Delivered a paper document that they created to over 400 residences in the Muddy Run Watershed explaining how land management practices could help prevent storm water runoff, April 1998.

Started a School Recycling Program—The school district is now the largest recycler in the Huntingdon Borough.

Through their participation in the STREAMS organization the students of Huntingdon Area Middle School have learned the value of citizenship and stewardship in their community.

Mr. Speaker, I think each one of us has the right to enjoy the great outdoors either through camping, fishing, hunting, picnicking, biking, or any outdoor activity in which people choose to engage. Each one of us also has a larger responsibility to leave our environment cleaner than we received it so our children and grandchildren may enjoy the splendors of mother nature. The participants of STREAMS each deserve thanks for helping to improve our environment.

HONORING GORDON GILBERT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Gordon Gilbert for receiving the U.S. Department of the Interior Valor Award. The award is given to employees of the department who "demonstrate unusual courage involving a high degree of personal risk in the face of extreme danger."

Sequoia National Park Ranger Gordon Gilbert was recognized for his involvement in a December 25, 1998, incident in Yosemite National Park. Rangers were called to a Yosemite Valley home where an armed man had barricaded himself and threatened suicide. Gilbert was the first Ranger to respond to the scene, and part of the team of five rangers that diffused the situation and took the man into protective custody.

Gilbert's actions helped to ensure that nobody else in the park had their safety threatened by this dangerous individual.

Mr. Speaker, I rise to honor Gordon Gilbert for his courage and bravery. I urge my colleagues to join me in wishing Mr. Gilbert many more years of continued success.

FOOD AID FOR AFGHANS

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Ms. MCKINNEY. Mr. Speaker, I know the American people want to help the suffering Afghan people. I'm sorry to say that we already stand condemned by Medecins Sans Frontieres for conducting nothing more than a propaganda campaign regarding our food drops.

Our brave young men and women are risking their lives to deliver this urgently needed food. But how will we be judged by this new blunder?

I'd like to ask you to take a look at this. . . .

And this. . . .

To more than just a casual observer, they might even get mistaken for being the same thing!

And that's what's got the US military quaking in their boots. Can you imagine the horror if this one gets mistaken for this one?

Well, one is life . . .

And the other one is death . . .

The squarish one is the food . . .

The roundish one is a cluster bomb.

That's what the poor, starving people of Afghanistan must now contend with. The US military is dropping little notes to inform people not to pick up this one, the cluster bomb thinking it's food because if they pick up this one, which is the wrong one, they'll get blown to smithereens.

Isn't it bad enough that our military is dropping cluster bombs on Afghanistan, anyway?

Well, it's really bad because in the war in Bosnia then-Air Force Chief of Staff, Major General Michael Ryan, refused to allow cluster bombs to be dropped because of the civilian deaths associated with cluster bombs, especially that of children.

But now our Air Force refuses to issue such a directive, it appears, as the US comes under fire from humanitarian organizations around the world for dropping cluster bombs on the people of Afghanistan.

I have written a letter to our President asking that we please refrain from using cluster bombs. But a funny thing about those cluster bombs. They have little bomblets that look like this!

And so when little kids see them, they think they're a toy or something.

Now, Afghanistan already has 10 million landmines and the unexploded bomblets from the cluster bombs add to that number.

So now if the food looks like this, what will hungry children do? But if the food looks like this, and the bombs look like this what will hungry people do? The military bets that they will try to find something to eat.

And so the Pentagon is concerned that people who are hungry for food that looks like this will confuse it with bomblets that look like this.

The Pentagon is now worried that hungry Afghan people will try to eat the bombs thinking it's the American food. So the Pentagon has sent messages to the Afghani people.

One message says, "As you may have heard, the Partnership of Nations is dropping yellow humanitarian daily rations. Although it is unlikely, it is possible that not every bomb will explode on impact. These bombs are a yellow color and are can-shaped."

Another Pentagon message is more to the point: "Please, please exercise caution when approaching unidentified yellow objects in areas that have been recently bombed."

Mr. Speaker, not only do innocent Afghans have to worry about the Taliban . . . not only do they have to worry about landmines left from the last war . . . not only do they have to worry about starving to death . . . and an approaching winter . . . they now have to worry about bombs that look like food.

I think I've heard it all now, Mr. Speaker.

HONORING AMERICAN LEGION POST 82 OF INGLEWOOD, TENNESSEE FOR HUMANITARIAN EFFORTS THROUGHOUT THE 5TH CONGRESSIONAL DISTRICT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor American Legion Post 82 of Inglewood, Tennessee, for humanitarian efforts on behalf of individuals across the Fifth Congressional District.

On July 3, 2001 the family of one of the members of American Legion Post 82 was involved in a tragic automobile accident in which his daughter was killed and two grandchildren were critically injured. This family had no insurance, no money for burial costs, and faced mounting medical expenses.

But members of Post 82 quickly came to the rescue of the Bayless family, by organizing a benefit spaghetti dinner and auction which took place on July 22, 2001. The outpouring of support was overwhelming, as country music artists, local merchants, and the media all offered time and talent to make this event a huge success.

As a result of the community outpouring, Post 82 raised more than $10,000 for this family. Due to the hard work and compassion of the American Legion, a burden was indeed lifted from this gentleman during a time of personal crisis and loss.

I commend American Legion Post 82 of Inglewood, Tennessee, for thoughtfulness and sacrifice on behalf of one's fellow man. Individuals such as this exhibit compassion and charity at the very highest levels.

HONORING THE DIXSON RANCH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to celebrate the consummation of placing the Dixson Ranch property in a Conservation Easement. This easement will ensure that the Dixson Ranch, which has been farmed for over a hundred years, will be in agricultural use in perpetuity.

The Dixson Ranch was purchased by Mr. A.W. Dixson on October 2, 1905, for $12,000 in gold coins. The property consisted of 41 acres, and a farmhouse that was built in 1894. The Dixson family grew row crops on the farm, including several different varieties of lettuce, and eventually leased the ranch to the Kingo Kawaoka family, who farmed it until they were removed to the Japanese internment camps during World War II. In 1941, A.W. Dixson's son Gordon, Gordon's wife, Wilma, and their two young daughters, Sara, age 6, and Molly, age 4, moved to the farm.

After the war ended, Kingo Kawaoka's family moved back to continue farming in the area. A cousin of the Kawaokas, Noriharu "Bill" Kawaoka, managed the Dixson Ranch from 1954 until his death in 1992. In 1975 the ranch was designated as an agricultural preserve through a land conservation contract with the City of Arroyo Grande. This contract stated that the land would be used for farming purposes rather than property development. Additionally, the Coastal San Luis Conservation Resource District awarded the first annual Soils Stewardship Award to Wilma Dixson at age 89.

Today, the Ikeda Family leases and manages the farm, while Jim Dickens, the son of Sara Dixson, and his family live in the farmhouse, making them the 4th generation of Dixsons to live on the ranch.

The Dixson family is committed to soil conservation and agricultural land stewardship as well as sound economic planning. In order to ensure that they would be able to permanently protect their productive farmland, the Dixsons were awarded a grant through the State of California's Farmland Conservancy Program. The program promotes cooperation between government, non-profit organizations, and individual landowners in order to purchase agricultural conservation easements. This was augmented by a federal grant from the Natural Resources Conservation Agency of the U.S. Department of Agriculture. I believe this easement is a prime example of the public and private sector working together to ensure agriculture remains viable while simultaneously preserving open space, I am honored to have the Dixson Ranch in my congressional district.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. RILEY. Mr. Speaker, I Was unavoidably detained for rollcall No. 408, H. Con. Res. 243, Expressing the Sense of Congress Regarding the Presentation of the Public Safety Officer Medal of Valor in Response to the Terrorist Attacks of September 11. Had I been present I would have voted "yea."

I was unavoidably detained for rollcall No. 409, H.R. 2559, the Federal Long-Term Care Insurance Amendments Act. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 410, H.R. 2910, the Norman Sisisky Post Office Designation Act. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 411, H. Con. Res. 233, Expressing Congress' Profound Sorrow for the Death and Injuries Suffered by First Responders in the Aftermath of the September 11th Terrorist Attacks. Had I been present I would have voted "yea."

HONORING THE DISTINGUISHED CAREER OF JOHN E. SIRLES III

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize and congratulate Mr. John Sirles for his 30 years of service to our nation as a civil servant with the U.S. Army Corps of Engineers. Since February 1999, he has served as the Deputy District Engineer for the Army Corps of Engineers' Chicago District.

Over the course of his career with the Corps, Mr. Sirles has received numerous awards. He's been awarded the Bronze Order of the deFleury Medal, the Special Act Award, and the Superior Civilian Service Award. He's also received the Exceptional Performance Award on four separate occasions and the PMRS Performance Award five times.

But Mr. Sirles' legacy will not be the countless awards and citations he's received—his legacy will be the public works projects he's worked on and the countless number of individuals he's inspired over his three decade long career with the Army Corps.

If any of my colleagues should visit Chicago, I would encourage them to take a look at the Chicago Shoreline project. Mr. Sirles oversaw and led the completion of the third Project Cooperation Agreement, a critical component to a $276 million project that will help protect downtown Chicago from flooding.

If any of my colleagues should visit Chicago, I would encourage them to take a look at the Tunnel and Reservoir Plan, an ongoing project with an extensive network of tunnels and reservoirs. This project will help reduce flooding to hundreds of thousands of households and improve water quality of the rivers and streams throughout Chicagoland.

Mr. Sirles helped champion these projects and many more during his tenure at the Chicago District.

I ask my colleagues to join me in honoring John Sirles. He's been an exemplary public servant, and his record serves as an example for others.

RECOGNIZING FOWLER PACKING COMPANY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Fowler Packing for setting a standard of excellence in fruit picking, packing and shipping. Fowler Packing's strict attention to detail and a willingness to try new innovations has resulted in the production of top quality Tree-Ripe fruit since 1966.

Sam Parnagian established Fowler Packing Company in the early 1950's. In 1966, Sam recognized an opportunity in the Tree-Ripe fruit industry and focused his company's attention to peaches, plums and nectarines.

Mr. Parnagian went on to influence major advances in western fruit packing. In the early 1970's he built and operated the first commercial hydro-cooler used in stone fruit packing. He was also a big promoter of plastic fruit trays, or "Panapack," as they are commonly called today.

In addition to marketing their own fruit, grown on an estimated 2500 acres, Fowler Packing also packs and markets fruit for more than 50 Central Valley growers. The "Sam-Son" label was created by Sam Parnagian and named after his four sons: Dennis, Phillip, Randy and Ken.

Today, Sam's sons continue Fowler Packing's tradition of quality and innovation. Fowler Packing recently switched from wooden to plastic bins in order to reduce the potential for fruit damage. Progressive ideas like these have made Fowler Packing a leader in the Tree-Ripe fruit industry.

Mr. Speaker, I rise to recognize Fowler Packing for their commitment to producing quality fruit in the California Central Valley. I urge my colleagues to join me in wishing the Parnagian family and Fowler Packing many more years of continued success.

HONORING THE SANTA BARBARA GAY PRIDE FESTIVAL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mrs. CAPPS. Mr. Speaker, I wish to honor the impending Santa Barbara Gay Pride Festival that will be held in Santa Barbara, California on Saturday, October 20, 2001.

This festival celebrates the advancements the members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community have made. It has evolved over the years from a small picnic in a park to a major festival in Santa Barbara that more than 5,000 people are expected to attend. Gay Pride festivals are held in hundreds of cities nationwide, and this year the Gay Pride Festival will be celebrating the 31st anniversary of the world's first gay pride celebration.

This is the first year that the festival will be held in downtown Santa Barbara, rather than outside the city center. By moving to a larger venue, the Santa Barbara Gay Pride Festival hopes to educate the community at large, as well as to promote inclusion among many different religious, ethnic, social and business groups. Another goal of the festival is to promote awareness among the larger community, as it is hoped that with awareness comes respect.

Gay Awareness Day has been established to reflect on the progress made by the LGBT community, as well as an opportunity to celebrate acts of courage and determination in the pursuit of civil rights. The mere size of the festival demonstrates how much advancement the gay community has made over the last three decades and I can only hope that celebrations like this will continue for years to come.

CONGRATULATING AMERICAN LEGION POST 82 ON THE OCCASION OF THE NEW MEMBER INITIATION CEREMONY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to congratulate American Legion Post 82 of Inglewood, Tennessee, on its recent initiation ceremony welcoming thirteen new members.

On September 30, 2001, the President of Unit 82 hosted an initiation ceremony and reception for these new members alongside thirty longtime members. This was the first initiation for new members conducted by the unit in more than 5 years.

During the ceremony the principles of the American Legion are expressed using candles and the pledge of loyalty. These fundamental precepts include the promotion of justice, freedom, democracy, and loyalty.

Additionally, each new member was presented with an American flag, an auxiliary pin, a copy of the United States Constitution, and the by-laws and regulations of Inglewood Unit 82.

Through patriotic organizations such as the American Legion, Americans can be assured that democracy and justice will be passed to future generations and that the light of freedom will continue to burn brightly.

PASSING OF MR. LARRY D. CALLAGHAN

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. McKINNEY. Mr. Speaker, I stand before you today to honor and remember Mr. Larry D. Callaghan for his tremendous contributions and a lifetime of servitude. Mr. Callaghan was a man who possessed a greatness of character and lived a dedicated and selfless life, which has served our nation and our nation's veterans in a most honorable way.

Larry's patriotism and valor became evident in Vietnam as a scout squad leader with the 11th Armored Cavalry Regiment, part of the 119th Infantry Brigade. In July 1968, while on a combat mission, he sustained a spinal cord injury caused by a land mine explosion. He was recognized for his service with the Vietnam Service Medal, Vietnam Campaign Medal, Combat Infantry Badge, and the Purple Heart.

Larry continued to distinguish himself as a leader aspiring to help others by joining the Paralyzed Veterans of America in 1968. During the past 30 years, he was actively involved in the New England Chapter of the Paralyzed Veterans of America and served on the Executive Committee as a national vice president from 1989 to 1994. Most recently, Larry served as PVA national senior vice president last year.

I offer my condolences to his wife Beth and his children John and Megan. I hope that they can take comfort in the fact that a nation is in their family's debt for the dedicated compassion and service that Larry has shown in his life—one that is marked with greatness.

Mr. Speaker, I hope that you and all of my colleagues will join me today to remember and honor the life of a very remarkable man.

NORMAN SISISKY POST OFFICE BUILDING

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. ORTIZ. Mr. Speaker, precisely because he was a man dedicated to the ethic of the working class, Norm Sisisky would be proud that a United States Post Office will bear his name.

As a patriot dedicated to justice, he would share the horror we all feel in the wake of the ongoing anthrax attack that has so profoundly touched the lives of our postal workers, their families and our communities.

Norm and I came to Washington together in the same class in the House of Representatives. We traveled together from time to time with the House Armed Services Committee.

On long trips to military interests around the world, you get to know people very well. For nearly our entire service together in Congress, we served on the House Armed Services Committee.

We sat beside each other for all of that time on the committee, and often put our heads together on issues witnesses addressed during their testimony. Norm was a constant source of inspiration and humor at our hearings.

At the same time, he was the consummate businessman. He could figure out quickly what the hidden costs were to taxpayers in any plan brought before our committee, and he could find the holes in plans any witness presented.

Norman Sisisky was dedicated to Virginia . . . to the Navy . . . and to the betterment of our fighting men and women. He was much beloved by his staff, his friends and the people he represented in Virginia.

Most of all, Norm was the ultimate patriot, whose highest calling was watching out for the interests of his district and the United States Armed Forces.

It is utterly appropriate that we honor his memory and the quality of his service by passing the Norman Sisisky Post Office Building Designation Act.

H.R. 1552—THE INTERNET TAX NONDISCRIMINATION ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 1552, the Internet Tax Nondiscrimination Act, which extends the moratorium on Internet taxation. The current moratorium expires on October 21.

As we now know the Internet has had a global economic impact on the way business is transacted and some of the rapid expansion of the Internet is due to the fact that it has remained free from restrictive taxes.

There is growing concern, however, that as e-commerce continues to flourish, states and localities are losing more and more of their sales tax revenue because we lack a uniform system of collecting sales taxes on Internet purchases. Collecting these taxes is further complicated by the diverse and extensive web of taxing authorities throughout the country.

We need a nondiscriminatory tax system dealing with these complexities which will be fair to the states, and that at the same time continue to foster the expansion of e-commerce. The development of such a plan requires a thoughtful, careful, and innovative approach among participants at both the state and federal levels.

Extending the ban on Internet taxes for two years will give all involved entities more time to assess the impact of e-commerce on state revenues and to develop an equitable system of taxation and collection. By doing so, we can continue to reap the benefits e-commerce has to offer, while not sacrificing important and necessary revenue to states and localities.

RECOGNIZING JOSEPH DITOMASO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Joseph DiTomaso for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. The Friends of Agricultural Extension will recognize Joseph at their annual awards dinner.

Joseph is a U.C. Davis Weed Science Extension Specialist. He has continually been developing his program on the subject of "Control of Yellow Starthistle." The emphasis of his research has shifted from defining the biology and ecology of this serious pest to developing integrated system approaches to its long-term management, as well as to that of other non-crop weeds.

Mr. Speaker, I congratulate Joseph DiTomaso for being named an Extension Specialist Award finalist by the Friends of Agricultural Extension. I urge my colleagues to join me in wishing Joseph many more years of continued success.

HONORING DENNIS W. SHAUGHNESSY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mrs. CAPPS. Mr. Speaker, I would like to pay tribute to Dennis Shaughnessy, who retired on September 14, 2001. Though his departure is a great loss, I would like to congratulate Dennis and thank him for 30 years of service and dedication to the County of Santa Barbara Probation Department.

Dennis Shaughnessy began employment with the Probation Department in 1971 as an officer assigned to the Santa Barbara Juvenile Hall. From the outset of his career, Dennis performed at an outstanding level and was identified as having management potential on his very first employee performance evaluation. He soon was promoted to Deputy Probation Officer in 1973, and began quickly moving up the ranks in the Probation Department from Senior Deputy Probation Officer to Supervising Probation Officer to Administrative Division Chief to his final position of Deputy Chief Probation Officer, the position he has held since 1996.

In addition to the innumerable hours Dennis has dedicated to the Probation Department, he also has found time to serve on various State committees, including advisory committees for the California Board of Corrections and several criminal information subcommittees with the Department of Justice. He has also initiated several programs that have been cited for outstanding merit by the local Juvenile Justice/Delinquency Prevention commission. Specifically, the Los Prietos Boys Camp, a program in his division, has received much recognition. The Los Prietos Boys Camp is a program that provides an opportunity for juvenile offenders to be rehabilitated. The program provides at-risk youths opportunities to refurbish computers for the Santa Barbara County Education Office's "Computers for Families" program, or provide forest maintenance services for the Los Prietos National Forest. The program has been so effective it was awarded the CSAC Challenge Award in November 2000.

Mr. Speaker, for his lifetime of service and commitment to community involvement, I recognize and salute Dennis Shaughnessy and thank him for all his efforts on behalf of the entire Central Coast community. I am confident that Dennis will remain a prominent figure in the community as he enters a new phase in his life. We all owe him a tremendous debt of gratitude, and I wish him the best of luck in all of his future endeavors.

NORMAN SISISKY POST OFFICE BUILDING

SPEECH OF

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 2910, the Norman Sisisky Post Office Building Designation Act, I am honored today to pay tribute to Norman Sisisky, who was a colleague and a familiar figure in Virginia politics for many years. It is fitting and proper that we should honor Norman today on the floor of this House where he acted so honorably as a public servant since he was elected to Congress in 1982 until his death earlier this year.

Norman Sisisky spent a lifetime serving Virginia and the United States, and we are all deeply indebted to this distinguished Virginia gentleman. Norman first displayed his love for this country when he enlisted in the Navy as a young man during World War II. His time in the Navy, though short, left a lasting impression and he never forgot that we must diligently tend to the needs of the men and women serving in the military.

At the conclusion of the war, he became a successful businessman and well known throughout the business community for transforming a small bottling company into a highly successful soft drink distributor. His business background and creative thinking proved invaluable when he later decided to enter elective politics. Norman served 'in the Virginia General Assembly for several years before being elected to the House of Representatives in 1982. Here in Washington, Norman was known as a staunch defender of our national security and worked tirelessly on behalf of the men and women who serve our nation in the military.

Norman was particularly effective in building coalitions in support for key programs and reaching across the aisle on matters of importance to Virginians. From ensuring adequate funding for aircraft carriers and submarines to modernizing our weapons systems, he was an ardent voice on the Armed Services Committee and an ally of every person who wears the uniform of the United States.

In his District, and throughout Virginia, his reputation as an outstanding Member of Congress was unparalleled. His legacy of constituent service, consensus building and selfless service is a model for all Members of Congress.

The people of the Fourth District, the Commonwealth of Virginia and the United States of America have truly benefitted from his dedicated service and at this time of national crisis his military mind and Congressional experience are sorely missed. Norman was successful in every aspect of his life and we rightly dedicate this post office in his memory today.

A TRIBUTE TO THE STUDENTS AT FRAZIER HIGH SCHOOL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. MASCARA. Mr. Speaker, I rise today to recognize a very special group of constituents in my district, the students at Frazier High School, which is located in Perryopolis, Fayette County, Pennsylvania.

On October 29th, Frazier students Tricia Keefer, Amanda Wetzel, Carrie Sterdis, Kara Steiner, Toni Keffer, Sara Toth, Rebecca Harmon and Ashley Madorma, presented me with a check for President Bush and America's Fund for Afghan Children. The compassionate students at Frazier High School raised $616 for the needy Afghan children.

More than 10 million children in Afghanistan are suffering because of years of war and drought. One in four Afghan children will not make it to their fifth birthday, and one in three is an orphan. Remember, these children are innocent victims of a repressive government, a government that doesn't care about their suffering.

But thanks to the selfless efforts of the students at Frazier High School, and the efforts of hundreds of thousands of children across this country, fewer children in Afghanistan will suffer this winter. Every dollar raised will help make sure Afghan children receive the food, shelter and medicine they so desperately need.

Mr. Speaker, I know the entire House of Representatives joins me in saluting the hard work and dedication of the students at Frazier High School.

RECOGNIZING WILLIAM H. ARMSTRONG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize William (Harry) Armstrong on the occasion of his 71st birthday.

Harry was born in Merced, California on October 28, 1930. He graduated from Merced Union High School. Mr. Armstrong served in the Korean War and is a member of the American Legion, Post 147. He began working in the dairy industry in 1960.

Harry has extensive public service experience, including: appointment to the Clovis

Planning Commission, election to the Clovis City Council, election as Mayor of Clovis, President of the League of California Cities, President of South San Joaquin Division of the League of California Cities Committee, Ex-officio member of the California Tax Credit Allocation Committee, Chairman of the Association of Metropolitan Water Agencies, and Vice-Chairman of the Fresno County Water Advisory Board.

Harry lives in Clovis with his wife Jeanine. They have three grown children: Tom, an attorney; Jim, a businessman; and Megan, a teacher.

Mr. Speaker, I rise to congratulate Harry Armstrong on his many years of public service and to recognize his 71st birthday. I urge my colleagues to join me in wishing Harry many more years of happiness.

SUPPORT FOR KAZAKHSTAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. SHERMAN. Mr. Speaker, following the terrorist attacks of September 11, the United States received a tremendous outpouring of sympathy from nations all over the world. One particular nation that has truly responded to the September 11 attack with an offer of real help for the United States is Kazakhstan.

Kazakhstan declared that it would support measures taken by the United States to combat terrorism and has offered the United States use of Kazakhstan airspace and the military infrastructure needed to wage the war against terrorism. With its strategic location, Kazakhstan's help is invaluable. I would like to add a statement made on September 15 by President Nursultan Nazarbayev of Kazakhstan to the record.

After declaring independence in 1991, Kazakhstan successfully dismantled what was once the fourth largest nuclear arsenal in the world. Additionally, Kazakhstan continues to serve as a model to the global community in its leadership on disarmament and non-proliferation.

I believe that it is in our nation's interest to continue to support Kazakhstan—a country whose actions have demonstrated a commitment to global stability, non-proliferation, and tolerance for ethnic and religious minorities.

Kazakhstan plays an important role in maintaining and ensuring stability in the region of Central Asia, and is dedicated to playing a role in the fight against terrorism. For these reasons, the United States should do its part to support Kazakhstan.

Mr. Speaker, I believe we have an important ally in Kazakhstan, and I call on my colleagues to show their support for this Nation.

STATEMENT BY PRESIDENT NURSULTAN NAZARBAYEV OF KAZAKHSTAN, SEPTEMBER 15, 2001

In these tragic days for America, the people of Kazakhstan are grieving together with the American people about the death of thousands of innocent people.

I am closely following the situation as it unfolds. We stand on the position that the terrorists must be punished, as well as those harboring the terrorists.

The United Nations and its Security Council have condemned the barbarian act of terrorism and called upon the world community to take resolute actions.

Therefore, Kazakhstan is ready to support the measures undertaken by the United States to fight against terrorism, with all the means available.

Kazakhstan has always been standing against terrorism and is ready to participate in creation of a real international coalition of countries to fight against the international terrorism.

We proceed from the assumption that retaliation should not only be effective, but also should be just. This requires that the state should act with great deal of responsibility. And we rely upon the wisdom of the American leadership. We were pleased to learn that the United States wants to know for sure who has perpetrated these barbaric acts and helped the terrorists before taking actions.

Today I sent a letter to U.S President George Bush. I expressed Kazakhstan's support for the U.S actions aimed at fighting against the international terrorism, the global evil that has developed across the entire world.

We hope that the American people will be able to quickly cope with the heaviest psychological blow and remain committed to their great historical values.

ST. JOHN THE BAPTIST ORTHODOX CHURCH CELEBRATES 90 YEARS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 90th anniversary of the dedication of St. John the Baptist Orthodox Church of Nanticoke, Pennsylvania, which is being celebrated over several days culminating on Nov. 4 with a Divine Liturgy followed by a banquet and celebration.

When the church was built, the Hanover Section of Nanticoke was still known as the village of Rhone, and immigrants from areas of Russia that are now part of Slovakia and Poland would walk many miles to Wilkes-Barre or to Newport Township to attend church after working long hours each week in the anthracite coal mines of the Nanticoke area.

To unify these groups of Carpatho-Russian settlers in a church closer to home, several families organized to build their own local church to serve their spiritual needs. These founders had family names such as Vancisin (Wanchisen), Cunder (Sunder), Bobak, Ducar, Motika, Pendle, Handoga, Sagan, Brenish, Chromoho, Hrinko, Mititka, Franchak, Sarochinsky, Gula, Franko and Huha.

Construction began in the summer of 1911 and the church was dedicated on October 29 of that year with Father Kieko from Russia performing the first services.

This year, several members of the church hierarchy will join the pastor, the Very Rev. Stephen Karaffa, and the parishioners in Nanticoke for the Divine Liturgy commemorating the dedication and sacrifices of those founding members. Among those on hand will be Metropolitan Theodosius, the primate of the Russian Orthodox Church in America and Archbishop Herman from the Archdiocese of Philadelphia and Eastern Pennsylvania.

As part of the 90th anniversary celebration, Susan Shiposki, a St. John's parishioner, has designed and created two new icons for the church: "The Mother of God" and "Christ the Teacher." Mrs. Shiposki is a noted iconographer who has created several works for the church. Her first icon was created four years ago in honor of her parents' 50th wedding anniversary.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 90 years of dedication, faith and good works of the people of St. John's Church, and I wish them all the best.

TRIBUTE TO RICKEY R. DEAN, POSTMASTER, MANASSAS, VIRGINIA, AND ALL UNITED STATES POSTAL WORKERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. WOLF. Mr. Speaker, I am pleased to announce on behalf of the citizens of Virginia's 10th Congressional District the installation of Rickey Dean as the new postmaster in Manassas, Virginia on October 19, 2001.

Throughout his Postal career which started in 1983 as a letter carrier, Mr. Dean demonstrated the dedication and bravery which is seen in all our postal workers today. As a graduate of Fairmont State College in West Virginia, he has served in many positions since that time, including Supervisor, Branch Manager, and Superintendent of Postal Operations. In May 1996, he was appointed Postmaster of Warrenton, Virginia. He has served as Officer-In-Charge of facilities in Berryville, Falls Church, and Manassas. In July 2000, he served as the acting manager of Post Office Operations for the 226/227 zip code areas. Following that assignment, he was detailed to the Northern Virginia District Office as Manager of Delivery & Customer Service Programs.

My appreciation and admiration go out to Rickey Dean and his colleagues for the work and service they do on behalf of the people of the United States of America and the Commonwealth of Virginia. Postal workers everywhere deserve our support and prayers especially during these difficult times.

Mr. Speaker, I submit for the RECORD a prayer offered on Friday, October 19, at the installation of Rickey Dean, in support and appreciation of the public service postal employees provide to our great nation.

Thank you again to Mr. Dean and to all our nation's postal workers. You're doing a fabulous job.

PRAYER OFFERED BY FATHER LAWRENCE VIOLETTE

INSTALLATION OF RICKEY R. DEAN, POSTMASTER, MANASSAS, VIRGINIA, OCTOBER 19, 2001

God, our Father, you send your angels to give us the good news of salvation, and to call us to repentance. Send your angels to guard the men and women of the United States Postal Service.

Remind them of their call to service for our community.

Console them in their troubles.

Protect them from all evil.

May those who receive good news through the mail give you thanks for your many gifts.

May those who receive bad news turn to you for consolation and support.

God our Father—may everything we do be "first class." [Imprint your own loving "zip code" upon our hearts in that we may never go astray.] Provide in your gracious providence "special handling" for those of us who are "fragile" and keep us in one piece. We have been "signed, sealed, stamped, and delivered" in your image and likeness, and we beg you to keep us in your care as we go about our "appointed rounds." And when our days draw to a close and we are marked "Return to Sender," be there to greet us at heaven's door so that nobody may ever say, "unknown at this address." Amen.

INTENT REGARDING SECTION 211 OF H.R. 3162, THE USA PATRIOT ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. TAUZIN. Mr. Speaker, in 1984, Congress passed the Cable Act, which contained Section 631 to provide for the protection of cable subscriber privacy. Section 631 includes specific protection against the disclosure of personally identifiable information concerning a cable subscriber to law enforcement, by the cable operator, without the subscriber's notification. However, changes in technology that have occurred over the last seventeen years require that section 631 be clarified. Specifically, cable television companies now often provide Internet access and telephone service, in addition to traditional television programming. Confusion over whether section 631 of the Communications Act or the Electronic Communications Privacy Act (ECPA) applies to cable operator disclosures of information about their subscribers to government entities could hamper or delay government investigations. In the wake of the terrorist attacks against the United States on September 11, 2001, we as policymakers have examined ways in which to improve law enforcement's ability to trace, intercept, and obtain records of the communications of terrorists and other criminals with great speed, regardless of the mode of transmission. Clarifying which law applies when will greatly assist law enforcement in their antiterrorism, investigative efforts.

Therefore, as the committee of jurisdiction over this issue, the Energy and Commerce Committee worked with the Department of Justice, and the Senate Commerce Committee, to arrive at language now found in section 211 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, that clarifies that cable television subscribers continue to enjoy certain privacy protections, while also ensuring that law enforcement officials have the same ability to gain access to cable subscriber Internet and telephony information as they do with conventional telephone service.

The drafters of this language intend the phrase "records revealing cable subscriber selection of video programming from a cable operator" to mean information about which video programming service or services a cable subscriber has purchased from a cable company. It does not include information such as a cable subscriber's name, address, or the means of payment. Importantly, this language does not impose any new requirements on cable companies to maintain or collect additional records containing subscriber information.

"Video programming" is intended to refer to traditional video programming services comparable to broadcast television, see 47 U.S.C. 522 (20), as opposed to the emerging types of video programming services that enable subscribers to communicate with other viewers or subscribers. Nor does "video programming" include streaming of content over the Internet.

Moreover, to the extent a cable company enables its subscribers to communicate with other persons through the provision of telephone service or Internet access service, it must comply with the same laws, found in title 18, governing the interception and disclosure of wire and electronic communications that apply to any other telephone company or Internet service provider. In these instances, Section 631 simply would not apply. Under Title 18, providers of these interactive services are not required to provide notice to their subscribers when disclosing information to a governmental entity, and in certain cases may disclose information without a court order.

With this clarification, cable companies will be in a better position to assist law enforcement with their anti-terrorism, investigative efforts without fear of violating other provisions of the law. Thank you.

CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY ACT OF 2001

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DEFAZIO. Mr. Speaker, nobody could have foreseen the devastating drought that has besieged Oregon over the past year. The lack of water has adversely effected agriculture, energy generation, recreation, and fish and wildlife habitat. The Klamath Basin .in Southern Oregon and Northern California has suffered particular hardship through this drought. The snowpack and rainfall that supply the Basin with life-sustaining water are critical to the economic viability of the Basin, and have been significantly below normal. Because the federal government, through the Bureau of Reclamation, has encouraged the Basin's dependence with nearly a century of promised federal water allocation, this Congress has an obligation to take further steps to provide further funding for relief and mitigation.

The Chiloquin Dam, on the Sprague River, currently blocks as much as ninety percent of the spawning grounds for two species of listed as endangered suckerfish. This bill, H.R. 2585, to study the feasibility of increasing fish passage at Chiloquin Dam, would be a modest but important step toward providing a long-term solution for the Basin's water shortage.

Last spring, the federal government announced that many of the irrigators in the Klamath Basin would not receive their annual deliveries of water from Upper Klamath Lake. This decision was largely based upon the U.S. Fish and Wildlife's portion of the biological opinion stating that water levels in Upper Klamath Lake must remain at a certain level to protect the endangered suckerfish. By improving fish passage at Chiloquin Dam in the Modoc Point Irrigation District, we can be proactive in recovering suckerfish populations. Hopefully, working toward full recovery of the species will eventually result in a delisting, thus providing for fewer restrictions on lake levels and more flexible water management.

The situation in the Basin has been exacerbated by judges' rulings and the application of the Endangered Species Act (ESA). In 1995, as a member of the House Resources Committee, I voted in favor of reforming the ESA. The bill I supported, authored by a moderate Republican, would have maintained the core principles of the ESA, but could have prevented the fish versus people situation that we now have. The reforms would have involved the state in any proposed species listing. It would have allowed the state to propose an HCP or long term recovery strategy to prevent a listing. It would have also clarified the process to weigh social and economic impacts prior to listing. Unfortunately, the moderate, bipartisan reforms I supported were rejected by Chairman Young. Instead, he pushed for a virtual repeal of the ESA. The Chairman's radical approach to reforming the ESA was flatly rejected by the Republican leadership.

The ESA expired in 1992. With exception of the 1995 attempt, the Republican House leadership has scheduled no action to review, reform, or re-authorize the ESA. Unfortunately, it continues to be authorized year to year, without change, through appropriations riders. Hopefully, the dire circumstances in the Klamath Basin and elsewhere will be a catalyst for the House to properly re-authorize and reform the ESA.

I am pleased to be working with Mr. Walden, and many members of the Oregon and California delegations, to find reasonable short and long term solutions to the situation in the Basin. This bill can provide for one of those reasonable solutions. I urge adoption of H.R. 2585, the Chiloquin Dam Fish Passage Feasibility Study Act.

TRIBUTE TO MAE GRAYSON HAMILTON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and accomplishments of my friend, Mae Grayson Hamilton, who passed away on October 17, 2001, in Little Rock, Arkansas.

A Dumas, Arkansas, native, Mae was a longtime teacher in the public school system in my hometown of Prescott. During the course of her career, she enriched the lives of generations of Prescott school children through her love for her students and dedication to teaching. As an educator, she was an active member of the National Education Association, the Arkansas Education Association, the Literacy Council and the Nevada County Retired Teachers Association.

Mae was also a devoted member of the Macedonia Missionary Baptist Church in Broughton, Arkansas. In the church, she served as a deaconess and a member of the Hospitality Committee, the Outreach Mission and the Women's Missionary Society. In addition, she gave of her time to be Children's Church Coordinator and Chair of the Program Committee.

Mae Grayson Hamilton was truly a role model not only to our young people, but to all those who knew her well. Her passing is a great loss to her former students, her church family, and all the people of Nevada County. I am grateful for her lifelong commitment to education and her community, and I was proud to represent her in the United States House of Representatives.

My heart goes out to Mae's husband, Johnny Hamilton, Jr., and her two daughters, Michele Hamilton Rhodes and Nicole Hamilton, and my thoughts and prayers are with all her family and friends.

TRIBUTE TO THE GOVERNMENT OF THE REPUBLIC OF TURKEY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. WEXLER. Mr. Speaker, I would like to extend my sincere congratulation to the people and Government of the Republic of Turkey as they celebrate the seventy-eighth anniversary of the founding of their nation by Mustafa Kemal Ataturk on October 29th. This celebration is an important opportunity to highlight the incredible accomplishments of one of the world's most dynamic nations. I know I speak for many Members of Congress and the American people in extending our wishes for the continued strength and success of the Republic of Turkey.

Over the past seventy-eight years, Turkey has emerged as the secular and modern democracy that Kemal Ataturk envisioned in 1923. Turkey has proven that democracy and Islam are compatible concepts and that freedom and tolerance are universal ideals that should be embraced by all peace-loving nations. As Turkish President Sezer said in a speech commemorating the foundation of the Republic of Turkey on Sunday, "The Republic which was founded as a result of Great Leader Mustafa Kemal Ataturk's foresight after our nation won its War of Independence is an idea of enlightenment and modernization."

As America faces her toughest test both domestically and internationally since World War II, it is reassuring to know that we have the unconditional and unequivocal support of the Republic of Turkey in our counter-terrorism efforts. Turkey's support and sympathy for the American people following the September 11th attacks are testament to the strength of our nations relations and our common commitment to democracy and freedom. As Turkey celebrates her national day, it is important for the United States to recommit to strengthening our strategic partnership with our NATO ally.

As Co-Chairman of the Caucus on U.S. Turkish Relations and Turkish Americans, I believe that we would be remiss if we did not mention the significant contributions of the Turkish American community to our nation. This growing and increasingly important American community has enjoyed unparallel success at every level of American society and in every profession. As American ambassadors of Turkish culture and history, they are without a doubt the Republic of Turkey's greatest asset in the United States and have enriched America.

Mr. Speaker, as the people of the Republic of Turkey celebrate their nation's seventy-eighth anniversary, I know that they will continue to build on the political, economic, and cultural success envisioned by one of the twentieth century's greatest leaders, Mustafa Kemal Ataturk. Again, I congratulate the government and people of the Republic of Turkey as they celebrate the founding of their nation.

FUNDING FOR THE FREEDMEN'S BUREAU RECORDS PRESERVATION ACT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. HORN. Mr. Speaker, I am pleased that the Treasury-Postal Appropriations Bill, H.R. 2590, includes funding to implement the Freedmen's Bureau Records Preservation Act of 2000. The Freedmen's Bureau Records Preservation Act was cosponsored by Representative JUANITA MILLENDER-MCDONALD and Representative J.C. WATTS. I was privileged to manage the legislation on the floor of the House last year.

This important Act requires the Archivist of the United States to preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly known as the "Freedmen's Bureau," so that these records can be maintained for future generations. It further requires the Archivist to work with Howard University and other institutions to index the records so that they will be more easily accessible.

The Freedmen's Bureau, which was established in 1865, accumulated a treasure trove of records concerning newly emancipated African-Americans. These records contain information on marriages, births, deaths, labor contracts, Government rations and back-pay records, and indentured contracts for minors. The records are, in many instances, a key source of information to American families tracing their heritage. They are also a vital source of information for historians and students.

The Freedmen's Bureau Records Preservation Act has special relevance for Howard University. The fact that both the Freedmen's Bureau and Howard University grew out of the same impulse to remediate the wrongs of slavery at the end of the Civil War linked the two institutions together at their birth. The fact that General Oliver Otis Howard served both as the Commissioner of the Freedmen's Bureau and as the third president of the University that bears his name adds additional strength to the link. Therefore, Representative MILLENDER-MCDONALD and I were honored to join many others in a ceremony at Howard University on February 27, 2001, to commemorate enactment of this important legislation.

With the support of Congress, the National Archives will employ microfilming technology to preserve the invaluable Freedmen's Bureau records, and Howard University will develop indexing strategies to provide their widest accessibility to scholars, genealogists, and the general public. Through this partnership, the Act's goals of ensuring preservation and promoting access can and will be achieved.

IN HONOR OF THE CONTINUING SERVICE OF THE NATIONAL GUARD AND RESERVE UNITS ACTIVATED IN SUPPORT OF OPERATION ENDURING FREEDOM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. FORBES. Mr. Speaker, I rise to introduce a resolution honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom. In the days following September 11th, it was the National Guard and Reserve who were present on our streets and in our skies. They were present in our airports and on our waterways. They were deploying overseas in support of active duty units. This is not the first time we have seen these heroes in action. They are our associates and neighbors, our friends and relatives. And yet to many of us, their presence means so much more now than it did before.

We must honor the modern day Minuteman, for as our citizen-soldiers stand watch over us, they remind us that long before the phrase "Homeland Security" was crafted, they were here to preserve liberty on the home front. They were there to support our Army, Navy, Marines, Coast Guard and Air Force. And they are still there, supporting our nation in this time of danger.

This war against terrorism may be lengthy and difficult, and we may at times feel less than fully secure, but I stand here today to tell you that I rest easier with the knowledge that the National Guard is on the job. We owe the men and women who have left their families and jobs to heed this call a great deal, and I urge my colleagues to join me in supporting our National Guard and Reserve. Let us not allow a single Guard or Reserve member to join in this conflict, without knowing that the House of Representatives, and more importantly a grateful nation, holds them in the highest esteem, Let us pass this resolution now and give our heroes even greater strength to draw on in the difficult days ahead.

REMEMBRANCE OF GERALD SOLOMON

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. CROWLEY. Mr. Speaker, I thank my colleague from New York, Mr. SWEENEY, for leading this special order. I rise tonight to commemorate the life and career of Gerald B.H. Solomon.

Gerry Solomon was well known as a tough-talking advocate for his Congressional district. But as a former Marine, he was perhaps the House's biggest advocate for veterans during his 20 years in Congress. As the ranking member on the House Committee on Veterans Affairs, Solomon worked tirelessly on behalf of veterans and veterans' benefits, including beneficiary travel for veterans going to and from VA hospitals. Solomon was also successful in efforts to elevate the Veterans Administration to a cabinet-level department. This work won him wide praise from veterans groups.

AMVETS National Commander Joseph W. Lipowski called Solomon "one of our foremost advocates in Congress." In 1989, Solomon was presented with the AMVETS Silver Helmet Award. The award, which is a silver replica of the World War II GI helmet, has come to be known as the "Veterans Oscar."

It is fitting that Solomon was laid to rest with military honors in Saratoga National Cemetery. From his key position on the House Veterans Affairs Committee, Solomon was the driving force behind the creation of the cemetery and helped secure $1.45 million to buy the land for the cemetery. Solomon loved the unique place in history held by Saratoga, as it was the turning point in the American Revolution.

In addition to serving as ranking member of the Veterans Affairs Committee, Solomon was Chair of the powerful Rules Committee. As the first Republican Chairman in four decades, Solomon used this chairmanship to promote the interests of New York.

Public service was clearly Solomon's life. Coming from a family full of firefighters and policemen, I would be remiss if I failed to note that Solomon also served for years as a volunteer firefighter in his home town of Glen Falls, New York.

Our thoughts and prayers are with his wife Freda and their five children, six grandchildren, and his brother.

Mr. Speaker, I again thank my colleague Mr. SWEENEY for offering this special tribute, and ask if the House would please Join me in pausing to recognize the distinguished life of Gerald Solomon.

COMMEMORATING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. SOLIS. Mr. Speaker, I rise today to mark an important yet often overlooked month in our nation's landscape National Domestic Violence Awareness Month.

Each year, nearly 2 million women are victims of domestic violence. In fact, in the time that it takes me to complete this speech, eight women will have suffered some form of mental, physical or sexual abuse.

The problem of domestic violence is one that I have fought for many years.

In my district—the 31th district of California—domestic violence is a widespread phenomenon. When I first took office as state legislator in 1992, there were more shelters in my district for abused animals than there were for abused women..

But through the vigilant work and determination of our law enforcement agencies and the community, we've worked to reverse that trend. Today, we have a number of excellent shelters and non-profit organizations designed to help battered families rebuild their lives.

As pleased as I am that the shelters exist, though, I am still disappointed. Yes, every person who is the victim of domestic violence deserves as much help as possible to escape their current situation and find a better, more loving environment. But no one deserves to be placed in such a horrendous situation to begin with.

We as a nation have made remarkable strides in domestic violence legislation. We prosecute criminals. We assist victims with finding transitional housing. We help train battered housewives to reenter the workforce. These are all admirable actions. But we can and must do more.

We must work harder to ferret out the root cause of domestic violence. We know that children of batterers are more likely to become batterers themselves. We must work to ensure that these children have the necessary counseling to combat any such violent urges.

We know that immigrant women who are battered are much less likely to leave their abusers because they fear being deported. We must eliminate immigration barriers that prevent these women from getting help.

And we know that nearly one million women each year are victims of stalking. We must strengthen anti-stalking laws to protect women before violence enters the picture.

I ask my colleagues to join me in this commitment to eradicating domestic violence in our great nation, not only with our words but also with our deeds.

THE SERVICEMEMBERS AND MILITARY FAMILIES FINANCIAL PROTECTION ACT OF 2001 (H.R. 3173)

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. GUTIERREZ. Mr. Speaker, these are enormously challenging times for our country. Yet, we are doing what we can to meet these challenges. We are reaching across party lines to show national unity. We are reaching across social and ethnic lines, native-born citizens and immigrants alike, to show that we will not turn away from our nation's highest values, or from each other.

We are exercising caution and common sense. We are going about our daily lives. In my case, and that of my fellow members of Congress, going about business as usual has been a little more difficult in recent days. But—as this productive week demonstrates—it has not made our work impossible.

And, as parents, we are reminding our children how much we love them. Those are a few of the important steps that each of us is taking. And we can be proud of them. However, no group of Americans has made—or will make, as long as this effort lasts—as valuable a contribution, or as great a sacrifice, or will have as much to be proud of, as the people who are the men and women of our armed forces—full-time uniformed personnel, as well as reservists and members of the National Guard called up for active duty.

They are seeking peace for us and for our allies around the globe. Their own security has been put on hold so that we can go about our lives freely and free of fear. Last week, I introduced legislation to ease at least a handful of their many burdens.

My bill is admittedly a modest effort when compared to the full scope of challenges which they face. After all, I cannot give them the kind of blanket protection that I wish for them. I cannot ensure that no harm comes to them on the field of battle, or while in transit or training for their mission. However, it is worth remembering that among the many hazards and challenges faced by men and women in uniform, not all of them are found on the battlefield, or foreign soil, or on the high seas.

Some confront them here at home. Even while they are far from home. And, to make matters worse, they are challenges that face not only the men and women who sign up for duty—but face their family members too.

These challenges are financial. In various ways, members of the armed forces—and in particular, members of the National Guard and the Reserves who leave jobs, homes, and families at a moment's notice—face tremendous economic burdens as a result of their willingness to serve. It is at least within my powers to do something about that.

Last week, I introduced legislation, "The Servicemembers and Military Families Financial Protection Act of 2001", aimed at giving men and women called up for duty—and their families—new financial protection and peace of mind.

First, my bill will help ensure that members of the military who are called away from home still have a home to which they can return. When members are deployed and separated from their jobs, their household income levels often drop dramatically. Yet, there are still bills to pay—in particular, the monthly rent or mortgage payment.

My bill would prohibit the removal of an activated military member's family from their place of residence due to a failure to meet monthly housing payments. This protection would be in place during the term of active duty and continue for up to an additional three months after active duty is over.

If a landlord initiates eviction proceedings during that period, a judge would be directed to first rule on whether the family's income has been "materially affected" by the military service. An eviction can only occur only if a judge finds that the family's income has not been so impacted. This relief would apply to a service member's family whose monthly housing payment is $1,950 per month or less.

Under current law—the Sailors' and Soldiers' Civil Relief Act—such relief is limited to families whose monthly housing payments are $1,200 or less. I seek to increase of that threshold by about 37.5 percent. I think that my proposal is reasonable. If you have given up your bed, and the comfort of home and the security of having your own roof over your head . . . and have traded that it for an army cot in a pup tent or a barracks—you are certainly entitled, when your service is completed, to return to your home. And, just as important, you are entitled to know that even if you cannot be at home, at least your family is there.

The second major element of my proposal ensures that a family will be well provided for in the event—the very rare event, I hope—that something unfortunate occurs. Again, our country's reliance on members of the guard and reserves helps illustrate the need for a change in current law, Our military cannot operate without the contributions of civilian soldiers—medical personnel, academics familiar with foreign countries and languages, engineers and people from a vast array of fields—who agree to give up good jobs and good wages here at home to serve where and when they are needed.

The economic needs of full-time uniformed personnel are just as great, and only increase with more years of service. As it stands right now, however, significant barriers prohibit those men and women from knowing with confidence that their families will be adequately safeguarded if something should happen to them.

Today, armed services personnel are eligible for life insurance paid through an affordable monthly premium, and administered through the Service members' Group Life Insurance program, or SGLI. However, current law caps payouts at $250,000. Far too low.

Meantime, it is standard practice for private life insurance policies to include clauses that deny payouts for deaths resulting from incidents occurring as part of war-related service. My bill would enable personnel covered by SGLI to opt for considerably higher payouts for their beneficiaries—if they so desire and if they are willing to pay for it.

Under my bill, military personnel could opt for coverage in increments of $250,000 above the current ceiling, up to a total of $1 million. This represents a potential increase of $750,000 above the current limits for members of the Guard and Reserves; an increase of $900,000 for uniformed personnel.

All increased benefits would be the result of higher premiums deducted from military paychecks. Coverage usually costs approximately 8 cents per month per every thousand dollars of coverage. Again, this would be optional and it would be achieved at no additional cost to the government.

In fact, assuming that the pool of policy holders remains steady and perhaps increases due to this added incentive, it could lead to greater revenues for government coffers. We know that military service is dangerous. But, the already significant risk should not be compounded by additional financial risks to one's dependents.

My hope would be that not a single family ever has the need to take advantage of this increased level in benefits. But, even if that is the case—it still will have done some good for all of us.

A member of the military can carry out duties better if there are fewer worries about what could happen to his or her family.

And finally—as long as we are updating current law to reflect the true needs of members of the military—I think it is crucial that the law better reflects the true composition of the military.

As we all know, that includes women.

The same holds true for our country's economy, and the earnings of the typical family. A family's loss of income does not simply occur when a father or husband leaves his regular job for service—but when a mother or wife does so. Unfortunately, current law inexplicably uses the phrase "wife" to describe dependents eligible for protection while a member is on duty. My bill replaces such references with gender-neutral language.

Such a change has practical value.. Let's make certain that no court or agency denies a family relief on the basis that a mother or wife serves her country. Yet, if some people think that changing the language in this manner is mostly "symbolic"—so be it. This is a time when symbolism matters.

And, among our foes is a Taliban that degrades women to a degree that is beneath civility and decency. Let's take every opportunity to remind them—and ourselves—that our country's success and our country's strength is achieved because in our nation women can carry out any role that they choose for themselves.

I am confident that my colleagues will join me in agreeing that risking life and limb for one's nation should never be compounded by a family's potential loss of shelter or economic security. Please join me and cosponsor my bill, H.R. 3173.

HONORING JARVIS CHRISTIAN COLLEGE

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. SANDLIN. Mr. Speaker, I rise today to honor Jarvis Christian College, the Tom Joyner Foundation's historically black "College of the Month" for October.

All too often, a student enters college only to encounter financial challenges that force him or her to drop out of school. As a nationally syndicated radio personality, Tom Joyner uses his platform to raise money to help students continue their education at black colleges. Every month, the foundation selects an Historically Black College or University to receive funds raised during that month. During the month of October, Joyner will encourage individuals, groups, organizations, and Jarvis alumni to make financial contributions to Jarvis.

Over the past year, the Tom Joyner Foundation has raised more than $500,000 for deserving students. The money is given directly to the school and its students. Additionally, the Ronald McDonald House Charities has pledged to provide 50 cents for every dollar, up to $333,000 donated, for this year.

I am very proud of Jarvis for being chosen by the Tom Joyner Foundation to receive these important funds for its students. Located in Hawkins, Texas, Jarvis Christian College has lived up to its mission to provide a qualify liberal arts education that prepares students "intellectually, socially, and personally to function effectively in a global and technological society."

Founded in 1912, Jarvis Christian College held its first formal classes in January 1913, with 12 elementary-level students. Only two years later, the school began officially teaching high school courses. Further, until 1937, it was the only accredited high school exclusively for African Americans in the area.

In 1927, Jarvis began offering junior college courses, and the school was accredited as a college the next year. Since that time, Jarvis has been an East Texas institution, an excellent choice for students who wish to develop their skills and talents to their highest levels of ability.

For 90 years, Jarvis Christian College has given hope and opportunity to the African American community of East Texas, guaranteeing students a quality education within a solidly Christian environment. This year, Jarvis was ranked among the top "Comprehensive Colleges" in the nation by U.S. News and World Report.

I would like to thank the Tom Joyner Foundation for its mission to support Jarvis Christian College's motto: "The college with the personal touch, where dreams come true!"

DOMESTIC VIOLENCE AWARENESS MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to join my colleagues in the Women's Caucus and add my strong support to the struggle against domestic violence.

October, Domestic Violence Awareness Month, is an opportunity for us to remember those who have been victims of abuse, to support those who are survivors, and to assist those who labor on a daily basis to put an end to this horrible violence.

While the devastating physical and emotional consequences of domestic violence have been well documented, less attention has been paid to the economic reasons women stay victim to their abusers. Far too many victims remain in abusive relationships because of their inability to financially support themselves and their children.

Lack of affordable childcare, inaccessibility to job training and healthcare programs, and low wages are a few of the obstacles women face when they wish to leave an abusive home. Those who are able to find employment often find it difficult, if not impossible, to keep a job because of the consequences of domestic abuse such as: lower productivity, reduced attendance, and the higher risk of insurance and healthcare costs to employers. In addition, employed victims of abuse live with the added fear of losing their job if they take time off from work to seek help for themselves and their families.

Unfortunately, current law does not specifically allow women to take leave from work to effectively deal with the abuse in their lives. Nor does the law often allow women who leave work as a result of domestic violence to collect unemployment compensation.

These realities faced by abused women often hinder their ability to seek or maintain employment. As a result, far too many women are left with the terrifying choice of staying with their abusers or becoming homeless, often with their children. In fact, the Downtown Women's Center of Los Angeles recently conducted a needs assessment among 400 homeless women in Los Angeles. Of those interviewed, 58.5 percent had experienced domestic violence in their lifetime, and 39.5 percent had experienced domestic violence as recently as the previous year.

To address the needs of victims of abuse, I have introduced the Victims' Economic Security and Safety Act in the House of Representatives. My legislation is specifically designed to help victims of domestic violence retain their employment and financial independence, by ensuring that they are allowed to take time off from work to make necessary court appearances, seek legal assistance, contact law enforcement officials or make alternative housing arrangements, without the fear of being fired or demoted. Further, to ensure victims can retain the financial independence necessary to leave their abusers and avoid having to rely on welfare or become homeless, my bill requires states to provide unemployment benefits to women who are forced to leave work as a result of domestic violence. This legislation currently has the bipartisan support of 106 of my colleagues in Congress.

Obviously, we cannot legislate the problem of domestic violence away. An important step we can take, however, is to create a system that gives women a fighting chance to remove themselves and their children from abusive environments. As a nation, we must develop and implement laws that provide the support necessary to ensure the safety and security of our most vulnerable citizens. No woman should ever have to choose between physical safety or financial security for herself or her family.

TRIBUTE TO LYNN SWANN ON HIS ENSHRINEMENT IN THE NATIONAL FOOTBALL LEAGUE HALL OF FAME

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to San Mateo County native and former Pittsburgh Steeler, Lynn Swann, on his recent induction into the National Football League Hall of Fame. Enshrinement in the NFL Hall of Fame is the greatest honor of any football player's career and is only bestowed upon the most deserving athletes. Lynn is unequivocally one of the greatest wide receivers ever to play professional football and is most deserving of this honor.

As you are aware, Mr. Speaker, Lynn's NFL career spanned nine years, and included four Super Bowl victories and three Pro Bowl appearances. During his career, Lynn caught 364 passes for a total of 5,462 yards and 51 touchdowns. Known for his acrobatic and graceful catches, he saved his best performances for the big games, making key plays in Super Bowls IX, X, XIII, and XIV.

Mr. Speaker, Lynn's football success got off to a spectacular start at Junipero Serra High School in San Mateo, California, in my Congressional district. He became a member of the Padres Varsity Squad as a Freshman where he was coached by Coach Jesse Freitas, Sr. Lynn was instrumental in Serra High School's 1967 and 1969 West Catholic Athletic League titles. After graduating from high school, Lynn attended the University of Southern California where his gridiron accomplishments brought him honors and recognition. He graduated with a degree in Public Relations in 1974.

Lynn Swann was the number one draft pick by the Pittsburgh Steelers in 1974, and his impact on the team was felt in Pittsburgh immediately. During his rookie season Lynn immediately established himself as a fierce competitor. Although he suffered a concussion in the 1975 AFC Championship Game, he recovered in time for the Super Bowl two weeks later, giving a MVP performance. During Superbowl XIII, Lynn had yet another extraordinary performance, catching seven passes and the game winning touchdown.

Mr. Speaker, Lynn has been the recipient of numerous awards and recognition during his career. He was named an All-American player at USC in 1974, and All-Pro recognitions in 1976, 1978, and 1979. He was named the Most Valuable Player of Super Bowl X in 1976. Lynn received the prestigious NAACP image award in 1981. He is a member of the Steelers Hall of Fame Team of the 1970's Decade, and the Silver Anniversary Super Bowl All-Time Team. He is also an inductee to the San Mateo County Sports Hall of Fame, and will be inducted into the Bay Area Sports Hall of Fame in 2002.

Much of Lynn's success in life, both on and off the field, can be traced directly to his parents, Mildred and Willie Swann, who continue to work and maintain their residence in my district. His parents taught him the value of hard work, and more importantly, how to carry himself with class and dignity. Today, Lynn thanks his mother for urging him go to Serra High School and teaching him the value of a good education.

Since his football career ended in 1982, Lynn Swann has been involved in numerous charitable involvements. These included his work as the National Spokesperson for the Big Brothers Big Sisters of America. Additionally, he created the Lynn Swann Youth Scholarship Fund in association with the Pittsburgh Ballet Theatre School. As you may know, Mr. Speaker, Lynn was one of the first wide receivers to practice ballet in preparation for football, a practice followed by numerous professional football players to this day. Lynn pioneered this unique "cross training" method after recognizing that the gracefulness of ballet would be a considerable asset to a wide receiver in the National Football League. In 1981, he created the Lynn Swann Youth Scholarship Fund in Association with the Pittsburgh Ballet Theatre school, which has benefitted hundreds of talented students. Lynn's commitment to the Ballet School continues to this day, by contributing a portion of the sales of his number 88 Pittsburgh Steelers jersey, to aid the Pittsburgh Ballet, as well as the Boys and Girls Club of Pittsburgh.

Throughout his distinguished career both on and off the field, Lynn Swann has never forgotten nor neglected his close personal ties to San Mateo. He is, indeed, an icon and role model for our young people. Lynn Swann is an extraordinary athlete who is truly deserving of induction into the National Football League Hall of Fame. He has given selflessly of his time to worthy causes. Lynn's character can best be summed up by his former High School history teacher and coach, John Carboni, who, when asked about his former student, chose not to comment on his athletic ability, but rather on his personality. As Mr. Carboni stated, "When it comes to a classy athlete to come out of Serra, Lynn Swann rules the roost."

Mr. Speaker, I urge all of my colleagues to join me in paying tribute to Lynn Swann, an excellent athlete on his enshrinement in the National Football Hall of Fame.

PAYING TRIBUTE TO ALF EVERS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. HINCHEY. Mr. Speaker, I would like to recognize the achievements and tremendous life work of a dear friend of mine, Mr. Alf Evers of Shady, New York. I have known Alf for more than thirty years, working with him on environmental and other issues in my district. Alf Evers is the pre-eminent historian of the Catskill Region of New York State whose writing and passion for storytelling have become part of the rich history of our area. As part of this year's New York History Month, I am proud to join in saluting Alf's significant contributions to furthering New York history.

Spanning more than seven decades, Alf Evers' professional writing career continues today at age ninety-six as Alf completes a history of Kingston, New York. He is best known for his ambitious histories, "The Catskills: From Wilderness to Woodstock" and "Woodstock: History of an American Town," as well as "In Catskill Country: Collected Essays on Mountain History, Life and Lore." Mr. Evers authored more than fifty children's books, which were illustrated by his wife, Helen. These books helped bring his deep interest in ecology and nature to young people. Alf also served as associate editor of the New York Folklore Quarterly and wrote articles for the New York Conservationist.

Over the years, Alf Evers' imagination and chronicling of the stories of the Catskills have inspired people to embrace a sense of place by bringing their history to life. An article from several years ago sums up the style of Alf's writings: "Local histories fall into two categories: useful, but unreadable, chronicles of train arrivals and departures or dates of deeds; or stories that set a reader down in a place and transform them into residents. Evers' work is of the latter category." Alf's writing and scholarship have truly set a high standard of excellence for regional history, which he has made accessible to generations of readers through his skillful and well-researched narratives.

Mr. Speaker, I am proud to pay tribute to Alf for his tenacity and hard work in recording the stories of our past. I appreciate his commitment to landscape preservation, nature, and the arts. The wealth of knowledge that Alf has shared with readers and residents over many years has truly made him a national treasure, and I thank him for his great service.

INDIA FILES FAKE CRIMINAL CASE AGAINST BURNING PUNJAB WEBSITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. TOWNS. Mr. Speaker, I was distressed to learn that the government of India, which calls itself "the world's largest demoncracy," has filed a criminal case against the website Burning Punjab, which reports news about the abuse of Sikhs in Punjab, Khalistan by the Indian government. The website can be found at *http://www.burningpunjab.com/news.html*

The government made the case fit under Indian law by falsely claiming that Burning Punjab is "a newspaper published from Chandigarh." There is no newspaper published, just online news, and Burning Punjab uses services in the United States and Britain to publish its news. The case was filed by the Deputy Inspector General of the terrorist Central Reserve Police Force. Previously, viewing Burning Punjab had been prohibited in several states in northwest India, including Punjab, Delhi, and Chandigarh. This is clearly a case filed to harass Burning Punjab for reporting news the government does not like. I'm sorry, Mr. Speaker, but I fail to see the difference between this action by "the world's largest democracy" and the repression of the press in the most tyrannical dictatorships of the world.

If this is how India treats those who expose its corruption and brutality, it is no democracy. We should support democracy in South Asia in the form of a free and fair plebiscite with international monitoring on the question of independence for Khalistan, Kashmir, Nagaland, and the other countries seeking their freedom from Indian. This will provide the opportunity for every one in the subcontinent to live in freedom, dignity, peace, and prosperity. That is the best way to promote stability in South Asia.

I would like to place an article from Burning Punjab on the complaint into the RECORD at this time.

HARASSMENT CONTINUES: FORGED CRIMINAL CASE FILED AGAINST "BURNING PUNJAB"

Jalandhar—A forged criminal case against web site Burning Punjab' has been filed in the Court of Judicial Magistrate Mohinder Singh deputed in Jalandhar Courts. The case referred Burning Punjab News' on-line web news as a newspaper' published from Chandigarh. just to cover the Burning Punjab staff under India Penal Code. One Lashkar Singh has filed the case: DIG of Central Reserve Police Force (CRPF) of Indian Hindu Regime.

It is pertinent to mention that Burning Punjab web site is aired through European and American based servers and satellites. It's registered address is located in United Kingdom but with a motive to harass human rights activists working for Burning Punjab web site, Indian Police have now manipulated forge case against them by alleging that Burning Punjab News is a daily newspaper published from Chandigarh. Whereas no such newspaper' published from Chandigarh.

A formal representation has been sent to Chief Justice of Supreme Court and the High Court, urging them to take initiative and prevent abusing human right activists and also legal process of the land.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, we gather tonight to recognize this month of October as Domestic Violence Awareness Month.

Domestic violence against women remains an epidemic in the United States as well as around the world. A UNICEF study shows that up to half of the female population of the world becomes the victims of domestic violence. One in every two women is victimized!

In our own backyard, the statistics are unbelievable. According to a Department of Justice released on October 28, 2001, women in their mid-teens to mid-20's are three times as likely to be attacked by a significant other than an older women. However, middle-aged women between the ages of 35–49 are the most likely to be killed by an intimate partner than younger women. One in 10 girls killed between the ages of 12 and 15 dies at the hands of her boyfriend or significant other.

. The Violence Against Women Act of 2000, signed by President Clinton on October 28, 2000, improves legal tools and programs addressing domestic violence, sexual assault, and stalking. The Act also reauthorizes critical grant programs created by VAWA of 1994 and subsequent legislation, establishes new programs, and strengthens federal laws.

I am proud to say that Congress has recognized that women and children victims of domestic violence deserve enhanced protection.

But we must also take additional steps—we must continue to raise awareness. Socially, we must emphasize that women have choices. Traditional ideology has forced women to remain in dangerous and even fatal situations. Women are not the only one in a marriage responsible for its success. Stress, alcohol, problems at work, and unemployment does not justify the abuser's behavior. A woman's identity and worth is not based upon getting and keeping a man. An abuser's "lucid moments" from violence does not make him a "good man". Divorce is a viable alternative. And it's okay for family members to intervene and get help for the victims. Choices empower women to be strong and courageous enough to leave a bad situation and make a better life for themselves and their children.

We must also understand the reasons that compel abusers to carry on their outrageous behavior. The abuser continues his behavior because violence is an effective method for gaining and keeping control over another person. The abuser objectifies women, sees women as property, and does not respect women as a group. Historically, punishment for this type of violence has lacked severity and thus deterrent for such behavior.

We must also provide women with more resources. Most battered women have children, are not employed outside of the home, have no property that are solely theirs, and lack access to cash or bank accounts. There exist 3 times more animal shelters than battered women's shelters in the United States. We must work to ensure that women have the support system to permit them to leave an abusive relationship.

Mr. Speaker, our country has come a long way from not treating domestic violence against women and children as a "real" crime to passing the Violence Against Women Act. But our efforts must continue to raise awareness of this very urgent issue.

REMARKS OF ISRAELI AMBASSADOR DAVID IVRY AT THE MEMORIAL SERVICE FOR YITZHAK AND LEAH RABIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. LANTOS. Mr. Speaker, the distinguished Ambassador of Israel to the United States had a most personal and longstanding relationship with Israel's late, great Prime Minister Yitzhak Rabin. It is with deep reverence for what Yitzhak Rabin stood for that I share Ambassador Ivry's comments with my colleagues.

REMARKS OF ISRAELI AMBASSADOR DAVID IVRY AT THE MEMORIAL SERVICE FOR YITZHAK AND LEAH RABIN

ISRAELI AMBASSADOR DAVID IVRY

It is with a heavy heart that I stand before you today, and pay tribute to a couple whose dedication to Israel brought us hope, whose efforts for peace renewed our vision of the future, and whose legacy will be remembered for generations to come.

Yitzhak and Leah Rabin are no longer with us, but their memories are inscribed on the stones of history. Sustained in our hearts and minds forever. Leah was a supportive wife, a devoted mother, and a pillar of strength to those who knew her. Yitzhak was a man of integrity and vision. An honorable soldier whose greatest mission was his battle for peace.

I first met Yitzhak in 1959. I was a young captain, and he, the Deputy Chief of General Staff, a respected leader and a critical asset to the IDF. Our paths frequently crossed again over the years until the day he approached me and requested that I return to the Ministry of Defense.

I knew him in times of crisis and success. I found him to be a sensitive man, emotional to the point of tears at the loss of life; a leader who was not only attentive but knew how to listen. He had a piercing analytical understanding of the issues. He was a man who saw the minute details, without losing sight of the larger picture. Yitzhak Rabin—the man of security, who fought in battles and wars, Chief of Staff of IDF during the Six-Day War.

As we mourn the loss of our fallen hero, we must remember, he dedicated his career to national defense, and his life to Israel's future. In fact, at the time of his assassination, Rabin served not only as Prime Minister, but also as the Minister of Defense. In 1986, I served as Director General of the Ministry of Defense, as per Rabin's request. I held this office for nearly ten years. Basically, because Rabin would not let me leave.

At our weekly meeting on Friday, November third, nineteen ninety-five, I raised the issue of my resignation. I had served an unprecedented number of years as Director General, and I felt it was time to move on. Rabin understood my reasoning, but requested that I stay in that post. After deliberation, we decided to discuss this and other pending issues at our next meeting on Sunday, November fifth. Of course, that conversation never took place. With just three shots from an assassin, Yitzhak's potential as a leader was brought to an end. His life was cut short, and the future of the Middle East would never be the same again.

Though his dreams have not become a reality, Rabin's vision for the future lives on. It is kept alive in the heart of each Israeli citizen and soldier who wishes to live in a land of security and peace. Over the past year, this dream has been marred by tragedy, sorrow, and pain. But amidst the broken pieces, the Israeli people have emerged united. Bonded by a unique determination and resolve. This resolve has been strengthened by the abiding relationship of Israel and the United States. For over half a century, we have stood together as true partners and friends.

As a diplomat, general, and statesman, Yitzhak Rabin appreciated the unwavering support of the United States, its vital role in peace negotiations, and our joint efforts to maintain stability in the Middle East. Although regional stability has been shaken, the ties that bind us remain strong. As our two nations.mourn the tragedy of September eleventh it is clear—the Uniteu States and Israel are forever partners in the pursuit of security and peace.

This is just one element of the legacy left behind by Yitzhak Rabin. Though his leadership has come to an end, his message still remains. Today, we remember that peace is not just a dream. It is essential to our future, and the future of generations to come. Shalom haverim.

Shalom friends. May the memory of Yitzhak and Leah be with us forever.

PLIGHT OF AFGHAN WOMEN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to join my colleagues to condemn the oppressive rule enforced by the Taliban regime against women. I thank Congresswoman Millender-McDonald, co-chair of Women's Caucus, for her leadership in bringing this issue to the attention of all members of Congress. Ms. Millender-McDonald has been a long time advocate for the equal and fair treatment of women both here in the United States and abroad.

Mr. Speaker, the Taliban are a repressive and regressive force in Afghan society. They rule their country in complete defiance of the 1977 Afghanistan constitution—denying both men and women the equal rights this document specifically, grants them. Under the Taliban regime, women, in particular, suffer extreme oppression.

They are isolated in their homes and barred from going to school, working, or even walking outside unaccompanied. They are required by the Taliban never to enter public places without being completely covered. The windows on their houses are also covered or painted so no one may see them. They live their lives in semi-darkness; faceless and powerless. Those who violate the rules of conduct are beaten or brutalized by roving bands of Taliban police.

This oppression of Afghan women not only compromises their value as human beings, but undermines Afghan society by denying it the talents and contributions of its women. In fact, prior to Taliban rule Afghan women were counted amongst the country's leading doctors, lawyers, teachers and political leaders. The contributions they made to their communities were invaluable.

In addition, as the primary caregivers in families Afghan women are responsible for instilling values and a sense of right and wrong in their children. By demeaning women, the Taliban regime is indoctrinating new generations of children, boys and girls alike with a belief that is counter to a set of values that we all hold dear. It is important for Afghan mothers and grandmothers to provide inspiration and hope for a better quality of life to their children, and that begins with their own fair and just treatment. If not, what message are these children being sent when their government demeans and represses those who are at the very heart of family life? What vision for the future can we offer these innocent children?

Mr. Speaker, the reality is that if we want to build a world where freedom, democracy, and equality are respected tenets, then women have to be equal partners with men in all aspects of life. Women all over the world, including Afghanistan, value the opportunity to contribute their special talents and ideas with their communities. Therefore, we should join them as allies in their struggle for a social climate where equality for both Muslim men and Muslim women is respected.

Finally, I want to clearly state that the blame for the continued discrimination Afghan women face is not in Islam, but on the non-Islamic nature of the Taliban regime. Progressive based Islamic traditions have been tossed aside by the Taliban government and replaced with an extremism that is a distortion of true Islam.

The United States Congress must condemn the treatment of women in Afghanistan in the name of justice, peace, equality and freedom. It has been too long since Afghan women have enjoyed the rights common in so many other areas of the world. Mr. Speaker, it is my hope that the U.S. involvement in Afghanistan will contribute to establishing a stable and progressive Islamic regime that values women and permits them to contribute positively and equally to a better tomorrow for the citizens of Afghanistan and future generations.

TREATMENT OF AFGHAN WOMEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak on this very urgent issue of the treatment of the women in Afghanistan.

Yesterday, on Good Morning America, several video clips flashed across the television secretly depicting the horrific and brutal treatment of women in Afghanistan.

The first clip showed a woman leaving her home dressed in her full burqa, but missing the shroud that covers her face. A man who obviously was not her husband or even relative proceeded to beat her. What was even more shocking was that passersby were not affected by the scene. Such occurrences have become part of their everyday lives. Incredibly, the beating of women for 'disciplinary' as well as entertainment reasons is a routine phenomenon in Afghanistan under the Taliban, an extremist Islamic sect.

The second clip showed the Taliban executing a woman accused of killing her abusive husband. Although the husband's family forgave the woman because she bore his seven children, a Taliban fighter was still ordered to shoot her in the back of her head with an automatic rifle because she was "too guilty to be forgiven."

How can we allow this type of treatment of women to continue?

With the coming to power of Islamic fundamentalists, women's right to fully participate in the social, economic, cultural and political life of the country was drastically curtailed and later on abruptly denied them by the Taliban.

Women are totally deprived of the right to education, of the right to work, of the right to travel, of the right to health care, of the right to legal recourse, of the right to recreation, and of the right to being human.

Some of the heinous restrictions imposed by the Taliban on women in Afghanistan include:

coverage with burqa from head to toe; the whipping of women in public for having non-covered ankles; a ban on women laughing loudly; and a ban on women wearing brightly colored clothes. Women are prohibited from going outside, except for a government-sanctioned purpose.

Women's freedoms were virtually wiped out when the Taliban took over Afghanistan in 1996. Women became subject to a horrific system of gender apartheid whereby they are prohibited from working, attending school, and leaving their homes. without a male relative and, as I described earlier, without wearing the head-to-toe burqa shroud.

Islamic fundamentalism, in essence, looks upon women as subhumans, fit only for household slavery and as a means of procreation.

This outrageous view of women was incredibly elevated to the status of official policy when the ignorant Taliban took control of 90 percent of Afghanistan, including the capital Kabul. For example, female education from kindergarten to graduate was banned; employment for women is banned.

Taliban restrictions have driven women in Afghanistan to commit suicide. An educated 20-year old woman burned herself with petrol as a way out of all her miseries that had poisoned her for years. After being found with her self-inflicted burns, her family took her to a hospital, but the facility was lacking a physician and proper medical treatment. It was too late to save her life.

Prior to the Taliban regime, women in Afghanistan enjoyed equal rights with men under the Afghan Constitution. Seventy percent of the teachers in Kabul were women, 50 percent were civil servants and university students, and 40 percent were doctors.

Many organizations have been working to help these women. We as Members of Congress must find a way to restore rights and human dignity of the women of Afghanistan.

Mr. Speaker, I thank you for allowing me this time to raise awareness on the treatment of women in Afghanistan.

NEW POTO LAW IN INDIA PERHAPS MOST REPRESSIVE EVER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. BURTON of Indiana. Mr. Speaker, in 1995 the Indian law known as the "Terrorist and Disruptive Activities Act (TADA)" expired. It was one of the most repressive laws ever put on the books anywhere in the world. It allowed people to be picked up for any reason or no reason, held without charge or trial for an indefinite period, deprived them of the right to know of the charges against them or face their accusers. The law was widely abused. When a rare TADA defendant would get released, the police would immediately pick him up again and often would file TADA complaints in more than one jurisdiction to make it impossible to contest. Despite the fact that it expired over six years ago, the Movement Against State Repression reports that over 52,000 Sikhs are being held as political prisoners in India, most under TADA and many of them since 1984.

India took TADA off the books under intense political pressure but continued to enforce it. Now the country that likes to boast of being "the world's largest democracy" has taken advantage of the terrorist incident that occurred in September to promulgate a law called the Prevention of Terrorism Ordinance (POTO) that makes TADA look mild. Twenty three organizations have already been banned under POTO, including the International Sikh Youth Federation (ISYF), a group that has engaged in peaceful political protest for human rights and sometimes for independence for the Sikh homeland, Khalistan. This ban just goes to show that in the eyes of the Indian government, anyone who speaks up peacefully for freedom for for freedom is considered a "terrorist." Oddly, it also bans the Liberation Tigers of Tamil Eelam (LTTE), which India today reported was a creation of the Indian government and whose leaders, according to the article, were put up in Delhi's finest hotel.

In addition, POTO provides for suppression of information, and therefore makes journalists subject to terrorism charges if they publish information unfavorable to the government. It makes the furnishing of certain information to police investigators mandatory with a prison term of up to three years for failure to tell them what they want to hear and it allows for coerced confessions.

A respected retired Indian general, General Narindr Singh, said "Punjab is a police state." Under POTO, minorities in India will be forced to live in a police state, which is even more brutal than before. Unfortunately, the United States has been trying to strengthen its ties with India, which in the past, voted to throw the United States off the Human Rights Commission and to suppress a resolution critical of Red Chinese human-rights violations. India, a longtime Soviet ally, votes against the United States at the UN more often than any country except Cuba. According to the Indian Express, India's Defense Minister, led a meeting in 1999 with the Ambassadors of Red China, Cuba, Russia, Yugoslavia, Libya, and Iraq to set up a security alliance "to stop the U.S."

Mr. Speaker, why should a country with a long record of anti-Americanism be a recipient of U.S. aid? The obvious answer is that it should not. The hard-working, overtaxed people of this country should not be supporting this brutal, corrupt, and hostile country. We should stop all U.S. id to India, restore the sanctions previously in place against that country, and put the Congress on record in support of a free and fair plebiscite in Kashmir, in Punjab, Khalistan, in Christian Negaland, and everywhere that people are seeking their freedom from this brutal regime. It is our obligation to the principles that give birth to our great country.

Mr. Speaker, on October 26, the Tribune News Service in India ran an excellent article on the repressive new POTO law, which I would like to place in the RECORD at this time.

[From the Tribune News Service, Oct. 26, 2001]

CENTRE BANS 23 TERRORIST OUTFITS

NEW DELHI, OCTOBER 25—The Centre today justified the promulgation of the Prevention of Terrorism Ordinance (POTO) saying it is the first comprehensive legal salvo against terrorism with complete safeguards to check the menace speedily and effectively. Under the ordinance, 23 organizations have been banned. Briefing newspersons here, Union Home Secretary Kamal Pande said care had been taken to ensure that the 50-page, 61-clause ordinance avoided all pitfalls and criticisms that the erstwhile Terrorist and Disruptive Activities Prevention Act (TADA), which expired in 1995, had to face.

Justifying the promulgation of the ordinance, Mr. Pande said there was an upsurge in terrorist activities, intensification of cross-border terrorism and insurgent groups in different parts of the country and the existing criminal justice system was not designed to deal with the types of heinous crimes that had appeared in the country in the past 50 years.

The ordinance defines terrorist acts as those done by using weapons and explosive substances or other methods in a manner as to cause or likely to cause death or injuries to persons or loss or damage to property or disruption of essential supplies and services with intent to threaten the unity or integrity of India or to strike terror in any section of the people. It also has a comprehensive definition of terrorist organizations indulging in terrorist acts and provides for proscribing them under a set procedure.

A total of 23 organizations have been banned under the ordinance. which Mr. Pande said, would be placed before Parliament in the form of a Bill for approval soon.

"The ordinance, of course, will have to be passed through Parliament as it will be valid for a maximum period of six months . . . it will be placed before Parliament," he said.

Stating that all state governments and other departments concerned were consulted twice on the various provisions of the ordinance and their suggestions were taken note of and included wherever necessary before it was promulgated, Mr. Pande said "special features/safeguards have been built in to prevent the possibility of misuse of the special power given to investigating authorities also keeping in view the observations of the Supreme Court."

Asked about the mounting criticism over the clause pertaining to "disclosure of information", which is equally applicable to journalists, Mr. Pande said the clause was in line with the provisions pertaining to suppression of information already existing in CrPC and the IPC. Section 3(8) of the ordinance places responsibility on all persons to disclose information which the person knows or believes to be of material assistance in preventing any terrorist activity as soon as reasonably practicable to the police. However, exception has been provided in case of persons engaged as legal attorney of the accused who may have acquired such knowledge for the purpose of preparing the defense for the accused.

Section 14 provides a new provision which makes it obligatory to furnish information in respect of a terrorist offense. Failure to furnish the information called for or deliberately furnishing false information to investigating officer shall be punishable with imprisonment for a term which may extend to three years or fine or both. The investigating officer can call for such information only with prior approval in writing of an officer not below the rank of Superintendent of Police.

Mr. Pande said Section 32 provided for admissibility of confessions made to a police officer under certain conditions. But unlike TADA, the confession of an accused shall not be admissible as an evidence against a co-accused. Further such confessions had to be made before a police officer not lower in rank of a SP and had to be further recorded with a Chief Judicial Magistrate within 48 hours.

There is a provision to review the ban and a review committee headed by a sitting or retired judge of a high court will be constituted to hear such applications.

Financing of terrorism, possession of unauthorised arms, explosive substances or other lethal weapons capable of mass destruction and/or use in biological and chemical warfare have also been brought under the purview of this ordinance and the punishment could range from three years imprisonment to life imprisonment or fine or both and also death penalty.

Twenty-three organisations, including Deendar Anjuman, the Students Islamic Movement of India (SIMI) and some of the almost defunct outfits in Punjab have been branded as terrorist organisations in the ordinance.

The hurriedly promulgated ordinance lists the Babbar Khalsa International, the Khalistan Commando Force, the Khalistan Zindabad Force and the International Sikh Youth Federation among the list of terrorist outfits.

The ordinance has also branded almost all Kashmiri and North-East militant outfits and the Liberation Tigers of Tamil Eelam (LTTE) as terrorist organisations.

The outfits operating in Kashmir, which have been listed as terrorist organisations, are the Lashkar-e-Toiba/Pasban-e-Ahle Hadis, the Jaish-e-Mohammed/Tahrik-e-Fuqran, the Harkat-ul-Jehad-e-Islami, the Hizb-ul-Mujahideen and the Jammu and Kashmir Islamic Front.

The North-East outfits which have been branded as terrorist organisations, under Chapter III of the ordinance which deals with the terrorist organisations, are the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), the People's Liberation Army (PLA), the United National Liberation Front (UNLF), the People's Revolutionary Party of Kangleipak (PREPAK), the Kangleipak Communist Party (KCP), the Kanglei Yaol Kanba Lup (KYKL), the Manipur People's Liberation Front (MPLF), the All-Tripura Tiger Force and the National Liberation Front of Tripura. Meanwhile, the government will seek to replace three ordinances, including the controversial POTO in the forthcoming winter session of Parliament beginning on November 19.

The Union Cabinet, at its special meeting here today, decided not only on the dates of Parliament's winter session but also on seeking the passage of the three ordinances.

Briefing newspersons after the meeting, Parliamentary Affairs Minister Pramod Mahajan said the government was confident of getting the Opposition's support on POTO, despite some of the parties having extreme reservations on it. POTO seeks to fill the void created following the lapsing of TADA.

The minister was of the view that such a law was necessary in the prevailing conditions in the country and would help the government and the police in combating terrorism. He added that the Opposition was equally concerned about terrorism.

The minister said that two other ordinances, seeking to replace the ordinance on passport and the buy-back of shares would also come up for consideration during the session, which would have a total of 23 sittings.

The Bill seeking to replace the ordinance on passport would give the government, both the Centre and state, powers to suspend the passport or the travel documents of any citizen who it may suspect to be a terrorist. The ordinance signed by President K.R. Narayanan, came into force from October 23. It seeks to make amendments to the Indian Passport Act of 1967.

The ordinance on buy-back of shares was promulgated following a long-pending demand of the industry. It will enable companies to buy-back up to 10 percent of their equity every six months against the prevailing restriction of two years.

REGARDING WORLD POPULATION AWARENESS WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. MOORE. Mr. Speaker, I would like to enter into the RECORD the attached Proclamation of Bill Graves, Governor of the State of Kansas, designating October 21–27 World Population Awareness Week.

Rapid population growth and urbanization have become catalysts for many serious environmental problems, applying substantial pressures to the infrastructure of nations around the world. These pressures caused by population growth and urbanization are manifested especially in pollution, transportation, health, sanitation and public safety. Cities and urban areas today occupy only 2 percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources. World population stands today at more than 6.1 billion and increases by one billion every 13 years.

Therefore, it is important for us to recognize the problems associated with rapid population growth and urbanization. Governor Graves has proclaimed the week of October 21–27 of this year as World Population Awareness week in the great state of Kansas, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

STATE OF KANSAS—PROCLAMATION BY THE GOVERNOR

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, World population stands today at more than 6.1 billion increases by some one billion every 13 years; and

WHEREAS, The most significant feature of the 20th century phenomena of unprecedented world population growth was rapid urbanization; and

WHEREAS, Cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 75% of its resources; and

WHEREAS, The most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

WHEREAS, Along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

WHEREAS, In the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

WHEREAS, World Population Awareness Week was proclaimed last year by Governors of 32 states, as well as Mayors of more than 315 United States cities, and co-sponsored by 231 organizations in 63 countries:

NOW, THEREFORE, I, BILL GRAVES, GOVERNOR OF THE STATE OF KANSAS, do hereby proclaim the week of October 21-27, 2001, as

WORLD POPULATION AWARENESS WEEK

in Kansas and urge all citizens to join in this observance.

Done at the Capitol in Topeka under the Great Seal of the State this 25th day of September, A.D. 2001.

THE CHARITY ACCOUNTABILITY ACT, H.R. 3192

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 3192, the Disaster Relief Charities Accountability Act.

Mr. Speaker, seven weeks have past since the barbaric attacks on the World Trade Center, the Pentagon, and the thwarted hijacking attempt in Pennsylvania, yet victims and their families have not received the funding they desperately need.

Initial reports have indicated that more than $1.2 billion has been collected by 196 charitable organizations.

While this overwhelming support by Americans has been gratifying, there is a great deal of concern that the funds raised may not be going directly to the intended beneficiaries—the victims and their families—and instead are being diverted or, worse yet, miss their intended goal.

More than 100 families in my congressional district have been affected by the horror of the September 11 attack in New York. Many of these families have been calling my office requesting information and assistance on how and where to go to receive these donated funds.

Accordingly, I am introducing H.R. 3192 to provide a full accounting of: all funds received to date, the amount spent and distributed and for what purpose, the criteria used for disseminating these funds, the percentage of funds donated that will actually go to the victims, and the administrative costs for allocating these funds.

In addition, the Charity Accountability Act will provide both the victims and their families, as well as those wanting to donate, with a clearinghouse of all charitable organizations participating in this important fund-raising initiative.

It is my intention that this legislation will insure that the money raised to assist Americans during any disaster event will go to the intended beneficiary.

Specifically, this legislation will establish a five member board to: (1) Collect and provide information to assist both the victims and those wishing to contribute to various disaster funds; (2) collect and maintain an on-going accounting of all funds collected and disbursed; (3) obtain and review the criteria used by the various relief funds to pay out these funds; and (4) report to both the president and the congress on the status of these funds.

The outpouring by the American people to the disastrous events of September 11 should not be wrought with confusion or cynicism on how the funds are being distributed or possibly misdirected. It is obvious that Americans want their donated funds to go directly to the victims and their families. Any funds collected for this intended purpose and spent otherwise would place a black mark on the entire philanthropic community, dissuading and jeopardizing any future donations.

Accordingly, I encourage my colleagues to review this important legislation and welcome their support.

H.R. 3192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Relief Charities Accountability Act".

SEC. 2. DISASTER RELIEF FUND DEFINED.

In this Act the term "disaster relief fund" means a fund established by a charitable organization for relief of a specific disaster with contributions totaling at least $25,000.

SEC. 3. ESTABLISHMENT.

There is established a board to be known as the "Charity Accountability Board" (in this Act referred to as the "Board").

SEC. 4. DUTIES.

The Board shall—

(1) request information from and make recommendations to qualify charitable organizations regarding—

(A) the amount of disaster relief funds collected and dispersed by such organizations;

(B) the administrative costs incurred by such organizations in administering disaster relief funds; and

(C) the criteria used by such organizations in dispersing disaster relief funds;

(2) provide information about disaster relief funds to disaster victims and those wishing to contribute to such funds; and

(3) report to the President and the Congress on the status of such funds.

SEC. 5. MEMBERSHIP.

(a) APPOINTMENT AND TERMS.—The Board shall be composed of 5 members appointed as follows:

(1) The Director of the Federal Emergency Management Agency, or the Director's delegate.

(2) Two members appointed by the President, who shall each serve for a term of 4 years.

(3) One member appointed by the Speaker of the House, who shall serve for a term of 2 years.

(4) One member appointed by the majority leader of the Senate, who shall serve for a term of 2 years.

(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) BASIC PAY AND TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) MEETINGS.—The Board shall meet at the call of a majority of its members.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Board may appoint a Director and such additional personnel as its considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Any Director and staff appointed under subsection (a) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. REPORTING.

The Board shall transmit to the President and the Congress monthly reports concerning the information collected and disseminated and recommendations made by the Board, and any other information the Board considers appropriate.

SEC. 8. TERMINATION.

Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App. relating to the termination of advisory committee) shall not apply to the Board.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, to remain available until expended.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 1, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 2

9 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues concerning smallpox.
SD–192

9:30 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine the support of children in times of crisis.
SD–106

NOVEMBER 6

2 p.m.
Judiciary
To hold hearings on the nomination of Thomas L. Sansonetti, of Wyoming, to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice.
SD–226

NOVEMBER 7

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation alliances, focusing on market turmoil and the future of airline competition.
SD–226

NOVEMBER 8

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere.
SR–253

SENATE—*Thursday, November 1, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, the source of inner grace and outward joy, You have taught us that it is not just our aptitude, but our attitude, that determines the altitude of our success in our work and in our relationships. We confess that often it is not You but the danger and difficulties of these days that dominate our inner feelings and control our attitudes. It is hard to be up for others when we get down on ourselves. So thank You for this attitude adjustment time we call prayer when we can admit any negative attitudes and submit to the transforming power of Your hope. True hope is faith in action and the constancy of faith in all contradictory circumstances. You have told us that there is no danger of developing eyestrain from looking at the bright side of things. There is a great need for this quality of hope in our Nation this morning. May the attitude of the American people toward our present challenges be uplifted by their trust in You, the positive assurance of Your victory over the tyranny of terrorism, and the inspiring attitude of this Senate and all of us who work in the Senate family. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning there will be two amendments that will be debated for a maximum time of 1 hour each. These amendments are the Gregg school construction amendment and the Landrieu title I targeting amendment.

For the information of all Senators, there will be two votes on these amendments that will occur a little after noon today. Therefore, there will be two back-to-back votes at that time.

As we move forward to complete action on this important appropriations bill—and we are going to complete it today; if not today, we will complete it tomorrow, but we are going to complete action on this bill—Senators should expect other votes throughout the day. We have had no recorded votes the last 2 days, even though the managers have worked through a number of important issues.

In addition, the Senate could also act on several appropriations conference reports as they become available. The first one is going to be voted on in the House about noon today.

As the majority leader announced yesterday, should we complete action on the Labor-HHS Appropriations Act today, and any available conference reports, then it is likely that there would not be any rollcall votes on Friday, November 2. The managers of the bill have been encouraging Senators with amendments on this finite list that has been filed to come to the floor and work with them on these amendments.

When we finish the votes at noon today, Senator BROWNBACK has a number of amendments that the managers have been unable to resolve. I ask he make himself available at that time to offer these amendments.

If there are other Senators wishing to offer amendments, they should come forward and make their amendments known to the rest of us. We have a finite list, but a number of Senators have indicated to the managers and to me that they are not going to offer those amendments. We need to complete action on this bill so we can move forward to other very pressing matters.

Mr. SPECTER. Mr. President, I join the Senator from Nevada in urging our colleagues to come forward. It has been very slow making progress. There were some 62 possible amendments listed. Most of those are place-holders, we know. But anybody who has an amendment to offer ought to come to the floor now. Senator HARKIN and I will be in a position to discuss the matters with you, to see what is acceptable, see what will require rollcall votes, to try to work out time agreements, and try to move ahead to finish this bill as early today as possible.

It is no secret, Senators have a lot of commitments on Friday, and Thursday is the heavy workday. But the sooner we get this bill completed, the sooner we can move ahead and try to get it conferenced and resolved.

Mr. REID. Will the Senator yield for a brief comment? I want to make sure everyone understands what the majority leader said. We are going to complete this bill and conference reports before we leave this week.

Also, if we complete work on the bill, we could move to the D.C. appropriations bill, but at the very least we are going to complete the conference reports and complete this bill before we leave, no matter how long it takes today or tomorrow.

Mr. SPECTER. Or Saturday.

Mr. REID. Or Saturday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MEASURE PLACED ON THE CALENDAR—S. 1601

Mr. REID. Mr. President, I understand S. 1601 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1601) to provide for the conveyance of certain land in Clark County, NV, for use as a shooting range.

Mr. REID. Mr. President, S. 1601 having been read for a second time, then I object to any further proceedings at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Senate will now resume consideration of H.R. 3061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire is recognized to offer an amendment, on which there shall be 60 minutes debate to be equally divided.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I appreciate the courtesy of the two managers of the bill in setting up a timeframe for this amendment.

We have discussed this issue innumerable times in this Chamber. This is the issue of whether or not we are going to fund, at the expense of low-income children, school construction. The amendment is very simple. It takes money which is not authorized—in fact, the dollars which are being spent under this school construction account, that authorization was rejected by this Congress, by this Senate on innumerable occasions—it takes the money which is being spent under this appropriations bill, which is therefore not authorized, and moves it into the authorized account of the title I targeted formula, the targeted formula being that formula which benefits low-income children in this country.

The purpose of funding under the Federal education initiatives has basically two goals. Our primary responsibility as a Federal Government involves two basic areas in elementary and secondary school education. The first is special education funding, IDEA funding.

I congratulate this committee and Senator HARKIN and Senator SPECTER for the tremendous job they have done in the area of funding special education. They have added over $1 billion in the special education accounts. That is very appropriate.

The second primary purpose authorized by the Federal Government and chosen by us as a Congress as to where we were going to focus Federal attention is in helping low-income children be more competitive in their school systems and have an opportunity to succeed along with kids who do not come from low-income families. Thus, we have put an exceptional commitment of resources into those accounts.

Unfortunately, it is a formula which was put in place 6 years ago to target the Federal money for kids who come from low-income backgrounds. It has never been adequately funded—in fact, was never funded at all until this bill. Instead, we have peeled dollar after dollar off for other programmatic activity, which is not the primary thrust of the Federal effort.

Specifically, in the area of school construction, which we have rejected as a purpose of Federal responsibility, it being traditionally the responsibility of the States and the local communities to make the decisions as to what school construction should occur, we have now put in this bill $925 million for this program of school construction which is not authorized. We have essentially taken that $925 million away from the title I children—the low-income kids. We have taken it away from the targeted funding formula.

My amendment very simply takes the unauthorized construction money and moves it back to the authorized new targeted title I formula so that low-income children will get the dollars and the support from the Federal Government.

The practical implications of this for each State are reflected in a chart which is going to be made available to every Member of the Senate, which I hope they will take the time to review. It shows that every State is essentially a winner under this amendment. The new targeted formula, when initially funded by the $925 million, significantly increases the money under title I that flows to low-income kids for every State.

What is happening under the school construction money? It doesn't go to low-income children. It can go to rich districts. It can go to poor districts. It can go anywhere you want in the school system. It can also go, for example, for the purposes of school safety, which makes it not only unauthorized under this bill but duplicative of the money we already put into the system for school safety in the Commerce-State-Justice bill.

We are spending $925 million for bricks and mortar. That was a program rejected by both the Senate and the House. It does not have any strong component of poverty in it. This basically can be a welfare-to-rich-district funding mechanism. It is being done at the expense of low-income kids.

We know for a fact that our low-income children simply aren't getting what they need out of the school system. We are about to reauthorize the ESEA bill in an attempt to do a better job with the dollars that are directed to low-income schools. But we know, regrettably, that 70 percent of the children in high-poverty schools score below the most basic levels in reading; that two out of three African-American and Hispanic fourth graders can barely read; in math in high-poverty schools, they remain two grade levels behind their peers; in reading, they are three to four grade levels behind their peers; that half the students in our urban school districts don't graduate at all.

It makes no sense, when we are supposed to be funding a formula targeted for low-income kids who obviously need more support as reflected by those statistics, that we end up instead funding a bricks-and-mortar program that can go to high-end school districts and which is not authorized and which is duplicative of at least three other major programs we have at the Federal level that are authorized and that are funded.

The result of my amendment is essentially this. A State such as Louisiana—I see the Senator from Louisiana in the Chamber—would receive a 21-percent increase as a result of this amendment in their title I count. It would be targeted. A State such as California would receive a 37-percent increase. It would be targeted to the low-income poverty districts and students.

When we pass the ESEA bill on which we reached agreement in conference, we will give those low-income districts strong, new tools to help those kids in those districts catch up with their peers. But those tools will only work if there are dollars to support them.

This amendment goes a long way down the road to accomplishing the goal of getting the dollars where the Federal Government has set the priorities, the dollars to the low-income child instead of to some sort of grandiose bricks-and-mortar program that may not benefit the low-income child at all.

That is the concept of this amendment. It is really pretty simple. It takes $925 million out of a program which has been on two different occasions rejected by this Senate, the school construction program, and moves it to the new targeted formula for low-income kids under title I.

I hope everybody here will review how their State benefits from this in their title I accounts.

AMENDMENT NO. 2056

Mr. GREGG. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. DEWINE, proposes an amendment numbered 2056.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for targeted grants under the Elementary and Secondary Education Act of 1965)

Beginning on page 54, strike line 19 through "and renovation:" on line 14, page 57, and insert the following:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $12,804,900,000, of which $5,029,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $7,398,721,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002: *Provided further*, That $1,437,279,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335).

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964; $7,792,014,000, of which $240,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers:

On page 69, strike lines 14 through "2002" on line 6, page 73.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. GREGG. Will the Senator yield?

Ms. LANDRIEU. Yes.

Mr. GREGG. I wonder if the Senator is speaking to my amendment or her amendment.

Ms. LANDRIEU. I will speak, unfortunately, against the amendment of the Senator from New Hampshire.

Mr. GREGG. I presume the Senator is taking her time.

Ms. LANDRIEU. I will take the time from my side.

Mr. GREGG. I thank the Senator.

The ACTING PRESIDENT pro tempore. Does the Senator from Iowa yield time to the Senator from Louisiana?

Mr. HARKIN. Yes. I yield such time as the Senator desires.

Ms. LANDRIEU. Mr. President, I find myself in an unusual and awkward position because I normally come to the floor to support the amendments of the Senator from New Hampshire and to support his great efforts and his leadership in reforming education. He truly has been a clarion voice to lead us in many of the ways we really need to go in this country. His commitment is really exemplary. I find myself in an awkward position to oppose the amendment he has offered on a couple of very valid grounds.

One is, while in a bipartisan way we certainly have supported, along with the President, targeting our dollars more carefully so that the Federal dollars actually bolster the reform efforts at the State level by helping Governors and mayors and school board members who are on the front lines who are trying to reform education, we have attempted this year for the first time—which is a pretty extraordinary victory we are about to achieve—to target more of our Federal dollars to reach those Governors, to reach those school boards, and to reach those mayors who are struggling to rebuild their systems. So the Senator is correct when he speaks about the need to target.

Senator HARKIN and Senator SPECTER have done a magnificent job on this great piece of legislation to accomplish many of these new goals. The underlying bill indeed does that. For the first time, we will be laying down $1 billion through the targeting grants to help close the gap between those counties, and parishes in Louisiana, that have greater capacity to fund their schools and those counties and parishes that have less capacity. That is clearly one role where there is virtually no disagreement that the Federal Government should fill: to be actively engaged in leveling the playing field between the richer and the poorer districts. That is the American way. That is what the underlying bill does.

I understand Senator GREGG is saying: Let's not put any money in school construction; let's take that money and add it to targeting. I would normally be supportive of that because many of us have been leading the fight for targeting. But as important as it is for teachers to be given new tools, and for us to support these reform efforts, children cannot learn without the right physical facilities. It is very important.

They do not need palaces such as this one or Taj Mahals, but they do need warmth in the wintertime. They do need to have fresh air in hot summers. They do need to be able to walk in safety in schools and not have inadequate windows or light fixtures or be in buildings that make it impossible to learn. They do need to have electrical systems in their buildings so they can install their computers and get on line and have other high-tech tools of learning.

I do not have to explain to the Presiding Officer or to many Members in this Chamber how deficient our schools are. So let's not move money from one very important program, which is school construction, to targeting. That is why I will have to oppose the amendment of the Senator from New Hampshire.

We can do the school construction funding so that we can help build our schools and give our children the kind of physical facilities they need to meet these new goals and standards.

This is not the time to stop job creation in America. Let me repeat, this is not the time to stop job creation in America. Millions of people are out of work because of the September 11 attacks and subsequent attacks because of their effect on our economy.

One billion dollars under Senator HARKIN's and Senator SPECTER's amendment—of which there is the attempt to move—will put 24,000 people who live in Georgia, in Louisiana, in Iowa, and in New Hampshire to work.

One billion dollars spent on school construction will employ 24,000 people. Believe me, there are people in all of our States who want the Federal Government to spend money on public investments. What better place could we be spending money than building schools for our future, giving our children a chance for a first-class quality education?

Finally, I will say this: I know the Republican leadership has not been excited about school construction. They have fought it every step of the way. There have been some Republicans who have supported it. The Republican leadership is against the idea of the Federal Government getting involved with school construction. And that argument has merit. I am not saying it does not.

But in light of September 11, I would hope the arguments on the other side would weaken because we need to be putting Americans to work. These are good construction jobs. And they do two things. They give a man or a woman a job, so he or she can bring home a pay check to feed their family and pay their mortgage. By doing that, you are also investing in our children by building schools so they can compete in the challenging world which we all now face.

Those are the arguments. Again, I hate to oppose the Senator, but I am opposing this amendment on those grounds. And I ask other Members to join with me in that opposition and to support the mark of the chairman and the ranking member.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAMM. I ask Senator GREGG to yield me 1 minute.

Mr. GREGG. I yield the Senator whatever time he needs.

Mr. GRAMM. Mr. President, I ask unanimous consent, because we are debating this amendment, that I be able to proceed on my amendment, which is also pending, for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2055, AS MODIFIED

Mr. GRAMM. Mr. President, I send a modification to the desk, a very simple modification. This amendment would be in order when this other amendment is over, so rather than just wait I thought I would do it and get out of everybody's way.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 2055), as modified, is as follows:

After line 7 on page 9, insert the following:

"(6) Protecting the constitutional right of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with their decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

Mr. GRAMM. Mr. President, when I offered my amendment yesterday, in guaranteeing the right, under the Daschle amendment, for people to join or not join a union, I did not include the critical right for them, if they choose not to join a union, to not have to pay union dues. I have corrected this with this modification. It fits the principle we set out.

The Daschle amendment preempts State law and preempts county ordinances and city ordinances to set up a structure for unionism in police and fire and sheriff departments. I am opposed to that. But it seems to me, if the Federal Government is going to preempt State law and preempt counties and cities to set up a structure for unionism, it ought to also allow people to decide if they do not want to be members of the union and they do not want to pay union dues. So through this modification, I have corrected that problem.

I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

AMENDMENT NO. 2056

Mr. HARKIN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Twenty-three minutes.

Mr. HARKIN. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, here we are again. Senator Gregg, my friend from New Hampshire, is trying to say we have no obligation to help our local schools meet safety and fire codes and to renovate and rebuild our schools.

I find it kind of an odd argument to say we have no responsibility, to say what he said earlier, that this is a State and local responsibility. After all, we use Federal moneys for rural water systems in this country. Should that be a State and local responsibility? His State gets some of that. There are waste water programs, bridges, highways, all kinds of things that the Federal Government is involved in in terms of construction.

As we look around the country, we see our schools are falling down. The average age is 42 years old. Fourteen million kids attend school in buildings that are unsafe or inadequate. So, quite frankly, there is a crying need out there for school construction.

The American Society of Civil Engineers, in their report card on America's infrastructure, listed schools as the worst. They listed bridges and roads and highways and sewage disposal systems and airports, but the one that got the lowest grade was our public schools in America.

My friend, with his amendment, basically is going to take the money and put it into title I. So I think what he is trying to do is put all the money in title I to send poor kids to poor schools.

I am not saying we should not be doing more for title I. That is why I am going to be supporting the Cochran-Landrieu amendment, which I think is a better formula for title I. But I find it odd that the Senator from New Hampshire said we don't need to fix up these schools; we just need to put more funds in for these poor kids. And they will go to schools that are unsafe, insecure, with ceilings that are cracked and with water leaking in. They do not meet fire and water safety codes. They are not wired for the Internet. That is all right; we will send them there anyway. I find that an odd argument.

I believe this is, indeed, a Federal responsibility. The way we have constructed this, I say to my friend from New Hampshire, is that the money goes to the States. Then the States decide how to allocate this money out to local school districts. So we are not saying exactly how it is spent. This is sort of a State grant. I think my friend from New Hampshire has been a big supporter of block grants in the past. This basically is what it is. This goes out to the States and lets the States decide where it goes.

Quite frankly, I have a chart in the Chamber which shows how much money goes out to the different States and where this money goes. The fact is, we have already seen that in the last year we put in $1.2 billion for school repair and renovation. Forty-one States have already asked for and received their grants. That indicates to me there is a real need out there. If there was not a need out there, the States would not have asked for this money.

Thirdly, this money is leveraged greatly. From the experience we had in my own State of Iowa, $28 million over 3 years went out for school construction and renovation.

That $28 million was leveraged by State and local governments to the tune of $311 million, over a 10-to-1 leverage. It seems to me any time we can spend a taxpayer's dollar and we can get a 10-to-1 leverage in our local communities and States and we can do something of lasting value, which is to repair schools and build new schools so that our kids have the latest technologies, that is a pretty good investment of taxpayers' money. That is exactly what is happening. They are leveraging this money in a big way.

Here is a chart; it is kind of busy. I will hold it up. This indicates all of the renovation funding that went out this last year for different States. I see that some of the States received more than others based upon population and a few other factors. This would be the kind of money that would be lost for school construction if, in fact, the amendment of the Senator from New Hampshire prevailed.

Lastly, everyone is talking about a stimulus package. We have stimulated the economy. This is what Senator LANDRIEU was discussing. We want to put people to work around this country. What job needs to be done more than repairing and modernizing our schools? We get a lot of bang for this buck. We get economic stimulus. We will put people to work immediately. These jobs are ready to go. There are schools all over this country that already have their plans in place, that have requests in for modernizing, for fixing up their ceilings, meeting fire and safety codes. This is something we can do right away. It stimulates the economy. It puts people to work. We get better schools. We leverage the money all over the country.

I don't see why we would want to pull the rug out from underneath this right now. This money goes to the States and from the States to the local school districts. I believe this is an important element for us in the Federal Government. People say we haven't done it before, that this is something new. Is that the reason we are here? Just to continue to plow the same old ground over and over again?

I keep asking, where in the Constitution of the United States does it say elementary and secondary education is to be funded only by property taxes? It is nowhere in the Constitution. That is just the way it sprung up because in the early days of our country we wanted to have a free public education for everyone—for white males at that time but for everyone later on. There was no taxing base. All they had was property taxes and a few excise and tariff taxes. It was not until 1914 or 1917 that we had the income tax. So there were no other tax bases. We grew up a system in this country based on property taxes.

That is all broken down. We provide Pell grants for kids to go to college. Under elementary and secondary education, we provide teacher training, funding for special education. We do all of this. Why shouldn't we use the power in the Federal Government to help our State and local schools repair and modernize, build new facilities for the new century for our kids.

In every case where I have seen this work, the money has been leveraged 6, 7, as much as 10 to 1 in those State and local communities.

Especially with the economy going down, this is not the time to pull the rug out from underneath school construction.

I yield the floor and reserve the remainder of my time.

Mr. GREGG. Mr. President, I yield such time as he may consume to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Hampshire for yielding time to me.

I will take just a minute or two and suggest that this amendment that is offered by the Senator from New Hampshire has great merit because it shifts funds into a program that has historically been grossly underfunded. The title I program has about four different categories of authorized funding in it. Over the last several years only two of those programs have been funded by the Congress.

I am supporting an effort to increase the funding in the targeted assistance so States such as mine, who have high concentrations of poor students, will have a better chance of providing the quality of education opportunity those students deserve and which is needed so much by the poor students.

Sixty-five percent of the students in my State have been classified by our State department of education as poor within the meaning of the term in the Elementary and Secondary Education Act that contains this title I funding.

This program was begun in an effort not to supplant the State's responsibilities but to emphasize the importance of reaching out to those who had not been well served by the public education school system, and those were the poor students. Most of those communities have low tax bases, not much business activity, high rates of unemployment. The funding that goes into education in most States comes from real estate taxes and other taxes at the local level. States provide some of the funds, but most of the money comes from local property owners. The deck is stacked against those students who live in those poor communities.

The Federal Government realized it had a responsibility to try to help. We are not trying to take over the running of the schools in title I. We don't want that.

Just as recently as this spring, I had hearings in my State and meetings with the State board of education to talk about the title I program and how we could better design it so it would provide the needed financial resources to deal with these particular problems of poor students.

Uniformly, I was told that losses in these funds or reductions in these funds would be devastating for our school system in Mississippi. So I am supporting the Gregg amendment because I think it tries to emphasize the importance of title I and provides more funds for title I. I will also cosponsor and vote for the Landrieu amendment. It is not an either/or proposition for the Senate. That is what I am saying. We can vote for both. I think we should.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Mississippi for making that very excellent point. This is not an either/or choice. We can vote for the Landrieu-Cochran amendment, and we can vote for this because essentially what this amendment does is take the construction money and move it into the title I targeted formula. What the Landrieu amendment does is restructure the new money for title I and reallocate some of it to the targeted formula, some of it to the equity formula.

As a practical matter, the two are not exclusive. You can support both. If you are interested in getting more money into the title I accounts and especially more money into the accounts that benefit low-income kids under the targeted formula, then you should definitely vote for this amendment which takes the money from the school construction accounts.

Just to cite a couple examples: California, under present law, gets $1.15 billion; under this proposal, they would get $1.5 billion. So they pick up about $430 million out of this account which would be going into the targeted formula.

Florida gets $400 million. Under this proposal, they get $558 million. That is $158 million going to the targeted formula.

The State of the presiding Senator from Georgia would get $250 million under present law; $330 million would go into the title I formula.

Yes, it means there wouldn't be school construction money going into those States, but what would be happening is that dollars would now be flowing directly into the accounts which benefit low-income kids rather than into a general account which, as the Senator from Iowa mentioned, is basically where the States make the decision. It can go to a rich district or a poor district. It can go to Safe and Drug Free Schools, which we already fund under another account, or it can go to security, which we fund under another account, which is duplicative. The purpose of the Federal dollar should be to get the money to low-income kids. That is why we need to fund these targeted formulas, especially in areas where you have a large concentration of low-income children. That is why this amendment makes a lot of sense.

I thank the Senator from Mississippi for his comments and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. KOHL. Mr. President, I rise today to oppose the Gregg amendment. This amendment would entirely eliminate the $925 million in this bill that is intended to help school districts with critical construction and renovation needs, and instead divert it to title I. I strongly support both of these important programs. Title I serves our Nation's most disadvantaged children and helps ensure that they have the same educational opportunities as more affluent children. I am pleased that the bill before us includes a nearly $1.5 billion increase in title I for fiscal year 2002. I am committed to working to further increase title I funding this year and in future years, as it is the cornerstone of our Federal commitment to help low-income students succeed.

While I appreciate the goals of the Gregg amendment and agree that title

I must be one of our top priorities, I cannot support it at the expense of legitimate and urgent school construction needs. In my home State of Wisconsin, nearly 80 percent of schools were built before 1969. In a recent survey of 881 Wisconsin schools, the total statewide cost of all repairs and renovations that are needed to put schools in good overall condition was $1.55 billion. Clearly, we have a serious need to address school construction and renovation.

Unfortunately, this amendment presents the Senate with a false and unnecessary choice. I agree that we need to do more for low-income children, and I intend to support the amendment to be offered by Senator LANDRIEU that will put more money into title I and target it to the lowest income students. But we cannot expect a child to learn in an old, dilapidated, or unsafe school with no access to the tools and technology that are so much a part of education today.

The Gregg amendment would force us to abandon one critical education program for another, but I believe we can and must make both a priority. I urge my colleagues to oppose the Gregg amendment and to support the Landrieu amendment later on, to ensure that the Federal Government provides funding for both school construction and assistance to low-income students. We can afford to do both.

Mr. SPECTER. Mr. President, we are debating allocation of Federal funds among quite a number of very worthwhile programs. When you talk about basic State grants, concentration grants, an effort for targeted assistance, they are all very meritorious. The difficulty our subcommittee has in making an allocation is in trying to establish priorities. We have $925 million allocated for school construction.

The Senator from New Hampshire has a laudable purpose. The Senator from Mississippi articulates laudable goals. But we have done the best we can in the appropriations process in making the allocations among many priorities that we think to be appropriate. Title I has in excess of $11 billion going to needy children, which is the largest allocation. We have been debating the issue of school construction for a long time. The former Senator from Illinois, Carol Moseley-Braun, brought this forward several years ago, as has Senator HARKIN.

My conclusion is to support what the subcommittee report has and, reluctantly, to oppose what the Senator from New Hampshire wants, and what the Senator from Mississippi would like to have, because their goals are laudable.

I think it is important, as the Senator from Iowa points out, that there was leveraging of these funds. It is never easy to say where a Federal responsibility ends and where a State responsibility begins. Ideally, the funding perhaps should come from State and local government, not the Federal Government at all.

We have been in the field, and we have added very substantial dollars. There is now in excess of $41 billion. We added $6 billion last year.

One of the difficulties with school construction is that the $925 million allocation is questionable, as to how far that will go on the school needs of America. We had a very tough debate on this issue last year when Republicans controlled the Senate and President Clinton, a Democrat, was in the White House. We ended up with an allocation for school construction of $1.175 billion, but we put in language that if, after due deliberation, the school boards on a local basis decided they did not want the money for school construction, they could use it for other educational needs—virtually a block grant. That language and that approach has been maintained here.

I am not saying local boards are going to turn down school construction money. But in the event that does happen, the school districts will be able to make the allocations as they see fit on a local basis.

Senator HARKIN has been a strong advocate for school construction beyond any cap. I was supportive of Senator Carol Moseley-Braun when she advanced this idea several years ago to sort of give it a start. Although you could allocate these funds in many different directions, arguably with forceful positions, it is my stance that we have made an appropriate allocation and this $925 million is appropriate. So I am going to support the chairman and the subcommittee report, which we have submitted.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself another 3 minutes.

I thank my colleague and the ranking member, Senator SPECTER, for his support of this amendment. We have worked very closely together over the years, and it was sort of a sign of Senator SPECTER that allowed some of this money to go out to the States and if in fact they do not need it for construction, they can use it for other purposes. So this is a great help to those local school districts.

Mr. SPECTER. If my colleague will yield for a moment.

Mr. HARKIN. Yes.

Mr. SPECTER. Mr. President, we called those the "Harkin hoops" last year. They have to survive the Harkin hoops. If not, they go to local.

Another comment is worth articulating, and that is, when we sit down and go over these accounts, it is no surprise that TOM HARKIN and ARLEN SPECTER have a lot of different views. We hammer them out, and we come to accommodations.

This is a program that is very near and dear to Senator HARKIN's heart. Again, to repeat, which I don't like to do, I supported it with Senator Carol Moseley-Braun many years ago. There are many accommodations in this bill where Senator HARKIN was not so enthusiastic and I was more enthusiastic, so that when we come to the time of presenting the arguments and the position on the floor, I am going to stay with the agreements we reached in the subcommittee.

Mr. HARKIN. I thank my friend from Pennsylvania. We have had a good working relationship. I think this is just another indication of how we can reach bipartisan agreements in committees by working together.

Mr. President, I have a letter from Rebuild America's Schools. This is a consortium of gripes including the National PTA, National Education Association, National School Boards Association, National Rural Education Association, and a number of others. This letter is dated October 30, 2001. It says:

> Rebuild America's School writes in strong support of the $925 million for the Emergency School Repair Program included in the Senate version of H.R. 3061.

They go on to say:

> The resources provided under last year's legislation combined with the funds included in the FY02 Senate appropriations bill will help fix leaky roofs and repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.
>
> The importance of an FY02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our Nation's economy. These expected losses might force State and local governments to cut or roll back education spending, particularly in the area of capital projects. In addition to providing much-needed fiscal relief to States and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REBUILD AMERICA'S SCHOOLS,
Washington, DC, October 30, 2001.

Hon. TOM HARKIN,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services and Education, Washington, DC.

DEAR SENATOR HARKIN: Rebuild America's Schools (RAS) writes in strong support of the $925 million for the Emergency School Repair Program included in the Senate version of HR 3061, the FY 02 Labor, HHS, and Education appropriations bill. RAS is a coalition of national organizations and school districts from across the nation working to increase federal support to assist local communities to build, renovate and modernize school facilities. We strongly oppose any amendment that may be offered that would cut or eliminate funding for this critical program.

This appropriation addresses the rapidly growing need to improve our nation's school buildings at a time when communities across the country are struggling to renovate and repair aged school facilities. Students in virtually every state are attending classes in overcrowded buildings with leaky roofs, crumbling ceilings and outdated ventilation and heating systems. In fact, according to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers recently reported that school facilities are in worse condition than any other part of our nation's infrastructure. In addition, a June 2000 study report by the National Center for Education Statistics reported that 11 million students—one in every four—attended schools in less than adequate condition, and 3.5 million of these students in school buildings in poor condition.

HR 3061 builds on legislation passed in the 106th Congress that provided $1.2 billion in grants to high-need school districts to pay the cost of urgent repairs and renovations. As of the beginning of the 2001 school year, 42 states and 2 outlying areas had submitted applications for their funding grants under this program. The resources provided under last year's legislation combined with the funds included in the FY 02 Senate appropriations bill will help to fix leaky roofs and repair faulty plumbing, heating, and electrical systems. These resources will also enable districts to address other dangerous health and safety concerns in their schools, such as the presence of lead paint and asbestos in the classroom.

The importance of an FY 02 school repair program gains even more relevance in the face of revenue shortfalls resulting from the recent downturn in our nation's economy. These expected losses might force state and local governments to cut or rollback education spending, particularly in the area of capital projects. In addition to providing much needed fiscal relief to states and local school districts, funds for emergency school repairs will help to create construction jobs on the local level as each billion dollars invested in school construction is estimated to generate approximately 24,000 jobs. Also, these expenditures will have a multiplier effect on local economies by benefiting all of the construction-related industries that provide material and other types of support for infrastructure projects

Rebuild America's Schools and its membership supports inclusion of a $925 million Emergency School Repair program in HR 3061, and provisions that continue to ensure that the urgent repair needs of our high poverty, rural and Indian schools are all addressed. In addition to these funds in this education appropriations bill, we support providing a larger amount of assistance for school repairs as part of the economic stimulus bill. We believe extending this initiative will go a long way in helping communities across America fix crumbling, unsafe, and unhealthy schools, and ultimately help to create the learning environments our children will need to succeed in the 21st century.

Sincerely,

ROBERT P. CANAVAN,
Chair.

Mr. HARKIN. Mr. President, again, I keep hearing this argument that this money can go to rich as well as poor districts. The Senator from New Hampshire says take this money and put it all into poor districts. I find that an odd position for my friend to take since he is a very strong supporter of States rights. This money goes to the States. If the State government in New Hampshire wants to put that money into the richest school districts, I assume they can do that. I don't think State governments would do that.

Our experience from the last year is that States take this money and focus it on those very districts where they have a low tax base because they have poor housing in low-income areas. That is where they focus the attention for school construction, not in rich areas. So I assume the Senator is saying he doesn't trust the State governments to do this. Well, I think they will do this. They will focus it on the poor districts.

Lastly, I wish to make this point, and I think my friend knows this. In the conference that we are now in on the education bill, the reauthorization of elementary and secondary education, there is a provision the Senate adopted unanimously that provides for the full funding, 40 percent funding that the Federal Government should be doing for special education. That is supported strongly on the Senate side. The House is sort of wavering on that, but they may actually come across in support. If that is the case, that will free up a lot of money which we can then use to help our title I schools. I am making the argument in conference right now that if the House will help us to provide the mandatory funding for special education, that will free up a lot of money which we can then put into title I programs. We should not sacrifice school construction for that. As I said before, it does not make much sense to put a lot of money in to sending poor kids to poor schools. Let us help both. Let us help title I, and let us help rebuild our schools.

Mr. President, there is an article that appears in Education Week about Federal funding for school renovation. The title of it is "Iowa Is Laboratory For Federal Role In Building Schools." They went out and looked at a number of schools that received some of the Federal funds for innovation and rebuilding.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Education Week, Oct. 24, 2001]

IOWA IS LABORATORY FOR FEDERAL ROLE IN BUILDING SCHOOLS

(By Joetta L. Sack)

The teachers at Decatur City Elementary School had become accustomed to the eccentricities of their 1915-era building. Despite its sloping concrete floors, its basement room used as both a gym and a cafeteria, and its out-of-the-way location, some admit they'd even grown fond of this little block-shaped, brick schoolhouse.

Sentimentality aside, leaders of the Central Decatur schools here on southern Iowa's rolling plains knew the structure was impractical and potentially dangerous. So they raised, local funds to add a wing to the district's secondary school, making room for the elementary school's staff and 115 pupils.

To help the cause, the district received a $500,000 federal grant through a program earmarked for Iowa districts that was created in 1997 at the behest of the state's Democratic U.S. senator, Tom Harkin.

While Washington lawmakers were debating whether the federal government should wade into school construction aid, the veteran senator used his considerable influence to set up a "demonstration project" in his Midwestern state. Now in its fourth year, the program has channeled, $37 million to the state, and the 750-student Central Decatur district and other Iowa school systems are seeing the rewards.

The program could be construed as pork, yet another example of a powerful lawmaker feathering his political nest by bringing home the maximum number of federal tax dollars. Iowa after all, does not qualify as the state most in need of school construction help, according to recent data.

But Sen. Harkin, who chairs the subcommittee on education, labor, and health of the Senate Appropriations Committee, speaks proudly of the program a success. And with Congress at odds over whether to continue a much larger school renovation program begun in the just-ended 2001 fiscal year, the senator contends that the Iowa program is proof that money for school buildings should remain in the federal government's portfolio.

Nobody questions the need for school repairs and renovations nationwide, estimates range from $112 billion to $250 billion or more to bring all school facilities to basic levels, and nearly every district has seen problems with overcrowding or decaying buildings. Mr. Harkin's program in Iowa gives grants for emergency repairs or new construction.

"The most pressing needs are the schools that need to be brought up to fire and safety codes," Sen. Harkin said last week. "And then, we just have a lot of old schools in Iowa, like a lot of states do, that need to be rebuilt or totally refurbished."

In the final days of last year's appropriations process, the senator—then the ranking minority member on the subcommittee he now chairs—helped win approval of the national program, which is based on his Iowa experiment. The fiscal 2001 budget included $1.2 billion for emergency repairs.

Now, Congress must decide whether to continue the national program and the Iowa grants. As the fiscal 2002 appropriations bills make their way through the process this year the version passed by the now-Democratic-controlled Senate appropriations committee includes continuation of the funding at about 80 percent of the 2001 level, while the House version eliminates it.

President Bush favors eliminating the school renovation funds.

"School construction is an area where the federal government does not have a meaningful role, and never did," said Lindsey Kozberg, a spokeswoman for Secretary of Education Rod Paige.

The administration has, however, proposed a new facilities program for charter schools and wants to drastically increase construction funding for schools under the impact-aid program. Impact aid sends federal grants to school districts whose property-tax bases are directly affected by the presence of non-taxable federal facilities, such as military bases.

Appropriators won't decide whether to continue the Iowa program until the two bills reach a House-Senate conference committee. But a Senate Democratic aide said that Sen. Harkin, because of his seniority and influence, is always granted a pot of money to spend as he chooses, and the program likely will continue.

"If he wants it, he'll get it," the aide said.

TENDING TO CONSTITUENTS

Mr. Harkin, who has named the school construction program the "Harkin grants," often hosts back-home events on concerns such as education, health care, and agriculture.

"The image we see here is that he's involved in education a lot," said Joseph S. Drips, the superintendent of the 4,700-student Southeast Polk district in the Des Moines suburbs, which also received a Harkin grant.

A report released last year by the National Education Association, a strong proponent of federal aid for school construction, ranked Iowa 25th among the states in school modernization needs, with a total estimate of $3.9 billion for infrastructure and technology needs.

Iowa has seen an economic downturn and declining population in recent years, which have squeezed its budget. And the state has seen its center of gravity shift from farms to more urban areas, meaning that some urban districts are facing unprecedented growth while some rural districts struggle to stay open.

"The needs generally run across the board," said Marcus J. Haack, the associate executive director of School Administrators of Iowa. While the money from the Harkin grants has helped, his group advocates a more comprehensive over-haul of school finance.

Now nearing the end of his third term in the Senate, Mr. Harkin has become a fixture as one of the Democrats' more liberal members. But he represents a state almost evenly divided between Democrats and Republicans—Al Gore took the state in the presidential race last year by just 4,144 vote. Mr. Harkin won his last election in 1996, with only 52 percent of the vote.

Programs such as the school construction grants could be his lifeline to elected office, said Jack Jennings, the director's of the Center on Education Policy, a research and advocacy organization in Washington. Although some Iowa voters have qualms about his views, they are pleased the Senator brings so much money back to the state, Mr. Jennings said.

"What he has done is balance his liberalism with great attention to constituent needs," said Mr. Jennings, who is a former aide to House Democrats.

But Sen. Harkin also has consistently pushed for a nationwide school construction program. He first proposed a plan during his unsuccessful 1992 presidential campaign, and since then, has joined other Democrats—and a few Republicans—who have proposed various approaches.

While the issue has gained momentum in recent years, with hundreds of educators lobbying for such a plan, there is still plenty of opposition in Washington. Most conservatives say that school construction should remain a state and local responsibility.

Some legislators argue that if the federal government steps up its funding, state and local governments will just set aside less for school construction, and nothing additional will get built. Furthermore, bureaucratic red tape and laws requiring that federally financed construction projects pay union-level wages could drive up total costs, critics say.

MATCHING FUNDS

Hoping to quell some of those concerns, Sen. Harkin designed his program to require local districts to bring money to the table for new construction projects.

The competitive grants require communities to prove they can pay for 75 percent of a project, thus keeping most of the obligation local. Districts can receive up to $500,000 for school construction projects. Another portion of funds is reserved for the most urgent fire-safety repairs, and districts can apply for up to $250,000 without a match.

Under the national program the $1.2 billion was given to states with instructions to distribute it to poor districts that could show the greatest need for repairs.

Sen. Harkin and other Democrats argue that by requiring districts to provide the bulk of the money, school construction and renovation remain local and state obligations.

According to the senator, the initial $28 million dispensed in the Iowa program's first three years leveraged $311 million in local funding for repairs and new construction. And although those funds might have been raised without an incentive, he believes the Harkin grants made the difference in persuading some communities to go forth with a project.

"It's proven that a little bit of money can go a long way," Mr. Harkin said. "When you can get one federal dollar to leverage $10 in state and local funds, that's a pretty good use of federal money."

SOME LEFT BEHIND

Many Iowa districts are still using the traditional three-story red-brick buildings like Decatur City Elementary School that were constructed in nearly every small town in the state at the beginning of the last century. The Southeast Polk district will soon use its $500,000 Harkin grant to replace one of those buildings that engineers unexpectedly deemed to be unsound.

"The final report was, 'get out as soon as you can,'" said Mr. Drips, the superintendent.

A new building did not figure into the district's carefully crafted 10-year building plan, but Mr. Drips and school board members realized it would be more economical to build a new facility than try to renovate the old building.

Formerly a rural community, Southeast Polk is now seeing its cornfields become middle-class subdivisions, and its enrollment has increased by about 125 students annually in recent years. To help manage that growth, the district's residents passed a 1-cent local sales tax that generates about $4 million a year.

Without that revenue, the district would not have been able to meet the grants match requirement. That requirement sometimes leaves behind the neediest schools if they are unable to raise funds locally, Mr. Drips said.

Sen. Harkin, though, said the local matching requirement was key to retaining local control, and that cash-poor districts could still apply for the emergency grants. Meanwhile, he said, Iowa districts can count on the federal aid for the near future—and he's going to fight to continue the national program as well.

"It has been such a resounding success on Iowa, and our needs are so great that I intend to keep it," he said. "After 10 years of beating on this, I'm finally getting people to realize that there is a federal role and we can do this while retaining local control".

Mr. HARKIN. I reserve the remainder of my time. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The ACTING PRESIDING pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Gregg amendment, and I ask unanimous consent that I be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, the Gregg amendment is the solution to the problem presented in the underlying bill. With all respect to the bill managers, I believe the bill tries to meet new needs before addressing current obligations.

The bill appropriates $925 million in new funding for school construction which has never been embraced in the light of open debate because policymakers, year in and year out, have recognized the danger of creating new questionable obligations in the face of our existing appropriate obligation to low-income and disadvantaged children.

We already said we are going to do that. We are not doing it adequately, but now we say: Oh, I have this great idea for an economic stimulus; let's jump in on this and build some schools. It is not just the construction industry having a little bit of a problem. In fact, the construction industry is not hit as hard as other industries.

The Gregg amendment reflects the pure policy we all espouse. His amendment would redirect $925 million into the title I Targeted Assistance Grant Program. That program disburses money based on a pure poverty formula. Again, that is what we all say our policy does. The underlying bill creates a new program with almost $1 billion in new spending.

The greater concern which I have raised many times is that this bill would violate the prevailing wisdom that school construction is a State and local funding obligation.

My policy concerns go even further. I offered an amendment to the ESEA bill when it was considered by the Senate earlier this year which addressed my concerns about providing any Federal assistance in the absence of maximized State and local effort and without the strictest eligibility requirements based on poverty.

We somehow, to do the school construction, are going to have to get together and talk about that, but that is where it gets difficult. I can relate to some of my previous experience. The

Wyoming Constitution requires an equal education for all kids. That is very tough to define and very tough to do.

One of the equal education issues determined by our supreme court is equal buildings. What is an equal building? We have one school district that has about 800 students with a declining enrollment for a number of years. For a high school, we can determine 8 or 9 years in advance what the population is going to be based on the other schools that are below it—that it is going to be a continuing declining population. There is a requirement that the State build a new school for them. They want the school to be for 1,200 students. There is no justification for 1,200.

We are talking about maintenance, too. The State constitution in Wyoming, interpreted by our supreme court, says there has to be equality when you tell people you are going to build school buildings or suggest perhaps if they do not do maintenance, they will get a new school building sooner.

What is the result of this? The State is having to take over school construction. We are probably the ultimate State in the belief of local control, and we are having to go the other way. We are going to have a State organization now that will determine building maintenance. That is a pretty basic school board job. But if you are going to build the building, you have to have some control over the maintenance. If you are going to build the building, you also have to have some minimum requirements and maximum requirements. That has never been the case. Before, communities were able to build the kind of building they wanted to build or not build a building at all. That is not going to happen anymore.

Those are issues we have not addressed at the Federal level. I can tell my colleagues that with the difficulty the State of Wyoming is having, it is new ground we do not want to cover without a very basic discussion.

"Equal school buildings" is very hard to define, and I can tell my colleagues they are going to be even tougher to fund because an equal school building is going to have absolutely everything, and that means the finest football field, the finest swimming pool, and the finest gymnasium. In a lot of communities, that creates some controversy as to whether that is the epitome of education or whether it ought to be the finest chemistry classroom or the finest math facility.

We have not had that basic discussion here. We have not been forced to have that basic discussion because we have not gotten into this area. We are starting to get into that area, and we better have that discussion before we find out that we have bitten off a bigger spending bill than this country would ever be able to afford and freed up local governments to again let us buy their votes with their dollars.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. ENZI. I thank the Chair and reserve the remainder of the time. I ask that my colleagues support this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HARKIN. Mr. President, again, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. HARKIN. How much time does the other side have remaining?

The ACTING PRESIDENT pro tempore. The other side has 8½ minutes.

Mr. HARKIN. I yield 4 minutes—and if he needs more time, I will give him more—I yield 4 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first, I agree with the goal of dramatically expanding and making the best use of title I money. The Cochran-Landrieu amendment, about which we will hear more later, goes much more in that direction. By the way, I support that goal because I believe with all the mandates that are coming out of Washington, DC, right now—test every child, every grade, 3, 4, 5, 6, 7 and 8—we better make sure we get the resources to the school districts so they have a chance to do the job.

I reject this tradeoff. I cannot believe we are arguing that rebuilding crumbling schools and making sure they are inviting places is somehow unimportant. I do not believe we are talking so much about brand new swimming pools and brand new gyms. We are talking about many school buildings all across the country that are dilapidated. We are talking about children who know that if they want to see something great, they can go to a shopping mall or they can go to a brand new sports arena or they can go to the latest fanciest movie theater, but about the worst place they can go is their own rundown schools.

When our children go to these schools and they are so decrepit and run down, the heating does not work or the air conditioning does not work or the toilets do not work, we are telling our children we do not value them.

I refuse to accept this tradeoff which pits helping children with title I program funding versus whether or not we are now going to abandon a Federal program which has provided some funding for our schools for school repair.

By the way, in every State, there is a huge backlog of repair work. I thank Senator HARKIN for his leadership in talking about the importance of school renovation.

My second point is one of the ways we can get more money for title I and distribute that money in the most efficacious manner is to take the IDEA program for children with special needs and make it mandatory. That is the language we now have. That is what we are fighting to keep in conference committee. We should be getting support from every Senator and the administration.

As a former Governor, the Presiding Officer knows how strongly our States feel about giving the States the funding the Federal Government promised them for children with special needs. Then we can do a much better job for all the children.

That is the direction in which to go. Then finally, actually this whole debate is a little bit of a fantasy debate in that I do not think we are recognizing we are in a recession. These are hard economic times, and right now what is going on is our States are having to cut teachers, cut teacher assistance; they are having to cut counselors. If anything, we should get serious about an economic recovery plan.

I argue we need an additional $3 billion to go for school construction, for renovation of schools. It is win, win, win. You do not eliminate this program during a recession. A, the schools are more inviting for the children; B, you are creating jobs; C, you are contributing to the community; D, you are doing something about the recession, and you are getting money in the economy, which is all about what we have to do for economic recovery.

I think the amendment of my friend from New Hampshire goes precisely in all the wrong directions. I hope Senators will vote no.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GREGG. Mr. President, what is the status of the time?

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has 8½ minutes. The Senator from Iowa has 1 minute.

Mr. GREGG. I do not think it is the wrong direction when one is trying to help low-income kids be more competitive in a school environment where they have been left behind.

The goal of the Federal Government has been stated. Our goal as the Federal Government under title I is to help low-income kids. The problem is we have not adequately funded the formulas to accomplish that. In fact, we have not even funded the targeted formula which was passed in 1996.

We funded a formula that was a pre-1996 formula or a 1994 formula, which has been nothing more than a hold harmless for a bunch of States which may or may not help the targeted populations in need.

Now we create this new program, $925 million of new money being spent on a capital program for construction of facilities which can go to any school. As the Senator from Iowa said, it can go to the richest school districts. It can go to any schools. It does not go to the low-income children. It does not go to the school districts with low-income children. It can go anywhere in the school system. It can go for swimming pools. It can go for squash courts. It can go for whatever the school system decides to build.

That is not our responsibility as a Federal legislature. We have been very specific as to what our responsibility as a Federal legislature is. We have said our responsibility as a Federal legislature is to, one, take care of special needs kids or be a participant in that exercise and, two, take care of kids or try to help kids from low-income backgrounds be competitive with their peers. That is what the Federal policy is.

In fact, we have rejected as Federal policy in the last two Congresses the need to have a construction program. What are we funding? We are funding a construction program at the expense of low-income children who would get money under this targeted proposal.

Let us talk about a few States. Under this proposal, Connecticut would go from $83 million targeted on low-income kids to $111 million targeted on low-income kids. Delaware would go from $22 million targeted on low-income kids to $28 million targeted on low-income kids. Hawaii would go from $25 million targeted on low-income kids to $35 million targeted on low-income kids. Illinois would go from $357 million targeted on low-income kids to $477 million targeted on low-income kids. Michigan would go from $349 million targeted on low-income kids to $445 million targeted on low-income kids, under the proposal I am suggesting. New Jersey would go from $209 million targeted on low-income kids to $272 million targeted on low-income kids. New York would go from $822 million targeted on low-income kids to $1.15 billion targeted on low-income kids. Washington State would go from $118 million targeted on low-income kids to $149 million targeted on low-income kids. Wisconsin would go from $129 million targeted on low-income kids to $160 million targeted on low-income kids, money which would go directly into the school systems which are trying to serve the low-income child. That is our purpose.

As we pass the new ESEA bill, we are going to make it even more effective in the way these dollars are used to benefit that low-income child. So it makes no sense to me to create this new program which is in the area where the States and communities have traditionally had the responsibility, which is the area of construction of their facilities, a new program which gives a carte blanche so the money can flow to whatever district wants to get it. The district can be a high-end district or it can be a low-end district that happens to spend it on something that does not impact the low-income kids, instead of putting it into the program which we as the Federal Government have said we want to fund.

There is a role for block grants in our Federal system, but the Federal Government has also said that in the education area there are certain areas which we are going to carve out and in which we are going to try to exercise our assistance. We only put 6 percent of the dollars into the local school systems. What we have said is those 6 percent of dollars are going to be focused; they are not going to be spread all over the map.

The construction dollars spread it all over the map, whereas this amendment puts it into a formula which is extremely focused. It is directed right at the low-income child who today, unfortunately, has been left behind. That low-income child today simply is not getting a fair and competitive education. We are going to try to fix that under the new ESEA bill. In the same process, we need to give the dollars to support the new initiatives. That is what this amendment does.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. I understand I have about a minute remaining. I respond to my friend from New Hampshire, there is a chart that is being passed out that has fiscal year 2001, and it has Landrieu, then it has Gregg, and it looks as if the Gregg amendment gives a lot more to each of these States the Senator from New Hampshire just mentioned—Connecticut and a few others—but you have to add to the Landrieu column the school construction money, which the Senator from New Hampshire does not do.

So if we add that up, we will get——

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. Sure. If I made a mistake, I will be glad to yield.

Mr. GREGG. That speaks to title I.

Mr. HARKIN. Yes.

Mr. GREGG. This is the title I dollars. School construction is not a title I program.

Mr. HARKIN. No. I am saying the amendment funding, the Senator is talking about a funding comparison total. It does not say title I. It says funding comparison. I am saying, under the Landrieu column, all of the money would have to be added that is in the amendment that would go to schools or to States for school construction to get a better comparison. That is all I am saying.

Lastly, I say why send poor kids to poor schools? Let us help the poor kids, but let us rebuild our schools, too.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Iowa has expired.

The Senator from New Hampshire has 3 minutes 20 seconds remaining.

Mr. GREGG. The Senator from Iowa, of course, raises a valid point, which is the money is still going back to the States if it goes back to school construction.

The point, however, which is the whole essence of this argument or debate—"argument" is the wrong term. The essence of this debate is that the dollars under the title I program, especially the new formula which targets those dollars, is used on low-income kids and actually goes to the kids in low-income schools.

The school construction money is outside title I. It is not an authorized program. It does not even exist as a Federal program. It just exists as an expenditure under the appropriating process, and it does not flow at all under the title I process.

The goal of title I is to benefit the low-income child. School construction money does not benefit the low-income child. There is no structure to do that. It is money that is spent by the States however they want to spend it on construction. It makes much more sense to take this money and move it into the title I account into the new targeted formula so we end up with a child who comes from a low-income background actually benefiting from these dollars. That is the purpose of this amendment.

I yield back the remainder of my time.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Under the previous order, the pending amendment was set aside and the Senator from Louisiana, Ms. LANDRIEU, is to be recognized to offer an amendment on which there will be 60 minutes of debate equally divided

AMENDMENT NO. 2058

Ms. LANDRIEU. Mr. President, I thank the Chair and the ranking member for their fine work on this appropriations bill that is so important to our schools, to our health care infrastructure throughout the Nation at this important time, as well as to our labor community and the work they have done.

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, and Mr. ENSIGN proposes an amendment numbered 2058.

Ms. LANDRIEU. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

AMENDMENT NO. 2058

(Purpose: To redistribute certain funds under title I of the Elementary and Secondary Education Act of 1965)

On page 55, line 6, strike "$8,568,000,000" and insert "$7,172,690,000".

On page 55, line 11, strike "$1,632,000,000" and insert "$1,365,031,000".

On page 55, line 12, after "section 1124A:" insert the following: "*Provided further*, That $1,000,000,000 shall be available for targeted grants under section 1125: *Provided further*, That $649,979,000 shall be available for education finance incentive grants under section 1125A:".

On page 55, strike line 15 and all that follows "H.R. 1" on page 55, line 22, and insert "95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001".

Ms. LANDRIEU. Mr. President, I have been asked to yield a few minutes before I get into the essence of this amendment. I am happy to do so.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Louisiana for yielding, at least before she starts her presentation, to my colleague from Pennsylvania for a resolution.

Mr. REID. If I could ask the two Senators from Pennsylvania a question, I understand how important this resolution is, but do you have an idea how long it will take? We have to get the votes out of the way before 1 o'clock.

Mr. SPECTER. If I might respond, I think we can dispense with it in the course of 6 or 7 minutes.

Mr. REID. I ask unanimous consent that the two Senators each have 4 minutes to speak on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

HONORING COACH JOE PATERNO

Mr. SANTORUM. I ask unanimous consent that the Senate turn to the consideration of S. Res. 175, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) honoring Penn State football coach Joe Paterno.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, it is an honor and a pleasure for me and Senator SPECTER, who is cosponsor of the resolution, to be here today to pay tribute to a great American, a great Pennsylvanian—although he was born in New York, we consider him a great Pennsylvanian—Coach Joe Paterno.

This past weekend—and I see my colleague from Ohio here, so I mention Penn State defeated the Ohio State Buckeyes on October 27—he becomes the "winningest" coach in Division 1-A history, surpassing Paul "Bear" Bryant.

I recognize and celebrate that great accomplishment of Coach Paterno, but the bottom line is, of all the things he has accomplished at Penn State, this is one of his lesser accomplishments. This is a man who has added so much to that university, to our Commonwealth, to the country, and to sports in general, a man of great integrity.

When you think of Joe Paterno, words that come to my mind first and foremost are integrity and character. This is a man who really tries to hold athletics and everything he does to the highest level of integrity. He teaches that to his children—yes, to his children, and to his kids who are on the team, but he also teaches it to the whole university community and to us as a nation through his example.

He is a man of incredible character. He said: Success without honor is an unseasoned dish. It will satisfy your hunger, but it won't taste good.

This is a man who understands that there is more to life than just winning. He has won more than anybody, but he understands there is a much bigger picture, and if you talk to the kids who have graduated from his program—by the way, he has one of the highest graduation rates of any football program in the NCAA, almost double the average for the NCAA—this is a man who understands football is not just about winning but about building character, building a better foundation for our country through these kids and the people who touch the program.

Finally, I must discuss his humility. Those in public life, in the eye of the media all the time, understand when you are the "winningest" coach in college football history, it is easy to be full of yourself, but this man understands that humility is the key to success. It is an important virtue that we have far too little of in this country.

I quote again from Joe Paterno: Publicity is like poison; it doesn't hurt unless you swallow it.

Joe Paterno has never swallowed the poison of media attention, trying to push him up. He understands his greatness is in his humility, his simplicity, and his integrity in doing the little things well every day.

As a Penn State alumnus, I congratulate him. I congratulate Joe's wife, Sue, a great partner in Joe's career. I thank him for what he has done for the university, not just on the football field. They have done a tremendous amount of charitable giving and leadership for the university.

I thank him and recognize him. As a Senator from Pennsylvania, he is someone I am very proud to call one of our own.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I join my colleague, Senator SANTORUM, in offering praise to Coach Joe Paterno for establishing a new record for being the "winningest" coach in football class 1-A schools.

It was a tough first four games of the season this year when Penn State was defeated four times. Then his team came back in spectacular fashion to beat Northwestern 2 weeks ago and last Saturday to beat Ohio State to establish the new record.

In the short time we have, I will share a vignette or two. Coach Paterno tells a story of his undergraduate days at Brown when he was a member of a fraternity which did not have any Jewish members. A young Jewish student sought to enter the fraternity. They passed the cup around and it turned out to have a blackball. Sometime later, the student made a second application and they passed the cup around again and it turned out to have a blackball. Then he made a third try, and again there was a blackball.

At this point Joe Paterno, a student in the fraternity, jumped up and said: I have to admit, that was my blackball; I withdraw the blackball. Of course, it wasn't his blackball. But the blackballer didn't have the courage to stand up and acknowledge it as his blackball. That young Jewish student gained admission to the fraternity.

One other short story. I am not sure how appropriate this is, but I will take a chance. I was campaigning for reelection. I am not sure if it was 1986 or 1992. Joe Paterno happened to come by. The newsman said: Coach, are you supporting Senator SPECTER for reelection?

And Joe Paterno has a marvelous way of putting his foot down, pawing the ground, and looking down. He said:

> Well, if I had a running back in, and he was making yardage and he wasn't tired, I'd leave him in. I think I'd leave Arlen Specter in.

I have had a few endorsements in my day, but that is the most memorable one I have had.

Coach Paterno visited this Chamber with, I believe, the 1983 Penn State team. They filled the visitor's gallery. I made a reference to them, pointing out that the team was in the balcony, and I was later corrected by Senator BYRD who pointed out that I violated the Senate rules in pointing to that great national championship team.

I point to them again today. I don't think Senator BYRD will admonish me because they are not in the balcony today, but there were great teams with Coach Paterno, going down in history as No. 1 in so many respects.

I thank the Chair, and I thank Senator from Louisiana for yielding me this time.

The PRESIDING OFFICER. Without objection, the Senate resolution submitted earlier by the Senator from Pennsylvania, S. Res. 175, and the preamble are agreed to.

The resolution (S. Res. 175), with its preamble, reads as follows:

S. RES. 175

Whereas Joe Paterno has served Penn State University as a coach for 52 years, a tenure spanning the administrations of 11 United States Presidents;

Whereas Joe Paterno has served as Penn State's 14th head coach for nearly 36 years, since February 19, 1966;

Whereas Joe Paterno has been on the coaching staff for more than half of the football games played by the Nittany Lions since the program began in 1887;

Whereas Joe Paterno always has placed a very strong emphasis on academic achievement and character building, as evidenced by the selection of 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners so far during his tenure;

Whereas Joe Paterno's most recent NCAA 4-year player graduation rate of 76 percent far exceeds the NCAA-wide average of 48 percent for the same period;

Whereas Joe Paterno and his wife, Sue, have personally donated over $4,000,000 to Penn State's student library and academic programs;

Whereas Joe Paterno has led Penn State teams to 5 undefeated seasons;

Whereas Joe Paterno has led Penn State teams to 20 bowl game victories in his career as head coach, more than any other coach in college football history;

Whereas Joe Paterno was the first college football coach to win all of the 4 major New Year's Day bowl games: the Rose, Sugar, Cotton, and Orange Bowls;

Whereas Joe Paterno led 2 teams to National Championship titles, in 1982 and 1986;

Whereas Joe Paterno's coaching efforts have yielded over 250 National Football League players;

Whereas Joe Paterno has been chosen an unprecedented 4 times as American Football Coaches Association Coach of the Year; and

Whereas Joe Paterno, on October 27, 2001, broke the longstanding record for NCAA Division I-A victories, reaching the 324-victory mark, by leading his team to a 29–27 win over Ohio State: Now, therefore, be it

Resolved,

SECTION 1. CONGRATULATION AND COMMENDATION.

The Senate recognizes and honors Joe Paterno—

(1) for his lifetime emphasis on academic achievement;

(2) for his constant integrity, professionalism, and strong focus on character building for amateur athletes;

(3) for the example he sets through philanthropic support for academic programs; and

(4) for becoming the first NCAA Division I-A football coach to achieve 324 career victories, on October 27, 2001.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) Penn State Football Head Coach Joe Paterno; and

(2) Penn State University President Graham Spanier.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 2058

Ms. LANDRIEU. Mr. President, I am happy to get back to the subject. I was of course happy to yield some time for the Senators from Pennsylvania, for those fine remarks to honor a person who certainly deserved that recognition.

I am offering this amendment today on this underlying bill in behalf of myself, Senator COCHRAN, the Senator from Mississippi, Senator DEWINE from Ohio, Senator LIEBERMAN, Senator HATCH, Senator BENNETT, and Senator ENSIGN—all who have had a pivotal role and a leadership role in helping to bring this particular amendment to the floor at this time.

So because of the change in time this morning, and so many Senators are here wanting to speak on this amendment, let me yield at this time to my distinguished colleague from Ohio for his remarks on this amendment. Then I will speak following the Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Louisiana for her nice comments. I appreciate the fact that she has yielded to me. I congratulate her for not only this amendment but for all the work she does for all children, and particularly poor children. There is no one in this Chamber more dedicated than is she to the children of this country.

I rise today to express my support for Senator LANDRIEU's amendment as well as for Senator GREGG's amendment. These amendments target our limited, finite Federal resources to the school districts and to the children most in need. I am cosponsoring both because each is an effort to get funding to those school districts with high concentrations of poor children. Each amendment will put at least $1 billion into the title I targeted grant formula so impoverished school districts, those children, get what they need, so the children in those school districts get the quality education they deserve.

A little history. This grant formula, this targeted grant formula, as it is called, was created in 1994. It recognized the great disparity in this country between poor school districts and rich school districts, the great disparity between children who are in poverty and children who are not in poverty.

However, unbelievably and tragically, since the creation of these grants in 1994, not a single Federal dollar, not one dollar, has been appropriated to fund this grant program—that is until now with these two amendments. These amendments would fundamentally begin fulfilling the promise and commitment the Federal Government made to the poor children of this country in 1994. This is unprecedented. It is historic. So I congratulate both of my colleagues for their amendments.

Under Senator GREGG's amendment, the districts most in need would not only receive the money they deserve but they also would have the flexibility to decide how best to use their title I funds, whether that is to hire more teachers, provide professional development, to put computers in classrooms, or purchase instructional material—whatever they wanted to do. The districts, the local communities, would be able to decide for themselves where and how those dollars would do the most good.

For example, one school may have a lot of students who are having problems in math. That school district could use their title I dollars on math instructional materials or to better train their math teachers. Another school might have a small group of students who would need more individualized instruction in reading and the language arts.

The point is this funding enables the local school to use this money to help the distinct needs of their own students. By funding these targeted grants, we are finally focusing on those kids truly in need. This gets us back to the original intent of the Elementary and Secondary Education Act and the title I program, which is to help address the needs of children in low-income areas where the districts simply cannot meet their basic needs on their own.

The problem has been that over the course of the last 3½ decades, the Federal Government really has strayed from this point, from its intent, with politics often driving education policy needs of these low-income students. As a result, the money intended to reach the most impoverished districts, and the most poor children, has simply not been getting there. These amendments go a long way to begin to rectify that.

Because the Federal role in education accounts for only a small percentage of school spending—about 8 percent—we must be especially prudent and wise in allocating those very limited, finite Federal resources. That means we should direct those dollars first and foremost to America's most needy children. That means we need to fund the targeted grant program.

The tragedy today is that not all children are getting the quality education they deserve because our society is divided along economic and educational lines. This division is nothing new. Scholars and sociologists warned us really for decades that this was where our Nation was heading, particularly if we did not properly educate our children.

Unfortunately, we did not heed the warnings and, as a result, our Nation today is a nation split really into two Americas, one where children get educated and one where, tragically, they do not.

This gap in educational knowledge and economic standing is entrenching thousands upon thousands of children into an underclass and into futures filled with poverty and little hope, little opportunity, and little room for advancement. That is exactly what is happening in my home State of Ohio and across the country.

Ohio generally is a microcosm of what we see in the country. When we look at this growing gap, when we see this development of the two Americas, what we see in Ohio is also what we see in our Nation. In Ohio, growing income and educational disparities are creating our own very permanent underclass.

Most of Ohio is still doing pretty well and doing pretty well educationally. Children in those areas have a great future. However, when we look across our State, when we look across the Nation, we see two areas where that is not taking place, areas where the children are not being educated as well as we would like and where the income level shows that disparity. One place is in rural Appalachia, our Appalachian counties, and the other is in our core cities or our inner cities. This is where we as a society, we as a people, face our greatest challenge.

The children living in these high-poverty areas are at risk, every single one of them. The structural conditions of poverty make it very difficult for these children to succeed in life and to move up and out of their impoverished circumstances.

The fact is that with poverty often come drugs, crime, broken homes, unemployment, violence, and lower educational levels. In fact, according to the National Center for Educational Statistics, in 1999, young adults living in families with incomes in the lowest 20 percent of all family incomes were five times as likely to drop out of high school as their peers with families in the top 20 percent of the income distribution.

The point is not that money solves all problems. The point is we have an obligation, with the finite dollars we have available to us, to spend them wisely and prudently. We need today to fulfill to what we have committed in the past and have not done; that is, help poor children of this country.

In conclusion, because of the cyclical nature of poverty and the systemic problems associated with it, I believe the best way we can get to these children before we lose them is through quality education. Education is the ticket out of poverty. It has been throughout the history of this country.

We need to provide all children, regardless of their economic circumstances or family backgrounds or how poor the school district in which they live, with the tools they need to make it as adults in our society, with the tools necessary to rise above individual situations in poverty and instability and individual situations of hopelessness and despair. When education is not working to give our kids the tools they need to move ahead in life, those children suffer.

We can't solve all the problems of this country. We can't fix all the broken homes. But we can use Federal dollars in ways that help close the educational gap in America.

That is exactly what we are doing with my colleague's amendment and with Senator GREGG's amendment. We are finally putting our money where our mouth is. No more lip service. This funding would go to enable schools to provide opportunities for low-income and low-achieving children to gain the knowledge and skills necessary to succeed in school and later in life.

In doing so, we will help education equalize the environment for our children. That is the right thing to do.

I thank the Chair. I thank my colleague, and I again congratulate her for the excellent amendment and for the work she does for children every day.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Ohio for those remarks, and, of course, for his hard work on this amendment. I often say to our other colleagues that any Senator who is a father of eight children certainly is an expert when it comes to the matters of children and families. He has demonstrated that over and over again.

I see my colleague from Mississippi coming in to also speak on this amendment. I am mindful of the time and his patience because our amendment has been rescheduled so many times. I would be happy to yield to him at this time or in a few moments if he wants to speak on this particular amendment because he has most certainly been a leader in this regard.

Mr. COCHRAN. Mr. President, if the distinguished Senator from Louisiana will yield, I would be happy to speak in support of her amendment and acknowledge that I am a cosponsor of the amendment. I believe that it does redirect some of the funding allocated under the bill for title I programs so that it goes to the States with the highest percentage of poor students in their student population. These are students we decided needed special attention many years ago when the program was first authorized as title I under the Elementary and Secondary Education Act. The Federal Government has the responsibility to address that program—not by supplanting the primary responsibility of the States to run their education programs and to provide the resources for teachers and school districts to educate those students in the States.

We have decided some States have such serious problems in this respect that the Federal Government ought to step in and provide some additional assistance. When the program was authorized, not all of the authorized activities were funded. This is one example of an unfunded but authorized activity and a program that was designed to help those States with very special needs. Obviously, my State is one of them.

Sixty-five percent of the student population in the State of Mississippi is classified as eligible for title I support. These are poor children. Most of those children reside in small towns and rural communities; some in urban settings, of course. But most of them are in areas with high rates of unemployment and low-wage rates where people do have jobs, and with real estate that doesn't generate the kind of taxes that are needed to operate top-of-the-line education programs. They start out with the deck stacked against them because of where they live and the fact that they are poor.

This is money that is now going to be targeted and redirected to those areas of special need. I think it is totally justified under the circumstances that we see in our country today, and also to be used in a program that has been tested and proven to be helpful.

We had hearings in our State earlier this year talking to administrators in school districts that are eligible for title I funding; talking to teachers and meeting with the State board of education members to try to assess how effective the program has been and what would happen if the funds were cut. For example, we were told if the funding under title I was reduced in our State, the effect would be devastating. We were also told the more money they could get into the program, the better job they could do in providing educational opportunities to those who are harder to teach and who need special assistance in many cases in order to achieve their goals and to be what they could be if they were given the right kinds of educational opportunities.

One of our witnesses turned out to be a school superintendent in Yazoo City, MS, who had been a title I student. He talked about his personal background and his history and the fact that there was no opportunity for him. But because of additional funds in the school that he attended that added some instructors, that added some teachers who concentrated on those students with special problems because they were poor, he benefitted from that. He talked about how he then ended up going to college. He is now a leader in our State in education, devoting his life to helping others who are in similar situations. He was a very impressive, and as you might understand, a very persuasive witness.

I am here today to speak for people like him and others in our State who because of their lives and experiences show that this program works. It has been of great benefit to him. We want it to benefit many more.

That is why I am cosponsoring the Landrieu amendment. I hope the Senate will vote for it.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the remarks of my colleague from Mississippi and my neighbor to the south right across the line because we share a lot of common challenges in Mississippi and Louisiana. The Senator spoke about the need for this amendment and called the attention of the Nation to the fact that about 60 percent of the students in Mississippi—that would be about the same for Louisiana, probably about 65 percent—live below the poverty line or are so close to it that opportunities are hard to come by. I think it is important for us to step back and take a moment to recognize that great inequity.

As I refer to my notes, I am reminded that in order for students to be eligible for title I, as the distinguished Senator from Mississippi knows, it means a family of four can make no more than $22,000. It is hard for an individual to live on $22,000, much less a family, whether they live in rural Mississippi or rural Louisiana or right here in Washington, DC. But there are many working families who have incomes at that level, and all they are asking is for their children to get a better education, so that instead of bringing in that $22,000, they could bring in $45,000 or $65,000 or $100,000, and not only help themselves and their families, and the children they will ultimately have, but help this Nation to fulfill its economic promise.

One of the great effects of this amendment, as the Presiding Officer knows, because you yourself have been supportive and outspoken and effective in your advocacy as a former Governor of Delaware and now as a Senator who speaks so directly about this issue, is it helps us to begin. It is only a modest beginning to help solve a great inequity in this Nation. It is the inequity that the Senator from Mississippi brought up and the inequity that I want to spend a few minutes speaking about again this morning.

The fact is that among these 50 States there are some States and some communities and some districts and some counties and some parishes that simply do not have the resources to make the grade. They have the will. They have the skill. They have the desire. And the children, because of the way God created them, have the brains. They are not sitting down on the job. These are children who want to learn. These are parents who work very hard, who do not have flexible schedules, who wake up early in the morning before the Sun comes up, who stay at work until the Sun goes down.

These are the children title I tries to reach: first-generation immigrants, families that have been in this country for many years struggling to get ahead, families that work hard and save their hard-earned dollars. These are the children title I tries to reach. Yet when we do not provide the funds through the targeted grants, we often miss the opportunity to meet these families halfway.

I think we have an obligation, on the Federal level, because of the disparity, because of the great inequity, to do what we can to try to level this playing field.

Let me be the first to say, although I am a sponsor of this amendment, this amendment does not correct that inequity. We would need many billions of dollars more to correct that inequity. But this is a beginning. That is why it is so important for us to vote overwhelmingly for this particular amendment. It is a beginning. It will be the first time the targeted grant formula has ever been funded in the Senate. It will build on the work of the House. It will support what the President wants us to do.

As we push our schools to greater heights, as we expect higher standards from our students, from our educators, and from our parents, then we can help them by giving this additional funding, so that even schools in the places that are poor, such as Louisiana and Mississippi, and places in Delaware that may be disadvantaged, have a chance to meet these higher standards. That is what this amendment does.

I am proud of the bipartisan support we have received. And I know it is tough because there are some States where funding maybe goes up slightly and there are some States where funding decreases.

I do not see my partner, Senator LIEBERMAN, in this Chamber. He has been working for hours, for days, for months on this amendment. Senator LIEBERMAN is a cosponsor. Clearly, as the Senator from Mississippi said, Mississippi will benefit. He has more poor children in Mississippi per capita than any State in the Union. My State is a close second. So to Mississippi and Louisiana, this is serious business. This is about whether these children, in homes where parents are working, doing their best, have a chance or not. That is what this amendment means. It is literally a life-and-death opportunity.

There are some States that are wealthier, Connecticut being one of them. Senator LIEBERMAN supports this amendment. I tell you, he is a great inspirational leader to me. Just to give an example of how great his leadership has been, Connecticut will not benefit as much as Louisiana, but Senator LIEBERMAN knows, as do other Senators from wealthier States, that it is ultimately in the interest of all the businesspeople and families in Connecticut if every child in this great Nation has a chance for an excellent education. The benefits will come back to Connecticut in indirect ways, if not directly. That is the kind of long-term leadership, the kind of vision that we need more of in the Senate.

So while in some ways it is easier for Senator COCHRAN and I to stand in this Chamber and argue for it because our State will be a tremendous beneficiary, I recognize the sponsorship of Senators from States that do not immediately do better, but in the long run they know this is best for their State and for the Nation; to them goes tremendous credit.

Let me take a moment to speak about the underlying bill. Many of us, including the Presiding Officer, have been working for many months to try to put forward some of the new principles that are in this particular piece of legislation.

The appropriations bill that we are discussing today helps to frame or give substance to the authorization bill that is in committee. There are some principles that I think are important, and I will address those for a moment.

First of all, the underlying bill recognizes the importance of teachers. We always say teachers are important, but sometimes we do not put our money where our mouths are. The underlying bill gives $1 billion more to help improve the quality of teachers.

We know that a good teacher instructs but a great teacher inspires. We need to have more great teachers; we need to help them become great teachers, taking their great motivation and their enthusiasm, and helping them build their skills to inspire our children in every school, in every district, to become the very best citizens they can be for our Nation and to become the very best leaders in the world. This challenging time certainly calls on us to make those investments. That is one of the initiatives in this bill.

In addition, it has been important to work on this particular bill at this time because I think there is a sense that while we have a very good public school system, it works pretty well most of the time, and we can be proud of the work we do. I think the Landrieu-Cochran amendment, and the work that is being done in the underlying bill, to push forward on some of these points, demonstrates there is a sense of urgency to move our schools to a higher level, expecting performance and not concentrating on process, but expecting results, accountability, improvements, and working with the local people in a partnership to do that.

Why is that important? It has always been important. It has always been important, but I think since September 11 it has become even more obvious why it is important to have excellence in our schools and to give every child, regardless of whether they come from a wealthy district in Connecticut or the cotton fields of Mississippi and Louisiana, the chance to succeed, to carry the flag that we all share as Americans, and to do the very best we can to hold up that flag when our Nation calls upon us to do so.

I have been very impressed with the work of the Business Roundtable on education. They, along with many corporate executives, have supported some of the educational reform efforts that are being made in this Congress. I commend them for their focus.

They issued a poem, written by one of their members, that I will ask to print in the RECORD. I want to share it with my colleagues this morning because it so clarifies where we are today in America and why the underlying bill is important, and why the targeting amendment is important.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. It is entitled "Pretty Good." It reads as follows:

PRETTY GOOD

(By Charles Osgood)

There once was a pretty good student,
Who sat in a pretty good class
And was taught by a pretty good teacher,
Who always let pretty good pass.
He wasn't terrific at reading,
He wasn't a whiz-bang at math;
But for him education was leading
Straight down a pretty good path.
He didn't find school too exciting,
But he wanted to do pretty well,
And he did have some trouble with writing
And nobody taught him to spell.
When doing arithmetic problems
Pretty good was regarded as fine.
Five plus five needn't always add up to be ten,
A pretty good answer was nine.
The pretty good class that he sat in
Was part of a pretty good school,
And the student was not an exception,
On the contrary, he was the rule.
The pretty good school that he went to
Was in a pretty good town.
And nobody seemed to notice
He could not tell a verb from a noun.
The pretty good student in fact was
Part of a pretty good mob.
And the first time he knew what he lacked was
When he looked for a pretty good job.
It was then, when he sought a position,
He discovered that life could be tough,
And he soon had a sneaky suspicion
Pretty good might not be good enough.
The pretty good town in our story
Was part of a pretty good state,
Which had pretty good aspirations,
And prayed for a pretty good fate.
There once was a pretty good nation,
Pretty proud of the greatness it had,
Which learned much too late
If you want to be great,
Pretty good is, in fact, pretty bad.

We have some pretty good schools. We have some pretty good students. We have some pretty good teachers. We have to have great schools, great students, and great teachers. We need them in Mississippi. We need them in Louisiana. We need them in Connecticut. We need them in Pennsylvania. Our country depends on educated, well-skilled citizens to lift this democracy, to help lift this world, and to become a beacon of light. We can do that. It is not that complicated. It just takes some principles, some determination and some funding levels, partnerships with local governments, to make it happen.

The underlying bill, with this amendment, and the work that has been done in the authorizing committee will get us from pretty good to great. That is what our Nation needs at this time.

I yield back the remainder of my time.

Mr. HATCH. Mr. President, I am delighted to support, enthusiastically, the Landrieu-Cochran amendment. I am proud to be an original cosponsor of this amendment. I believe this is a balanced and bipartisan amendment. I am especially pleased that this amendment represents a change in the way the title I formula is funded. My State of Utah has been socked by this formula for years. Correcting the title I formula has long been a priority of mine and this amendment is a good step in the right direction.

This amendment would direct Federal funds to go out to States using the degree to which States equalize resources among their school districts as a proxy for their commitment to education.

This so-called "equity provision" of the Education Finance Incentive Grant section of the title I formula rewards states that have a policy of fairly distributing resources among school districts.

I have been beating a steady drum relative to this issue for years. As many of my colleagues know, wealthy school districts can afford to provide more resources to their schools than can poorer school districts. This sends an incredibly bad signal to students in so much as it can appear that wealthy students have access to scholastic resources such as computers and up-to-date science labs which may be unavailable to students from less affluent areas.

We should work to eliminate what has been called this "Savage Inequality" between more wealthy and less wealthy school districts. I believe that support for the equity provision of this formula sends a strong signal to these students that the Congress deems it a priority for States to find a way to eliminate this barrier to academic progress. I am very proud that my State of Utah has had a policy of equalizing resources among school districts for decades.

A majority of States have either been taken to court or been threatened with lawsuits over the issue of equalized resources among school districts. This amendment would assist States which currently are being compelled to address this issue.

As a conservative, I am pleased that the equity provision does not mandate to States how they should achieve a more equitable school funding strategy, it merely rewards them when they do achieve a more equitable school funding strategy.

I am also pleased that this amendment would establish an alternative proxy for determining a State's commitment to education. Currently, the only measure of a State's commitment to education has been its per-pupil expenditure. That measure unfairly evaluates a State like Utah's commitment to education. Utah has a relatively low tax-base and the highest percentage of school aged children.

This means that based on the per-pupil expenditure, Utah ranks relatively low. But the per-pupil expenditure is only one measure to judge a State's commitment to education. It makes sense as a matter of good policy to have a variety of measures to establish a State's commitment to education. This amendment moves us soundly in that direction.

Funding for the Education Finance Incentive Grant program is good policy. It just makes sense. I am pleased to support the Landrieu-Cochran amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from Louisiana makes changes in the formula so that there are more funds targeted to poor areas, and States which have already targeted poor areas are going to receive more funding. Pennsylvania is a winner in this formula fight. I tend to support the amendment.

Nobody has appeared in opposition to the amendment, and there are a number of States which are adversely affected.

It is my hope that other Senators wishing to protect their interests will come to the floor to present their arguments.

Parliamentary inquiry, Mr. President. If we now go to a quorum call, the time can't be charged against the Senator from Louisiana because she has no time remaining. So is the time charged against the opponents of the amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I realize my time has expired. Since no one is here to speak against the amendment, would there be any objection to my taking an additional few minutes?

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, may I inquire of the Senator from Louisiana how much additional time she wants?

Ms. LANDRIEU. I would only need 2 or 3 minutes.

Mr. SPECTER. I have no objection.

Ms. LANDRIEU. Then I would be happy to yield to Senator KENNEDY.

Mr. KENNEDY. Would the Senator be kind enough to yield 1 minute to the Senator from Massachusetts in opposition to the Gregg amendment.

Mr. SPECTER. I will accommodate the Senator from Massachusetts on that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, to go into some more detail about the importance to Louisiana, Louisiana is slated to receive approximately $212 million in title I funding. Under this amendment, that will be $21 million more than we received last year. We spend about $600 per title I student. This amount will increase by almost a third for the students in Louisiana, increasing it by $200.

Caddo Parish may receive a 21 percent increase in title I funding. East Baton Rouge, the capital parish, will receive a 16 percent increase. Orleans parish could receive a 24 percent increase. These are several examples of how beneficial this will be to the parishes in Louisiana, and I am sure to counties in Mississippi as well as to the State of Delaware.

This is an amendment that will help all school districts by trying to target more of the resources to those school districts that have high concentrations of poor students and limited opportunities to raise their own funds locally. That, clearly, is a role the Federal Government should play.

I will submit for the RECORD a more comprehensive list of what it will mean to all of the States, as well as the State of Louisiana, in terms of percentages of increase.

Again, this is a beginning. I know Senator KENNEDY will join me in saying that $1 billion is not really enough. But given the other pulls on our budget, it is what we can do this year.

I hope to work with the Presiding Officer and the chairman, the Senator from Massachusetts, and others to see that this money is increased next year so that it will be beneficial to all of our States.

I ask unanimous consent to print in the RECORD the list to which I referred:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Fiscal year 2001	Landrieu/ Cochran	Committee	Increase over FY01	Percent increase
Alabama	$133,800,000	$154,808,000	$153,957,000	$21,008,000	16
Alaska	23,064,000	27,995,000	28,159,000	4,931,000	21
Arizona	137,446,000	169,204,000	170,954,000	31,758,000	23
Arkansas	83,258,000	95,772,000	96,280,000	12,514,000	15
California	1,155,139,000	1,417,777,000	1,432,338,000	262,638,000	23
Colorado	78,563,000	98,316,000	97,204,000	19,753,000	25
Connecticut	83,813,000	103,824,000	104,422,000	20,011,000	24
Delaware	22,221,000	26,731,000	25,879,000	4,510,000	20
District of Columbia	26,603,000	32,900,000	33,276,000	6,297,000	24
Florida	400,840,000	501,169,000	498,469,000	100,329,000	25
Georgia	250,856,000	304,676,000	314,986,000	53,820,000	21
Hawaii	25,773,000	33,025,000	32,461,000	7,252,000	28
Idaho	26,557,000	32,447,000	31,664,000	5,890,000	22
Illinois	357,248,000	430,003,000	432,244,000	72,755,000	20
Indiana	128,798,000	157,498,000	157,634,000	28,700,000	22
Iowa	55,103,000	65,450,000	62,033,000	10,347,000	19
Kansas	61,260,000	74,550,000	75,206,000	13,290,000	22
Kentucky	130,625,000	149,864,000	148,913,000	19,239,000	15
Louisiana	191,576,000	212,407,000	201,954,000	20,831,000	11
Maine	32,489,000	37,653,000	37,393,000	5,164,000	16
Maryland	124,098,000	154,435,000	152,827,000	30,337,000	24
Massachusetts	180,987,000	217,491,000	221,497,000	36,504,000	20
Michigan	349,306,000	407,508,000	407,952,000	58,202,000	17
Minnesota	95,313,000	117,407,000	115,332,000	22,094,000	23
Mississippi	124,800,000	133,668,000	124,752,000	8,868,000	7
Missouri	140,579,000	163,214,000	163,875,000	22,635,000	16
Montana	28,243,000	33,223,000	33,876,000	4,980,000	18
Nebraska	32,936,000	38,708,000	36,259,000	5,772,000	18
Nevada	32,382,000	42,083,000	40,750,000	9,701,000	30
New Hampshire	21,390,000	26,684,000	25,049,000	5,294,000	25
New Jersey	209,372,000	255,415,000	257,744,000	46,043,000	22
New Mexico	68,504,000	80,281,000	81,129,000	11,777,000	17
New York	822,655,000	989,767,000	1,008,629,000	167,112,000	20
North Carolina	172,307,000	212,181,000	214,399,000	39,874,000	23
North Dakota	21,081,000	25,247,000	24,639,000	4,166,000	20
Ohio	303,990,000	345,855,000	329,733,000	41,865,000	14
Oklahoma	101,344,000	119,647,000	121,149,000	18,303,000	18
Oregon	76,714,000	93,722,000	94,465,000	17,008,000	22
Pennsylvania	346,293,000	401,635,000	394,496,000	55,342,000	16
Puerto Rico	267,301,000	301,864,000	319,602,000	34,563,000	13
Rhode Island	27,057,000	33,129,000	33,875,000	6,072,000	22
South Carolina	112,033,000	135,117,000	137,578,000	23,084,000	21
South Dakota	21,251,000	25,465,000	25,248,000	4,214,000	20
Tennessee	137,351,000	156,990,000	149,399,000	19,639,000	14
Texas	692,899,000	819,583,000	817,235,000	126,684,000	18
Utah	37,418,000	46,924,000	43,580,000	9,506,000	25
Vermont	18,016,000	21,783,000	21,324,000	3,767,000	21
Virginia	138,409,000	170,508,000	172,966,000	32,099,000	23
Washington	118,080,000	145,491,000	144,721,000	27,411,000	23
West Virginia	73,751,000	81,121,000	79,001,000	7,370,000	10
Wisconsin	129,070,000	153,714,000	148,120,000	24,644,000	19
Wyoming	19,059,000	23,077,000	22,383,000	4,018,000	21

Ms. LANDRIEU. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the time. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2056

Mr. KENNEDY. Mr. President, I thank the Senator from Pennsylvania for allowing me a minute. We have been in a markup. Everyone is pressed.

I rise in opposition to the Gregg amendment. The Gregg amendment deals with public school construction but doesn't cut out charter school construction resources. I appreciate the fact that Senator GREGG understands that we need additional resources in title I. We are only reaching about 35 percent of all of the children. Even with the increases that we anticipate this year, with the increasing challenges we are facing economically, we are still only going to reach a relatively small percentage of children that are needy.

We understand we need additional resources. The fact is, we shouldn't be robbing Peter to pay Paul. We need to invest in and increase title I. We need an effective program of construction, public school construction and charter school construction.

Every day, until relatively recently, in my own city of Boston, when the temperature went below 20 degrees, we had 15 schools that closed, where there are a number of title I children, because of the fact that they didn't have the heating and because of the construction lapses. We were denying these children the opportunities for learning.

This is a carefully targeted program that Senator HARKIN has directed. It is a necessary one for needy children. I hope the Gregg amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, how much time remains on both sides on the Landrieu amendment?

The PRESIDING OFFICER. There is no time on the side of the Senator from Louisiana. The opponents have 20 minutes remaining.

Mr. REID. Would the Senator from Pennsylvania be willing to yield back the time? Then we could go to the vote on the Gregg amendment.

Mr. SPECTER. I would. I think we should proceed with the business of the Senate. If I might ask my colleague from Nevada, what would happen then to those who want to make arguments in opposition to the Landrieu amendment?

Mr. REID. They would not be able to make any argument.

Mr. SPECTER. Then it is the suggestion that we proceed to two votes now?

Mr. REID. That is right. The order that is now in place would be the Gregg amendment. As soon as that is completed, we would vote on the Landrieu amendment. For 3 days Senators have known what has been taking place on the floor. We announced this vote last night. We structured the debate so there is no reason in the world that someone who opposed the Landrieu amendment would not be here.

Mr. SPECTER. With the assistant majority leader's suggestion we proceed to two votes, I raise no objection.

Madam President, I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

All time is yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire, Mr. GREGG.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 2056) was rejected.

Mr. HARKIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2058

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate evenly divided prior to the vote on the Landrieu amendment No. 2058.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, we only have 1 minute. I yield 30 seconds to my colleague from Connecticut and 30 seconds to my colleague from Utah.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I am proud to have joined Senators LANDRIEU, COCHRAN, and DEWINE in offering a truly historic amendment, which will for the first time specifically target new title I funding directly to our nation's poorest communities and schools. In doing so, this amendment will help us move closer to realizing the original promise of title I and, more importantly, help us move closer to realizing the promise we have made to give every child in America a high quality education.

The compromise reached today will provide $1 billion for the targeted grant formula under title I, which was enacted into law by Congress in 1994 but unfortunately has never actually been funded by appropriators. This agreement ensures that no state, or local school district will lose any funds, but at the same time ensures those school districts with the greatest need and with the greatest challenges will receive a significant boost in resources.

For example in my own State of Connecticut, this would mean our three communities with the greatest poverty and educational needs including Bridgeport, Hartford, and New Haven would receive increases of 25, 35, and 31 percent, respectively, over their current funding levels for a combined increase of over $12.4 million. That is $12 million more worth of educational services provided and high quality teachers hired to ensure that title I children may achieve academic successes. I would also mean substantial increases in investment for many other communities serving low-income students.

This agreement is by no means perfect. It leaves in place a distribution system that remains badly diluted and seriously inefficient. However, it represents a dramatic change in policy, one that Senator LANDRIEU and I, and the members of the Senate New Democrat Coalition have been fighting for for some time. And we are optimistic that we can build on his breakthrough in the future to really put our education money where our mouth is, and concentrate our resources and our resolve on lifting up our most disadvantaged schools.

Most immediately, this amendment makes a strong statement, acknowledging that title I is just not working as it was intended. The original goal of this critical program was to compensate for local funding inequities within States and help level the playing field for low-income children. But the truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.

As my colleagues know, Federal funds for poor children are currently distributed through two grants, basic and concentration. In order to be eligible for basic grants, which comprise the bulk of current title I funds, local districts only need to have 10 school-age children from low-income families, and these children must constitute only 2 percent of the total school-age population. Under the concentration grants, districts with a child poverty rate of 15 percent are eligible to receive funding. As a result of these low threshold, title I funding has been spread too thin and too wide. In fact, according to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local school districts, and 58 percent of all public schools. Even worse, because title I has not been close to fully funded, these diluted formulas have left little aid available for many of the country's poorest students. CRS found that one fifth of all schools with concentrations of poverty between 50 and 75 percent do not receive a dime of title I funding.

In examining these inequities we also cannot ignore the growing impact that concentration of poverty is having on the academic achievement of our nation's school children, particularly those who live in disadvantaged communities. America's top 150 highest poverty cities have 40 percent of our all title I students. Students in these cities face many challenges, none greater that the pervasive poverty that surrounds them. Studies show that, even after controlling for student's socioeconomic background, concentration of poverty has an important negative effect on student achievement.

For example, a U.S. Department of Education study found that "The relationship between family poverty status and student achievement is not as strong as the relationship between school poverty concentrations and school achievement averages." An Urban Institute study of public-housing students in Albuquerque, NM found that, after controlling for home environment, if a poor child lived in a neighborhood and attended school with 20 percent poverty rather than 80 percent poverty, that child's standardized test scores were likely to improve by 13 percentage points.

Concentration of poverty does create a barrier to educational achievement, but that barrier is not impenetrable. University of Tennessee's William Sanders found that high concentrations of poverty do not on their own preclude or prevent schools from raising student achievement. Low-achieving students are often the first to gain, and experience the greatest gains, from quality instruction. Unfortunately, only a small share of our federal resources are getting to the districts most in need of critical funds, which limits the ability of those districts to hire the most qualified instructors and provide the best services.

The Federal Government alone cannot solve this grave inequity. We can only supplement state and local funding, but cannot supplant those resources, and states and localities must do more to target their own resources. A recent Education Trust analysis of funding inequities reveals that school districts with the greatest numbers of poor children have less money to spend per student than districts with the fewest poor children. And a growing body of research shows, according to the Education Trust report, that additional dollars, if directed at the most critical activities, can significantly raise the achievement of poor and minority students.

But the Federal Government can make a real and consequential contribution, both in terms of leadership and of leverage of national resources, and this amendment aims to do both. As I have noted, it will significantly improve the targeting of Federal dollars. But it also includes a second piece that will help reduce the inequities within states. In addition to funding the targeted formula for the first time, this amendment also funds the State finance and incentive grant formula for the first time, a formula intended to reward states that have made real strides in eliminating funding gaps with their own resources.

The amendment calls for channeling $500 million through this fourth formula, which is commonly known as the "Effort and Equity" formula. Although I share the concerns raised by many that the current design of this formula has substantial flaws and should be modified so that truly meets its intended goal, I also share the belief of my colleague from Iowa that we should do more at the federal level to prompt states to better equalize their own funding.

That is why I am committed to seeing improvements made to the effort and equity formula through the Elementary and Secondary Education Act conference that is currently pending. I commend Senator HARKIN for his willingness to reexamine and overhaul this formula so that it better targets funds within states to the districts with the highest concentrations of poverty. And I look forward to working with him and with a common focus to improve the fairness and the performance of title I. In achieving this goal, I believe that we can further work together to see even more funds appropriated to the targeted formula as the appropriations process moves forward.

The compromise we have struck today might not be politically popular or perfect, but it is a great beginning and a way to draw our attention back to the original intent of the ESEA and the primary function of the Federal Government in education. It is a bold step forward, one that I believe that we can only enhance as the appropriations process as well as the ESEA conference moves forward, and I urge my colleagues to join us in supporting it.

The PRESIDING OFFICER. The Senator from Utah may proceed.

Mr. BENNETT. Madam President, as the Senator from Connecticut has said, title I is not working as well as we had anticipated. One of the rules of life is that if you want to keep getting the same results, you keep doing the same things.

This is the first significant change in title I in its philosophy and approach that we have had in many years. It rewards effort and it brings equity. If we want to have true education reform, we vote for the Cochran-Landrieu amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HARKIN. Madam President, is there time remaining?

The PRESIDING OFFICER. There is 1 minute in opposition.

Mr. REID. Madam President, I ask unanimous consent that the time in opposition be yielded back and we begin the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Members should be advised this is a 10-minute vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2058.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—81

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Torricelli
Voinovich
Wellstone
Wyden

NAYS—19

Allen
Bond
Boxer
Brownback
Carnahan
Clinton
Feinstein
Fitzgerald
Helms
Hutchinson
Kyl
McCain
Murkowski
Nickles
Roberts
Schumer
Stevens
Thurmond
Warner

The amendment (No. 2058) was agreed to.

Mr. BYRD. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. Order in the Senate.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, may I say to Senators that the Chair has been trying to get order. The Chair has been trying to get order. The Chair has been trying to get order.

I think it is about time that Senators pay some respect, show some respect toward the Chair.

Madam President, I thank the Chair and I thank all Senators.

I have sought the floor at this time to urge that we get on with action on this bill. I believe today is the beginning of the period allotted by the fourth CR.

Mr. STEVENS. Right.

Mr. BYRD. Which extends from November 1 to the 16th. It is not a very pretty picture when we pause to reflect on the work that remains to be done—remains to be done on appropriations bills. Here we are on November 1. We have 2 months left in this year, in this calendar year, and we are far into the fiscal year: Two conference reports have passed the House and Senate and are pending at the White House, the Interior bill and the military construction bill.

Three conferences have been completed with floor action pending—the House will act on these three conference reports and may have already acted on them by this time; I am not sure—on Treasury, on energy and water development, and on legislative branch. The Senate could proceed quickly to finish those. If the Senate is able to finish those 3 conference reports by the end of the day, that will make a total of 5 out of 13.

There are five conferences that are expected to be completed by Tuesday, November 6. They are these: VA-HUD, foreign operations, Transportation, Agriculture, and Commerce-State-Justice. That will make a total of 10 if those conferences can be completed.

Senator STEVENS and I have talked with the chairman of the House Appropriations Committee and urged that we get our conferees together and get these conferences going. So there is a lot of effort being expended. A lot of time is being expended that isn't seen on this floor.

We do a lot of work off this floor. We are here in the evenings. We are here when darkness has fallen over the city. It is not a safe city to be in. It has not been for a long time, for that matter. But that is an aside.

We need to get this work done on the floor. We have a bill here that we ought to move. I urge all Senators who have amendments not to put them off until next week thinking they can do better next week. They are not going to do as well next week. I urge Senators to call up their amendments and let the managers know. Both managers are here. They have been here. Let's get on with this business.

Let me remind Senators how important this bill is. If any Senators are here expecting to increase the amounts of money for anything in this bill, or to add moneys, let me tell you what you are doing. If there is any effort here to alter the 302(b) allocation, you had better forget it because I am here ready, as one Senator, to move to table any such amendment. Just as quickly as I can get the floor, I will move to table it.

I have discussed this with my counterpart, my distinguished friend, Mr. STEVENS. He is here to speak for himself. But I can tell you one thing. You had better forget it if you are thinking about adding money to this bill.

Let me tell you what you will be doing. You will be creating problems for items that are vital to you and your constituents. You will be creating problems in the House if you do that because the House Appropriations Committee and subcommittees have the same allocation that we have over here in the Senate.

This bill includes $51 billion for the Department of Education, $4 billion above the President's request. I fought to get that additional $4 billion. We wrestled like Jacob with the angel overnight to get that additional $4 billion for education in this bill.

Let some Senator come on this floor and try to alter the allocation. They are going to have a fight. You might as well get ready when they come here. I fought to get that additional $4 billion for education. It wasn't easy. All of us agreed on it. The four appropriators—the chairman of the House committee, the chairman of the Senate committee, the ranking member of the House committee, and the ranking member of the Senate committee—agreed to the $4 billion.

I say to all Senators that I don't mean to be mean spirited, but I am trying to be realistic. We have to get this work done. If you are counting on coming here and adding moneys on this bill and calling the addition an emergency, forget it, because we included in that agreement among the four House and Senate chairmen and with the President that there would be $2.2 billion for emergencies. Please don't come on this Senate floor with the idea that you are going to add something and you are going to designate it as an emergency. We are going to fight you over that, if you do it, because we have fought over this and we have worked over there. There is no point in going through the motion just so you can get a headline in your papers.

It is $4 billion above the President's request and nearly $6.4 billion for education. That is an increase of 15 percent over last year.

Also in this bill is $1.549 billion, an increase of $136.4 million for dislocated worker programs. These funds are used by States for rapid response assistance to help workers affected by mass layoffs and plant closures. These fund are critical now more than ever with layoff figures increasing across the country. That is a very important item in this bill.

There is $1.343 billion for community, school, homeless, and migrant health centers, an increase of $175 million. That is doing pretty well. These centers provide primary health care to over 12 million Americans, the majority without health insurance. By providing access to basic health care, health centers save the health care system billions of dollars in reduced use of costly emergency room, specialty, and hospital inpatient care.

What an important bill this is. That is important.

Senators and staff should not contemplate coming here messing with this bill. If you can really improvement it, we will be for you. But we think this bill is the best that can be done with the limited resources we have. Of course, we would like to spend more money for all of these things—some of us would.

There is $4.419 billion for the Centers for Disease Control and Prevention. That is an increased of $300.6 million, including funds for childhood immunization, HIV prevention activities, epidemic services, funds to strengthen the ability of State and local health departments to respond to bioterrorism, and to maintain the pharmaceutical stockpile.

This deals with bioterrorism. What can be more important to the American people? The Centers for Disease Control has played a primary role in responding to the recent anthrax attacks in Washington, New York, and Florida.

In addition, there is $23.695 billion for the National Institutes of Health.

If Senators want to come in here and add moneys for something, what are they going to offset the addition with? Who wants to take moneys out of the National Institutes of Health?

That is an increase of $3.4 billion over last year. This increase is the fourth year of a 5-year effort to double the funding for NIH. Saved lives, new cures and treatments, and a thriving biomedical research industry are the result of substantial Federal investment in medical research.

Also in this bill is $2 billion for substance abuse treatment programs.

Who wants to take money out of that to offset something else?

That is an increase of $80 million. Studies have shown that substance abuse treatment is effective at reducing primary drug use by 50 percent, criminal activity by 80 percent, and drug- and alcohol-related medical visits by 50 percent.

There is $2 billion in here for the Low-Income Home Energy Assistance Program.

Who wants to take money out that for an offset?

This program is more important than ever, given the weak economy and the shortfalls experienced by State programs last year.

There is $1.209 billion for aging programs, an increase of $107 million, including an increase of over $5.5 million for home-delivered and congregate meals. Last year, almost one out of every six Americans was over 60 years of age. While the total population of the US increased by 13 percent since 1990, those in the age category 75–84, increased at twice that rate.

There is $10.2 billion for Title I grants to local education agencies, an increase of $1.4 billion. These grants provide funds to schools, especially in high-poverty areas, to help low-income, low-achieving students learn to the same high standards as other students.

There is $3.039 billion for State grants to improve teacher quality, an increase of $440 million. States and local educational agencies use these funds to reduce class size, reform teacher certification requirements, recruit teachers, provide existing teachers with professional development opportunities, and implement teacher mentoring programs.

The Senate bill includes sufficient funds to increase the maximum Pell Grant to $4,000, the highest ever and an increase of $250 over last year. Pell Grants are the foundation of postsecondary student aid, allowing millions of low- and moderate-income students to attend college and other postsecondary educational programs.

That is all I have to say, except, please, let's get on with this bill. We are fast approaching Thanksgiving. We ought to be home with our families. Let's not be tied up here.

Mr. STEVENS. Madam President, this bill, in my judgment, is as important in this period of time with the war on terrorism as the Defense Department bill. It is a bill that must be finished as rapidly as possible. It contains money to assist all of the agencies dealing with the problems of chemical and biological warfare, as well as all of the items Senator BYRD has mentioned.

I am told we are very near an agreement. That may mean we can finish this bill tonight. I encourage all parties to join in that effort because this bill is going to take a long time in conference. If I count correctly, we have but 8 days in which we can conference this bill within the timeframe of the next continuing resolution. We have a holiday on the 12th. I think it is imperative we get this bill to the President as rapidly as possible.

I also want to state to the Senate that I have agreed to join Senator BYRD on any effort to table an amendment that would violate the agreement we have with the House and with the President with regard to the limitation on expenditures and the allocations within that limitation of $686 billion. It is an agreement we made, and we hope the Senate will enable us to keep that agreement.

Madam President, I do not know where the people are who are going to enter into this agreement or take the steps that will be necessary to ensure we finish this bill today, but I very much hope the Senate will agree and follow the suggestion of the chairman of the committee and get the bill done as rapidly as possible.

Mr. BYRD. Madam President, I thank my distinguished friend, the former chairman of the Appropriations Committee.

I wonder if we might raise a question here concerning the DC appropriations bill. This is another bill that we could act upon, I would think, today. I wonder if we might be able to make some arrangement that will allow us to complete the DC appropriations bill today.

Mr. STEVENS. Madam President, if the Senator will yield, I understand the negotiations are underway to try to pursue the concept that we previously discussed. That would be a means of trying to report the bill from committee with an amendment. That has not been agreed to yet, but I hope it will be soon. I personally will support that concept. It would be a matter of putting one amendment on the bill as it comes out of committee; and that amendment would be in conference. It is not an amendment that is in the House bill.

So I would hope we would have an opportunity to take that path.

Mr. BYRD. I thank the distinguished Senator.

Mr. REID. If the distinguished chairman of the Appropriations Committee will yield, there have been conversations with the distinguished Senator from Texas, Mrs. HUTCHISON. The only way out of the problem we have is what I talked about with the chairman. If the committee were limited to one amendment, that could happen very quickly. It could come to the floor, and we could finish the bill rapidly at that time.

I also say to my friend from West Virginia that during the votes, significant progress has been made on this bill. I think the light at the end of the tunnel will be able to be seen in a little while.

Mr. BYRD. Madam President, I thank all Senators who have spoken. I particularly thank the distinguished Senator from Alaska, Mr. STEVENS. And I thank the majority whip. I am available if I can be of assistance to him in pursuing this matter. I believe, as he says, we can see the light at the end of the tunnel. There seems to be a willingness on the part of Senators who have an interest in the DC appropriations bill to come to some agreement. As chairman of the committee, if I can be helpful in engineering a reporting from the committee of the House bill with an amendment, I will be happy to be of help.

I thank all Senators for listening. And I particularly thank the managers of the bill for the progress that has been made on the bill thus far.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa, I will be just 2 or 3 minutes.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I could not hear the request.

Mr. WELLSTONE. I say to my colleague from West Virginia, I am trying to move matters along as well.

The VA reported that there were 345,000 homeless veterans in 1999. That was 34 percent higher than in 1998. The bill has been reported out of committee by Democrats and Republicans alike with unanimous support, I say to all my colleagues.

It is an annual authorization of $50 million for the Department of Labor program called HVRP, which does provide money to nonprofits to help train homeless veterans.

The second part supports community-based organizations which provide needed social service programs for veterans.

The last piece sets up comprehensive homeless centers in the country's major metropolitan areas. That can be substance abuse counseling, job counseling, and assisted housing.

This is the same bill that is moving in the House. This is my third or fourth time, colleagues, that I have come to this Chamber to ask unanimous consent to pass this bill.

Veterans Day is in the next week or so. We have men and women in harm's way. It is hardly any way to say thanks to veterans not to pass this piece of legislation.

My guess is that over a third of the adult males who are homeless in this country are veterans; many of them are Vietnam veterans. I do not know why in the world this bill is being blocked. I do not know who has put on an anonymous hold. This is my third or fourth time requesting that we pass this bill.

Therefore, one more time, Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act, with the support of Secretary Principi as well; that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Mr. President, reserving the right to object, the Senator from Minnesota is a good friend of mine, and I happen to be the only Republican in the Chamber. There is a Republican objection. I do not know who that Republican is, and I can maybe find out for the Senator. But I have to object for a Senator on my side, as long as I am in this position of being the only Republican Senator in this Chamber. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, just one more minute.

I say to my colleague from Iowa, I absolutely understand why he has to object. He is not speaking for himself. I know he is objecting on behalf of someone who is anonymous. I am positive the Senator from Iowa would be the first to support this legislation.

Mr. President, I ask unanimous consent that a letter, which is signed by AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States, which basically was addressed to Senator LOTT, saying, move this bill, take objections off, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 25, 2001.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the coauthors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, we are writing to you, as Minority Leader, to urge you to work with your colleagues to remove holds that have been placed on two pieces of legislation that are important to our Nation's veterans.

These two measures, S. 1188, the "Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001" and S. 739, the "Heather French Henry Homeless Veterans Assistance Act," are vital pieces of legislation to the men and women who have served in our Armed Forces. With American servicemen and women on guard at home and abroad, we find it difficult to believe that some Senators are placing roadblocks and resorting to delaying tactics on passage of legislation of such great benefit to seriously disabled veterans who have also served their country with distinction. These measures have almost universal support. It is time that they be brought up, and voted upon.

We thank you, in advance, for your assistance in this matter.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
RICK JONES,
National Legislative Director, AMVETS.
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign War.

Mr. WELLSTONE. Let me also say to my colleague from Iowa—and this is not aimed at him—as I have said, this is the third or fourth time I have come to the floor asking unanimous consent that we pass this legislation. I would appreciate it if whoever has an anonymous hold on this bill would be willing to step forward. But I want to make it crystal clear to the minority leader, and other colleagues, that I have a hold on every piece of legislation from the other side of the aisle that is not emergency legislation. I have a standing hold on all of your legislation.

Mr. GRASSLEY. Mr. President, before I speak on another subject, I say to the Senator from Minnesota, I hope he knows my practice; when I put a hold on a piece of legislation or an individual, I put a statement in the RECORD as to why I have put on that hold, so you know that it is Senator GRASSLEY who has a hold on that item. I do not approve of Senators putting holds on legislation and not doing it that way. But, on the other hand, I am doing it for whoever that anonymous person is.

Mr. WELLSTONE. I thank the Senator for his courtesy. I know that about him. And I say to the Senator from Iowa, with a twinkle in my eye, I am not putting any anonymous holds on any other legislation he is trying to move. I made it clear on the floor of the Senate, I am putting a hold on all of it unless it is absolutely an emergency.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

RESPONSE TO ATTACKS ON THE SENATE REPUBLICAN CAUCUS STIMULUS PLAN

Mr. GRASSLEY. Mr. President, I come to this Chamber to address an issue that was discussed yesterday. I do it because I am the ranking Republican on the Senate Finance Committee. I want to respond to some Senators on the other side of the aisle—meaning the majority side of the aisle—who have raised concerns about legislation that I have put forth as part of a stimulus package. I put forth this legislation for our Republican caucus in my capacity as former chairman and now ranking member of the Finance Committee. So I want to respond, first, to the majority leader's and Budget Committee chairman's comments about the Senate Republican caucus proposal.

From my point of view, these comments were destructive of bipartisanship. The attacks came yesterday afternoon on the floor, following a news conference that was held on the Capitol grounds. In contrast, while these things were going on yesterday, I spent time working for an agreement that crossed party lines; in other words, for a bipartisan agreement.

In fact, for a number of weeks, the chairman of the Finance Committee, Senator BAUCUS, and I have been meeting in an attempt to find an agreement on a stimulus package.

Last week, Senator DASCHLE and Senator BAUCUS released a stimulus proposal that, as they indicated, clearly reflected the more liberal part of the Democratic caucus. Senator BAUCUS made it clear that it was basically a negotiating position and that he would be willing to move to the center.

The proposal was released as a position for the Democratic caucus. It was made very clear in statements, well-intentioned on the part of Senator BAUCUS, that it was basically a negotiating position and that he would be willing to move to the center, or saw that as necessary as part of the process to get legislation through the Senate.

In general, Republicans such as myself reacted constructively to the proposal. I was quoted in the press accordingly. I disagreed with the proposal Senator BAUCUS put forward, but I recognized it as an essential part of a process of getting a bill through the Senate. I saw it as a positive step. Quite frankly, I viewed it as a response to the bill that passed the House of Representatives.

On Tuesday of this week, we Republicans responded to the Democratic caucus position with one from our own caucus. From our point of view, it mirrored the President's stimulus plan. What kind of a reception did we get after we released our plan? In this era of bipartisanship and collegiality, something bad happened. The attack dogs were unleashed and with a fury. The same day, Senator DASCHLE harshly attacked our proposal in an extremely partisan, stilted manner.

The next afternoon, which was yesterday, Senator CONRAD was on the floor with the usual props he has—he uses them well—ferociously denouncing the Senate Republican proposal. Rather than recognizing the proposal as part of the process, as we Republicans viewed the Democratic proposal, the Democrats instead have turned up the partisan heat and are trying to torch any real plan that will help our economy and our country.

One has to wonder why we have such a double standard. Why is it that one side obsessively attacks the other, that fault is not found on that side?

Senator DASCHLE, along with Senator LOTT, has exercised leadership since September 11. This had been a most important feature of doing business in Washington, DC, in these times of anxiety while we are trying to win the war on terrorism. The tone, as much as the substance, has been critical to the success of the process.

Senator DASCHLE himself said we should not be "strident" in these times of trying to win a war. So you can imagine my surprise, even anger, and surely disappointment, when I read the tone of Senator DASCHLE's attack on the plan and, frankly, on me in press reports. Basically, Senator DASCHLE accused me of unilaterally stopping the stimulus process, particularly as it related to Republicans and Democrats working out a bipartisan agreement.

I will read the quote into the RECORD:

> We've waited in an effort to try and find a way to work in a bipartisan manner. Unfortunately, as a result of Grassley's decision yesterday . . . that will not be possible, at least in the short run . . .

I focus on Senator DASCHLE's quote because it is a bit ironic. As he was criticizing me, I was preparing for a meeting with Senator BAUCUS on the stimulus package. I guess if you ignore the fact that Democrats put out a partisan package last week, then Senator DASCHLE's quote would make some sense. But, of course, that is not true. So Senator DASCHLE seems to be saying that it is fine for Democrats to put out a caucus position and Republicans to be constructive, but if Republicans respond with our own caucus position, then that is partisanship. The Republican response justifies ramping up the content and the tone of the partisan rhetoric.

The American people expect better. They know a double standard when they see it. Let's get back to the tone Senator DASCHLE set earlier. That is what I am asking for; that is a very good tone.

Let's not descend to name calling, destructive partisan comments, and double standards.

Now I move to Senator CONRAD's attacks which occurred yesterday afternoon. Let me say, this is a preliminary response to Senator CONRAD's attack on the Senate Republican caucus plan. I will have a lot more to say on that later, particularly after I get some figures back from the Joint Committee on Taxation.

Senator CONRAD spent a lot of time yesterday developing charts that were critical of Senate Republican caucus positions which he personalized by calling it the Grassley plan. He personalized his attacks, and that should be avoided. He decided to appoint himself as the teacher and accordingly grade everyone's economic stimulus proposal. That is fine. He has that right. I don't have a problem with that. If he is going to be the grader, though, I think he needs to be objective. He needs to treat those plans that he opposes the same way he treats those plans he supports. He does not do that.

The report card Senator CONRAD used yesterday is not the whole set of principles upon which the budgeteers agreed.

I ask unanimous consent to print in the RECORD a copy of the budgeteers' documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRINCIPLES FOR ECONOMIC STIMULUS

The Chairmen and Ranking Members of the House and Senate Budget Committees recognize the extraordinary circumstances resulting from the September 11, 2001 attacks on our country. These terrorist attacks have created a national emergency, instigated a war on terrorism, and exacerbated a slowdown in the economy. Clearly, the Congress and the President will provide the resources necessary to respond to these events. The principles articulated below are simply intended to ensure that those resources provided by the Congress and the President be an effective economic stimulus package that does not erode fiscal discipline in the future.

Overall principle. An economic stimulus package should be based on the recognition that long-term fiscal discipline is essential to sustained economic growth. Measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus that is at least equal to the surplus in Social Security. Any short-term economic stimulus should not result in higher long-term interest rates.

Objectives. An economic stimulus package should restore consumer and business confidence, increase employment and investment, and help those most vulnerable in an economic downturn, and do all of the above without converting a cyclical deficit into a structural deficit.

Timing. Congress should assemble an economic stimulus package deliberatively but with dispatch, aiming for passage within 3-4 weeks, based on the best economic data available.

Rapid impact. A substantial portion of the fiscal impact on the economy should be felt within 6 months.

Sunset. All economic stimulus proposals should sunset within 1 year, to the extent practicable.

Targets. Economic stimulus should be broad-based rather than industry-specific. Policies should achieve the greatest possible stimulus effect per dollar spent and should be directed to individuals who are most likely to spend the additional after-tax income and businesses most likely to increase investment spending and employment.

Size. The economic stimulus package should equal approximately 1 percent of GDP (about $100 billion) but should count the budgetary effects of policies implemented since August, which, at present, total roughly $40 billion.

Offsets. To uphold the policy of repaying the greatest amount of national debt feasible between 2002–2011, outyear offsets should make up over time for the cost of near-term economic stimulus.

Mr. GRASSLEY. If you compared the budgeteers' principles with the report card Senator CONRAD generated, you will see, when you get a chance to read these, interestingly, that Senator CONRAD omits four of the nine principles. In other words, Senator CONRAD has selected five of the nine principles agreed on by budgeteers. Most importantly, Senator CONRAD didn't use the "overall principle," which reads:

> An economic stimulus package should be based on the recognition that long-term fiscal discipline is essential to economic growth. Measures to stimulate the economy should be limited in time so that as the economy recovers, the budget regains a surplus that is at least equal to the surplus in Social Security. Any short-term economic stimulus should not result in higher long-term interest rates.

There is nothing in that comment with which I disagree. The point is, this principle is very important, and it ought to be followed. Senator CONRAD spent a lot of time dwelling on the rough 10-year revenue loss numbers of the Senate Republican and Senate Democratic plan. Senator CONRAD, however, left out an important assumption. I will explore the assumption Senator CONRAD left out.

As has been the case with all proposals from the Republican side, Chairman CONRAD has attacked the stimulus plan as, among other things, "fiscally irresponsible." Of course, I contest those unfounded and unfair criticisms. The plan is a straightforward proposal that will provide immediate economic stimulus. It will also give aid to dislocated workers, and it will help with their health insurance problems while being laid off, and it is fiscally reasonable. In fact, we have been in discussions with Senator BAUCUS's staff on these latter issues, such as dislocated workers and health insurance issues. So our plan follows on the President's four principles that were really the starting point of this debate first of all. That is what we ought to give President Bush credit for. He was presenting to the Congress the need for a stimulus package before many other people in Congress were even talking about the need for it.

Since his tenure as ranking member, and now chairman, of the Budget Committee, Senator CONRAD has placed all Republican tax cut proposals under very strict scrutiny. Senator CONRAD has assumed that any temporary tax cut, no matter the terms of the proposal, would be made permanent. The assumption was then incorporated into his budgetary analysis. Without fail, the conclusion is then used as a basis to argue that long-term budget implications of any temporary tax cut make it "fiscally irresponsible."

We have before us a Democratic caucus stimulus proposal that contains two elements. One element is a combination of tax cuts and new temporary entitlement spending. Another element of the proposal is Senator BYRD's $20 billion "infrastructure package." The two elements have been frequently mentioned by Democrat leadership, including Senators DASCHLE and REID, as the Senate Democratic position. When analyzed, these proposals are described as having a fiscal impact of $90 billion in fiscal year 2002 and $60 billion over 10 years.

Here is where you get into this double standard of scoring Republicans one way and Democrats another way. The scoring presented by the Democratic caucus, however, fails to employ Senator CONRAD's convention regarding permanency. They don't take that into consideration. If we apply Chairman CONRAD's convention to the new spending and assume permanency, the 10-year cost of the new spending package totals $526 billion.

Think about it, Mr. President. In these times, Senator CONRAD has determined that it is fiscally responsible to spend an additional $526 billion over 10 years. As a point of reference, this figure compares with the tax cuts of roughly $175 billion in the Senate Republican caucus position.

I ask unanimous consent that an analysis of the 10-year cost of the new spending in the Democratic caucus stimulus plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF SURPLUS IMPACT OF PERMANENT SENATE DEMOCRATIC CAUCUS STIMULUS PROPOSALS

[In billions of dollars]

	FY 2002	FY 2002-11
1. Unemployment insurance: Additional 13 weeks and supplemental amount	-16	-71
2. 50% COBRA subsidy: Inflation at 8% per year	-10	-145
3. Medicaid expansion: Inflated using CBO August baseline	-7	-101
Total new entitlement spending	33	-317
New infrastructure appropriations: CBO estimate	20	-209
Total new spending	53	-526

Source: Republican Staff, Senate Budget Committee.

Mr. GRASSLEY. Under Chairman CONRAD's methodology, one of two conclusions is apparent from this exercise. One, if tax cuts and new spending are treated similarly, then under Chairman CONRAD's methodology, the Democratic caucus package is $350 billion bigger than the Republican caucus package. That is a 2-to-1 ratio in favor of new spending. Alternatively, maybe Senator CONRAD is arguing that in scoring there should be a bias against tax cuts and in favor of new spending by assuming that new spending is temporary.

Since a key element of the budgeteers' principles was long-term budget effect, you would think Senator CONRAD would have more carefully considered the 10-year cost of new appropriations and new entitlements. It seems to me he graded these plans long before he analyzed them. How else can Senator CONRAD explain the laxity of the long-term spending effect?

Adding new appropriations and new entitlement spending to the budget, even if labeled temporary, brings a long-term budget cost. Otherwise, we are trying to kid people. When was the last time we cut the appropriations baseline or a new entitlement? It doesn't happen around here.

Now keep in mind that I have also asked the Joint Committee on Taxation to score the permanent effect of temporary tax cuts in each plan, but I do not have that analysis yet. I have had my staff work on it. They tell me it might narrow the gap some but would simply add to the total 10-year cost of each plan. Keep in mind that in making this comparison, I did not include the revenue loss of the Democratic caucus plan.

When former Senator Bradley left this body, he cited many reasons for leaving. One of the colorful references was to the deterioration of the level of floor debate. He referred to Senate debate as deteriorating to competing partisan cartoon-type characters endlessly talking past one another. Unfortunately, yesterday's attack charts seem to me to illustrate the deterioration of the respect to which Senator Bradley was referring. '

A few months ago, the Washington Post reported approvingly of the Democratic leadership's message strategy. The article referred to a blackboard with a basic daily or weekly message. Apparently, yesterday's message was to attack a good-faith Republican caucus position and to attack me. I guess I say good job, or congratulations are in order, because the people who did it pulled off a well-coordinated attack.

What did such a harsh attack accomplish? When I go back to my farm this weekend, I imagine some of the folks back home might ask what the point of all that was. That is where I am, Mr. President. What is the point of this excessive partisan gamesmanship? What is the point of dumbing down the level of civility around here?

I say all these things in a constructive manner—from a person who just yesterday met with Senator BAUCUS to talk about a process of getting a stimulus package—hopefully, a bipartisan stimulus package—to the floor of the Senate. Although the transgressors in this case were Democrats, at times even my own Republicans have done the same thing. In this case, though, there really seems to be a Democratic rule book that includes a double standard.

So as one who practices bipartisanship, I say to those who talk about it: Practice what you preach.

As I said, I will have more to say in a comprehensive way about some of Senator CONRAD's attacks on the specific pieces of the Senate Republican stimulus package.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. SPECTER. Mr. President, there have been very extensive discussions on the issue relating to stem cells, which is in the bill, relating to what President Bush did on August 9 using existing stem cell lines, in an effort to codify that and give the President authority to move in that direction. The stem cell issue has been very controversial for reasons which do not have to be amplified at this time.

A good bit of the debate on the subject has been between the Senator from Kansas, Mr. BROWNBACK, and myself. Senator BROWNBACK has posed a series of amendments, which he intends to bring up on this bill, of a very complex nature. The amendments Senator BROWNBACK has proposed to bring up involve the questions of the human germ line gene which I will not begin to explain at the moment, issues about therapeutic cloning, where science has given a name which suggests reproductive cloning, which it is not, but very complicated as to how it is worked out; amendments on the prohibition of the mixing of human and animal gametes where there has been some scientific thought that although very repugnant on its face, there are some important scientific issues involved.

One of the matters was submitted to the American Society for Reproductive Medicine, and they have not even taken a position on it, which shows the complexity of the issue.

Were we to proceed with these amendments, on which we have consulted with the Parliamentarian, who says they are germane because there is some sufficient—it does not require a whole lot to make them appropriate, and the Senator from Kansas has every right to bring them. I do not know how long it would take to debate them.

In the course of the past 2 days, we have talked about second-degree amendments, and we have talked about many subjects which are extraordinarily complicated. I have been trying to get up to speed to know what to say about them.

The concerns I have involve the issue of unintended consequences. That is a doctrine well-known in our culture. When one deals with these scientific issues, many scientists have told me it would stultify their activities, or at a minimum have a profoundly chilling effect.

So after very extensive discussions, what we have decided to do is to defer this matter to another day. The reason we have decided to defer this matter to another day is we have a very important appropriations bill funding the Departments of Labor, Education, and Health and Human Services, and the completion of this bill at an early date is important so we can go to conference.

Ten days ago, I had a long discussion with Senator LOTT about seeing the need to conclude our work by November 16, which is the week before Thanksgiving. I have found my constituents in Pennsylvania are more interested in hearing what is going on in Washington now than they have ever been in the 21 years I have been in the Senate. It is obvious, with the war on terrorism going on, with the fighting in Afghanistan against the Taliban, and the bombing and the complexities there, then with the anthrax, there is an enormous concern across the country about bioterrorism. There is a real need, it seems to me, for Senators to be in their States and Members of the House to be in their districts to talk to their constituents, to tell them we do have a plan, we do know what is going on, and we are working constructively on these issues.

Ideally we should complete work on these appropriations bills as of September 30, but we know from practice we have continuing resolutions and the complexities of our work take us beyond that point. What really happens is that among the 535 of us, and add the executive branch, we debate and argue and hassle until we have our backs against the wall and really have to conclude our deliberations.

I said to Senator LOTT about 10 days ago I thought all of us were going to have to make concessions on some of the issues which we thought were of enormous importance and had to be resolved, and I am prepared to do that today. Senator BROWNBACK is prepared to do that today.

These issues will be taken up, though, and in the very near future. Senator BROWNBACK and I talked to the majority leader, Senator DASCHLE, who agreed to bring up the stem cell issue with an opportunity for Senator BROWNBACK to raise his issues in the February/March timeframe. I consulted with Senator LOTT, in the event Senator LOTT is the majority leader at that time, and got a similar commitment from Senator LOTT to bring up stem cells and Senator BROWNBACK's issues in the February/March timeframe.

Senator LOTT had agreed to have a freestanding bill when he was majority leader, where we deferred action on stem cells going back to September in the fall of 1999. It was a very different issue, and he wanted to await developments as to what would be happening on the scientific front.

These discussions were held. Senator REID was a party to them.

I yield to the Senator from Nevada to confirm the representations I have made about Senator DASCHLE's commitment to have a freestanding bill in the February/March timeframe.

Mr. REID. The majority leader understands how important this is to the Senator from Pennsylvania. I am a member of the subcommittee he chaired and of which he is now the ranking member. He has held a number of extremely interesting hearings on this subject and has really perked everyone's interest in the Senate on this issue.

Senator BROWNBACK feels just as fervently, and I think it is extremely appropriate, as does the majority leader, that there be a discussion on this issue, as indicated by the Senator from Pennsylvania. I know the Senator from Pennsylvania, with Senator HARKIN, will hold a number of hearings on this prior to that date. I look forward to the discussion.

I think it is really good these two fine Senators worked out this arrangement because I think everyone needs more knowledge. This is a new area, a new field of science, at least for most of us. I think with the passage of a few months we will be in much better shape to listen intelligently, and perhaps a number of us will be able to join in the debate. If we had these votes today, a lot of us would be really in uncharted territory. We have not had hearings on a lot of these issues. There is not a lot of material we have had to go through, and so I applaud and compliment these two Senators for allowing us to work this out. I know Senator HARKIN feels the same way.

Mr. SPECTER. I thank my colleague from Nevada for those comments. He is correct on the issue of holding the hearings.

I have conferred with the chairman of the subcommittee, Senator HARKIN, who agrees we need to have the hearings. I have discussed it with Senator BROWNBACK. These issues are extraordinarily complicated. We are going to have to have a whole series of hearings with regard to the complicated issues so we can know what we are doing on making public policy, especially in the context where Senator BROWNBACK's amendments carry penal sanctions, jail terms and fines, so that we can know what we should be doing in the public interest but not stifling science.

Senator BROWNBACK and I have worked together over the years on a great many items, and we have had some lively television discussions. I think when we finally get around to this discussion it will be lively as well.

I yield to my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues, and particularly Senator SPECTER from Pennsylvania who has been quite patient and diligent in working with me. I might also note that Bettilou Taylor on his staff has been wonderful to work with, as well as Senator REID from Nevada, who has really worked to try to push these issues forward so we can get to some point of resolution on the underlying bill. I am not unaware of the need to move this bill through. We need to get the appropriations bills moved. We need to get this done so we can get to the economic stimulus package and be able to conclude it. I am pleased to see we have some resolution on the overall issue.

I will point out what I am talking about in the amendments I was proposing. We had filed four of these amendments and were willing to put them into one amendment, have one vote, and have a moratorium for 1 year on several items. The moratorium would include human cloning. No human cloning, whether it be reproductive, or so-called their futuristic-type, for 1 year, a 1-year moratorium on germ line manipulation, where you insert a snippet of a genetic code from a cow or pig into the egg or sperm of a human, so that once they connect to each other they become fertilized. It goes on to future generations. It would ban that for a year's period of time. It would ban for a year's period of time, embryo "farming" where embryos were created just for research purposes.

That was the series of amendments we put forward and were germane to this debate.

We have had extensive negotiations and discussions back and forth. The belief is that Members could be more up to speed on these topics come February or March. The majority leader has agreed to a free-standing bill at that point in time in order to get direct votes on these issues. That is the more appropriate way. It is the right way. I am appreciative of the majority leader and Senator REID for agreeing to that taking place so we can take this up at a more prudent time, with hearings in between taking place.

It is my understanding what we would agree to would be that I not offer these amendments at this time; that we will have free-standing debate, discussion and vote come the February-March timeframe on these topics and the topics Senator SPECTER is putting forward, with direct votes up or down on the topics, and none in the second degree or tabled. These are direct votes. And the language Senator SPECTER inserted that was in the appropriations bill, which was beyond what the President was asking for on stem cell research, would not be in the final Labor-HHS appropriations bill as it passes out of the Senate.

This is good progress on a very difficult issue. By that point in time, we will be on board with the executive branch on the biomedical research. They are enormously important.

I enter one quick note into the record. Scientists say the first human clone is near—a group says within the end of the year.

I ask unanimous consent to have several other articles printed in the RECORD at the conclusion of this colloquy, including a story about the rhesus monkey which has been cloned. That was announced this week. That is the closest model to a human off which we work. If you can do it there, you can probably do it in a human. The technology leap is not far.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1)

Mr. BROWNBACK. For these reasons I think it is an appropriate way to proceed. I am pleased Senator SPECTER has been so kind in working with us. Senator REID and Senator DASCHLE, the majority leader, have agreed to this.

I yield the floor.

Mr. SPECTER. Mr. President, the language which will be stricken appears on page 91 and reads as follows:

> Subject to the provisions of section 510(a) and (b), Federal dollars are permitted at the discretion of the President solely for the purpose of stem cell research on embryos that have been created in excess of clinical need and will be discarded and donated with the written consent of the progenitors.

That will be stricken.

I have legislation pending which would permit the use of Federal funding to extract stem cells from embryos. The precise format of the legislation which I will propose will be determined, and I will give Senator BROWNBACK ample notice as to what I intend to do. We will have the hearings on that, and we will have the hearings on the issue which Senator BROWNBACK has raised with Senators.

It is worthwhile making one comment on the nature of complexity as to concerns which my staff and I have had. I echo Senator BROWNBACK's praise for Bettilou Taylor and also acknowledge the contribution of Dr. Sudip Parikh, an assistant with us, and also Mr. Rob Wasinger, who is with Senator BROWNBACK. A concern expressed to me by many doctors has been whether there would be a danger of eliminating therapeutic cloning. Regretfully the words "cloning" and "therapeutic cloning" have given it a very bad name.

What it amounts to—and this is an illustration—is taking a cell, for example, from a woman who has Parkinson's; take the nucleus out of the cell and take an egg from a woman donor whose nucleus has been removed, and put the nucleus from the cell of the woman who is the patient, put it into the egg where the nucleus has been removed. You wait 5 to 7 days, and then you have a blastocystic state of an embryo. The stem cell which is extracted can then be used on the patient, who is a woman, to cure Parkinson's.

That is a very brief statement, but in the complexities of the amendments we might not have had that opportunity. We will be going into these issues and a great many others. I think had we debated it on the Senate floor today, as Senator REID has said, it would have been very difficult to grasp these issues.

When Members want to have penal provisions, jail sentences and fines, those are matters which require a lot of deliberation as to what is appropriate for deterrence and what is appropriate as a punishment.

The arrangement we have worked out today is an important arrangement. Most fundamentally, it allows moving forward on this bill, conclude this bill, go to conference, and get it passed. To pick up on the conversation with Senator LOTT, we show our willingness to make concessions on matters we would like to work on now, but it can wait until the February-March timeframe.

I hope my colleagues in the House and Senate will undertake the same kind of consideration to decide what we have to decide now, move ahead with airport security and the stimulus package and the matters of absolute necessity, the appropriations bills. If matters can be deferred, as Senator BROWNBACK and I have deferred until March, that should be the order of the day so we can go back to our States or districts and explain to people of America what is going on so they know with some confidence we do have a plan, we do have a program, and we are working in a constructive way in the Federal Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to make sure from Senator REID of Nevada we have accurately reflected this in the RECORD. I hope this is accurately reflected as to when Senator REID and the majority leader agreed on bringing up this issue.

Mr. REID. I say to my friend from Kansas, the statement made by you and the Senator from Pennsylvania is accurate. I was in on the conversation of the majority leader and he, without any hesitation, indicated he would hold the hearings within the timeframe you indicated, the February-March time period.

We all acknowledge it is the right thing to do, and it is something we need to do. The statement made by the Senator from Pennsylvania and the Senator from Kansas is absolutely accurate.

EXHIBIT NO. 1

[From Reuters, Oct. 5, 2001]

SCIENTIST SAYS FIRST HUMAN CLONE IS NEAR

(By Michele Kambas)

NICOSIA (REUTERS).—Scientists could create the first cloned human before the end of the year, a doctor with the controversial project said on Friday. Dr. Panayiotis Zavos, who along with his Italian colleague Dr. Servino Antinori has triggered worldwide . . . with plans to create tailor-made offspring, said research was going faster than initially expected. The team has been banned from carrying out research in most European Union (news—web sites) countries. Zavos said that was not hindering progress. "It is going well enough so we may attempt the first production of embryos—cloned embryos—in the very near future. That is, 3 or 4 months from now," Cypriot-born Zavos told Reuters in an interview on Friday.

Human cloning could effectively create a replica of another living or dead person. But Zavos, who said the "genie was out of the bottle" when researchers cloned the first mammal, Dolly the sheep, insisted there was nothing sinister in the endeavor. He said he was not in the business of creating "genetically-modified doppelgangers," but in helping infertile couples have a child. "We are not interested in cloning the bin Ladens of this world, the Michael Jacksons or the Michael Jordans of this world," the Kentucky-based fertility specialist added. "We are not interested in the replica of dead people. We are interested in assisting a father who does not have sperm to have a biological child of his own . . . in assisting couples to reproduce."

Countries like France and Germany have appealed to the United Nations (news—web sites) to get human cloning banned in an international treaty. Religious groups are also enraged at what they view as the doctors' attempts to play God. But Zavos, whose partner Antinori hit the headlines by helping a woman of 62 have a child in 1994, dismissed suggestions they were only interested in cloning for its own sake. He said thousands of childless people from all over the world were helping in their research.

Though regarded as something of a maverick in the medical world, Zavos's medical accomplishments are a source of pride for many Cypriots. He emigrated to the United States more than 30 years ago but retains close . . . with the island. Zavos declined to say where the research was under way, but indicated it was in more than one country. He added that governments that had banned human clone tests were making a mistake in mixing politics with medical issues. "They are trying to make a political decision for a procedure which is medically oriented. This is not a popular decision, this is a medical decision that needs to be made by physicians and their patients and not by politicians," he stated.

But Zavos said the ban was not in any way hindering progress. "We have options we are exercising—beyond Europe, of course. This is the world we are talking about. This is not Europe, this is not America."

[From Reuters, Oct. 5, 2001]

CYPRIOT RESEARCHER SEES HUMAN CLONE IN FOUR MONTHS

(By Michele Kambas)

NICOSIA (REUTERS).—Scientists could create the first cloned human before the end of the year, a doctor working on the controversial project said on Friday. Dr. Panayiotis Zavos, who along with his Italian colleague Severino Antinori has triggered worldwide alarm with plans to create tailor-made offspring, said research was going faster than initially expected. The team has been banned from carrying out research in most European Union (*news—web sites*) countries, but Zavos said that was not hindering progress. "It is going well enough so we may attempt the first production of embryos, cloned embryos in the very near future. That is, three or four months from now," Cypriot-born Zavos told Reuters in an interview on Friday.

Human cloning could effectively create a replica of another living or dead person. But Zavos, who said the "genie was out of the bottle" when researchers cloned the first mammal, Dolly the Sheep, insisted there was nothing sinister in the endeavor. He said he was not in the business of creating "genetically-modified doppelgangers," but in helping infertile couples have a child. "We are not interested in cloning the bin Ladens of this world, the Michael Jacksons or the Michael Jordans of this world," the Kentucky-based fertility specialist added. "We are not interested in the replica of dead people. We are interested in assisting a father who does not have a sperm to have a biological child of his own . . . in assisting couples to reproduce."

CLONING BAN

Countries like France and Germany have appealed to the United Nations (*news—web sites*) to get human cloning banned in an international treaty. Religious groups are also enraged at the doctors' attempts to play God. But Zavos, whose partner, Dr. Antinori, hit the headlines by helping a woman of 62 have a child in 1994, dismissed suggestions they were only interested in cloning for its own sake.

He said thousands of childless people from all over the world were helping in their research. Though regarded something of a maverick in the medical world, Zavos' medical accomplishments are a source of pride for many Cypriots. He emigrated to the United States more than 30 years ago but retains close family ties with the island. Zavos declined to say where the research was under way, but indicated it was in more than one country. He added that governments which had banned human clone tests were making a mistake in mixing politics with medical issues. "They are trying to make a political decision for a procedure which is medically oriented. This is not a political decision, this is a medical decision that needs to be made by physicians and their patients and not by politicians."

But Zavos said the ban was not in any way hindering progress. "We have options we are exercising, beyond Europe, of course. This is the world we are talking about, this is not Europe, this is not America." Zavos said countries which took a stand against cloning embryos could possibly end up at a disadvantage because the technology would inevitably catch up. "This is not an issue of morality, this is not an issue of being ethical or unethical, but rather assisting people to have children and that is the business we are in."

[From The Daily Telegraph (London), Oct. 29, 2001]

Monkey Tests Raise Human Clone Fears

(By Ellie Addison)

Scientists have taken a big step towards creating the world's first cloned monkey, raising fears that a human clone will not be far behind. Embryos cloned from a rhesus monkey are being prepared in the United States and could be implanted into a surrogate mother. The first monkey clone could be born within months. The work, by Don Wolf, of the Oregon Regional Primate Research Centre, has successfully combined techniques in the cloning of embryonic cells with somatic cells, which make up adult animal bodies.

Prof. Wolf deplores human reproductive cloning and says he wants to produce genetically identical laboratory monkeys to accurately test drugs and therapies. But the research is being closely watched by groups interested in creating the first human clone. Severino Antinori, an Italian fertility specialist, has set up a group of researchers who hope to create the first human clone "within months".

The new discoveries have been described as "a significant step in the wrong direction" by the Pro Life Alliance. Bruno Quintavalle, its spokesman, said: "Cloning has so far been confined to livestock animals for which there can, arguably, be agricultural reasons for cloning research. "But what possible reason can there be for replicating a rhesus monkey? There is no reason we can see, other than to formulate and clarify processes which can be used later for cloning humans." The alliance will take the Government to the High Court on Wednesday to seek a judicial review of Britain's cloning legislation. The group says the laws are full of loopholes.

[From the Sunday Times (London), Oct. 28, 2001]

Monkey Test Breakthrough Brings Human Clones Closer

(By Jonathan Leake, Science Editor)

Scientists have created the first embryonic clones of an adult primate and are preparing to implant them into surrogate mothers. The work—involving embryos cloned from a rhesus monkey—is a significant development in cloning technology. Until now all the research had suggested that primates would be far more difficult to clone than species such as sheep and goats, which have already been used successfully in experiments. The primate breakthrough is certain to be seen as powerful evidence that it is now possible to clone a human being. The researchers have predicted that they will achieve the live birth of a non-human primate within months.

The latest results were achieved in America by Professor Don Wolf, of the Oregon Regional Primate Research Center, who is one of the most respected workers in the field. Cloning cells from embryos is known to be relatively easy. This weekend, however, Wolf said the same technique was working well with somatic cells—the kind that make up the bodies of adult animals. He said: "We have been working with somatic cells and believe that success is just around the corner as the cloned embryos created from them are growing well in vito."

Wolf was unable to say when the embryos might be implanted into surrogate mothers. The females need to be at exactly the right stage of their oestrous cycles, and this is hard to predict.

Wolf's interest in such work has nothing to do with human reproductive cloning—a concept that he and most other serious researchers deplore. Their aim is to create lines of genetically identical laboratory animals that can be used to test drugs and therapies much more accurately. Additionally, cloning technology holds out the possibility that humans could one day grow replacement tissues for damaged organs.

There are, however, a number of other groups that are intensely interested in using the work done by researchers such as Wolf to clone humans. One group of researchers is led by Dr. Severino Antinori, the Italian fertility specialist, who has set up a consortium in an attempt to create the first human clone "within the next few months".

Some researchers say such a venture is fraught with danger since cloned animals seem to be prone to a number of genetic defects that could also affect a human child. The validity of such fears has been borne out by the latest results from a second team of researchers, which is also working on cloning rhesus monkeys. Its leader, Professor Gerald Schatten, of Pittsburgh University, said that like Wolf he had also recently created embryonic cloned rhesus monkeys—and had already attempted to implant them into females. So far, however, he has been unable to achieve a pregnancy, and last week his analysis suggested that this was because the cloning process had disrupted the organisation of the chromosomes that carry the animals' DNA.

[From The Sunday Times, Oct. 22, 2001]

First Primate Embryos Cloned

(By Jonathan Leake)

Scientists have created the first embryonic clones of an adult primate and are preparing to implant them into surrogate mothers. The project—involving embryos cloned from a rhesus monkey—is a significant development in the technology of cloning. Until now research had suggested primates would be far more difficult to clone than species such as sheep and goats, which have already been successfully duplicated.

The primate breakthrough is seen as strong evidence it is possible to clone a human being. The researchers say they will achieve the live birth of a primate within months. The results were achieved in the US by Don Wolf of the Oregon Regional Primate Research Centre. Cloning cells from embryos is relatively easy, and Professor Wolf said the same technique was working well with somatic cells from adult animals.

The next step is for the embryos to be implanted into surrogate mothers. This process needs the females to be at exactly the right stage of their oestrous cycles, and this is hard to predict.

Professor Wolf's work has nothing to do with human reproductive cloning—a concept he and most other serious researchers deplore. Their aim is to create lines of genetically identical laboratory animals that can be used to test drugs and therapies much more accurately than is now possible. However, a number of groups are keen to use the work done by researchers such as Professor Wolf to clone humans. One body of researchers is led by Severino Antinori, the Italian fertility specialist who has set up a consortium in an attempt to create the first human clone "within the next few months".

Mr. BROWNBACK. I yield the floor.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I was unavoidably absent from the Chamber a few minutes ago, but I want to compliment my distinguished ranking member, Senator SPECTER, for working out an agreement on the vital issue of stem cell research. I know there are Senators who feel strongly about this one way or the other. I understand that. But I believe the agreement Senator SPECTER has worked out is one that will serve us well. We will have hearings. We will welcome all to come in and testify at these hearings on stem cells. I understand the agreement is that prior to the end of March, sometime in either February or March of next year, both the majority leader and minority leader have agreed that we will bring a stem cell research bill to the floor of the Senate.

With that agreement, I think it paves the way for us to have some more in-depth hearings on whether or not we have enough stem cell lines to do the kind of research that needs to be done, or whether we do, in fact, need some more stem cell lines to conduct this kind of robust research. We will be having those hearings.

Sometimes Senator SPECTER chairs them and sometimes I do. But we will continue to have those hearings throughout the next few months. Even though the Senate may not be in session, we will continue to have those hearings to try to get a better understanding of what we need to do to provide the ethical guidelines and the kind of monetary support that we need for our science to conduct embryonic stem cell research.

Because I was missing from the Chamber when that agreement was worked out, I wanted to compliment Senator SPECTER and other Senators for working out an agreement on that issue.

Lastly, we are on the floor. Debate on the Labor, Health and Human Services, Education, and related agencies appropriations bill is about over. There are some amendments to offer. I ask Senators who have amendments to please come to the floor and offer those amendments. The sooner we get to amendments, the sooner we will get out of here.

I just had one Senator come up to me asking about catching a flight out tonight. I say to my fellow Senators, if you will come over and offer the amendments, we can have a legitimate debate and vote on them. Then people could get out of here. The longer people stay away from the floor and don't offer their amendments, people can't get out of here.

Mr. REID. Madam President, if the Senator will yield, this is the third day that the Senator from Iowa and Senator SPECTER have managed this bill. Significant progress has been made, especially today. But I think enough time has gone by to wait for people to arrive. I hope that in a reasonable period of time, if people are not here to offer their amendments, the Senator from Iowa and the Senator from Pennsylvania would move to third reading. It is not fair to keep people waiting around. I, as the Senator from Iowa, have been approached several times. People say they have things to do rather than waiting around doing nothing.

What drives people to distraction, and rightfully so, is when we are in these endless quorum calls waiting for people to come over with amendments. They are not doing us a favor by offering the amendment, but it is a right established under the precedents of the Senate.

I hope the two managers of the bill, in a reasonable period of time if we don't have people offering amendments, will move to third reading. We have a lot of other things to do tonight. We have three conference reports that have been approved by the House. We have to take care of those today if we want to be out of session tomorrow. The leader indicated to me just a short time ago that he would like to not have any votes tomorrow. But he is going to have votes tomorrow if we don't complete this bill.

With the progress the Senator from Iowa and Senator SPECTER have made during the time since the vote expired, I think we can clearly finish the bill tonight. If not, we will drag this bill on. I repeat for the third time that if Members are not coming to offer their amendments, we will go to third reading.

Mr. HARKIN. Madam President, I thank our assistant majority leader for his great leadership in pulling people together and getting this legislation moving, as he has done on so many other bills. He has been stalwart here on the floor to make this place work right and to make it work fairly so people can offer their amendments to make sure we move in an expeditious manner. I thank the Senator for his leadership in getting the Senate to do its work.

I yield the floor.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I have an amendment I will be offering having to do with impact aid. That is a very significant issue. One of the best programs Congress put together was way back in the 1950s. That was when they made a determination that if the Federal Government came in and federalized land, either for military purposes, Indian schools, or any other purpose, and took the land off the tax rolls, they would still have to educate the kids. Slowly over the years, politicians—none in this Chamber, I am sure—have been taking money out of the impact aid account, so it has gone down to about 25 percent of what it really should be.

I will be offering that amendment and wanting to discuss it.

(The further remarks of Mr. INHOFE are located in today's RECORD under "Morning Business.")

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2018

Mr. INHOFE. Madam President, I call up amendment No. 2018 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2018.

Mr. INHOFE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the funding levels for certain activities under the Impact Aid program under the Elementary and Secondary Education Act of 1965)

On page 56, strike lines 5 through 17, and insert the following:

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d) $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

Mr. INHOFE. Madam President, this is an issue we have addressed many times. We addressed it first during the budget consideration when we were going to increase impact aid by $300 million. Unfortunately, the appropriators have brought it down to an amount a little less than half that.

Democrats and Republicans have set a goal so we will have impact aid fully funded sometime in the next 4 or 5 years. This will bring the amount of basic support for impact aid equal to the House figure.

That is essentially the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have checked with the manager of the bill on this side. He has no objection to the amendment. We are confident there is no objection on the other side.

I say to my friend from Oklahoma, if some small chance there is a problem with the minority, we will come back to the Senator.

Mr. INHOFE. That would be fine. I will accept it.

Mr. REID. I ask approval of this amendment.

Mr. INHOFE. Yes, with that agreement.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2018) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have been waiting literally all afternoon for two Senators to offer amendments. I don't really think it is fair to the rest of the Senate to wait around here as we have. Calls have been made. I don't know what more we can do other than move to third reading. At the appropriate time this afternoon, that is what we are going to do. Everyone should be on notice that is going to be done. I know we talk about it all the time. I guess it is like the proverbial crying of wolf all the time. We do everything we can for people to come and offer their amendments. I really think it is unfair that everyone is waiting.

At least 10 Senators are wanting to know what the schedule is and whether they can make certain arrangements for travel tonight or tomorrow afternoon or tomorrow morning. We do not know. We are waiting for people to come to offer amendments.

I hope Senators will be more considerate of the other 98 Senators, plus all the staff and everyone else trying to get this bill completed. I think it is really unfair that we have waited as long as we have.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2062 THROUGH 2073, EN BLOC

Mr. REID. On behalf of Senator HARKIN, I send a managers' package to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. HARKIN and Mr. SPECTER, proposes amendments Nos. 2062 through 2073, en bloc.

Mr. REID. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2062

(Purpose: To provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge)

At the appropriate place, add the following:

SEC. 519. (a) DEFINITION.—In this section the term "qualified magistrate judge" means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

AMENDMENT NO. 2063

(Purpose: To require the Inspector General of the Department of Health and Human Services to audit all Federal amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts)

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their findings.

AMENDMENT NO. 2064

(Purpose: To provide for a study and report regarding Federal student loan disbursements to students attending foreign schools)

On page 73, after line 4, add the following:

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

AMENDMENT NO. 2065

On page 93, after line 12, insert:

SEC. 520. Nothing in Section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir. 2001), or to permit gaming under the Indian Gaming Regulatory Act on lands described in Section 123 of Public Law 106-291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

AMENDMENT NO. 2066

(Purpose: To provide funding for services for children relating to crises)

On page 57, line 24, insert before the period the following: ": *Provided further*, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather".

AMENDMENT NO. 2067

(Purpose: To express the sense of the Senate concerning the provision of assistance for airport career centers to enable such centers to serve workers in the airline and related industries who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center)

On page 22, after the period on line 3, insert the following:

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

AMENDMENT NO. 2068

(Purpose: To express the sense of the Senate concerning assistance for individuals with disabilities who require vocational rehabilitation services as a result of the September 11, 2001 attack on the World Trade Center)

At the appropriate place in title I, insert the following:

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

AMENDMENT NO. 2069

(Purpose: To express the sense of the Senate regarding reimbursement of certain hospitals testing and treating individuals for exposure to anthrax)

On page 54, between lines 15 and 16, insert the following:

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated federal workers that have been expose to anthrax and continue to test and treat, federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

AMENDMENT NO. 2070

(Purpose: To express the sense of the Senate regarding lead poisoning screenings and treatments under the medicaid program)

On page 54, between lines 15 and 16, insert the following:

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

AMENDMENT NO. 2071

(Purpose: To express the sense of the Senate that States should be authorized to use SCHIP funds for lead poisoning screenings and treatments)

On page 54, between lines 15 and 16, insert the following:

SEC. 223. It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

AMENDMENT NO. 2072

(Purpose: To express the sense of the Senate that the Secretary of Health and Human Services should establish a bonus program for improvement of childhood lead screening rates.)

On page 54, between lines 15 and 16, insert the following:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined.

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

(3) For each such child who has received such minimum required tests.

AMENDMENT NO. 2073

(Purpose: To strike new language regarding allowable use of federal funds for stem cell research)

On page 91, strike lines 13 through 18.

Mr. REID. These amendments have been reviewed by staff and cleared by both managers.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. Madam President, I concur with what the Senator from Nevada has said.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 2062 through 2073) were agreed to en bloc.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator yield?

Mr. HUTCHINSON. I yield.

Mr. REID. Madam President, the Senator from Arkansas, Mr. Hutchinson, has an amendment dealing with charitable giving. It is one of two amendments we believe remain on this bill. I have spoken with the distinguished Senator from Arkansas, and he has indicated that his side will agree to 20 minutes, and this side will certainly agree to 20 minutes. So it will be 40 minutes equally divided. This will work out perfectly so we can have a vote prior to the briefing which is going to take place in S–407. I propound that as a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the only exception I did not include is that there will be no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2074

Mr. HUTCHINSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON], for himself and Mr. NICKLES, proposes an amendment numbered 2074.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds under the National Labor Relations Act for the finding of unfair labor practices relating to certain no-solicitation or no-access rules)

On page 22, between lines 3 and 4, insert the following:

SEC. . None of the funds made available under this Act shall be used under the National Labor Relations Act to make a finding of an unfair labor practice relating to a published, written, or posted no-solicitation or no-access rule that permits solicitation or access only for charitable, eleemosynary, or other beneficent purposes.

Mr. HUTCHINSON. Madam President, my amendment will allow employers to permit solicitations by charitable groups without subjecting themselves to what I believe is unfair and frivolous union litigation. It may sound odd that a law is needed to protect charitable giving, but currently when an employer permits such solicitations, it is likely to be found by the National Labor Relations Board to have engaged in unlawful discrimination unless it provides unions equal access to the employer's property to engage in solicitation or distribution for union purposes.

In the wake of the September 11 attacks, the need for legislation of this type has never been greater. Currently, the NLRB interprets, I think wrongly, the National Labor Relations Act to require that a retailer that regularly allows charities or civic organizations to solicit or distribute material on the retailer's premises must also grant similar access to labor unions who are seeking to organize the retailer's employees attempting to communicate a message to the retailers' customers.

Because of this, many of the Nation's largest retailers have adopted blanket no-solicitation rules which, unfortunately, include charitable organizations, to avoid being found in violation of unfair labor practices.

I want to mention a couple of the many examples that can be given of retailers that are affected by the current interpretations of the NLRB.

Example one: Prior to 1994, Meijer, Inc., located in Grand Rapids, MI, exercised its commitment to their communities and use of private property rights by allowing various charitable, religious, civic, community, and government groups for activities such as fundraising activities by groups such as United Way, Salvation Army, VFW, Lions Club, Shriners, school groups, and other national and local organizations; placement of collection or dropoff boxes by groups such as Goodwill, Toys for Tots, Lions eyeglass collection program and various community recycling programs; community service activities, such as immunization clinics or other medical screening activities run by private or government agencies, drug enforcement agencies, and the Armed Forces; and the use of conference rooms for meetings and use of parking lots for driver training, skill rodeos for public safety organizations and as staging areas for groups assembling for bus or other trips.

In May of 1994, the Ohio UFCW Local 954 struck Meijer's four Toledo stores. Through the course of events that took place during the strike, Meijer prohibited the union from striking on their property. The union activity occurred in front of the doors to their stores and blocked the entry to the store.

After successfully obtaining restraining orders, union picketers were required to move to the public right-of-way. Prior to the strike settlement, the union filed unfair labor practice charges with the NLRB. They claimed that Meijer discriminated against the union by prohibiting access to Meijer property while allowing other organizations permission, charitable groups that were soliciting. In the union's charge, they specifically pointed to the Salvation Army and the VFW as examples.

Before the NLRB could complete its investigation to make a final decision, there was a settlement that was reached and the charges were dropped. As a result of this action, Meijer decided the only certain way to keep union picketers from their doors in the future was to bar all outside groups from access to their property—no more solicitation, no more charitable efforts, no more contributions to worthy causes. This was a difficult decision because Meijer had always striven to be a good corporate citizen and wholeheartedly supported the kinds of charitable activities described.

Example two: Wawa, Inc., based in Wawa, PA, owns and operates 550 convenience stores in New York, Pennsylvania, Delaware, Maryland, and Virginia. For years, unions have been trying to unionize their labor force and because of this, Wawa instituted a no-solicitation rule. Last year, Wawa had to turn down hundreds of worthwhile charities, including groups such as the American Veterans of Foreign Wars, because of this policy. Because of the events that took place on September 11, those tragic attacks upon our Nation, Wawa decided to open its doors to the American Red Cross to assist in the fundraising effort for the victims of the terror attacks in New York and in the Nation's Capital. To date, Wawa has raised over $2 million for this effort. By allowing Wawa to open its doors to several other charities, they would be able to raise funds for not only the American Red Cross but also the Girl Scouts, the American Veterans of Foreign Wars, and other worthy causes.

Convenience stores are on nearly every street corner and provide an easy and reliable dropoff point for charities. Convenience stores have nearly 1,000 customers a day and are able to reach out to thousands of individuals a week for their contributions. Wawa, because of the current NLRB ruling, is putting the future of the company in jeopardy. This amendment will provide them protection and provide greater resources for American charities.

When retailers do allow charities to set up shop outside their doors, they often have to do so with extreme caution to shield the company from unfair litigation. Such is the case for an Arkansas firm that I am very proud of, and that is Wal-Mart Inc., in Bentonville, AR, which does currently allow charitable organizations on their property. They are putting their neck on the line to do so. Because they believe in this, they are doing it. They understand it benefits the community. But we are asking them to remain vulnerable until we have an amendment such as this that would provide them protection.

The current NLRB solicitation rule has a profound impact on the neediest citizens of our country. These solicitation rules deny charitable and civic organizations the opportunity to raise hundreds of millions of dollars a year from retail customers.

The magnitude of this loss cannot be overstated. Charitable donations raised through Wal-Mart alone are over $127 million annually. Because many retailers are forced to deny access to everyone, there are now fewer hot meals for the hungry, fewer toys for poor children, and less clothing and shelter for the homeless.

This amendment is not meant to target unions. Unions are the largest contributors to the United Way. They are among the leaders in the country in charitable acts. The amendment simply recognizes private property rights. There is a distinction between what a union does in front of a store and what local charities and civic groups are there to do. They should not be treated the same.

This amendment permits retailers to support their communities' charitable and civic activities without requiring them to open their property to union activity which could, in fact, drive away customers or force themselves to face unfair or even frivolous litigation.

In light of the September 11 terrorist attacks, we need to do all we can to encourage charitable giving. I have heard from thousands of people since September 11 asking how they can help those directly affected by the terrorist attacks. By allowing retailers to open their doors to charitable groups, we make it possible for the American people to play an even greater role in this recovery effort.

I received a letter from the chief counsel at Wal-Mart, and I want to read part of what he said:

> Wal-Mart's solicitation policy provides charities with access to our stores and customers. Each year over $100 million is raised by local grass-roots charitable organizations in front of Wal-Mart Stores and Sam's Clubs. Other retailers have chosen to avoid a controversy over various forms of solicitation by simply adopting a no solicitation policy. It is vitally important that our country have a policy that allows retailers to work with local charities to better serve their communities.

Madam President, I ask unanimous consent that the Wal-Mart letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAL-MART,
THOMAS D. HYDE, EXECUTIVE VICE
PRESIDENT AND SENIOR CORPORATE
COUNSEL,
November 1, 2001.

Hon. DON NICKLES,
133 Hart Building, Washington, DC.

DEAR SENATOR NICKLES: We appreciate your support of legislation that encourages retailers to allow charitable solicitation at their stores. The Senate amendment you have proposed would enable retailers to open their doors to charitable organizations without being compelled to allow other forms of solicitation.

Wal-Mart's solicitation policy provides charities with access to our stores and customers. Each year over $100 million is raised by local grassroots charitable organizations in front of Wal-Mart Stores and Sam's Clubs. Other retailers have chosen to avoid a controversy over various forms of solicitation by simply adopting a no solicitation policy.

It is vitally important that our country have a policy that allows retailers to work with local charities to better serve their communities. We are grateful for your leadership on this issue.

Sincerely,

THOMAS D. HYDE.

Mr. HUTCHINSON. I also have a letter from the United States Chamber of Commerce, and I would like to read that into the RECORD.

I am writing on behalf of the U.S. Chamber of Commerce, the world's largest business federation representing over three million businesses and organizations of every size, sector and region, to express the Chamber's support for the Preserve Charitable Giving Act.

This bill will provide a much-needed change in the National Labor Relations Act so that it will no longer serve as an impediment to employers that wish to maintain and enforce a valid no-solicitation/no-distribution policy and also wish to allow charitable fund-raising or other beneficent acts on their premises.

We appreciate your sponsorship of S. 929 and encourage you to take appropriate steps to assure its prompt passage in the Senate.

My concern and the reason for this amendment is that retailers fearful of extensive litigation will likely err on the side of caution and not permit these acts of kindness and generosity to occur. In the end, it is the public that suffers. An approach that allows charitable solicitation as an exception to an otherwise valid no-solicitation/no-distribution rule is in the public interest and recognizes the valid distinctions between the kinds of activities engaged in by charitable groups and those of labor unions.

I ask my colleagues to untie the hands of retailers and consumers all across America that want to do all they can to help heal this country. Allow Americans to stretch out their arms to carry a coat, donate blood or reach into their pockets when they travel to their local retail or convenience store so they can help those who have been so deeply affected during this time of great need in our Nation's history.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I certainly applaud and support all retailers who have joined with charities to permit access to solicitation in light of the events of September 11 and those that were doing it prior to September 11. What my friend, the distinguished Senator from Arkansas, has said is that many retailers have adopted a blanket no-solicitation rule to avoid having to create a similar form for labor unions. In effect, that is what he said.

There has been an assertion made that this interferes with their ability to raise charitable donations. Yet his own materials, which certainly are available to anyone, show last year charities raised over $100 million at the storefronts of Wal-Mart and Sam's Club alone, just those stores.

That is great. I think that is very nice. But it seems to me the retailers, Wal-Mart and Sam's Club, have done very well without this amendment.

This amendment prohibits funds to the NLRB, the National Labor Relations Board, to enforce the laws and rules that require employers to provide access to all charitable and civic and labor organizations.

If the employer provides selective access, it is prohibited. For example, if Wal-Mart allows Girl Scouts to sell on the property, or they allow the United Way to distribute literature to Wal-Mart employees, technically, they have to allow labor unions to distribute their literature. That is what this amendment attempts to prevent.

Wal-Mart has been doing this; Sam's Club has been doing this. The NLRB takes this on a case-by-case basis. They are not looking for somebody to go after. There has to be some case made, and certainly there hasn't been one made of which I am aware.

The law prohibits selective access or discrimination in places of employment. That is clearly what it does. Even when discriminatory access is alleged, the National Labor Relations Board examines the facts of the case on a case-by-case basis. It has found in different cases in favor of both the employer and the union through the case-by-case method outlined in the National Labor Relations Act. The current process of permitting the NLRB to examine the facts is appropriate, and it is has worked. This has been in existence for many years.

There is no need for Congress to arbitrarily discriminate against labor unions. That is what this does. This amendment tips the scales in favor of the employers in labor-management disputes. That is simply wrong. This amendment presumes all union solicitations are directed at disrupting employers' businesses. That is not the case.

Labor unions are active participants in many charitable activities. We have seen them on Labor Day at a stoplight. They have the boots in which they ask drivers to put the money. The United Way does a lot of work, as well as many food drives and local community charities. Local firefighters, commercial food workers, and other union members are active in many charities and organizations. I applaud the retailers who joined with charities to permit access to solicitation in light of the events of September 11. That is very important.

Let's be clear: This amendment is not about increasing charitable giving but about discriminating against American workers. That is what it is.

The present system is working very well. This amendment is not needed to sustain or even increase these charitable efforts. Frankly, it is inappropriate to use the events of September 11 as an excuse to pass antiworker legislation. It is discriminatory. This amendment would essentially allow employers to be engaged in selective discrimination.

Current law allows retailers to support charitable and civic activities. This law prohibits discrimination. In this context, it prohibits discrimination against verbal communication and distribution of literature when companies grant access to outside groups to engage in communications or solicitations, including charities.

This basic principle of labor and employment law dates back to the 1930s. This has been going on for almost 70 years. We don't need to change it. In essence, a company cannot prohibit certain types of activities that it permits others to conduct based on race, sex, age, or, in this case, on workers trying to exercise their legal rights to organize a union, to register voters, or to encourage participation in civic activities.

The present system works. Worker organizations should be included in the list of those who legally can communicate within the rules established by retailers. If a group violates these rules, the National Labor Relations Board examines the case and determines if there is something that should be done. This is done on a factual, case-by-case basis.

I repeat: The present process has worked. This is an issue of fairness. This amendment promotes selective discrimination against workers. I urge my colleagues to oppose this amendment. It is simply wrong. Most important, it is unnecessary.

I appreciate the fact that Wal-Mart is based in Arkansas. I met with the representative of Wal-Mart the other day. They have a million employees—a million employees. They certainly don't need this to protect them. They are a very large corporate giant. They can protect themselves. The problem in America today is that we have a lot of corporate giants and we have very few people speaking out for workers. This law has been in effect for more than 70 years. We don't need to change it now.

I repeat, Wal-Mart has done very well. At Wal-Mart, Sam's Club, over $100 million in charities was raised within their doors last year. That is great. They should continue doing it the way they have and not have a program that would allow discrimination against workers.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I pick up on a point the distinguished majority whip made about Wal-Mart's great success in charitable giving. That is one thing on which we certainly agree. That is, that Wal-Mart has been enormously generous, giving last year over $100 million to charity.

The distinguished former majority leader of the Senate just visited the Senate, Senator Bob Dole. Senator Dole said: Tell 'em that Wal-Mart gave $17.5 million to the World War II memorial. And they did. And we are all immensely proud of that and everything else that Wal-Mart has done.

This is the reality: Wal-Mart has been generous. Their customers have been generous. And their employees have been generous at the risk of the future of the company.

To say it is working fine is not the case because the vulnerability that Wal-Mart faces, that Target faces, that every retailer faces, that every convenience store faces—somewhere along the line, a labor union may decide to put pickets out in front, and as the customers try to go in the door, they will get the message: This company, we don't like.

That company is going to then face the choice, Do we want to continue to allow solicitations for charities or are we going to have to adopt an absolute "no solicitation" policy that will exclude good charities? Right now, we are being forced by a misunderstanding, a misinterpretation of the National Labor Relations Act, to allow these pickets in front of our door.

I don't think it is reasonable to expect that generous companies with generous employees and generous management should have to subject themselves to that in order to do the right thing. That is what we are asking them to do now. That is wrong.

This has nothing to do with saying we are anti-union; it has everything to do with saying you don't treat a union activity in front of a store the same as you treat a Salvation Army bell ringer at Christmastime in front of that store. That is the issue. Let's unlock that generous spirit of America.

We should not require the same kind of treatment for a labor union and a charitable organization soliciting in front of a retail establishment. It is not the same. I think we all realize it is not the same. That is all this amendment does.

For a year, in the wake of the September 11 attack and the incredible need our Nation has, let's not make it more difficult for the American people to give and give and give, as they so generously want to do.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I acknowledge the great work the Salvation Army does. Bell ringing time is fast approaching. I hope we are not here when they are ringing their bells.

Anything that happens now under the present rules and laws with the NLRB does not prevent a single Salvation Army person from taking their bucket and ringing a bell. I know of not a single case that the NLRB has brought against an establishment for having Salvation Army people collecting money there—none. This is a guise, in my opinion, to keep unions out of these places.

Maybe somebody wants to try to organize Wal-Mart. I don't know of anyone who does. Maybe they do. The Salvation Army is entitled to fairness. But so are workers.

We do not need to pick on Wal-Mart. We have talked about Wal-Mart. Of course this applies to businesses other than Wal-Mart. These businesses should be treated no differently tomorrow than they are today.

I think it is totally appropriate that we look; if someone is abusing what they are doing with charitable donations, then the NLRB can take a look at it. But there are no cases where that has happened. This is only an effort to inflict further punishment on the organized labor movement in this country. No one wanted to prevent, either prior to September 11 or after September 11, charitable organizations from being charitable or collecting money.

I understand the intentions of my good friend from Arkansas, but I believe this amendment would do far more harm than it would do good.

I am sorry I didn't make my notes more legible, even to me. But this does not affect picketing, only literature and donations. This has nothing to do with picketing.

I hope all Members will recognize this amendment as one of simple fairness—leave things the way they have been for 70 years. I know of no abuses that have taken place. The NLRB, in Republican administrations and Democratic administrations, has approached this on a case-by-case basis. What are the facts in the particular case? As far as I am concerned, they have been pretty fair for 70 years.

Madam President, how much time does the Senator from Arkansas and the Senator from Nevada have?

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes remaining. The Senator from Nevada has 10 minutes.

The Senator from Arkansas.

Mr. HUTCHINSON. Madam President, the Senator raises some questions. He says there is no problem. So perhaps this letter from a retailer I mentioned earlier, the Meijer Company, which is headquartered in a wonderful State, in Grand Rapids, MI, answers that. Do we have a problem? I think they make it very clear in this correspondence we just received:

> As a mid-west based retailer, we care deeply about the communities we serve. As a corporate citizen, we want them to grow and thrive. That is why we are pleased to contribute to so many local programs.
>
> However, since 1994, we have been prevented from providing certain support to charitable and civic organizations due to language contained in the National Labor Relations Act. The language stipulated that if we provided access to our property to outside groups, then we would also be required to provide access to union organizations for the purposes of organizing, solicitation, distribution, picketing or other union purposes. Clearly, we believe there to be a difference between charitable and civic groups, and union activity.
>
> Additionally, while Americans have generously responded to our national crises, we are beginning to learn how local and state-based charities are beginning to suffer. We believe that your amendment is well suited for this present time, and will permit us to work with such worthy causes.

This is very simple. The issue is simple and clear. Should union activity, including picketing, be treated the same as the Salvation Army bell ringer, the VFW, or the Salvation Army and other good groups soliciting for good causes? Should community-based charities be prohibited from soliciting funds in front of a retailer if that retailer would like them to, simply because of a decision by the National Labor Relations Board that says if they do one, they have to allow picketing and distribution of union material in front of that store? That is the issue.

Clearly, they should not be treated the same. They are totally different causes. Retailers, while having great incentive to help charities, are not going to have an incentive to do something that is going to impede their own businesses. We should make that distinction, and this amendment would allow that for this year in this appropriations bill, and would allow for this year—a year clearly that our Nation is in crisis—to encourage that kind of charitable activity on the part of our Nation's retailers.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged equally to both sides.

Mr. REID. Madam President, I have spoken to the Senator from Arkansas, and he is going to yield back his time.

I will yield back my time. There are a number of Members in the Chamber. We can start the vote. I yield my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—40

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith (NH)
Thomas
Thompson
Thurmond
Warner

NAYS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—1

Sessions

The amendment (No. 2074) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Gramm second-degree amendment No. 2055.

Mr. REID. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CAMPBELL. Yes.

Mr. REID. Mr. President, I appreciate the courtesy of my friend from Colorado.

UNANIMOUS CONSENT AGREEMENT—H.R. 2590 AND H.R. 2311

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the conference report accompanying H.R. 2590, the Treasury-Postal appropriations bill; that there be a time limitation of 6 minutes for debate with respect to the report, with the time divided as follows: 3 minutes for the chairman and 3 minutes for the ranking member; that upon the use or yielding back of all time, the conference report be laid aside and the Senate then proceed to consideration of the conference report to accompany H.R. 2311, the energy and water appropriations bill; that there be 60 minutes for debate, with the time controlled as follows: 10 minutes each for the chair and ranking member of the subcommittee, Senators STABENOW and BURNS, and 20 minutes under the control of Senator MCCAIN; that upon the use or yielding back of the time, the Senate proceed to vote on adoption of the conference report to accompany H.R. 2311, the energy and water bill, to be followed by a vote on adoption of the conference report to accompany H.R. 2590, the Treasury-Postal bill, with no further intervening action, and that these votes occur at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator from Colorado needs more time, please let us know.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to the respective Houses this report, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Friday, October 26, 2001.)

Mr. DORGAN. Mr. President, I want to take this opportunity to talk about the conference report we have now completed with the House of Representatives. It has been a delight and pleasure to work with Senator CAMPBELL. I very much appreciate his work and the work of Patricia Raymond and Lula Edwards, and my staff: Chip Walgren and Matt King and Nicole Rutberg. They have been exceedingly helpful in putting together a very substantial conference report on a lot of subjects.

Let me describe some of these issues. Some bills we consider when we have the conference report in front of the Senate consist primarily of salaries and expenses for a number of agencies in the Federal Government. About 40 percent of the Federal law enforcement functions are funded in this appropriations bill: The Customs Service; the Bureau of Alcohol, Tobacco, and Firearms; the Secret Service; the Financial Crimes Enforcement Network; and other law enforcement agencies, including the IRS criminal investigation division, as well as the Postal Inspection Service, which a lot of people don't think much about—they don't spend a lot of time thinking about it, but especially in recent weeks they played an important role in law enforcement in our Federal Government.

These agencies work tirelessly, often below the radar, and work to ensure our Nation's safety. We appreciate the work they do. We had to work under certain fiscal constraints in this subcommittee, as we do in all the appropriations subcommittees. This conference report represents a compromise on a good number of issues. Let me mention a couple of things on which we worked and in which I especially was interested.

We added in this conference report $28.1 million for a new Senate-initiated northern border initiative to hire additional Customs Service inspectors, special agents, and canine teams to enforce trade laws at our borders. In light of the tragic events of September 11, that is merely a downpayment on a much larger requirement on the northern border. It is quite clear this country will not achieve the kind of security it wants and needs unless it is able to provide for secure borders. That doesn't mean shutting off our borders, walling up our borders. It simply means providing security on our borders in order to allow those who are guests of this country to come in, in order to allow freight and commerce to move back and forth across the borders but at the same time have the capability to prevent those who are terrorists, known or suspected terrorists, from coming into this country.

The northern border has been like Swiss cheese in terms of enforcement. We have spent a great deal of time and effort moving resources, inspectors, and agents to the southern border. For many years, we have been worried about immigration and drugs coming across the southern border into this country. We have spent very little time, unfortunately, on the northern border. There are 128 border crossings, 24 of which are full time, 24-hour crossings, many of which on this 4,000-mile northern border are simply a crossing where people are able to come across the U.S.-Canadian border; then at 10 o'clock at night, when the border crossing closes, they put an orange security cone out and that becomes the security gate for the next 8 hours. But a cone cannot talk, walk, shoot, or tell a terrorist from a tow truck. It is not secure. We must do something to provide for secure borders at all of the country's borders, including the northern borders.

To those who say there is not much activity on the northern border, they are correct. But at Port Angeles, a port on the northern border, some while ago a terrorist was apprehended. That terrorist was the so-called millennium bomber who would have caused substantial explosives and bombs to be unleashed at the turn of the millennium and would have undoubtedly killed many American citizens. Good border work by Customs agents and others at Port Angeles averted that terrorist attack. We did add money for northern border initiatives to hire Customs Service inspectors, agents, and canine teams. That is a step in the right direction.

I have also included money in this appropriations bill, $10 million, for the Customs Service to add to their ability to combat child labor laws and combat the child labor practices that occur around the world. What we are very concerned about is in some parts of the world there are people who use young children in virtually forced labor situations to produce their products, and they ship those products to this country to be put on the shelves of our stores in Pittsburgh and Los Angeles and Phoenix and Fargo. But that is not fair trade. Nor is it what we want to happen to children of the world. We do not want forced labor with children being exploited. We don't want the products of forced labor and child labor to be sent to the store shelves in our country. So the investigation of forced child labor in much of the world is something to which we need to pay a great deal of attention. I added $10 million for the Customs Service for that purpose.

If I might in a graphic way describe one set of circumstances that was described to us in a hearing some while ago on these issues, they talked about young children, 8, 10, 12 years old making carpets in forced labor situations in some parts of the world. In the process of making carpets, at least according to some testimony, some firms were taking these young children, using gunpowder on the tips of their fingers, and lighting the gunpowder to cause it to explode. That explosion and the resulting burns and scarring on the tips of children's fingers meant those children, when they would stick themselves with needles as they made the rugs, would have no pain because their fingertips were full of scars.

That is the sort of thing that is going on around the world and it is the sort of thing we need to find a way to stop. One way to stop it is not allow the product of that kind of forced child labor and inhumane treatment to come into this country. That is why I put an additional $10 million in this conference report to combat this situation.

Another small amount of money that we have included in this conference report, I included it on the Senate side, is $500,000 designed to deal with an issue that caused me great concern with respect to the Internal Revenue Service. The Internal Revenue Service had an inspection by the inspector general of its taxpayer assistance program. The inspector general created questions that were to be asked of the Internal Revenue Service taxpayer assistance areas and sent Federal employees around with these questions to get help from the IRS. Guess what. They went all over the country to many locations to get help from the IRS. They found that 72 percent of the time the Internal Revenue Service gave them either the wrong answer, incomplete, or no answers to the questions they had about how to fulfill their tax responsibilities. Just imagine that 72 percent of the time the questions asked of tax experts elicited the wrong answers.

I read the inspector general's report and was so incensed by it I called the Internal Revenue Service Commissioner and I said: I know you are relatively new on the job and trying to do things differently; I deeply admire your work. But I want to tell you what I want to do. I want to have the inspector general do this same thing over and over again. They are going to do it once every second month. They will give six reports to Congress. I want to see improvement in those six reports.

It is unforgivable that people who show up at the IRS asking for tax help get the wrong answer or no answer or an incomplete answer 72 percent of the time. If the Internal Revenue Service can't do it, how on Earth can you expect the American people to comply with their tax responsibilities?

We are going to get six reports in the next 12 months. I intend to come to the Chamber every time we get a report and disclose where there is progress with respect to providing answers and taxpayer assistance to the American people.

It is a small issue in this bill. It is not a great deal of money; but it is a big issue for me. We cannot have a tax system for which you do not have taxpayer assistance. I want to put the "service" back in the words "Internal Revenue Service." I want the American people to know where they can get answers, and get the right answers.

Let me mention a couple of additional issues. We direct the General Services Administration, GSA, to initiate a pilot project to site what are called automatic external defibrillators, AEDs. If anyone has seen them, they look a little like a briefcase, not much bigger than a briefcase. We would put them in Federal buildings on a pilot project and provide training in their use to more effectively save lives.

The defibrillators are to be used when someone suffers a cardiac arrest. Virtually anyone can use these defibrillators. I was at a demonstration where they showed how to use a defibrillator. Defibrillators are briefcase-sized, relatively inexpensive, and they save lives. They do it every day all across this country, and we ought to have them in every Federal building. We asked the GSA to do a pilot project that will save lives as we begin to put these in all Federal buildings.

I mentioned several items that are in the conference report that we will ultimately consider. We fund the President's request of $180 million in continued funding for the Office of National Drug Control Policy's Youth Antidrug Media Campaign, which has been ongoing now for some years. We add $20 million to the High Intensity Drug Trafficking Area Program, for a total of $226 million. We add $10 million to the Drug Free Communities Act, for a total of $50.6 million.

I am not going to go down the list with all these issues. I will have some printed in the RECORD.

This is a good report. Senator CAMPBELL and I and our colleagues on the House side worked hard to reach a compromise that makes sense.

I want to make a special point of an item that is not in this conference report that really should be. It deals with an issue I have been concerned with for a while. I will explain why it is not in the conference report. It is the issue of travel in Cuba.

That sounds like a strange subject for an appropriations bill. We have had, as you know, a 40-year embargo with respect to the country of Cuba, an embargo on trade and travel. It has been my belief for some long while that it is not a moral policy for our country to use food and medicine as a weapon and we ought not include that in any embargo.

At the very least, we ought to say the embargo against Cuba, which in my judgment has been a failure now for four decades—Fidel Castro has outlived all of those Presidents—clearly is a failure. But at the very least, we ought not continue to use food as a weapon. We ought to be able to send food and medicine to Cuba or sell food and medicine to Cuba. The Canadians and Europeans can. Everyone else can. We cannot. I have been pushing to change that.

We have been successful twice in the Senate by a vote of 70 votes in favor of changing it. In three separate cases we have been tripped by the House of Representatives, whose leaders in the first instance actually just adjourned the conference and never came back together because they would have lost the vote if they had taken the vote, and that is the way they hijacked this policy. In the second and the third year that we had some progress on this issue, they changed the language so in fact they said you could sell food to Cuba but in fact you could not. You could not even get private financing in this country to sell food to Cuba. That is how absurd it was, despite the fact that they boasted of the progress.

In addition to that, last year they decided not only will we say you can sell food to Cuba but you cannot do it even with private financing, which is a byzantine bit of logic in my judgment, but we will also codify the regulations which restrict travel in Cuba. They were previously by regulation made effective. Now we will codify them, which actually tightens them. In fact, it was moving backward rather than forward with respect to our policy.

That is a long way of describing something that happened that some months ago I thought was totally absurd. I read in the paper that the U.S. Treasury Department began levying fines against the American people for traveling in Cuba. I admit that current law prohibits travel in Cuba.

Let me describe to you a fine, because I talked to this woman. She is a woman from Illinois. I will just describe one.

A retired woman from the State of Illinois responded to an advertisement in a cycling magazine that a Canadian cycling group was taking a bicycle tour of Cuba. She thought, well, that sounded like fun. She sent a coupon, signed up, went to Cuba, and bicycled for 8 days in Cuba with a bicycle tour group out of Canada.

Eighteen months later, this retired American citizen from Illinois received a fine from the United States Treasury Department of $9,600 for traveling in Cuba.

Where did that come from? The Office of Foreign Asset Control—OFAC, at the Treasury Department. OFAC is supposed to be chasing terrorists. In early August of this year, well before September 11—in early August of this year, I wrote to the Treasury Department to say, in effect: How dare you spend your time and resources chasing a little old retired lady from Illinois.

I can describe others as well. The fines ranged from $9,500 to $55,000 for those who traveled in Cuba. How dare you spend your time doing that when we expect you to be using these resources to track terrorists and track the money laundering and money movement to apprehend terrorists.

Of course, a month later we discovered what terrorists mean to this country and the tragic consequences of terrorist acts that are committed in this country.

This conference report I had hoped would deal with something that the House of Representatives put in their bill. They said no money shall be expended by the Treasury Department for enforcing the travel ban with respect to the country of Cuba. I went to conference with the House of Representatives, intending to recede to the House provision. But before I could do that, the House conferees decided to abandon their own position. So I could not recede to the position they no longer held.

It only describes once again that no matter what the circumstances are on the issue of policy with respect to Cuba, the absurd proposition that this country ought to use food and drugs as a weapon, yes, even with Cuba in the pursuit of this foolish embargo that has been a 40-year failure—the absurd proposition that we ought to have the Treasury Department chasing retired schoolteachers from Illinois who join a bicycle tour of Cuba and slap a $9,600 fine on them 18 months after they join a Canadian bicycle tour and bike ride 8 days in Cuba—the absurdity of that just leaves me almost speechless. Yet in the Department of the Treasury, in an office called OFAC, Office of Foreign Asset Control, they are spending money tracking people who might have traveled to Cuba.

I called and talked to the lady from Illinois. She had no idea she was violating the law. What she was doing was riding a bicycle.

She was retired and wanted to take a bicycle trip. And she did, with a Canadian cycling company, and then was slapped with a fine of $9,600.

I didn't mean to go on at great length about it, except to say this subcommittee bill from both the House and Senate should have contained language straightening out both of these issues. One is the absurd proposition that we continue to use food and drugs as a weapon, which in my judgment is not a moral policy. It doesn't matter what country it is directed at; food ought not be used as a weapon.

Second, we ought not fine American citizens because of restrictions on travel, as has been enforced here with respect to Cuba. They can travel in China. They can travel in North Korea. They can travel in every part of the world, except somehow, if they join a bicycle tour of Cuba, something awful is going to happen to them. That is not the best of what America has to offer in terms of foreign policy or public policy.

As I indicated when I started, this conference report will, I believe, be called up in a bit. I expect my colleague, Senator CAMPBELL, to come to the floor. He has a few things to say. I think following that, whenever it is ready, it is going to require a recorded vote because it did not have a recorded vote when it left the Senate. As is the case with most of these appropriations bills, it has a recorded vote when it leaves this body, and we have a recorded vote on the conference report. In this case, this conference report is going to require a recorded vote this afternoon.

I encourage my colleagues to be supportive of it. I think it is a good compromise. It makes good, and it is an important investment, especially in the area of law enforcement. Forty percent of law enforcement in the Federal Government is funded in this particular appropriations conference.

I want to make one other point.

I want to say to all of those who are involved in Federal law enforcement—not just Federal law enforcement, but these comments apply to everyone in this country who spends time enforcing our Nation's laws, especially now with respect to terrorist acts—that this country is enormously proud of the dedication and commitment of law enforcement men and women all across this country.

I walk in the front door of this Capitol in the morning, and I see law enforcement people standing there. I stop to talk to them. I understand they have been working in most cases 12 hours a day 6 days a week. And they have been doing that now for 2 months. There is no end in sight. It is not just these folks who work with us—the wonderful men and women in the Capitol Police Force.

My colleague from Illinois is on the floor. I think he has the suggestion and idea about a more formal thank you, saying to them that we are really proud of what they do: What you do is critically important. And we ought to do that every day in every way.

Again, it is not just them; it is the law enforcement components of the Secret Service, the Customs Service, postal inspectors, and so many other areas of the Federal Government who are also working 12 hours a day 6 days a week at this point.

I think it is important as we consider this conference report on behalf of the Congress to say to them: Your commitment and your service to our country is not unnoticed. We deeply appreciate what you do for America during very difficult times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I rise in support of the Treasury-general government conference report that Chairman DORGAN has brought to this body for final passage. I thank him, once again, for the successful completion of the fiscal year 2002 appropriations process. Let me briefly mention some of the important parts of this bill.

We are probably a month or more late in getting to the floor this conference report. But we have worked very hard on it. This bill provides much-needed resources for the law enforcement agencies under the jurisdiction of the Department of the Treasury.

We have been able to provide $300 million for the Customs' ACE computer project. While this is more than twice the amount requested, it is still not enough to keep this program on the original schedule.

The House agreed to provide an additional $20 million for the HIDTA Program—High Intensity Drug Trafficking Area Program—which has been so successful. However, we were unable to maintain any specific earmarks which were in the Senate bill. As a result, all the HIDTA programs must provide the necessary justifications for additional funding before growing or opening new ones.

The conferees provided $180 million for the antidrug media campaign, as Senator DORGAN mentioned, which includes $5 million to target the new drug of choice with some of our young people, unfortunately, called ecstasy. We were also able to fully fund grants for the Gang Resistance Education and Training Program, commonly called the GREAT Program.

While we were not able to grant all of our Members' requests, I think we came very close to it. There is a 4.6-percent general salary adjustment for Federal employees starting in January of 2002, and we provided the agencies under our jurisdiction with the funding necessary for this additional 1-percent salary adjustment.

Funds have been provided for courthouse construction, site acquisition, and design projects, as well as needed repairs and alterations. Plus we were able to provide funds for a much-needed National Archives southeastern regional facility, which will be of value to constituents of several of our colleagues.

This is a good bill, and I urge colleagues to vote for it on final passage.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for the conference report to H.R. 2590, the Treasury and General Government Appropriations Act for Fiscal Year 2002.

The conference report provides $17.069 billion in discretionary budget authority, which will result in new outlays in 2002 of $12.601 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $16.256 billion in 2002. The conference report is within the subcommittee's section 302(b) allocation for budget authority and outlays. It does not include any emergency designations.

We are already 1 month into the new fiscal year and the Senate is just now considering its third appropriations conference report. Ten more remain. It is important, therefore, that the Senate pass this report, which provides important resources to the Department of the Treasury, including its law enforcement bureaus, as well as to the Postal Service, General Services Administration, Office of Personnel Management and other agencies, as quickly as possible. I commend Senators DORGAN and CAMPBELL for their bipartisan work on this bill and urge the Congress to expeditiously complete the remaining 10 bills to prevent any disruptions for Federal agencies or for the American public that depends on their programs and services.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2590, CONFERENCE REPORT TO THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS-CONFERENCE REPORT

[In millions of dollars]

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	17,069	15,478	32,547
Outlays	16,256	15,475	31,731
Senate 302(b) allocation:[1]			
Budget Authority	17,069	15,478	32,547
Outlays	16,256	15,475	31,731
President's request:			
Budget Authority	16,614	15,478	32,092
Outlays	15,974	15,475	31,449
House-passed:			
Budget Authority	17,022	15,478	32,500
Outlays	16,261	15,475	31,736
Senate-passed:			
Budget Authority	17,118	15,478	32,596
Outlays	16,182	15,475	31,657
CONFERENCE REPORT COMPARED TO:			
Senate 302(b) allocation:[1]			
Budget Authority	0	0	0
Outlays	0	0	0
President's request:			
Budget Authority	455	0	455
Outlays	282	0	282
House-passed:			
Budget Authority	47	0	47
Outlays	-5	0	-5
Senate-passed:			
Budget Authority	-49	0	-49
Outlays	74	0	74

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. McCAIN. Mr. President, I thank the conferees of this bill for their hard work in completing the conference report for this legislation. The report provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in another conference report.

This conference report spends at a level 6.3 percent higher than the level enacted in fiscal year 2001. In real dollars, this is $458 million in additional spending above the amount requested by the President, and a $1.9 billion increase in spending from last year. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified $217 million in earmarks, which is less than the cost of the earmarks in the bill passed last year, which totaled $356 million. Therefore, I applaud the efforts of the conferees in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Treasury, some examples of earmarks include: $2,000,000 as a grant to Florida International University for transfer pricing research; $3,500,000 for retrofitting and upgrades of the National Center Tracing Center Facility in Martinsburg, West Virginia; and $750,000 for the Center for Agriculture Policy and Trade Studies located at North Dakota State University.

Under funding for the General Government, some of the earmarks include: $1,000,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; $3,000,000 to help purchase land and facilitate the moving of the Odd Fellows Hall to provide for construction of a new courthouse in Salt Lake City, Utah; and $1,700,000 for a grant to the Oklahoma Centennial Commission.

There are more projects on the list that I have compiled, which will be available on my Senate Website.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

The PRESIDING OFFICER. Who yields time?

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield back the time on the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. All time is yielded back.

TANF SUPPLEMENTAL GRANTS

Mr. DASCHLE. Mr. President, I would like to enter into a colloquy at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Chair.

Mrs. HUTCHISON. I thank the Chair, and I thank the distinguished majority leader.

Mr. President, I seek recognition to ask the majority leader to commit to working with me on an issue that is very important to many States, and it is important to the high-growth States that also have very tough problems in meeting their welfare needs, States such as Texas, Alabama, Alaska, Arizona, Colorado, Florida, and Georgia.

Many States in the welfare bill were trying to gear up to change their welfare programs. As you know, the welfare reform bill was a 5-year bill, but the temporary assistance for the supplemental grants for high-growth States was only authorized for 4 years.

The Finance Committee yesterday marked up and passed out the 1-year extension that would match the welfare bill to help these States.

The budget resolution that we passed accommodated the cost of this added 1-year authorization. I am bringing it up because I wanted to offer it as an amendment on the Labor-HHS appropriations bill, but it was considered legislation. The Finance Committee has acted, and in one of those process things, I just wanted to make sure that we did not get lost in the shuffle because my State is certainly counting on it, and Florida is counting on it.

It will make a huge budget deficit for many of these States if we do not authorize and appropriate this last year of the supplemental request for the welfare reform bill.

My purpose in bringing this up is to say I will not offer my amendment on the Labor-HHS bill, but I did want to get the commitment from the majority leader that we will work to fix this technical error before we go out of session so that the States that have already budgeted, thinking this money was coming, will have the benefit of this expenditure.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I appreciate the concern and the cooperation of the Senator from Texas. She has been a very strong advocate for her State in this regard. I completely appreciate the situation in which she finds herself in this effort.

TANF supplemental payments need to be extended for 1 more year. There shouldn't be any question about that.

The Graham bill to extend these payments, as she noted, was marked up in the Finance Committee today. I understand there is a bipartisan commitment to move that bill through the Senate and have it enacted into law. I assure her I will do everything I can to accommodate that bill and to see that we are successful in getting it done before the end of this session of Congress.

Mrs. HUTCHISON. Mr. President, I very much appreciate the majority leader coming to the floor to give this assurance because as we are dividing the money in the last appropriations bills—I know the majority leader has some priorities—I want to make sure this is also a priority. It affects so many States that have been impacted by the large number of needy families because they are higher growth than the original welfare formula was able to accommodate.

I do thank the majority leader. I look forward to working with him in every way I can. I am glad he mentioned the Senator from Florida, Mr. GRAHAM, who sponsored the bill in the Finance Committee. It is very important to our two States that we accomplish this before the end of the year. I certainly know, with the majority leader's support, we will be able to do that.

I thank the Chair. I yield the floor.

Mr. DASCHLE. Mr. President, I thank the Senator from Texas again for her cooperation and look forward to working with her in the weeks ahead.

I yield the floor.

Mr. GRAHAM. Mr. President, I am proud to be here with my partner, Senator HUTCHISON and the Senate majority leader to join in this important discussion. Just a few hours ago, the Finance Committee reported out the TANF Supplemental Grants Act of 2001. This bill is critical to the ability of 17 States to help their most vulnerable citizens move from welfare to work.

If this bill is not passed into law, several states will be forced to scale back their welfare reform efforts, which have shifted in recent years to include support services for low-income working families and efforts to address the multiple barriers to employment that face a substantial share of the families that remain on welfare. In these difficult economic times, States will require all available resources to provide cash assistance and work support services to low income families who have been displaced from their jobs. Our bill will give these States the tools necessary to do just that.

I thank Senator HUTCHISON for her leadership on this issue, Senators BAUCUS and GRASSLEY for making a commitment to the passage of this bill by reporting it out of committee today, and Senator DASCHLE for his dedication to ensuring the bill's passage into law this year.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for fiscal year ending September 30, 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 30, 2001.)

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2311.

Mr. REID. Mr. President, I am entitled 10 minutes under the unanimous consent agreement, as is the Senator from New Mexico, Mr. DOMENICI, the two managers of this appropriations conference report. I am not going to take that time.

When the bill came before the Senate, it passed overwhelmingly. I believe it was 92–2. Two people voted against it. By the time we got to conference, there were two or three open items. We settled those in one evening.

It is a good bill. As with all pieces of legislation, it is probably imperfect, but it is the best we can do.

I see my friend from Montana in the Chamber. There is a provision in the bill about which he and I have spoken dealing with drilling for oil in New York near the Finger Lakes. The Senator is absolutely right that the matter in our bill is under the jurisdiction of the Interior Appropriations Subcommittee and not within the jurisdiction of matters of the Energy and Water Appropriations Subcommittee. That was done in this Chamber.

Certainly, we did not try to hide anything. It was in the bill before it went to conference.

It is for 1 year. Originally the amendment given to us would have done it permanently. It is basically for 1 year during the appropriations cycle.

So I say to my friend from Montana publicly, as I said privately, I am sorry he was not aware of this. It certainly was nothing that was done by either

Senator DOMENICI or me. We would be happy to work with him next year if there is a problem in this regard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, in responding to the Democratic whip's remarks, I brought this to his attention this afternoon as it was brought to my attention. Section 316 of the Senate bill that was included in the conference agreement with a slight modification says as to prohibition of oil and gas drilling in the Finger Lakes National Forest of New York: no Federal permit or lease shall be issued for oil or gas drilling in Finger Lakes National Forest of New York during fiscal year 2002.

Basically, that is legislating on an appropriations bill. It was put into a managers' package and, of course, with the jurisdiction being over in Interior appropriations, if any action was taken at all. Now, this rider blocks, without further consideration, oil and gas permits within that national forest. It looks like not only a jurisdictional issue, and I respect the desire of the Senators from New York to work on issues in their State, but in this time of an economic downturn and trying to make some sense of an energy policy in this country, it seems ludicrous to me that a nongermane amendment would be allowed on this legislation, especially in a time when we are trying to find energy for this country and wean us off this foreign dependence on oil.

It is especially questionable to allow a rider at this time when New York is searching for economic opportunities, asking the Congress to provide thousands and millions and billions of dollars in their time of need, and yet take away from the State an economic base, a base from which to grow. It makes no sense to me at all, especially when there is the potential for jobs and economic growth and then that is taken away sort of in a dark-of-the-night rider.

I do not presume to change Medicare policy in an Interior bill. I do not attempt to change the nuclear storage policy on an Interior bill because the jurisdiction lies elsewhere. From my position on the Interior Subcommittee, I would like to consult with the leadership of the Energy and Water Subcommittee, the Bureau of Reclamation or the Department of Energy on issues where we have overlapping jurisdiction. And we do. We exchange that information freely.

Now I realize it is too late to change this in this conference report, and I want to pass this conference report with basically the chairman of that subcommittee on the Appropriations Committee.

The chairman and the ranking member have done a great job of putting together this bill. I support it wholeheartedly. I thank them for all they put into this, especially those relating to the State of Montana.

The inclusion of section 316 is an exception rather than the rule. I expect in the future we will have closer consultation on the matters that cross subcommittee jurisdiction. I also believe the fate of 316 may change as soon as we have better information as to its actual impact on oil and gas operations.

I would think the Senators contemplating their economic base in their State would know this is ill-advised at this time.

Again, I applaud the managers of this legislation and wholeheartedly support it, with the exception of this.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could get the attention of my friend from New Mexico, Senator DOMENICI, I say to him we worked very hard Wednesday night to complete this conference report. I want to compliment the Senator because I have just briefly been chairman of this subcommittee but, as I said at that conference, the way we have worked together, it really does not matter who is chairman and who is the ranking member. We understand the jurisdiction in the subcommittee and have worked closely together for many years.

I would like to send a message to this administration, and I say "this administration" because it does not matter who we have in the White House. It seems whether it is a Democrat or Republican, we get treated the same. I am speaking about the Corps of Engineers. The Corps is always underfunded, recognizing that we in Congress will bail them out.

It reminds me of when I was chairman of the Military Construction Subcommittee. They did the same with the Guard and Reserve units at home. The administration simply would not fund those appropriately. As a result, Congress had to come every year and bail out the administration. That is what we have done in this bill. We have bailed out the administration, just as we did the 8 years that Clinton was President and the 4 years before that when Bush was President. I do not know why they do not recognize the importance of the Corps of Engineers.

I say to my friend, the distinguished Senator from New Mexico, the Corps has been a salvation to the State of Nevada, not only in rural Nevada but in urban Nevada. Las Vegas could not have the growth it has but for the Corps of Engineers, which has been magnificent in projects to stop flooding and flood control projects.

So I say to my friend, I hope somehow we can get the message to this administration that they should look at what the Corps does, and maybe this administration will do the right thing and set an example for other administrations to follow because, as I say for the second time, I am not going after President George Bush and his administration. I am going after all administrations for how they neglect and ignore the Corps of Engineers and, frankly, the Bureau of Reclamation which does such good things for our country.

Will the Senator from New Mexico agree with my statement?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I say to my friend, the chairman of the subcommittee, the Senator from Nevada, I believe we have a very good bill. When one has water projects that everybody in the country believes they need, they are Members of the Senate and House and they indicate that there is a flood protection project, it meets the standard that the Corps has set up, and that means they are going to pay their portion of it required by law, and it fits every standard. It is pretty difficult for us to say we are not going to do it this year because, once again, the administration has underfunded water projects—that is, the Corps of Engineers—and so the request is going to have to be taken somewhere else. There is no somewhere else. If there is a major flood protection project, it meets the standards in terms of cost-benefit. Clearly, we have to ask the U.S. Government, as part of its Corps of Engineers, to work to fund it. There is a split in the cost. The local unit has to pay its share.

The Senator asked a good question. I can answer it because I was chairman of this subcommittee for almost 6½ years, and the Senator from Nevada was ranking member. We saw a number of budgets. We only saw one budget from President Bush. The remaining were from Bill Clinton. Never in any year in my 6½ years or the Senator who is wrapping up his first year—never have we had a realistic assessment of the Corps of Engineers' work to be done, needed in these United States for various water projects. It started back perhaps as far as President Ronald Reagan, perhaps as far back as Richard Nixon.

Think how difficult water projects were. The OMB, which is the technical group that puts together a budget, always finds it easy to recommend to a President a reduction, a cut, or not enough money for the Corps of Engineers to do its work. The Office of Management and Budget is not interested in water projects or flood protection as a major endeavor of the United States. They think it is secondary. They go through their work and are delighted they are meeting a budget that reduces expenditures. An easy item for them to cut includes water projects and the Corps of Engineers. That will save a lot of money.

They find in Congress a Senator, a Representative, or a Governor who has requests of the subcommittee and looks seriously at a project not taken care of in that process I just described. That happens every year. Every year we find very good projects, needed by the local community, which fit the Corps of Engineers' requirements already evaluated in terms of the cost-benefit ratio. If it does not have a good cost-benefit ratio, we are not supposed to pay for it. Even if it does, somebody decides anyway they will not do it. That usually is the Office of Management and Budget representing the President.

We now have a good bill. We had to go over the President and the Corps of Engineers, but most Members of Congress think this is a good deal. The Corps, in my opinion, continues to be maligned regardless of how well it does its work. Somebody on some issue puts forth facts and somebody decides it is time to attack the Corps of Engineers.

I have been here long enough to see a cycle. In part of my Senate life, the Corps of Engineers was valued; it was very important. The recommendations they made were good and everybody knew they were technically sound. Then we had a cycle when the White House was joined by Senators and Representatives and the Corps of Engineers was to be maligned: It was not a very good institution of our Government. There are still people who do not want the projects to be built, who think the Corps of Engineers is not good. Very few will say their projects are not well done, well defined and well engineered.

The White House, one after another, continued to propose reductions. We get blamed for spending too much because they did not spend enough. When we do the responsible thing and add funding, we are spending too much on water projects or funding your favorite or my favorite or some Senator's favorite water project.

The balance in this bill is pretty good. In the future, water projects will go up, not down. That is how I see it. I hope we can complete our bill and have a vote tonight. It is a good bill.

I am pleased to join Chairman REID to present the conference report for the fiscal year 2002 energy and water appropriations before the Senate today. This has been a tough process and I want to thank all of the members involved for their patience in working through the issues.

Chairman REID has done a good job under very difficult circumstances to put together a fair agreement that accommodates, to the extent possible, all of the competing desires. The situation was particularly difficult for the Senate, as the conference allocation for defense funding was $550 million below the Senate passed bill.

Despite the difficulties involved, we were still able to put together a conference agreement that funds nuclear weapons stockpile stewardship at $5.7 billion. Although that is a $350 million reduction from the Senate passed level, it still represents a $700 million (14 percent) increase over last year's conference level, and is $400 million over the budget request. This significant increase will allow us to get many programs back on track, including the pit production effort. It also allows us to begin a major infrastructure rebuilding program this year with a $200 million appropriation.

The bill is not perfect. In fact, I remain concerned that the Senate was not able to hold all of the increased funding we provided for nonproliferation work at the NNSA. In particular, we had provided a significant increase of $55 million to nonproliferation research and development. Before September 11, I was a strong believer in the important work our laboratories do in research, development and deployment of technologies we need to detect and respond to the growing threat of chemical, biological and nuclear terrorism. As such, we added a significant sum of money in the Senate bill.

The importance of this work is obvious to everyone today, as we have seen the NNSA labs play key roles in our government's response and clean-up of the anthrax attacks. Furthermore, the labs are now playing much greater roles in providing technical advice and technologies to many other government agencies—from advising the postal service on how to protect the mail, to developing the most advanced chem/bio detectors for deployment in Washington and other areas. The nonproliferation R&D account funds these and many other activities. As the Congress moves forward this year, we must find other resources in the $20 billion supplemental to fund these needs. In fact, I have suggested to the President and others, that we should spend an additional $255 million specifically for counter-terrorism R&D and nuclear nonproliferation activities beyond what the President requested in the supplemental.

I look forward to working with all Senators to further address this issue before we adjourn this year.

As for the water portion of the bill, my colleagues may recall that the administration proposed a $600 million reduction to the Corps of Engineers, or a 13 percent reduction from last year's level. Given the state of the country's aging infrastructure, we all felt that this was an irresponsible budget to propose. Therefore, the conference worked to restore the majority of the cuts, by restoring $500 million of the reduction. It will come as no surprise to my colleagues that the requests for additional projects and funding far outweighed the resources of this bill. However, the conference has tried to balance critical needs across the country.

Before I end my statement, I would be remiss if I did not mention and commend the outstanding staff involved in this process for the Senate. Senator REID's staff of Drew Willison and Roger Cockerell, for they have been professional and very open with me and my staff throughout this whole process. In addition, I would like to thank my own staff, Clay Sell, Tammy Perrin, Jim Crum, and Lashawnda Smith. They have all served us well and we appreciate their fine work.

Mr. President, I will now briefly state my best analysis of this bill. I will talk about two items. First, everybody should know that in the next 30 or 40 minutes we will vote on the bill. The title of the bill "energy and water," seems as though it doesn't have anything serious in terms of America's future: We are just spending the money needed to pay for things. This doesn't have oil production, utility lines. It has nothing to do with enhancing America's production of energy by changing tax laws.

It is energy and water tied together. In that piece called "energy" is all of the money needed and to be appropriated by the Congress for the nuclear weapons safety and maintenance. All the weapons we own are under the control and jurisdiction, by happenstance, of the Department of Energy. Money is transferred from the Department of Defense to this subcommittee to pay for all of the activities with reference to nuclear weaponry.

Part of that is a new concept and a new carve-out with a new boss. General Gordon, who used to be with the CIA and was a general in the military before that, has accepted a job to head up the agency that has been carved out. He has jurisdiction over two things. They are gigantic. One is the science-based stockpile stewardship. Interesting words. The other is nonproliferation. They are very important programs.

The part that has to do with the science-based stockpile stewardship came into being when Congress, the year before last, was filled to the gills over the dysfunctional nature of the management of this part of the U.S. Government's business by the Department of Energy. People were allegedly stealing important secrets, and the contentions were flying as to whether the Department of Energy or the laboratories could keep secrets and keep important items from getting into the hands of our enemies.

It was decided, and I was one who helped write the bill, and was joined by a number of other chairmen at that point, and we passed a bill; the National Nuclear Security Administration was created. General Gordon heads it. Ultimately, when it has everything in shape, the nuclear activity that has to do with the science-based stockpile stewardship and all of the activities regarding nuclear weaponry will be in charge of that carve-out within the Department.

While putting that together, some Senators did not think it was a good idea, including my friend, the chairman, who was then the ranking member. He has iterated his position recently, saying he wasn't for it then but he thinks it is a good idea and he supports it wholeheartedly now and, in particular, the general who heads it.

The reason it is in existence is that America has made a commitment in a very dangerous world. We made a commitment on our own that we would do no more nuclear testing. It was voluntary by the United States. We are still living with it.

I yield the floor.

Ms. STABENOW. Mr. President, I ask unanimous consent to use the time allocated to me under the energy and water appropriations conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise at this time to support the conference committee on the energy and water appropriations bill. I want to indicate how extremely pleased I am that this bill includes an absolutely critical provision to protect the Great Lakes from oil and gas drilling. This provision, which I offered, along with Senator FITZGERALD and numerous others, including the occupant of the chair, as an amendment to the Senate bill, protecting the waters of the Great Lakes by asking, first, for a complete study of the impact of oil and gas drilling in the Great Lakes to be done by the Army Corps of Engineers, and it places an immediate 2-year ban on new oil and gas drilling during the process of this study. It is my hope that this is the first step to a permanent ban on any oil and gas drilling in the Great Lakes.

I first thank the distinguished chairman of the Subcommittee on Energy and Water Development of the Appropriations Committee, Senator REID, for his support of this important Great Lakes amendment. I thank him very much. I thank the ranking member of Energy and Water, Senator DOMENICI, who was equally as supportive. I very much appreciate both having that amendment adopted in the Senate and their willingness to make sure that it remained in the conference report.

I also thank House Chairman CALLAHAN and Ranking Member VISCLOSKY for their willingness to support this provision and include it in the conference report, as well as all of the House and Senate conferees.

Mr. President, I emphasize that preventing drilling in the Great Lakes is an issue about which we all care on both sides of the aisle. As I indicated earlier, Senator PETER FITZGERALD was the lead Republican cosponsor of my amendment. I am extremely pleased and grateful to him for stepping forward. He and Senator DURBIN of Illinois have both stepped forward in strong leadership to protect the Great Lakes.

I also thank these distinguished Senators who joined me in this effort, in lending their name and their leadership: My senior Senator from Michigan, Senator CARL LEVIN; as I mentioned, Senator DURBIN; Senator VOINOVICH; Senator DAYTON, who is in the chair; Senator FEINGOLD, Senator SCHUMER, Senator KOHL, Senator WELLSTONE, Senator CLINTON, Senator BAYH, and Senator DEWINE. This was a Great Lakes effort of Senators on both sides of the aisle.

Finally, I thank my colleagues in the House, Congressmen DAVE BONIOR and BART STUPAK, and the Michigan House delegation that worked together on a bipartisan basis to support this effort—particularly BART STUPAK who has been a real pioneer in the effort of protecting the Great Lakes. When it was time in the conference committee to call on critical support to explain what we were doing, I am very grateful to Congressman DAVE CAMP for his willingness to be intimately involved in this effort, as well as Congressmen FRED UPTON, PETE HOEKSTRA, and VERN EHLERS for their wonderful support.

In case my colleagues are not aware, this is a particular issue of concern to Michigan, where it was decided they would be interested in providing up to 30 new permits for oil and gas leasing in the Great Lakes and Lake Huron. At this point in time, this will allow us to staff and reevaluate what was being proposed and what, I might add, has been overwhelmingly opposed in Michigan, as well as in all of the Great Lakes States. There has been overwhelming opposition to doing anything that would jeopardize our Great Lakes.

The Great Lakes are one of our Nation's most precious public natural resources. And 33 million people rely on the Great Lakes for their drinking water. In fact, 10 million of them rely on Lake Michigan alone. Millions of people use the Great Lakes each year to enjoy the beaches, the great fishing, and boating. The latest estimate shows that recreational fishing totals a $1.5 billion boost to Michigan's tourist economy alone.

The Great Lakes coastlines are also home to wetlands, dunes, endangered species, and plants, including the rare piping plover, Michigan monkey flower, Pitcher's thistle, and the dwarf lake iris. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake.

Great Lakes drilling would place the tourism economy, the Great Lakes ecosystem, and a vital source of drinking water at great risk for a very small amount of oil.

Last year, Michigan produced about 2 minutes' worth of oil—2 minutes' worth of oil—from Great Lakes drilling, which has been allowed since 1979. That is 2 minutes of usage in a year. From our standpoint, this amount of oil is certainly not worth any potential risk.

I can't stress how important tourism is to the Michigan economy and how important it is that we are coming together in this way to address our important natural resource.

The Great Lakes are interconnected, and they border eight States: Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, and, of course, Michigan.

This means that an oil spill in Lake Michigan could wash up on the shores of not only Michigan, but Indiana, Illinois, and Wisconsin. That is why we joined together to put forward this Federal policy to protect the Great Lakes.

The provision in the energy and water appropriations conference report is reasonable, prudent. It is an approach to an issue that makes sense. It asks the Army Corps of Engineers to study the safety and the environmental impact of drilling in the Great Lakes, and it places a 2-year ban on any new drilling.

Again, I thank Senator HARRY REID for his outstanding leadership in so many ways, as he manages the floor, and certainly in this area of energy and water, where my great State of Michigan is in his debt for his leadership. He and Senator DOMENICI together have put forward an excellent bill and one that is going to make sure we have put forward a policy to protect our Great Lakes.

I might say one other thing. I hope this is the beginning of an effort to look for ways, as the Great Lakes Senators, to work together to address a number of threats to the Great Lakes. We have now stopped oil and gas drilling. I hope now we will join together on issues of invasive species, ballast water dumping from ships that come in from outside the Great Lakes Basin and are bringing in zebra mussels and sea lamphrey and other invasive species wreaking havoc in the lakes. We have a number of threats to this great natural resource, and I think the amendment we were successful in achieving here is a wonderful example of what we can do together on a bipartisan basis, working together with colleagues in the House.

I thank again everybody who was involved in this effort, including, I might add, a wonderful staff of mine, Noushin Jahanian, the person working specifically on this issue; my legislative director, Sander Lurie; chief of staff, Jean Marie Neal, and all of those who worked hard to achieve this very important goal for the Great Lakes. Thank you.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent when Senator McCAIN completes his statement, Senator KYL be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have spoken to Senator KYL. Senator KYL has asked for 30 minutes, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have asked that Senator KYL be recognized when Senator McCAIN completes his statement, for purposes of offering an amendment to the Labor-HHS bill. Everyone should be advised when the Senator finishes his statement, we are going to enter into a unanimous consent agreement on the Kyl amendment. In that way, the Senator will not need to be interrupted.

Mr. DOMENICI. And when will we vote on the energy and water bill?

Mr. REID. We will vote on it—as soon as we finish the statement of the Senator from Arizona, we are going to do the Kyl amendment and then we will have three votes. One will be on the Treasury-Postal Service conference report, the energy and water conference report, and then on the Kyl amendment. As we have been advised by our faithful staff, not necessarily in that order.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AGRICULTURE APPROPRIATIONS

Mr. McCAIN. Mr. President, I would like to address two issues tonight. One is the last-minute amendments that were made to the Agriculture appropriations bill last week, and a statement concerning the conference report for the fiscal year 2002 energy and water appropriations. I do not intend to spend too much time because I know my colleagues are inconvenienced.

But one of the reasons I am having to give this statement now is because last Thursday night we sat around. All the Senators were sitting around and when I asked what we were waiting for they said: The managers' package of amendments.

Finally the managers' package showed up. Everyone was in line to vote so we could get out of here. Guess what. They asked unanimous consent for the adoption of the management package—the manager of the bill, the Senator from Wisconsin. I said: Reserving the right to object, what is in it? Does anybody know what is in it?

Of course that was met with a resounding silence. So I informed my colleague at that time I was very worried about a managers' package that none of us had seen, and I was worried that there might be provisions in it that I and others might find objectionable.

Then I was told there were 35 amendments included in the managers' package. Let's remember that a managers' package is supposed to be technical corrections to the overall bill. I want to tell my colleagues what went on last Thursday night and the reason this system has lurched out of control. It is a disgrace, I say to my colleagues; it is a disgrace.

To reiterate, at the tail end of last week's proceedings, the managers for the agriculture appropriations bill "cleared" a package of 35 amendments to be included in the final Senate bill. Again, these are 35 amendments that none of the other Senators voting on the bill had received any information about, nor had any opportunity to review.

While I did not object at the time to approving these amendments by unanimous consent, I was very concerned about the nature of these amendments. As it turns out, I had good reason to be concerned. Of these 35 amendments, about 15 of these amendments included direct earmarked spending or objectionable legislative riders. These additional earmarks amount to an extra $8 million in porkbarrel spending—on top of the $372 million already included by the appropriators in the Senate bill.

Mr. President, I understand that the managers for a bill have the privilege to add and remove certain provisions to a bill in order to move it along the process, or agree to clarifying technical amendments. I am not singling out the managers for the agriculture appropriations bill because the negotiation process is a part of any bill under consideration.

However, this particular situation involves a direct spending measure and should require higher scrutiny in approving federal funds, which are normally considered in the committee process to ensure that projects are authorized and approved by the Congress. This should be true of any of the appropriations or budget bills we consider.

Unfortunately, there is no way for us to tell if these last-minute earmarks were included because of their national priority or merit. They are simply added on, either in attempts to gain support to move the bill or tack on earmarks that might not pass legislative review.

Some of my colleagues may be interested to know what amendments were included in the last-minute roundup in the manager's package. Let me give you a sample:

Relief for sugar growers from paying a required marketing assessment;

Special consideration provided to the State of Alaska—that should surprise a lot of my colleagues—for income qualifications for housing for individuals under 18;

There is another surprise: an increase in the earmark for West Virginia State College by more than $500,000, and including additional language for preferential consideration to this same college by designating it as an 1890 institution;

Expansion of subsidies for sweet potato producers and horse-breeder loans;

Earmark of $230,000 to purchase conservation easements in Kentucky and $230,000 earmark to the University of Kentucky. There may be a little bell rung here. A little trip down memory lane. These states, just by pure coincidence, are the states which the appropriators represents;

Funding for repairs caused by an avalanche in Valdez, Alaska;

Directive language to give special consideration to the Tanana River in Alaska;

Earmark of $500,000 for Oklahoma State University;

Language limiting the import of fish and fish products.

I am greatly concerned about this process. I tell the appropriators now I will not allow a vote until I have seen the managers' package of amendment. If they don't like it, look at what we adopted last night.

I am gravely troubled by the managers' insertion into this bill the latter provision that would effectively ban all imports of Vietnamese catfish to the United States. Vietnamese catfish constitute an important part of our catfish consumption in the United States. Americans like to eat them. Moreover, the guiding principle of the recently ratified, and historic, United States-Vietnam Bilateral Trade Agreement was to open our markets to each other's products.

To my deep dismay, a midnight amendment inserted by the managers on behalf of several Senators with wealthy catfish growers in their states violates our solemn trade agreement with Vietnam. With a clever trick of Latin phraseology and without any mention of Vietnam, these southern Senators single-handedly undercut American trade policy in a troubling example of the very parochialism we have urged the Vietnamese Government to abandon by ratifying the bilateral trade agreement. Vietnamese catfish are no different than American catfish by nutritional and safety standards—but they are different in the eyes of the large, wealthy agribusinesses on whose behalf this provision was slipped into the agriculture appropriations bill. After preaching for years to the Vietnamese about the need to get government out of micromanaging the economy, we have sadly implicated ourselves in the very sin our trade policy ostensibly rejects.

Sweet potatoes, sugar, catfish, horse-breeders, and dozens of amendments passed without seeing the light of day.

Mr. President, I ask this memo from the Department of Health and Human Services be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
August 30, 2000.

Subject: Acceptable market names for Pangasius spp.

From: Scott Rippey, Office of Seafood

To: Whom it may concern

There have been several recent inquiries regarding the acceptable market names for a number of Pangasius spp., and particularly for Pangasius bocourti. The intent of this memo is to provide a brief history on the subject as well as to list the currently acceptable market names for several of these species. This memo supercedes all previous FDA correspondence on Pangasius nomenclature.

In March 1999, the National Fisheries Institute (NFI) asked for guidance on an appropriate market name for P. bocourti. Since this imported fish was relatively new to interstate commerce, there was no existing acceptable market name (as would generally be described in the FDA Seafood List) for this species. From information provided by NFI (including material on this fish from Vietnamese sources), the FDA Office of Seafood accepted "basa," "bocourti," or "bocourti fish" as market names for this freshwater fish. This decision was expressed in a memo, dated March 11, 1999, from FDA to NFI.

More recently, there have been a number of requests made to FDA to allow the use of the term "catfish" for this species. The Pangasius species are members of the family Schilbidae. According to the American Fisheries Society World Fishes Important to North Americans. AFS Special Publication 21, American Fisheries Society, Bethesda, Maryland, p. 63.): "The schilbids, here taken to include the Pangasiidae, are freshwater catfishes of Africa and southern Asia." As such, FDA's Office of Seafood will not object to the use of the name catfish, when used appropriately, to describe these species.

Mr. MCCAIN. I will read a portion.

> More recently there have been a number of requests made to FDA to allow the term "catfish" for these species. Species are members of the family—

Et cetera, saying there is no difference between the catfish that are raised in Vietnam and the catfish that the agribusinesses have. The agribusinesses, however, have advertised, "Never trust a catfish with a foreign accent."

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—CONFERENCE REPORT—Continued

Mr. MCCAIN. Mr. President, I will move on to the conference report for the fiscal year 2002 energy and water appropriations. Now that one of the Members, anyway, of the appropriations bill is here, the Senator from New Mexico, I hope he will note, I will not approve moving forward until I have seen the managers' amendment on this bill.

Mr. DOMENICI. There is no managers' amendment.

Mr. MCCAIN. If there is one on every appropriations bill, I want to see it. Last Thursday night, in case the Senator from New Mexico missed it, he voted for a package of amendments, also for $35 million, without seeing it.

Mr. DOMENICI. The managers' amendment is, in fact, the conference report.

Mr. MCCAIN. Good. I thank the Senator.

Mr. President, the energy and water development appropriations bill is important to the nation's energy resources, improving water infrastructure, and ensuring our national security interests.

This conference report finalizes funding recommendations for critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corp of Engineers and the Bureau of Reclamation. The bill also increases resources for renewable energy research and nuclear energy programs that are critical to ensuring a diverse energy supply for this nation.

These are all laudable and important activities, particularly given the need for heightened security around the nation. Such Federal facilities, including Federal weapons infrastructure, deserve the most vigilant protection. Unfortunately, my colleagues have determined that their ability to increase energy spending is just another opportunity to increase porkbarrel spending. Millions of dollars are diverted away from national security interests and doled out to parochial projects.

In this conference report, a total of 796 earmarks are included which adds up to $1.2 billion in porkbarrel spending. These are earmarks for locale-specific projects that are either unrequested or unauthorized, and that have not been considered in the appropriate merit-based review process.

The $1.2 billion in porkbarrel spending in this bill is nearly $500 million and 441 earmarks more than the amount in the Senate-passed bill, and $266 million more than last year's bill.

We have increased unauthorized spending by $266 million more than last year's bill.

In total, nearly $9 billion in taxpayer dollars will pay for porkbarrel spending in appropriations bill passed so far this year.

I'm sure that many of my colleagues will assert the need to use these Federal dollars for their hometown Army Corps projects or to fund development of biomass or ethanol projects in their respective states. If these projects had been approved through a competitive, merit-based prioritization process or if the American public had a greater voice in determining if these projects are indeed the wisest and best use of their tax dollars, then I would not object.

The reality is that very few people know how billions of dollars are spent in the routine cycle of the appropriations process. No doubt, the general public would be appalled that many of the funded projects are, at best, questionable—or worse, unauthorized, or singled out for special treatment.

Let me share a few examples of what the appropriators are earmarking this year:

An earmark of $300,000 for the removal of aquatic weeds in the Lavaca and Navidad Rivers in Texas.

I am sure there are no other rivers that are beset by aquatic weeds. So we have earmarked $300,000 for removal of the aquatic weeds in those two rivers.

There is an additional $8 million for the Denali Commission, a regional commission serving only the needs of Alaska.

That is a surprise.

There is $200,000 to study individual ditch systems in the State of Hawaii.

I would like to have someone come and study the ditch systems in my State. We have a few. But we are going to spend $200,000 to study individual ditch systems in the State of Hawaii.

Three hundred thousand dollars for Aunt Lydia's Cove in Massachusetts.

I don't know what the problem is up in Aunt Lydia's Cove, but I am sure it is revered, and it certainly deserves a $300,000 earmark. I am sure that Aunt Lydia—wherever she is—is very pleased to know that $300,000 is going to her cove;

An additional $1 million for the Banta-Carbona Irrigation District's fish screen project—$1 million, my friends, which we have not scrutinized.

I tell my colleagues, I do not know where Banta-Carbona Irrigation District is. But we are going to give them $1 million of taxpayers' money. Does anyone know anything about it? No, I don't think so.

Three million dollars for a South Dakota integrated ethanol complex.

I was under the impression for a long time that ethanol was developed by private enterprise. I didn't know we needed to contribute $3 million to develop an ethanol project in South Dakota.

Two million dollars for the Seaalaska ethanol project.

So far we have $5 million earmarked for specific ethanol projects.

Two separate earmarks totaling $4.5 million for gasification of Iowa Switch Grass.

I am sure we could have a lot of fun with that one—$4.5 million for gasification of Iowa Switch Grass. What could be the problem?

An earmark of $1.65 million for a new library center at Spring Hill College.

I again plead ignorance. I do not know where Spring Hill College is. But they certainly deserve a new library center. Unlike other colleges, they don't have to get the money from their alumni, or from other sources, as colleges in my State have to do.

One million dollars to install exhibits at the Atomic Testing History Institute. I think I know where the Atomic Testing History Institute is.

And $500,000 for the Rural Montana Project, and $8 million for the Rural Nevada Project.

I respect the work of my colleagues on the Appropriations Committee. I do not believe Congress should have absolute discretion to tell the Army Corps or the Bureau of Reclamation how best to spend millions of taxpayer dollars for purely parochial projects.

At this critical time in our history, we should be doing everything we can to instill the confidence of the American people in the Federal Government. Unfortunately, this increasing dilemma of flagrant porkbarrel spending is indefensible.

I point out that in every single appropriations bill there has been an increase in unauthorized projects—many of them put in at the last minute. I just discussed how 15 amendments were stuffed into a so-called managers' amendment which none of us except perhaps the two managers of the bill had ever seen. This process has to come to a halt at some time. It is out of control. It has to be stopped.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no mystery about the managers' amendments. The fact of the matter is these are amendments that are reviewed very closely by both sides. A lot of times we simply don't have a vote on them.

SMALL WIND PROGRAMS

Mr. JEFFORDS. Mr. President, thank Chairman REID for including funding in this bill for small wind programs being developed in the State of Vermont.

Mr. REID. I appreciate Senator JEFFORD's leadership on the issue of renewable energy resources and his specific initiatives in Congress to promote wind energy. I am pleased to confirm that this bill includes $500,000 to be set aside for the Vermont Department of Public Service for its wind energy program.

Mr. JEFFORDS. I thank the chairman for his leadership and support of this program. Vermont has been a leader in wind energy development, with some of our Nation's most prominent wind energy manufacturers being located in my home State. In cooperation with the wind energy industry and the Vermont utilities, the Vermont Department of Public Service has conducted a statewide inventory of potential wind sites to determine the best sites in terms of natural wind currents. The results are quite impressive and encouraging.

As the chairman knows, we have many ski areas operating on the scenic mountains of Vermont, and the research confirms that these ski areas, which are also significant electricity users, also have great potential for wind energy production. Indeed, the Vermont Ski Areas Association, in cooperation with several of its member resorts, is determined to be a national leader in the development of efficient, environmentally friendly alternative energy resources, including wind energy.

While there have been discussions for a couple years now of potential opportunities for distributed generation at Vermont ski areas, we have yet to analyze the full scope of the issues involved. We know, for example, that there are economic thresholds to be identified, but specific profiles of energy use at Vermont ski areas have not been established. We know there are permitting issues, some procedural and some a matter of policy, and these need further definition. We know that there are energy regulatory issues, such as interconnection and metering rules, and these need to be identified in a full and comprehensive manner.

While I am speaking in terms of wind energy projects being considered by Vermont ski areas, many of the issues would pertain to other alternative energy projects and other distributive generation projects in Vermont.

If I can indulge the chairman further, is it your intention that a portion of these funds be used to help identify potential barriers to wind energy development, including but not limited to the economic and regulatory issues I have mentioned here?

Mr. REID. If the Senator will yield, yes, that is the committee's intention.

Mr. JEFFORDS. I thank the Chairman. Is it also the committee's intention that the Vermont Department of Public Service, as recipient of this funding, would work in cooperation with other State agencies, such as the Vermont Agency of Natural Resources?

Mr. REID. Yes, that is the committee's intention.

Mr. JEFFORDS. Does the chairman envision that the Department will work cooperatively with the Vermont Ski Areas Association to define a specific scope of work supported by a portion of these funds and to identify the most efficient and expedient methods for conducting such work, including the selection of consultants to assist in this process?

Mr. REID. Yes, that is the committee's intention.

Mr. JEFFORDS. Finally, I know the Chairman is familiar with other initiatives underway in the State of Vermont with the support of the Department of Energy. I know the people of Vermont appreciate the Department's assistance as well as the chairman's leadership in encouraging that support.

Given the Department's prior experience with related studies, such as the remote generation grant, is it the committee's expectation that the funds appropriated by this act be available to build upon the findings and recommendations of previous, related efforts?

Moreover, is it the committee's expectation that the work products include an analysis of the economics of wind and alternative energy opportunities at Vermont ski areas, an analysis of the environmental permitting issues, and an analysis of the energy regulatory issues?

Mr. REID. The Senator is correct in identifying some of the committee's expectations for this appropriation.

Mr. JEFFORDS. I thank the chairman and reiterate my appreciation for his longstanding interests in national energy issues, including his support of Federal renewable energy programs to increase domestic energy security.

Mr. President, I would like to also mention my appreciation for Gov. Howard Dean's leadership on Vermont energy initiatives. Governor Dean and his agencies have been involved in discussions with the Vermont ski areas on the opportunities presented by the initiative outlined here. It is my expectation that these parties, along with other leaders in the wind energy industry and with the Vermont utility companies, are prepared to work cooperatively to generate useful results in a prompt and efficient manner.

NATIONAL CENTER FOR NEUROGENETIC RESEARCH AND COMPUTATIONAL GENOMICS

Mrs. BOXER. Mr. President, I rise today to engage in a short colloquy with the distinguished chairman of the Appropriations Subcommittee on Energy and Water Development—the distinguished Senator from Nevada, Mr. REID. It is my desire to clarify the intent of the language included in the conference agreement of the Energy and Water appropriations bill.

Mr. REID. I am glad to discuss this matter with my colleague.

Mrs. BOXER. I want to clarify that the Human Genome Project at the University of Southern California listed in title III Department of Energy, under the science biological and environmental research account should have been noted as the National Center for Neurogenetic Research and Computational Genomics at the University of Southern California. This project is clearly worthy of Federal support, and I wanted to ensure that the intent of Congress with respect to this language is clear.

Mr. REID. This is an excellent project. I assure the Senator from California that I concur with her remarks and that this correction will be noted in the RECORD.

Mrs. BOXER. I thank the distinguished chairman.

Mr. STEVENS. Mr. President, I have a question for the manager of the Energy and Water appropriations bill. We will soon need to reprogram funds within the Corps of Engineers to bring the Hopper Dredge ESSAYONS to Cook Inlet to remove sediments from the recently completed channel. We performed a similar reprogramming 2 years ago because we did not know how the sedimentation pattern would develop in the area. The channel was completed during the summer of 2000. At that time the corps estimated maintenance dredging would have to be performed every 5 to 6 years.

Recent surveys show that Knik Arm and the North Point Shoals have shifted and a large deposit has settled into the southern approach to the Cook Inlet Navigation Channel. However, the corps believes that vast majority of the material is located "outside the project limits." It starts just inside the western limit then continues for approximately 1000 meters beyond the limit. The authorized limit for the channel is 310 meters wide at a depth of minus 11 meters for approximately 2000 meters.

The shippers in our area have expressed concern about the condition of the navigation channel. I am told the corps will require a post authorization change evaluation report before they can proceed to address this problem. My question to the Senator is, when Congress first authorized this project, was the area I just described supposed to be within the scope of the original project, thus allowing the corps to proceed with the required dredging and maintenance?

Mr. DOMENICI. I thank the Senator from Alaska for his question. I have been made aware of the problem in the Cook Inlet Navigation Channel, and I am concerned about its current condition. I am also aware that the channel is the lifeline for products to the State of Alaska. The area described by the Senator from Alaska should be considered within the scope of the original authorization and I urge the corps to address this issue soon as possible.

Mr. STEVENS. I thank the senator.

JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBANES. Mr. President. I would like to engage the distinguished chairman in a colloquy regarding two provisions in the conference report to accompany the fiscal year 2002 Energy and Water Appropriations Act.

Mr. REID. I would be pleased to discuss these matters with the senior Senator from Maryland.

Mr. SARBANES. I want to clarify that it was the conference committee's intent that a portion of the additional funding provided in the Army Corps of Engineers operations and maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area on the Maryland Side of the Jennings Randolph Lake immediately downstream from the dam.

Mr. REID. The Senator is correct. The committee has provided an additional $1 million in this account for the Jennings Randolph Lake project to be used for recreational facility improvements as well as for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph Dam.

Mr. SARBANES. I would also like to clarify that it was the conference committee's intent that the funding provided for the Chesapeake Bay shoreline erosion study will also include an examination of management measures to address the sediments behind the dams on the lower Susquehanna River.

Mr. REID. The Senator is again correct.

Mr. SARBANES. I thank the chairman for these assurances and commend him and the staff for the terrific work in crafting this conference agreement.

ALASKA'S COOK INLET

Mr. STEVENS. Mr. President, I would like to engage in a short colloquy with the distinguished manager of the Energy and Water conference report. My question is raised to assure that the managers have provided adequate funding and authority for the Department of Energy to provide grants for research on tidal power as an alternative energy source. As the managers know, this country needs viable alternative power sources. One of these could be tidal power.

In Alaska, nearly 65 percent of our population resides on the shores of Cook Inlet which also has the second highest tides in the world. These tides rise as high as 46 feet, second only to the Bay of Fundy off of Nova Scotia. I have been contacted by Anchorage Municipal Light and Power, the municipally owned electric utility of the Municipality of Anchorage. The utility believe that it can effectively harness the power of the tides at Cook Inlet to supply clean, renewable power to its customers. However, it needs a grant for research to adapt current technology in use in other parts of the world to Cook Inlet. That grant would probably require between $200,000 and $300,000.

Let me ask the managers if they agree that there is both sufficient funding and authority under the existing statutes to permit such a renewable research grant to be funded under the Renewable Energy accounts in this bill. I also want to clarify that this grant can be awarded to an applicant such as Anchorage Municipal Light & Power even though past DOE grants have been unsuccessful and DOE has been concentrating more recently on other renewable concepts. Do the managers agree with me on this?

Mr. DOMENICI. Mr. President, let me say to my friend from Alaska and ranking Republican on the full committee, that I agree completely with his analysis. The DOE is both authorized and adequately funded to provide for such a research grant. I join the distinguished Senator from Alaska in exploring and providing such a grant to explore the tidal energy protection of Alaska's Cook Inlet.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2311, the Energy and Water Development Appropriations Act for Fiscal Year 2002.

The conference report provides $24.596 billion in discretionary budget authority, which will result in new outlays in 2002 of $15.973 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total $24.77 billion in 2002. Of that total, $14.7 billion in budget authority and $14.715 billion in outlays is for defense spending. The conference report is at the appropriations' subcommittee's section 302(b) allocations for both budget authority and outlays. Further, the committee has met its target without the use of any emergency designations.

I am relieved that we are moving forward on this and other appropriations bills, so that we can meet our obligation to the country to enact a spending plan for the government in a reasonably timely manner. I commend subcommittee Chairman REID, Ranking Member DOMENICI, and their House counterparts for their hard work in forging reasonable compromises between the House and Senate versions of this bill. This report addresses some of our country's most pressing nuclear security and water resources needs, as well as important energy issues.

I ask unanimous consent that a table displaying the budget committee scoring of this report be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose [1]	Defense [1]	Mandatory	Total
Conference report:				
Budget Authority	9,896	14,700	0	24,596
Outlays	10,055	14,715	0	24,770
Senate 302(b) allocation: [2]				
Budget Authority	9,896	14,700	0	24,596
Outlays	24,770	0	0	24,770
President's request:				
Budget Authority	9,003	13,514	0	22,517
Outlays	9,389	13,928	0	23,317
House-passed:				
Budget Authority	9,668	14,037	0	23,705
Outlays	9,931	14,287	0	24,218
Senate-passed:				
Budget Authority	9,709	15,250	0	24,959
Outlays	9,905	15,073	0	24,978
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation: [2]				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
President's request:				
Budget Authority	893	1,186	0	2,079
Outlays	666	787	0	1,453
House-passed:				
Budget Authority	228	663	0	891

H.R. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[In millions of dollars]

	General purpose[1]	Defense[1]	Mandatory	Total
Outalys	124	428	0	552
Senate-passed:				
Budget Authority	187	–550	0	–363
Outlays	150	–358	0	–208

[1] The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending. Because the firewall is for budget authority only, the Senate appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and ondefense outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

[2] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. I yield back our time.

The PRESIDING OFFICER. Does the Senator from Arizona yield back time?

Mr. McCAIN. Yes.

The PRESIDING OFFICER. All time is yielded.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 2311 occur upon disposition of the Kyl impact aid amendment and that the previous consent regarding the Treasury-Postal appropriations bill remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. I ask unanimous consent that there be 30 minutes for debate equally divided in the usual form in relation to the Kyl amendment regarding impact aid prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

H.R. 3061 is now pending before the Senate. The Senator from Arizona is recognized to offer an amendment.

AMENDMENT NO. 2075

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, Mr. DOMENICI, and Mrs. HUTCHISON, proposes an amendment numbered 2075.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

"Notwithstanding any other provision of this Act, no appropriation contained in this Act for the purposes of school repair or renovation of state and local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such assistance available to other schools: Provided further, notwithstanding any other provision of this Act, the Secretary of Education is not authorized to expend or transfer unexpended balances of prior appropriations appropriated for the purposes of school repair or renovation of state and local schools to accounts corresponding to current appropriations provided in this Act: Provided, however, that such balances may be expended and so transferred if the unexpended balances are used for the purpose of providing assistance to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such repair or renovation assistance available to other schools.".

Mr. KYL. Mr. President, I note that this amendment is cosponsored by the distinguished Senator from New Mexico, my colleague from Arizona, Mr. MCCAIN, and the Senator from Texas, Mrs. HUTCHISON. It is an amendment which we have debated before but which I now present as the appropriate time for getting this done.

This amendment would make it very clear that the Federal Government from now on must give absolute priority to Indian military and impact aid schools when it allocates funds for school renovation or repair. The amendment establishes this priority by directing the Secretary of Education to direct any school construction funds not expended in a given fiscal year only to those categories of schools that fall within the exclusive responsibility of the Federal Government; namely, the impact aid schools, Department of Defense schools, and Bureau of Indian Affairs schools.

This priority would apply to unexpended funds from fiscal years 2001 and 2002.

As I said, this debate is not a new one. The question before us is, should the Federal Government concentrate on meeting its fundamental existing obligations or should we define our mission as finding new things for the Federal Government to do first?

Most aspects of primary and secondary education have traditionally been, and remain, the responsibility of States and local school districts. But there are certain facets of elementary and secondary education in this country that are the clear and only responsibility of the Federal Government. Those are the education of our Indian children, the children on reservations, and the so-called impact aid schools.

Yet proponents of finding new things to do with Federal education dollars propose branching out into new areas and ignoring this fundamental Federal obligation to, first of all, take care of these kids' educational needs.

So under this bill, the way it is written right now, without my amendment, for the first time the Federal Government begins building schools, which is a State responsibility, while ignoring the obligation to the Indian children and the children on American military bases.

The Federal Government has a huge unmet obligation to address the infrastructure needs of schools administered under the auspices of the BIA, as well as those schools impacted by the presence, within their taxing jurisdictions, of Federal installations through the program known as impact aid.

Yet by extending this unauthorized school construction program—and I note "unauthorized"—the money in this Labor-HHS bill has never been endorsed by the Senate on a recorded vote. The language in the bill would entangle the Federal Government in the business of building and repairing local schools, while leaving the existing needs on the Federal reservations unmet.

Impact aid provides funds for school facility repair and renovation, especially on, as I said, the schools that are largely on Indian lands. All told, impact aid assists 1,600 schools serving 1.2 million federally connected children. In addition, the Department of Defense operates 70 schools nationwide.

Impact aid construction has not been fully funded since 1967. The result is a huge backlog of projects estimated to exceed $2 billion. These numbers only hint at the grim reality faced by students and teachers in these impacted districts.

A school board member in a military impact aid district told Education Week that some districts conducted so much of their business in portable classrooms and aging buildings that they "more closely resemble prison camps than schools."

He went on to say: "Our troops are in Bosnia and those are the kinds of schools their kids"—that is, the children of war-torn Bosnia—"are in."

The Military Impacted Schools Association has estimated it would take $310 million to meet facilities needs in their members' districts.

The situation for Indian impacted schools is even more dire. According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than $7 million in facilities needs.

It is important to reiterate that these federally impacted districts cannot rely on the local property tax base to fund repairs and construction, unlike nearly all of the districts that would receive the funds appropriated under this bill.

The superintendent of one district in my State, for example, reports that his jurisdiction contains exactly four taxpayers. I know in one of the counties in my State, where I had to help because of the large amounts of Federal land, only 1 percent of the land—and most of the taxing comes from property taxes—was non-Federal land in this community; in fact, only 3 percent in the entire county. Most States do not have that problem.

But since the Federal Government has the obligation of educating these kids, then it is important for us to ensure that the priority for construction be given to these districts. The facilities, as I said, are in dire straits on our Indian reservations, which educate about 50,000 Indian students. The education of Indian children, which includes the provision of safe and adequate facilities, is a specific trust responsibility of the United States and is codified in numerous treaties and acts of Congress.

Nobody who believes in keeping our treaty obligations to Native Americans can vote against this amendment because its purpose is to ensure that we meet the obligations of these treaties.

According to testimony from the Director of the Office of Indian Education Programs, half of the schools within the jurisdiction of the Bureau of Indian Affairs have exceeded their useful lives of 50 years and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced. Many students lack access to computer and science labs, gym facilities, and other basic resources.

At least one school in my State lacks even a library and basic dining facilities.

The Committee on Indian Affairs estimates it would take $2.1 billion to address these schools' current repair and renovation needs.

I am pleased that President Bush has made it a priority to address the construction needs of Indian and impact aid schools. But that will only occur if we can adopt the amendment that I have proposed.

The President's fiscal year 2002 budget proposal provided for a significant increase in impact aid construction. This is the first step toward keeping the promise that we made to our Native Americans.

By passing my amendment, the Senate will make it clear that Congress shares this commitment and will put existing Federal obligations ahead of proposals to involve the Federal Government in areas that can and should be addressed by States and local governments.

For those colleagues who want to know where the major impact of this is, I will candidly tell you, my State of Arizona is one of the States of major impact because of the large number of Indian students we have in Arizona and the large number of students being educated in affiliation with military bases.

Other States, however, that are also very heavily impacted and that would be benefited significantly by this amendment are the States of New Mexico, North Dakota, South Dakota, Montana, Missouri, and Nebraska. Those are, candidly, the States that receive the most benefit. But almost every State would, in some respect, benefit by the allocation of these funds on this priority basis.

Mr. President, I am going the reserve the remainder of my time to see if there is any response to my amendment. I will be happy to reply to any points that any of my colleagues may have if there is any objection to it.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I am beginning to wonder where my friend from Arizona was a couple hours ago. I ask him, where was he? Senator INHOFE of Oklahoma just came to this Chamber 3 hours ago and offered an amendment which was approved by the Senate. The Senator from Arizona raised no objection, none. None of his staff came to me to raise an objection.

And what did the Inhofe amendment do? It reduced the funding for impact aid construction. It transferred the money to basic support payments.

Three hours ago we voted unanimously, as a Senate, to reduce impact aid construction. Now the Senator from Arizona comes to this Chamber and wants to increase impact aid construction. I ask, where was he 3 hours ago? Why didn't he oppose the Inhofe amendment?

I think what that shows is really what the Senator from Arizona is after: They want to undo what the Senate did earlier by a vote of 54-45; that is, to provide renovation and construction money for schools all over America.

Mr. JOHNSON. Will the Senator yield?

Mr. HARKIN. I do not have much time, but I am delighted to yield.

Mr. JOHNSON. I ask my colleague, does it seem odd—and I speak as someone who has been very committed to impact aid schools in my State—that some people would have voted earlier to spend billions of dollars in tax relief that went into the hands of people already millionaires, and then to come to us today to tell us the only way we can help repair and build impact aid schools is to take it from other schools that are in desperate need of school construction and repair? Does it seem to the Senator that the goal here is an ideological issue to make sure that somehow the Federal Government does not get into the business of assisting school districts with school construction and that is what seems to be the end product of this amendment?

Mr. HARKIN. I thank my friend from South Dakota for pointing that out. I am glad I yielded to him. I had not thought of it that way.

The Senator is absolutely right. This is an attempt by my friend from Arizona to try to undo what we did earlier and then, as the Senator pointed out, to take money from some poor schools and put it into certain poor schools. That is what he is trying to do.

I don't know. I cannot believe the Senator is really serious about this. First of all, last year, Congress approved $12.8 million for impact aid construction.

This year, with the leadership of my good friend from Pennsylvania, Senator SPECTER, and I and others on our committee, we raised that from $12.8 million to $68 million. Last year, impact aid construction was $12.8 million. We raised it to $68 million in our bill. The Inhofe amendment earlier knocked it down to $35 million. That is still three times more than what we spent last year. I am proud of that increase. We fought hard for it.

But I ask the Senator from Arizona, where was he 3 hours ago, to come over here and fight against the Inhofe amendment?

I am proud that we stuck up for impact aid schools and school construction. Again, last year, Senator SPECTER and I, in conference—I say this to all Senators who are here or may be watching on their sets—carved out of our construction money $75 million for impact aid construction. We will be happy to do that again in conference to make sure our Indian schools and impact aid schools can get some of this money. I wish now that maybe we had opposed the Inhofe amendment and maybe the Senator from Arizona would have helped us round up some votes. That was $68 million.

Under the wording of the amendment of the Senator from Arizona, there are 10 States that have applied for school renovation and repair money. The money has not gone out yet. His amendment would say: You are not going to get it. That is money we appropriated last year. Those States are Alaska, Arizona, California, District of Columbia, Georgia, New Hampshire, New Mexico, New York, South Carolina, and Utah. All those States would have the money taken away. I hope Senators understand that when they come over here to vote.

Again, this is nothing more than a bald face attempt to undo what the Senate did earlier today when we said, I thought very loudly, 54 votes to 45 votes, that we wanted to provide school construction money. I can't speak for my friend from Pennsylvania, but we did carve out the money last time. When we get into conference, we will try to undo what Senator INHOFE did earlier and try to get that money back up to the level at which we initially agreed upon in our committee on a bipartisan basis, which was $68 million.

I am certain we could at least carve out that much more for Indian schools. We did it last year, and I am sure we can do it again this year.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains for Senator HARKIN?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. SPECTER. I ask the Senator to yield me 4 minutes.

Mr. President, I join the chairman of the subcommittee in opposing the amendment by the Senator from Arizona. I believe that impact aid is very important, beyond any question.

We have the responsibility, as proponents of this bill, to make a lot of allocations. We try to do it as fairly as we can, recognizing all of the priorities which are present.

Senator HARKIN pointed out that we raised impact aid from $12.5 million last year to $68 million. It is difficult to follow all the matters. Another Senator approached us and has raised a concern. I made a statement that there would be an effort made in conference—that is always uncertain—to put back some of the money which was transferred by the amendment by the Senator from Oklahoma, Mr. INHOFE.

As Senator HARKIN has already noted, last year we did make an allocation from school construction money. Basically, this is a dispute about the role of the Federal Government in school construction.

We had a very spirited debate on the amendment by the Senator from New Hampshire, Mr. GREGG, earlier today. A margin of 54-45 on a hotly contested issue is a fairly decisive margin.

It is my view that we will try to improve the position of impact aid which the Senator from Arizona wants once in conference, but the allocations which we have made here, taking the bill as a whole, represent a fair allocation.

In dealing with a budget of this size, we have had relatively few amendments offered signifying relatively little opposition to the priorities which were established first by the chairman and the ranking member and then by the full subcommittee and then by the full committee.

I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 45 seconds.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if no one is speaking, this might be a good time for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as a matter of courtesy, I was trying to enable those in opposition to the amendment to continue to speak.

I ask unanimous consent that Senator ALLARD be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me respond to the two questions the Senator from Iowa asked. The first question was where was I during the Inhofe amendment. He presumes, I gather, that I opposed the Inhofe amendment. I didn't oppose the Inhofe amendment. I don't. I guess I would ask where he was. It was approved on a voice vote unanimously, as I understand it.

Second, he characterizes my amendment as an attempt to undo what we already did today. I want to make clear that I will characterize my amendment as I did in my opening presentation. What we did earlier today is not what this amendment is all about.

The amendment I presume the Senator from Iowa is referring to is the amendment offered by the Senator from New Hampshire. That is an amendment which would have transferred the funds from the program the Senator from Iowa supports to title I programs. My amendment doesn't have anything to do with title I programs. My amendment says merely that the priority in the expenditure of school construction funds—that is what they are used for: construction, repair, renovation, and so on—that the priority for that funding be first to the Federal area of responsibility, the Indian kids, the kids on the military bases, the impact aid districts; in other words, those children who are the responsibility for being educated by the Federal Government should have the first priority in the school construction funds.

I am not trying to undo what we did earlier today. I supported the Gregg amendment. But what I would prefer to see us do is to say that the funds that we are going to put forth for construction of schools be prioritized, and that the first priority be the responsibility of the Federal Government.

That is for two reasons: No. 1, the States and local school districts have the ability to fund the construction of the schools that they have a tax base to fund. As I pointed out, in some of these reservation areas, be it military reservation or other Federal reservation, there is not the tax base to support it.

Second, we have a huge unmet obligation. We as Federal legislators should be ashamed that there is an over $2 billion shortfall in the funding of Indian school construction. That is our obligation. It is a treaty obligation.

All I am saying is, we take the Federal obligation, put that at the top, and then the other schools can be funded. Those are the State and local schools' responsibilities. Up until last year, the Federal Government had never paid a dollar for construction of those schools. Let's keep the priority we should have had in the first place to fund our obligation first, the Federal schools, and then the rest of the money could go to the funding of the State and local schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. HARKIN. Mr. President, I still didn't hear the answer to the question, where he was, and if he opposed the Inhofe amendment or not. I didn't hear about that. Nonetheless, we do have an obligation to our Indian schools and our places where we have military bases, that kind of thing, for impact aid. There is no doubt about that.

Obviously, under the wording of his amendment, there would be no money left for any other States that don't get any impact aid whatsoever. Again, we are trying to be fair about this and to answer the needs of construction all over America.

Let's face it, the American Society of Civil Engineers estimated that the repair needs of our schools in America are about $187 billion.

And so we are trying to get a billion out nationally. But as I pointed out and Senator SPECTER pointed out earlier today, that money is leveraged. We have experience in knowing how that money is leveraged. So we might get maybe 7 to 10 times leverage on that. So $1 billion might equal $7 billion to $10 billion in construction in schools. So it helps, but it is nowhere near what needs to be done all over this country.

Under the amendment by the Senator from Arizona, there would not be any money left for anyone. All of the money would go to Indian schools and to the impact area aid schools, where there are military bases. I don't think that is what we want to do here.

As I said, we carved out money last time. I have talked to a lot of my friends who are Native Americans in Indian territory. They were very appreciative of that money. We carved out $75 million. Quite frankly, we accepted the amendment of the Senator from Oklahoma. However, it is my intention, along with the ranking member, to make sure we meet our obligations again this year in carving it out again in the conference committee when we go to conference.

The last thing I will mention is that the amendment offered by the Senator from Arizona is also retrospective. It goes back last year and takes money from last year that States have already applied for; it takes that money away from them, too. I hardly think we want to do that.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. I yield to the Senator.

Mr. INHOFE. On this point, I have looked at the Kyl amendment, and his language affects a different section. Mine is just found in the section dealing with impact aid under "basic support." Now, the change in funding came from the construction portion of that section, which is a different section. That is my understanding, and it would not make the conference report.

Mr. HARKIN. Also, the amendment of the Senator from Oklahoma reduced impact aid construction. I don't care what you say. It puts it into the basic impact aid.

Mr. INHOFE. That is correct.

Mr. HARKIN. That is correct. So this Senator from Arizona wants to boost up impact aid construction. This is really to take away school construction money. I don't think we need to talk anymore about it. We all know what this is about.

Mr. KYL. Mr. President, I will set the record straight. The Senator said he didn't get an answer to my question. I was in a briefing during the Inhofe amendment in S-407 as a member of the Senate Intelligence Committee on some other matters. I didn't object to the Inhofe amendment. Like the Senator from Iowa, I was willing to have it approved on a unanimous vote. The Senator from Oklahoma has explained that it deals with a different section of the bill. That is irrelevant.

There is one central question before us. I ask my colleagues to focus on this carefully. Until last year, there had never been a thought that the Federal Government would begin building schools that had always been the responsibility of our States and the local school districts. There was never a thought that we would do that. Our school construction effort was always targeted to our one area of responsibility—the kids on the military reservations, Indian reservations, and the other Federal impact aid areas. That was our responsibility, and it remains our responsibility now.

But what we are now proposing to do is to take the school construction money and distribute it all around the country to States and local school districts. I am sure there is a lot of good politics in that, Mr. President, but it is the wrong policy for those of us at the Federal Government level who have a responsibility to these other children. We are not meeting that responsibility.

If we were building the schools on the Indian reservations or taking care of these military children, that would be one thing. I have pointed out that we were failing miserably in that responsibility. I ask colleagues, how can we sit here and blithely spend over $900 million on schools around the country that could just as easily be built by the taxpayers of those jurisdictions, while ignoring our responsibility to the very kids who are our responsibility and whom the States and local governments can't take care of.

What sense does that make? How does that make us feel at night when we go to bed and say we have done a good thing today—violating treaties with our Native Americans and denying the kids of the people we put in harm's way serving in the military the kind of education other kids get because we want to sprinkle that money around the country rather than putting it in the area of responsibility that we in the Federal Government have.

That is horrible public policy. The only way to set it right is to reorder the priorities and put back as the first priority our responsibility of funding the schools in the military and for the Indian reservations, and that would remain our top priority for school construction. To do that, we need to vote yes on the Kyl amendment. I urge colleagues to do that.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

ORDER OF PROCEDURE—VOTES

Mr. REID. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays en bloc on the two conference reports.

The PRESIDING OFFICER. Is there objection?

Without objection it is so ordered.

Mr. REID. I ask for the yeas and nays on both conference reports.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. HARKIN. Mr. President, I yield back the remainder of my time, and I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arizona has 47 seconds.

Mr. KYL. I will yield back my time. I am sorry we have to confuse the issue by moving to table it. In view of that, the proper vote here now is a "no" vote to table the Kyl amendment. I yield back my time.

Mr. REID. Mr. President, I ask unanimous consent that the first vote be the normal 15 minutes and the subsequent two be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—57

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Corzine
Craig
Crapo
Daschle
Dayton
Dodd
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—41

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Conrad
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Hagel
Sessions

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY AND WATER DEVELOPMENT ACT FOR FISCAL YEAR 2002—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mrs. CLINTON). Under the previous order, the question is on agreeing to the conference report to accompany H.R. 2311, the energy and water appropriations bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Gramm (TX)
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson (AR)
Hutchison (TX)
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed (RI)
Reid (NV)
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Bayh
McCain

NOT VOTING—2

Hagel
Sessions

The conference report was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. For the information of all Senators, the next vote will be the final vote for the evening. We will have more to say about the schedule for the balance of the week after the vote.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the conference report to accompany H.R. 2590, the Treasury-Postal appropriations bill. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—83

Akaka
Allen
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—15

Allard
Baucus
Bayh
Brownback
Bunning
Collins
Edwards
Ensign
Feingold
Helms
Hutchinson
Roberts
Smith (NH)
Smith (OR)
Snowe

NOT'VOTING—2

Hagel
Sessions

The conference report was agreed to.

Mr. HARKIN. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 2072, AS MODIFIED

Mr. HARKIN. Madam President, I ask unanimous consent that amendment No. 2072, previously agreed to, be modified with the technical corrections I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2072), as modified, is as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined.

(1) For each 2-year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SAFE MOTHERHOOD

Mr. KENNEDY. Madam President, I thank the Chairman for his ongoing leadership on women's health and would like him to join me in congratulating the Centers for Disease Control and Prevention for its ground-breaking National Summit on Safe Motherhood. The summit succeeded in expanding our understanding of safe motherhood as a critical woman's health issue and identified the troubling lack of research and data on pregnancy-related issues that impact the short and long-term health of women.

Mr. HARKIN. I am pleased to join the Senator in recognizing the summit. I, too, am increasingly concerned that despite major advances in public health and obstetrics, a safe and healthy pregnancy is still not the experience for all women. More than 2,000 women each day have a major medical complication during pregnancy, such as severe bleeding, ectopic pregnancy, postpartum depression or infection. Some groups, including African American, Hispanic, and older women, have a significantly increased risk of illness or death. For example, African-American women are four more times likely to die from pregnancy-related complications as white women; Hispanic, Asian and American Indian women are twice as likely to die from pregnancy-related complications as their non-Hispanic, non-Asian, and non-American Indian counterparts; and women aged 35–39 are 2 to 3 times as likely to experience a pregnancy-related death compared to women aged 20–24.

Mr. KENNEDY. As the chairman knows, if we are to eliminate these racial and ethnic disparities, we must gain a greater understanding of what causes pregnancy-related illness and death. I find it very troubling that even though more women in the United States are getting prenatal care now than ever before, the number of maternal deaths and preterm deliveries has not declined in the past 25 years.

Mr. HARKIN. The lack of progress in reducing maternal morbidity and mortality is unacceptable. This committee strongly supports the goals identified at the summit, including expanding the CDC's safe motherhood initiatives. We must look at the public health importance of pregnancy to women's health in the 21st century, the magnitude and impact of short-term and long-term pregnancy-related complications, and national strategies to close the gaps in research, data collection and quality care. CDC has taken an important lead in this area.

In addition, I look forward to working with the Senator and the General Accounting Office to document the existing state of research and knowledge about the impact of pregnancy on women's health so that we can have a blueprint for closing the gaps in women's health.

HEALTHY START PROGRAM

Mr. McCONNELL. Madam President, I commend the chairman and Senator SPECTER for drafting the fiscal year 2002 Labor, Health and Human Services, Education Appropriations bill. Assembling this legislation, with important priorities such as the National Institutes of Health, the Centers for Disease Control and Prevention, and the Department of Education, is a daunting task and one for which you should be commended.

As the chairman knows, the Healthy Start initiative was started in 1991 to reduce the rate of infant mortality in expectant mothers. The legislation we are now considering provides nearly $90 million for Healthy Start. While this is a generous allocation, it has come to my attention that at this funding level, several Healthy Start programs which have been approved by the Department will no longer receive their Federal funding. I know of one such program that stands to lose funding, Voices of Appalachia (VOA) Healthy Start. VOA in Whitley County, KY has done a remarkable job of reducing the infant mortality rate and continues to provide invaluable services to the families of Southeastern Kentucky.

I understand that the House of Representatives has appropriated $102 million for the Healthy Start Program. Keeping in mind that resources are scarce, I would inquire of the chairman whether he would be willing to agree in conference to the level appropriated by the House.

Mr. HARKIN. As the Senator mentioned, this is a very tightly drafted bill and there are many important areas in which the Senate bill provides greater resources than the House. Like you, I realize the importance of the Healthy Start Program, and while I cannot make any promises, I will work with Senator SPECTER and the House to provide sufficient resources for this worthwhile program.

Mr. SPECTER. I echo the comments of Chairman HARKIN. Programs such as VOA deserve the full support of Congress, and I am committed to working with Chairman HARKIN to provide adequate funding for Healthy Start programs.

HISPANIC SERVING INSTITUTIONS GRANTS PROGRAM

Mrs. HUTCHISON. Madam President, my colleague, Senator BINGAMAN, and I would like to clarify with our colleague, the distinguished chairman of the Labor, HHS, and Education Appropriations Subcommittee, his intent with respect to fiscal year 2002 funding of the Title V Hispanic-serving Institutions Grants program.

As the chairman is well aware, this program provides critical funding to generally smaller, community-oriented four- and two-year institutions of higher education that serve at least 25 percent Hispanic students. These approximately 200 institutions are an increasingly important avenue to success for this important and growing segment of our nation, and the HSI program is integral to the ability of these institutions to open the doors of higher education to Hispanics.

Mr. BINGAMAN. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to my distinguished colleague from New Mexico.

Mr. BINGAMAN. I thank my colleague and fellow chair of the Senate Hispanic-serving Institutions Coalition for her leadership on this important issue. As she knows, Hispanics, and particularly Hispanic youth, are the fastest growing group of Americans. Yet despite the fact that Hispanic Americans represent 13 percent of the population aged 18 to 24, they comprise only 5.5 percent of the students enrolled in four-year institutions of higher education. Moreover the number of Hispanics who never complete high schools stands at an alarming 30 percent. As a nation we simply cannot afford to have such a large and growing segment of our population go unprepared to face the economic challenges of the next century.

Key to greater Hispanic American enrollment in both higher and secondary education are Hispanic-serving institutions. Despite the fact that they represent only three percent of all colleges and universities nationwide, HSIs educate over 600,000, or 42 percent, of the Hispanics enrolled in postsecondary education today. However, many HSIs remain critically underfunded and lack the resources and infrastructure necessary to meet the growing demands of the communities they serve.

Mrs. HUTCHISON. If the senator will yield, I want to thank him for his comments and his resolute support of this program and of a variety of other education programs and issues of importance to Hispanics. I also want to thank the distinguished chairman of the subcommittee, Senator HARKIN, as well as the ranking member, Senator SPECTER, for working with Senator BINGAMAN and myself to achieve significant increases in this program in recent years. I have seen first hand how much of an impact HSI grants can have to a small, struggling junior or community college. It can very often make the difference between being able to offer a degree or degree program for the institution's students.

Madam President, I thank and commend the chairman of the subcommittee for his and for Senator SPECTER's always exceptional efforts at crafting a bill that makes the difficult choices we must make each year, while managing to maintain significant increases in overall funding levels for key areas of national need, including education and health funding. However, I understand the Senate committee-reported bill now on the floor contains a funding level that represents a slight increase over the 2001 fiscal year appropriation amount for the Title V HSI program, but one that is below the House committee-reported funding level of $81.5 million. I further understand it is the chairman's intent to recede to this higher House funding level during conference proceedings with the House. Is that correct?

Mr. HARKIN. The senator is correct. I certainly understand and share her and Senator BINGAMAN's commitment to the important Hispanic-serving institutions program. These colleges and universities are very important to the academic and economic success of Hispanics in our nation, and I do intend to seek the higher House funding level in conference in order to further expand the ability of these institutions to serve their students and their communities.

Mr. SPECTER. I too, share the chairman's commitment to the higher funding level for the Title V program. Considering the need demonstrated by Hispanic-serving institutions, their collective contribution to their communities and to the nation, as well as the effective use to which they put these funds, I believe the funding increase is necessary and appropriate.

Mrs. HUTCHISON. I thank the chairman and ranking member for that commitment, as well as my colleague from New Mexico, and I yield the floor.

Mr. BINGAMAN. I, too, thank the chairman, ranking member, and Senator HUTCHISON, and I look forward to continuing to work with all of them and others, including the members of our bipartisan Senate Hispanic-serving Institution Coalition, to continue to grow the ability of this program to serve communities across our country. I yield the floor.

TRIO PROGRAMS

Mrs. LINCOLN. Madam President, I rise today along with my colleague from Maine, Senator COLLINS, to express support for the TRIO Programs that are funded in the Labor-HHS-Education appropriations bill. Before I discuss the specifics of these important programs and the legislation before the Senate today, I would like to commend Senator HARKIN for his lifelong commitment to making quality education available to every student through TRIO and other federal programs. I am grateful for his leadership in this arena. I look forward to working with him in the months and years ahead to continue the progress that is represented in the bill we are debating today.

I also thank Senator SPECTER for his bipartisan approach over many years as both chairman and ranking member on this subcommittee. The willingness he has demonstrated to work with Members of both parties to meet our Nation's most pressing needs in education and health care funding is impressive and demonstrates a level of understanding and foresight we should all strive to achieve.

I know there are many vital initiatives funded in this bill and I want to briefly highlight one that is particularly important to my state of Arkansas. As many of my colleagues know, the TRIO Programs were authorized under Title IV of the Higher Education Act of 1965 to support our Nation's commitment to providing educational opportunities for all Americans. The TRIO programs are designed to help low-income, first-generation college students prepare for, enter, and graduate from college. While student financial aid programs help students overcome financial barriers to higher education, TRIO Programs help students overcome class, social and cultural barriers. Considering Arkansas has one of the lowest percentages of citizens with a 4-year college degree, the 52 TRIO programs currently serving participants in my State provide a critical source of encouragement and support to thousands of students who might otherwise never receive their college degree.

To demonstrate our support for these programs, Senator COLLINS and I are leading a campaign in the Senate that would expand the population served under these programs from 6 percent to 10 percent of eligible students over the next 5 years. As an important step toward this goal, we circulated a letter earlier this year that gained the support of 35 Senators to increase funding for TRIO by $190 million each year over the next 5 years.

Even though the Senate bill did not meet the level of funding we requested in our letter, I understand that the chairman and ranking member received more than 1,000 requests for funding from Senators this year. So I know I speak for all TRIO participants in my State in expressing appreciation for the healthy $75 million increase over last year's level that is provided for in the Senate bill. This additional funding is an important step in the right direction and will expand access to TRIO services to thousands of students in my State and throughout the Nation.

As appropriators work to iron out differences between the House and Senate versions of this bill in conference, I want to work with the chairman and ranking member to fight for the higher level of funding included in the Senate bill. Also, I want to encourage the appropriations committee to provide an even larger increase for TRIO should additional funding be made available in the budget and appropriations process this year.

In closing, I thank Senator COLLINS for joining me in this effort. It has been a pleasure working with her and I look forward to joining forces with my colleague from Maine in the future on this and many other important initiatives.

Ms. COLLINS. Madam President, I would like to begin by thanking Senator LINCOLN for her kind words and for her commitment to TRIO. Just as in Arkansas, many of the students in Maine grow up in families that have not had experience with higher education. The TRIO programs are vital in raising the aspirations of these students. Senator LINCOLN has consistently fought to raise the aspirations of high school students, inspiring kids to strive for their full potential. It has been my pleasure to work with her, and I look forward to continued cooperation on behalf of TRIO.

I would also thank Senators SPECTER and HARKIN for their commitment to education funding. Under their leadership, the committee has produced a Labor-HHS-Education bill that provides a $6.3 billion increase in education spending for next year, including substantial investments in Reading First, Title I, Pell Grants, and rural education. The investments outlined in this bill will build upon the progress of the last few years and help us ensure that all students have an opportunity to achieve.

Although the bill does not provide the amount we had hoped for to fund TRIO, it does appropriate a considerable increase of $75 million, which will be very helpful.

The five TRIO Programs—Educational Opportunity Centers, the Ronald E. McNair Post-baccalaureate Achievement Program, Student Support Services, Talent Search and Upward Bound—work with young people and adults, from the sixth grade through college graduation. Over 1,200 colleges, universities and agencies offer almost 2,500 TRIO Programs, serving over 740,000 students throughout the United States, Puerto Rico, and the Pacific Islands. These programs have enjoyed broad-based support on both sides of the aisle and in local communities for over 30 years.

Father James Nadeau, a native of my hometown in Aroostook County, is a graduate of the Bowdoin College Upward Bound program. His story tells why the TRIO programs are so important. His parents did not have the opportunity to pursue an education beyond the eighth grade. Father Jim's participation in Upward Bound changed his life and opened up a world of opportunity to him.

Beginning in 1977, Father Jim spent three summers enrolled in Upward Bound and then attended Dartmouth College and studied in France and Scotland. Subsequently, he studied for 5 years at the Gregorian University in Rome and received two graduate degrees in theology. His ministry has spanned from Mother Teresa in Calcutta to school children in Portland, Maine and continues to affect lives all over the world. He is an excellent role model for the youth of Maine and remains a terrific example of the success of the TRIO programs. There are many similar stories of TRIO graduates in all professions and walks of life. These are stories of successful, educated individuals who were introduced by a TRIO program to the endless possibilities that become attainable through education.

Nationally, the current funding level for TRIO only allows approximately 6 percent of the eligible population to be served. Many students in my own state would not go to college without these important federal programs. In Maine, 15 TRIO programs serve 5,509 young people and adults and I have been very impressed by the impact these programs have on aspirations. Many Maine students have told me that the TRIO programs gave them the confidence and encouragement they needed to succeed in higher education.

As we complete the appropriations process, I would ask that we place a continued emphasis on the important federal responsibility to expand access to postsecondary education. It is critical that we reach our target of serving at least 10 percent of the eligible population over the next 5 years. I urge the chairman and ranking member to continue their support of TRIO by protecting the proposed appropriation in conference committee. I also ask that TRIO receive an increased appropriation, should discretionary funds become available. For example, if IDEA is funded with mandatory funds during the ESEA reauthorization process, I hope that TRIO will be one of the programs that benefits. On a related note, I should point out that Chairman HARKIN has been a leader in the effort to secure mandatory funding for IDEA and I commend his commitment to that crucial issue.

In closing, the TRIO programs promote opportunity to education and the possibility of upward mobility in this Nation, and they must be strengthened.

Mr. HARKIN. I thank my colleagues for their kind words of support. As they know, I have fought to increase funding for education programs, including TRIO, in the past and I will continue to do so in the future. I am well aware of the broad bipartisan support TRIO has in the Senate and I can assure my colleagues that I will fight to retain the level of funding for TRIO that we included in the Senate bill. Also, should additional funding be made available in fiscal year 2002 for education programs, I will work with my fellow appropriators to provide additional resources for TRIO this year.

Mr. SPECTER. I too thank my colleagues for their comments. I certainly join the chairman in expressing support for the TRIO programs and will work in conference to maintain the level of funding contained in the Senate bill.

SUBSTANCE ABUSE TREATMENT FOR THE HOMELESS

Ms. COLLINS. Madam President, Senator REED and I would like to engage the distinguished Chairman and Ranking Member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education in a colloquy on the important issue of substance abuse treatment for the homeless. Our goal, which I know the chairman and ranking member share, is to ensure that homeless individuals have access to substance abuse treatment. While their most apparent need is decent shelter, homeless men and women often require treatment for the underlying problem that has kept them on the street, which in many cases is drug and alcohol abuse. Compounding the problem is the reality that homeless people often have difficulty accessing mainstream treatment services. What is needed are treatment programs specifically tailored to our homeless population.

Mr. HARKIN. The Senator from Maine is correct. Programs that link treatment to other health, housing, social and maintenance services often provide the best opportunity for the homeless to adhere to treatment programs, and ultimately achieve stability in their lives.

Ms. COLLINS. I thank the Senator. Last year, Senator REED and I offered an amendment set aside of $10 million in Substance Abuse and Mental Health Services Administration (SAMHSA), funds to provide grants to assist communities in providing treatment services that will serve the needs of their homeless populations. With the help of the distinguished Senators from Pennsylvania and Iowa, who have done so much through the years to help the homeless, our amendment was adopted. This year, we are seeking to ensure that $16 million in SAMHSA funds are set aside to serve the needs of homeless individuals. We respect the chairman's wishes that SAMHSA earmarks not be made specifically in bill language, and, accordingly, we will not offer my amendment on the floor. We would ask, however, whether the chairman and ranking member will advocate for the $16 million set-aside in the conference report to this bill.

Mr. REED. I share my distinguished colleagues' interest in assuring that this issue is addressed. Targeted treatment services for homeless populations has been successful in providing the assistance and support many homeless need to return to secure and stable lives. I commend the chairman and ranking member for their continued support for substance abuse and mental health treatment services for the homeless.

Mr. HARKIN. The Senators from Maine and Rhode Island may be assured that I will seek conference language to ensure that $16 million in SAMHSA funds are earmarked for substance abuse treatment for the homeless, and I congratulate them for their leadership on this important issue

Mr. SPECTER. I, too, would like to assure our good friends from Maine and Rhode Island that I will work in conference to support their request. I admire the Senators' efforts on behalf of the homeless and share their compassion for this group in need.

INDIAN EMPLOYMENT AND TRAINING

Mr. HARKIN. Madam President, the distinguished Senator from Hawaii, Mr. INOUYE, has submitted language to the committee regarding compliance by the Department of Health and Human Services with the provisions of the Indian Employment, Training and Related Services Demonstration Act, Public Law 102–477. On behalf of my colleague Senator SPECTER and myself, I would ask Senator INOUYE to clarify the intent of this language.

Mr. INOUYE. I am informed that HHS has recently released funds to the tribes operating their Native Employment Works, NEW, and Temporary Assistance for Needy Families, TANF, programs outside the long-standing interagency fund transfer mechanism used in the Public Law 102–477 demonstration. HHS has told the tribes that they must comply with all HHS requirements for these programs, without any reference to the applicability of the provisions of Public Law 102–477. The language is intended to ensure that HHS respect all the provisions of Public Law 102–477, including the provisions with respect to the single planning, single budgeting and single reporting requirements, which apply to all funds under the programs covered by that law. The language is also intended to make certain that HHS engages in a dialogue with the affected tribes and the Bureau of Indian Affairs, as lead agency for 477, and resolves any concerns which it has within the framework of inter-Departmental-tribal partnership which is central to the Public Law 102–477 demonstration initiative.

I would also note that there is an existing inter-departmental memorandum of understanding between the Departments of Interior, HHS and Labor which provides for a mechanism to continue the existing practice of transferring funds from HHS and Labor to Interior for obligation to the tribes in agreements specifically crafted for the Public Law 102–477 demonstration.

Mr. STEVENS. If I may add to the remarks of my colleague from Hawaii, the Alaska Native organizations in my State have been disproportionately affected by the unilateral actions recently taken by HHS in releasing NEW and TANF funds outside the established Public Law 102–477 process. Alaska Native groups have made important strides in improving and streamlining their employment and related services through the Public Law 102–477 demonstration. These organizations face the suspension of services to thousands of Alaska Native people because of the actions taken by HHS, placing NEW and TANF money outside the standard 477 process. To avoid any further damage to the services to Native people, particularly those most vulnerable who are in the public assistance system, HHS must immediately comply with the requirements in Public Law 102–477 and inform the tribes that these requirements, including the single reporting requirement, will be honored by the Department.

Mr. HARKIN. On behalf of myself and Senator SPECTER, I thank the Senators from Hawaii and Alaska for this clarification. The committee will do everything it can to ensure that HHS participates in the innovative inter-Departmental-tribal partnership, consistent with all the provisions of Public Law 102–477.

HISPANIC PROGRAMS

Mr. BINGAMAN. Madam President, I take this opportunity to thank Chairman HARKIN and Senator SPECTER for including in the managers' package an amendment that I sponsored with Senators DASCHLE, KENNEDY, KERRY, and MURRAY related to education programs particularly important to Hispanics in my State and to the Hispanic community nationally. This amendment will increase funding for Bilingual education programs by $100 million, provide an additional $3 million for the High School Equivalency Program, $5 million for the College Assistance Migrant Program, $58 million for GEARUP, $5 million for dropout prevention, $4 million for Hispanic Serving Institutions, and $25 million for the Migrant Education Program.

Hispanics are the fastest growing minority group in the United States and they are projected to contribute two-thirds to the growth in the size of the high-school-age population over the next decade. Unfortunately, Hispanic students as a group lag far behind their peers on many academic indictors. For example, in 1998 thirty percent of all Latino 16–24 year olds were dropouts—1.5 million, more than double the dropout rate for Black (14 percent) and more than three times the rate for Whites (8 percent). Overall, Hispanic students consistently perform below the national average in the National Assessment of Educational Progress—NAEP. The latest NAEP results—2000 show that the percentage of 4th graders scoring above the proficient level nationwide was 16 percent for Hispanics and 40 percent for non-Hispanic whites in reading and 10 percent for Hispanics and 34 percent for whites in math. Disparities begin as early as kindergarten and remain through age 17. By age nine, Hispanic students lag behind their non-Hispanic peers in reading, mathematics and science proficiency. The increased funding included in this amendment will have a tremendous impact on addressing these serious gaps.

I appreciate the efforts made by our chairman, Senator HARKIN, on this bill overall. Due to his efforts and the efforts of his ranking member, Senator SPECTER, the bill includes significant increases for many education programs crucial to the Hispanic students and to all children. I want to thank both Senators for helping us to provide additional funds for these programs.

Mr. HARKIN. I appreciate the Senator's efforts on this amendment. I strongly support these programs and agree we must make sure Hispanic students have the opportunity to succeed. That's why Senator SPECTER and I were pleased to include substantial increases for these programs. Unfortunately, because we chose to honor our commitment to stay on track to double the funding for NIH, and because we preserved funding for renovation which is also important to schools serving Hispanic students, we had less to spend on education than our House counterparts.

I am pleased that, by adopting this amendment, we will be able to increase HEP by $3 million—a 15 percent increase, CAMP by $5 million—a 50 percent increase, the HSI program by million for HSIs, $405 million for Migrant Education, and $600 million for Bilingual Education. Our amendment also includes $285 million for GEARUP and $805 million for TRIO; both programs prepare disadvantaged students to pursue and attend postsecondary education.

Mr. SPECTER. I join my colleagues in supporting this amendment. Senator HARKIN and I have always tried to work together to make sure federal resources are directed toward helping children who otherwise might not have access to a high quality education. This amendment clearly furthers that objective and I am pleased to accept it as part of the managers' package.

Mr. DASCHLE. I would like to join the Senator from New Mexico in thanking the chairman and ranking member for their help on this amendment, and for their hard work on this bill. I know they do their best to accommodate the myriad requests they have received to fund many very worthwhile programs, and to try to address the many crucial challenges facing our public education system. I do agree with my colleagues that we must make sure that our schools do a much better job in serving our growing population of Hispanic children. As the Senator from New Mexico has pointed out, too many have not had access to the strong schools and well-trained teachers who can help them succeed academically for the sake of their own futures and for the benefit of our nation as a whole. I would strongly urge the chairman and ranking member to do their best to provide further increases for these important programs, particularly for bilingual education, migrant education, and GEARUP, during the conference on this bill.

Mr. BINGAMAN. If my colleagues will allow me to discuss this a little further, Senator KENNEDY and I would like to ask a few more questions. It is my understanding that, at the request of Senator HUTCHISON, the Senators have agreed to work with their colleagues in the House during conference negotiations to further increase funding for Hispanic Serving Institutions to $81.5 million?

Mr. HARKIN. Yes, the House bill allocates $81.5 million for that program and we hope to recede to the House during conference negotiations.

Mr. BINGAMAN. I greatly appreciate this commitment. These are almost 20 HSIs in my home state and these schools desperately need additional funds to assist in the provision of a high quality education to the fastest-growing minority population. I yield to my colleague Senator KENNEDY who has shown tremendous leadership on issues related to education generally and has led the fight for improved services for disadvantaged students in our country. I thank him for his support.

Mr. KENNEDY. I commend Senator BINGAMAN and Senator DASCHLE for their leadership on this amendment. I also commend Senator Harkin and Senator Specter for their assistance on the amendment and for their impressive work on the entire bill.

All of the programs supported by this amendment deserve significant increases. The Senate bill will include an impressive 34 percent increase for Bilingual Education programs, which leverage state and local funds for instructional program improvement, and help school districts implement curricula that help children with limited English proficiency learn English and succeed academically. There are more than 4 million LEP students attending our nation's schools and the number is increasing. Although the number of such students has grown dramatically in the last two decades, funding for federal bilingual education has not been increased accordingly. In fact, the Congressional Research Service found that funding for bilingual education after adjusting for inflation declined by 39 percent from fiscal year 1980 to fiscal year 1998.

I understand that our Chair, Senate HARKIN, has agreed to work with Senate SPECTER and the other members of the conference on this bill to provide further increases for this program during the conference negotiations. We hope to secure at least $700 million for the program, and more if at all possible. Does the Senator share that goal?

Mr. HARKIN. Yes, that is our goal.

Mr. KENNEDY. Also, as our colleagues know, the Senate bill reauthorizing the Elementary and Secondary Education Act provided that bilingual funds would be allocated under the current competitive program structure until the appropriation reaches $700 million. Even the authorized trigger of $700 million is not sufficient, however, to provide adequate level of support and services for all students with limited English proficiency. Over the past decade, the enrollment of these children in the nation's schools has grown at a dramatic rate—by 104 percent since 1989. More than half of all school teachers have LEP students in their classroom, and yet only one-third of these teachers have received sufficient training to serve these students.

For these reasons, the Senate passed the Lincoln-Kennedy amendment to the Senate version of H.R. 1, placing Title III on a path toward full funding over 7 years by authorizing $2.8 billion to adequately serve all students. We should work to increase funding for bilingual education to at least $700 million for 2002 to provide 1.1 million limited English proficient students with good instruction, quality programs, and well-qualified teachers. A minimum of $700 million is a needed start toward ensuring that schools can provide high quality instruction for these students, and the support that teachers need to do well to meet this goal.

Under the funding level included in the Senate bill, we intend the funds to be allocated under the current competitive program structure, as provided for in the Senate version of H.R. 1.

Mr. HARKIN. Let me assure the distinguished chairman of the HELP Committee that it is our intend to follow the direction of the authorizing committee on this point. As I have indicated, it is certainly my hope and intention to provide sufficient funds so that, if they are distributed under a formula, schools would be able to provide meaningful services to these children. I would like to clarify that, under the funds provided by this amendment, if we were ultimately unable to exceed this level of funding, my intention would be to distribute the funds on a competitive basis. We would support distributing the funds at this level as follows: $150 million for the Emergency Immigrant Education program, $16 for Foreign Language Assistance, $300 for the instructional services for limited English proficient students subpart 1, $21 million for support services subpart 2, and $129 million for professional development subpart 3.

Mr. BINGAMAN. I thank the chairman. A substantial increase for bilingual education is particularly important for my home State and your willingness to continue to work on increasing funds for this program is appreciated. In New Mexico, there are almost 70,000 LEP students—over 20 percent of our total student population the national average is 7.8 percent and only California has a larger percentage of LEP students—24 percent. I should note that this program also is essential to our Native American population. For many Native Americans, English is a second language. These students need educational programs that help preserve their native language while helping them to gain greater proficiency in English and to achieve in core academic subjects.

I also am pleased that we will be able to triple funding for the dropout prevention program that I sponsored in the Elementary and Secondary Education Act. In my home State, the annual Hispanic dropout rate was more than twice that of non-Hispanic whites in 1999. This program will provide funds to implement proven, research-based dropout prevention strategies and will help provide greater national coordination in our dropout prevention efforts.

I again express my thanks to Senators HARKIN and SPECTER for their support on this amendment and for their tremendous efforts on this bill. I am also grateful to the Majority Leader, Senator DASCHLE, and to Senator KENNEDY for their support with respect to this amendment.

EDUCATION

Mrs. CLINTON. Madam President, I rise today both to applaud the chair and minority ranking member of the Labor-HHS-Education Appropriations Committee for supporting needed investments in school construction—$925 million for States to make emergency renovations and repairs—and to raise my concerns about the two amendments currently being debated.

I applaud the Senators from New Hampshire and Louisiana for focusing the education debate on targeting title I funds to the highest poverty states and school districts. I, however, cannot support my colleagues' amendments.

Senator GREGG's amendment is a false choice. It takes needed money away from school construction, adds these funds to the new funds allocated to title I and ensures that they are distributed through the targeted formula. I agree that new title I funds should be distributed to states and school districts through the title I targeted formula, which provides more funding to those States and school districts with the highest child poverty rates and highest number of poor school-age children. But, we cannot support targeting at the expense of repairing our schools in the most urgent need of renovation.

You may have heard me tell the story of a fourth grade teacher at the 82-year-old Mechanicville Elementary School, just north of Albany, who was struck in the head by concrete from the ceiling as she was teaching because the school was in such disrepair. In New York, children are attending schools in New York City built 100 years ago, and many students in Upstate New York are attending schools that were built 50 or 60 years ago. As Senator HARKIN so simply, yet so aptly, phrased it in this debate in opposition to Senator GREGG's amendment: "It is unfair to put poor kids in poor schools."

It is imperative that as a body we place a national priority on making the most urgent repairs to our school and that we target as much of the education funding as possible to our highest-need school districts. We cannot choose one over the other. We must do both.

Senator LANDRIEU's effort amendment focuses on the second issue: How we can best target title I funds to our highest poverty schools? I applaud her for her effort to try to both send more money to States through the targeted formula and to reward States for their effort and equity of targeting funding within States. I cannot support Senator LANDRIEU, however, as it would result in New York State receiving $17 million less than what is currently in the chairman's mark.

I would like to take a moment to explain to this body the situation that New York schools and school children face in the wake of the September 11th terrorist attacks and a suffering economy. It has been estimated that as a result of the economic situation in New York the State will face a $10 billion shortfall in State revenues over the next 18 months. In addition, Comptroller Carl McCall has identified $940 million in potential State and local government costs due to the current confluence of negative events. Local governments outside of New York City could experience reductions in tax revenues of up to $300 million. Already, the comptroller lists 36 units of local government that are experiencing some level of fiscal distress. It is expected that the uncertainty of State assistance and the declining economy will only add to the current distress of these communities and will add more communities to this list.

This shortfall and the weakening economy are already adversely impacting our largest schools districts. In a recent survey conducted by the New York State School Boards Association, 31 percent of school districts indicated that they will be forced to borrow and incur additional costs if more aid is not forthcoming and 70 percent of school districts revealed that they had tapped reserve funds that they will need to replenish. In Buffalo, the schools have a $28.3 million shortfall, which could mean 400-500 teachers and other school personnel cut at a time when the district is already struggling to find certified teachers to teach students. In New York City, the school board is short $400 million; they are already cutting afterschool programs and guidance counselors at a time when students in the city most need extra attention and assistance. In Rochester, they are short $21.7 million; in Yonkers, they are short $57 million; and, in Syracuse, they are short $8 million. And I could go on and on.

This adverse impact on our schools is happening at a time when we are debating an education bill that would put new Federal mandates on schools—and, I would argue, needed accountability. But how can we ask our schools to incur new costs to implement testing for all students in grades 3 through 8? How can we expect our schools to hire only certified teachers when they are laying off teachers left and right and raising class sizes because they don't have resources to support new teachers?

This appropriations bill begins to make a difference. It invests in emergency school repairs and renovations for our schools that are most urgently in need of repair; it significantly increase funding for teacher quality and teacher recruitment; and it invests an additional $1 billion in special education. But it is just not enough.

I believe that there are three things that we need to do.

We need to fully fund IDEA. This body passed the Harkin-Hagel amendment on ESEA, which would move special education funding to the mandatory side and would increase special education funding by $2.5 billion each year for the next 10 years. Why will this make a difference in towns across New York, in the Buffalos and New York Cities, but also in the smaller cities and towns from Oswego, to Utica, to Massena to Roosevelt? Due to the failure of the Federal Government to live up to its promise of funding 40 percent of special education funding and the decrease in State shares of special education over time, the burden on local communities has increased from 39 to 45 percent of the share of special education funding.

If we fully fund IDEA, New York's share of special education funding would rise from $430.2 million, which we received in fiscal year 2001, to $595.4 million in fiscal year 2002—a $165.2 million increase in the first year. This increase would begin to make good on the Federal Government's commitment to fully fund IDEA and, most importantly, it would help our communities by freeing up local funds for other necessary education investments.

I will fight my heart out to ensure that this amendment is part of the final education bill that Congress will consider in the weeks ahead.

We need to better target title I funding. To date, the Congress has never appropriated funds through the title I targeted formula. This formula provides needed money for States with the highest percentage of children in poverty and the highest number of poor school age children. New York is a State that would benefit tremendously from distributing new title I funds through this formula. In fact, if we distributed all title I funds above the fiscal year 2001 level through the targeted formula, New York would receive approximately 39 percent more in title I funding than it received last year. I will be fighting hard in the education conference to ensure that we do more to distribute funds through the targeted formula to help those states with the highest percentage and highest number of poor school age children.

And I believe that we need to provide a bail-out for schools across the country that are suffering as a result of the September 11 terrorist attacks and economic downturn. We cannot turn a blind eye to our schools and allow them to take the hit of a downturned economy that has resulted from the terrorist attacks of September 11th. I will be working with my colleagues to develop an education assistance package as part of the economic stimulus bill that this body will soon consider.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senators from Arizona and California are in the Chamber. It is my understanding they wish to introduce some legislation.

Mrs. FEINSTEIN. That is correct.

Mr. REID. The Senator from Iowa has not completed his work on the bill. He is waiting for some things to happen in the next few minutes.

Can the Senators indicate how much time they want to take?

Mrs. FEINSTEIN. I say to Senator REID, thank you very much. We could probably do it within 5 to 10 minutes.

Mr. REID. Mr. President, I ask unanimous consent Senators KYL and FEINSTEIN allowed to speak for up to 6 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

(The remarks of Mrs. FEINSTEIN, Mr. KYL, and Ms. SNOWE pertaining to the introduction of S. 1627 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENTS NOS. 2076 THROUGH 2087, EN BLOC

Mr. HARKIN. Mr. President, I have a list of managers' amendments that has been approved by both sides and which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 2076 through 2087, en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2076

(Purpose: Provide current year funding for the National Skills Standards Board)

On page 2, line 19 after "of such Act;" insert "of which $3,500,000 is available for obligation October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994;".

On page 2, beginning on line 24, strike out ", and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994".

AMENDMENT NO. 2077

(Purpose: Administrative expenses reduction)

On page 93, after line 12, insert the following:

SEC. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $98,500,000: *Provided*, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

AMENDMENT NO. 2078

(Purpose: Provide for increased funding for automatic external defibrillators in rural communities, offset by administrative cost reductions)

On page 22, line 18 after "Awareness Act," strike $5,488,843,000" and insert in its place "$5,496,343,000".

On page 24, line 8 before the period insert the following ": *Provided further*, That of the amount provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities".

AMENDMENT NO. 2079

(Purpose: To provide additional funding to carry out the Ecstasy Anti-Proliferation Act of 2000)

On page 34, line 13, strike "$3,073,456,000" and insert "$3,088,456,000: *Provided*, That $10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)".

AMENDMENT NO. 2080

(Purpose: To increase the appropriation for the Promoting Safe and Stable Families program)

On page 43, line 23, after the period, add the following:

"In addition, for such purposes, $70,000,000 to carry out such section."

AMENDMENT NO. 2081

(Purpose: To increase the appropriation for the Close Up Fellowship Program)

On page 57, line 24, before the period, add the following: ": *Provided further*, That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part."

AMENDMENT NO. 2082

(Purpose: To make funding available under title V of the Public Health Service Act for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2001)

On page 34, line 13, before the period insert: ": *Provided further*, That $5,000,000 shall be available for mental health providers serving public safety workers affected by disasters of national significance".

AMENDMENT NO. 2083

(Purpose: To provide funding for cancer prevention and screening programs under the Radiation Exposure Compensation Act Amendments of 2000)

On page 54, between lines 15 and 16, insert the following:

SEC. 225. For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a-9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which $1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

AMENDMENT NO. 2084

(Purpose: To provide funding for Hispanic education programs)

On page 40, line 16, strike "5.9" and insert "5.7".

On page 54, between lines 15 and 16, insert the following:

SEC. 522. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

On page 54, line 25, strike "$11,879,900,000, of which $4,104,200,000" and insert "$11,912,900,000, of which $4,129,200,000".

On page 56, line 25, strike "$8,717,014,000" and insert "$8,723,014,000".

On page 57, line 18, strike "$10,000,000" and insert "$15,000,000".

On page 58, line 11, strike "$516,000,000" and insert "$616,000,000".

On page 64, line 16, strike "$1,764,223,000" and insert "$1,826,223,000".

AMENDMENT NO. 2085

(Purpose: To express the sense of the Senate concerning research on, and services for individuals with, post-abortion depression and psychosis)

At the appropriate place, insert the following:

SEC. 226. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the "Institute"), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as "post-abortion conditions");

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

(4)(A) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

AMENDMENT NO. 2086

(Purpose: To amend the Public Health Service Act to provide a short title for a children's traumatic stress program)

At the appropriate place, insert the following:

SEC. 227. Section 582 of the Public Health Service Act (42 U.S.C. 290hh-(f) is amended by adding at the end the following:

"(g) SHORT TITLE.—This section may be cited as the 'Donald J. Cohen National Child Traumatic Stress Initiative'.".

Amendment No. 2087

(Purpose: To modify the calculation of State expenditures for eligible States under title IV of the Higher Education Act of 1965)

On page 73, between lines 4 and 5, insert the following:

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)(8)) shall not apply to a State program during fiscal year 2001 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it—

(1) allocated all of the funds that the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a) in fiscal year 2001.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to.

The amendments (Nos. 2076 through 2087) were agreed to en bloc.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now go into a period for morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. DURBIN. Mr. President, yesterday and the day before, there were some statements made in Washington that I would like to reflect on for a moment.

Yesterday, the President of the United States came before a group—I am not sure of the name of the group—and said to them at one point, in reflection on the economic stimulus package, that it was time for "Congress to get to work."

I understand the President is prodding us to do our best and to work hard, and we should. But I would say to the President and to any who follow this that Congress has been working, and working hard, with this President since September 11, and before. Since September 11, we have been diligent every time the President has asked us for important legislation, whether it was the money he needed to execute this war against terrorism or the new authority he needed to execute that war or aviation security. The Senate passed that bill almost 3 weeks ago now by a vote of 100–0.

That was antiterrorism legislation which the President needed so that our law enforcement can ferret out the sources of terrorism in the United States. We moved to that quickly and sent it to the his desk. The Senate and the House have responded and have been working with the President in a bipartisan fashion.

I found his remarks about the economic stimulus package a little puzzling because we have been doing our business. It is true that we have not reported out an economic stimulus bill in the Senate yet. My guess is we will do that as soon as next week.

The House of Representatives has presented a bill called an economic stimulus package.

What did the Secretary of the Treasury, a member of President Bush's Cabinet, say about the House economic stimulus bill? In the words of Treasury Secretary Paul O'Neill, he called it "show business."

Across the United States, in publications as conservative as the Wall Street Journal and others of a more moderate and liberal bent, the House effort at an economic stimulus has been roundly criticized.

All of us understand that the American economy is in a sorry state. The report back just recently suggests that in the third quarter of this year the U.S. economy contracted by .4 percent. After we have enjoyed in the last several years 2 and 3-percent growth, it is troubling to see that we are moving backward. Many believe that the actual contraction of the economy and movement toward recession will continue in the fourth quarter. It is almost inevitable when you consider all of the layoffs, the overcapacity of our economy, and the current state of our economic indicators.

That is why it was equally troubling when the same Treasury Secretary, Paul O'Neill, came before the cameras yesterday here in Washington and made a pronouncement. He said if Congress could pass an economic stimulus package, we might be able to avoid a recession.

I think Harry Truman made it very clear when he was President. He put the sign on his desk that said in many respects the buck stops at the White

House; the buck stops with the administration. If this is an effort by a Cabinet member of this administration suggesting the recession is a product of congressional inactivity, I think that simplifies and perhaps overstates their position.

So I hope we can reflect for a moment on what this economy needs and what has been proposed. We ought to put it in this perspective: Since September 11, the money we have been spending to execute the war against terrorism, to rebuild the damage caused by terrorists on that day, and the money that we are proposing to spend on an economic stimulus to get America's economy moving forward is money that is being taken out of the Social Security trust fund and the Medicare trust fund.

Those of us who voted for it understood full well that in time of war we need to give the men and women in uniform the resources they need in order to protect themselves and defend America. I voted for it, understanding that money was coming out of the Social Security trust fund. It is to be repaid, but the money is coming out of that trust fund as we spend it on this war and on rebuilding the damage caused by terrorism. Similarly, the money being spent on the economic stimulus is also coming from that Social Security trust fund.

The reason I raise that point is this: How does money get into the Social Security trust fund? Every worker in America, rich or poor, pays payroll taxes, known as FICA taxes, every single pay period into the Social Security and Medicare trust funds. So the money that is building up in those funds comes from the working people of America. Their payroll taxes are financing our war effort overseas as well as all the other efforts to protect America.

The working people of America and their payroll taxes are paying for the rebuilding of New York and that which was damaged on September 11. The working people of America and their payroll taxes will pay for any economic stimulus package which Congress enacts.

The reason why that is significant is twofold. First, as every economist worth his salt has told us, to get this economy moving again, you have to put spending power back in the hands of consumers. Consumers have lost confidence. In losing confidence, they are not making key purchases. So there is an overcapacity of production, and people are not buying enough. They are holding back.

The reasons are many. They are uncertain about the economy. They are uncertain about their jobs. They are uncertain about America's security. They are holding back. And this reticence on the part of Americans has led to the slowdown in the economy.

The same economists say, if you want to turn this economy around, you have to give the resources back to the people who will spend it: the consumers who need the money in hand to make the purchases to get the economy fired up and moving forward. I have not heard a credible economist yet not reach that conclusion.

I pulled a group of business leaders together in Chicago several weeks ago. We had representatives of labor and business, small and large, and we sat down. I said, open ended, what do we need to do to get America moving again? They all came to that conclusion: Give the consumer more spending power.

Second, they said: Do it in a timely fashion. If Congress should decide not to do it, or put it off, then, frankly, we are going to be in a position where it does not make much difference.

Third, they said: Make certain it is temporary, that whatever you do is focused on resuscitating this economy, and it isn't a long-term commitment. I thought those were pretty sound principles.

We should consider not just what is most efficient and efficacious in terms of moving the economy forward, but, secondly, what is fair? If the money we are spending on an economic stimulus is coming from the working families in America, out of their payroll taxes, isn't it fair, in light of that first observation about what is needed for the economy, that the money be at least returned to working families across America?

I think that is eminently sensible. But look at what the House of Representatives comes up with by way of an economic stimulus. They come up with a proposal that takes the payroll taxes paid into the Social Security trust fund and redistributes them to whom? The wealthiest people in America. Forty percent of the economic stimulus coming out of the Republican-controlled House of Representatives goes to the top 1 percent of wage earners.

Think about "Reverse Robin Hood." Here we have the average person working hard, paying 7.5 or 8 percent in payroll taxes out of every single paycheck sent to Washington so that the Ways and Means Committee in the House of Representatives can take that money and give it to whom? Not back to the same workers—no—but to the wealthiest people in America.

What is even worse is a proposal coming out of the House of Representatives in the name of economic stimulus which would, in fact, literally give back billions of dollars to corporations for taxes they paid as long as 15 years ago. That, to me, is an outrage.

That money coming out of the Social Security trust fund will go to wealthy, prosperous, and profitable corporations to reimburse them for taxes that were paid as long as 15 years ago. That does not make sense. It does not make sense from an economic viewpoint if we accept the premise that we need to give consumers spending power to get this economy moving forward, and it certainly does not make sense in the name of justice that we would take payroll taxes and give them back to wealthy people in America and profitable corporations. That is exactly what the House of Representatives has proposed. And it is exactly what Treasury Secretary Paul O'Neill called "show business." I think he was too kind. I could come up with a few other ways to describe it.

It is far more important for us, as part of an economic stimulus, to get to the root cause of our economic problem, to address it in a timely fashion, to avoid, as much as possible, long-term deficits, and to make certain this is a temporary fix that really resuscitates the economy, as it needs to be.

Currently, the Senate Finance Committee, under the leadership of Senator MAX BAUCUS, is considering a stimulus package. This package is good in many respects. All the tax and spending proposals are temporary in nature. More than 100 percent of the 10-year cost occurs in the year 2002—immediately.

The bill costs $70 billion this year and $40 billion more over 10 years. It includes a $14 billion rebate and $33 billion in worker relief, targeted to low and middle-income Americans who are more likely to spend it. And it has virtually no effect on the surplus after this next fiscal year.

Contrast that with the proposal that we now have from the Senate Republicans, from Senator GRASSLEY of Iowa. Senator GRASSLEY's proposal has $143 billion in tax cuts that are permanent, not temporary but permanent, representing 82 percent of the total net cost of the Republican economic stimulus package. Nearly 48 percent of the 10-year cost of the package occurs after the first year. So it is not a stimulus package. Almost half of it does not occur until a year from now.

The bill costs $78 billion in fiscal year 2003 and $60 billion in fiscal year 2004. The bill costs $91 billion in this next fiscal year and $175 billion over 10 years—$175 billion in comparison to the $70 billion cost of the bill that is coming out of the Democratic side.

Listen to this part. Remember, the money we are talking about comes out of the Social Security and Medicare trust funds from payroll taxes paid by working families across America. That is what is providing the money. That is the source of the money.

What would the Republican Senators have us do with that money from these workers? Forty-four percent of the Republican tax cuts would go to the wealthiest 1 percent of taxpayers. Only 18 percent of the total amount of economic stimulus goes to the bottom 60 percent of employees and taxpayers across America.

From where I am standing, this does not make any sense at all. This, by any standard, is a failing proposal on the Republican side. For the President to say to us, it is time for Congress to get to work, it is also time for this administration to stand up behind sound economic principles that really will move this economy forward, and do it in a fashion that is fair—fair to every American.

We had a meeting yesterday with some friends and representatives of working people across America, and a point was made very effectively: When it comes to waging wars in America, the working families are usually the first in line, not just with their tax payments but with their sons and daughters who serve our Nation so well, so valiantly. Isn't it nothing short of amazing that when it comes to stimulating the economy of this country that we forget that lesson?

Since September 11, everywhere you turn, you see the phrase "United we stand." And thank God for it, that this country has come together in a spirit of patriotism and community and togetherness in a way I have never seen in my natural life. But when you look at these bills that have been proposed on the Republican side of the House and Senate for stimulating the economy, it is not motivated by the motto "United we stand."

It is motivated by the motto "divided we stimulate." When it comes to putting money back in the economy, these proposals turn their back on the same people paying the payroll taxes, the very same people making the sacrifice over and over again, day in and day out in America.

Senator TOM DASCHLE is majority leader. He has said, as part of our economic stimulus, there are several things we should do. I will refer to a couple of them.

One of the actions needed, and I certainly agree with this, is to extend the unemployment insurance available to workers across America. This temporary extension and expansion of unemployment insurance is not unprecedented. In fact, former President George Bush, at a time of recession in America, called for the extension of unemployment insurance benefits. Unfortunately, his son, now President of the United States, has not made the same commitment in terms of the number of people to be helped, how much they would be helped, and how quickly the assistance would be available.

By allowing 13 weeks of extended benefits to anyone with benefits expiring after September 11, we are saying to families: We are going to give you the safety net, the helping hand. What is unemployment insurance worth if you have lost your job? About $230 a week. That is the average. It is not enough for a person to live in the lap of luxury. It is enough for some families to squeak by using their savings, cutting corners, and trying to get by.

There is also a proposal that we help these same families who have lost their jobs and are on unemployment insurance to pay for health insurance. Imagine that you have lost a job you have held for a number of years—and that has happened to hundreds of thousands of Americans in the last year—that you are now trying to keep your family together with unemployment checks of about $230 a week, and when you try to buy the health insurance your family now needs in the private marketplace, it costs you $500 to $700 a month. Those figures are not outlandish; they represent the average.

So it is not a surprise to many that the unemployed people drop their health insurance, which, of course, causes a great deal of worry over the coverage of the family and, in the worst-case scenario, pushes these uninsured, unemployed Americans into a health care system which is forced to absorb them in charity payments.

We believe, on the Democratic side, that in addition to extending unemployment insurance, we should also extend coverage for health care benefits for those unemployed workers. That is sensible. It gives them the peace of mind and protection they need for their families.

Senator DASCHLE has said that will be an essential part of any economic stimulus package that comes out of the Democratic side of the Senate.

These are reasonable and responsible things to do. We have traditionally committed ourselves to small business, and that commitment could be realized as part of the economic stimulus package in terms of allowing some bonus depreciation, some expensing, so that there can be purchases made that help businesses and that will help those who supply them. That is sensible.

This small business approach costs a great deal less than what has been proposed in the House of Representatives, which rewards some of the largest corporations in America.

That is what we face in terms of an economic stimulus package on the tax side. Our colleague in the Senate, Mr. ROBERT BYRD, has suggested that in addition to the $70 billion as part of our tax package, that we also put in about $20 billion in spending. Some will say: There they go again. At a time of national emergency, they are making proposals to spend more Federal money.

Before you reach that conclusion, take a look at what Senator BYRD has proposed, cosponsored by Senator HARRY REID of Nevada. The proposal is to provide additional funds to Federal, State, and local antiterrorism law enforcement. We just had a meeting of our homeland defense coordinator for the State of Illinois, Matt Battenhausen, and our bipartisan delegation to talk about the urgent need to create a communications system in our State of Illinois and many other States so that police departments and fire departments can be in communication in time of need. That seems very basic to me.

Senators BYRD and REID, in this spending proposal for homeland defense, would provide resources for that opportunity. The FEMA firefighters grant program is another program that has provided for an update in the equipment and resources and materials at fire stations all across America. It has been an extremely popular program. They have called for $600 million on that. I am certain that could be used very effectively, if for no other reason than to give local firefighters some familiarity with dealing with hazardous materials and the threat of bioterrorism. That is something that is absolutely essential.

When it comes to infrastructure security, highway security, and clean and safe drinking water, if you think about this, we have made it clear that we not only should focus on aviation security and airport security but on all transportation. Investing money now to protect those resources is going to thwart any efforts by terrorists to turn them against us.

There is money included as well for bioterrorism prevention and response and food safety. This is an issue about which I feel strongly. We need to put the resources into bioterrorism.

Today, we had a presentation to many Democratic Senators from Dr. Anthony Fauci, who is with the National Institutes of Health. He talked to us about anthrax, with which we have become increasingly familiar on Capitol Hill because of the threats against our Senators, as well as the many people who work and visit here.

It is clear to me there are things we absolutely essentially have to do to protect America. How will they get done? How can we make this difference? We certainly can't make the difference unless we are prepared to provide money to those units of government and others that need it to protect us against bioterrorism. Border security, $1.6 billion: Would anyone argue against the idea of putting more people on the borders to make certain that those who have a suspicious background or involvement in terrorism cannot get into the United States?

Mass transit, Amtrak, and airport security: all of these are easily defensible and suggest that there will be money spent for good purposes to protect and defend America and at the same time to invigorate this economy.

It is a very positive combination to take the tax benefits being offered by Senator BAUCUS's bill as well as the homeland defense spending that has been suggested by Senator BYRD. Coming together, it will not only help the economy; it will make America a safer place.

We can say to the working families across America who pay the payroll taxes that are being spent through the Social Security trust fund that the money is being spent for their purposes to help them, to help this economy, to turn America around.

The President has said it is time for Congress to get to work. I accept the challenge. I think it is also time for the administration to get to work, for them to reject the show business, as Secretary O'Neill has called the Republican bill that is before us, and to come forward with a more sensible and responsible and manageable approach. If the President will step up and with his leadership create a bipartisan coalition for an economic stimulus that is truly in the best interest of America, I guarantee him this: The same spirit of bipartisanship we have seen in Washington for the last 7 weeks will continue in this important chapter of America's history as well, as we respond to this recession with a positive program, a program that will truly help America get back on its feet.

That is the challenge before us. I certainly hope as the Senate Finance Committee brings its bill to the floor and searches out 60 Senators in support of it, it will be a bipartisan bill. If we are going to be asked to accept without change, take it or leave it, the proposal on the Republican side to provide most of the benefits for the wealthiest people in this country and for the wealthiest corporations, it should be summarily rejected.

As Secretary of the Treasury O'Neil said: The Republican version coming out of the House is a bad idea. It would be a bad idea coming out of the Senate as well.

I could not in good conscience support a bill in the name of economic stimulus which takes money from the Social Security and Medicare trust funds and spends it; instead of creating an economic incentive, it spends it instead on benefits for those who are frankly very well off and not very pained in today's economy.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Illinois.

APPRECIATION OF LAW ENFORCEMENT

Mr. DURBIN. A few weeks ago my colleague, who is now presiding, the Senator from Minnesota, introduced a resolution in the Senate acknowledging the hard work of the Capitol Police and all the security forces around Capitol Hill. I was happy to join with him and all the other Senators in that resolution.

A few days ago, with the assistance of Jeri Thomson, who serves as the Secretary of the Senate, we prepared these buttons which are small and probably cannot be seen by anyone following this debate. But the word on them is "heartfelt" thank you to the Capitol Police. Most of these men and women have been working 12-hour shifts at least 6 days a week since September 11.

I just had a few words with one of the officers at the Dirksen Building. She told me that while she is working 6 days a week 12 hours a day, her husband is working for the Red Cross 7 days a week and 12 hours a day. They have two children—3 years old and 5 years old. I said: Did you have any chance to go trick or treating with the kids? She said, she didn't get home until 8:30; they would just have to wait until next year.

That is part of the sacrifice by so many people who don't receive recognition in the Congress but deserve it.

For those men and women who are standing out there protecting this House that belongs to the American people and this building that symbolizes so much in our democracy, I want them to know that from all the Members of the Senate this expression of gratitude is heartfelt.

Thank you so much for all you do every single. I hope we can find a way to bring some relief to your life soon. I hope as well that we can see some relief in the lives of all Americans who have been troubled and worried over the events since September 11.

LOOKING PAST DOHA

Mr. BAUCUS. Madam President, I rise today to discuss the upcoming WTO meeting in Doha. I want to express my very serious concerns about the direction I believe these negotiations are heading.

Let me start with the area with which I have the most serious concern; that is, protecting U.S. trade laws. Enforcement of our trade laws is one area where the administration and the Congress have recently worked very closely together.

On issues such as softwood lumber and steel, Congress and the administration have worked together to ensure that our companies and workers are protected from unfair trade practices. It has been working well.

Recent lumber decisions by the National Trade Commission and by the Department of Commerce, as well as the free trade decision on steel dumping onto U.S. markets, are areas where the administration and the Congress worked together on enforcing our trade laws against unfair foreign trade practices.

These cases demonstrate why our trade laws are critical, and also why the case for defending trade laws is one that has always been bipartisan. Indeed, earlier this year I was joined by 62 of my colleagues in a letter urging this administration not to weaken our trade laws.

I again urge the administration to accept the inescapable fact that our trade laws are part of the political bargain on trade. Without assurances that America has the laws to protect itself against unfair foreign trade practices, future trade agreements will be very tough to sell.

Americans are not wanting to buy into a trade agreement if they are not assured the trade laws are protected and upheld so we can protect ourselves against other countries' foreign trade practices.

Recent history demonstrates why we should be concerned. Both NAFTA and the recent GATT and WTO negotiations have significantly undermined enforcement of America's trade laws.

There have been suggestions that we use WTO negotiations as an opportunity to address due process and transparency concerns in the application of other countries' trade laws.

These are problems of compliance with existing WTO rules and not problems requiring us to revisit the rules themselves.

Indeed, our existing international rules are constantly under attack. Countries are now trying to achieve through litigation what they failed to achieve in previous negotiations.

Remember that our trade laws are WTO legal. They conform with and are consistent with the principles and the rulings of WTO. We are not trying to do anything unfair. We are just trying to be fair and make sure we are protected.

Realizing that many of our trading partners want to weaken our trade laws, I was quite surprised to read that the draft declaration indicated a willingness to renegotiate these rules. This is the draft declaration looking toward Doha.

Why should we do this? What do we gain? Where is the affirmative agenda?

At a minimum, the United States should be seeking to address the underlying market distortions that cause dumping and that cause other countries to subsidize. We should be trying to correct the erroneous WTO decisions that have been handed down for the last several years. Yet all the draft declaration indicates is that we will engage in a wholesale renegotiation of these rules.

I find that very disturbing. I hope our trading partners realize that when it comes to weakening our trade laws through further negotiation they will face stiff, unyielding, and bipartisan opposition in the Congress.

I am also concerned about the declaration's environment and labor provisions.

I was happy to see the reaffirmation of our commitment to the sustainable development, and that the WTO will increase its focus on the relationship between multilateral environmental agreements and trade rules. Both these issues deserve even more attention.

I am concerned, however, about the comments from our negotiators that these are "Europe's issues."

Sustainable development is not a concern of Europe alone. I hope the lessons of Seattle have not somehow been lost on us. These are American concerns—more so now than ever.

So too is the issue of labor and trade. The declaration makes the mistake of suggesting that labor standards are—and I quote—"social issues," appropriately handled by the ILO.

I want to be clear on this point. We have now turned the corner on these issues. As the overwhelming support for the recent United States-Jordan Free Trade Agreement makes clear, environment and labor standards are now a part of the trade dialog. They are here. We passed it; that is, we passed legislation which affirms it.

Finally, I want to express my strong support for Taiwan's accession into the WTO—as a full member of the WTO. This includes the right to challenge the trade practices of China—or any other country—just as other members have the right to challenge Taiwan.

I am concerned about some of the recent reports that China is advocating some kind of lesser status for Taiwan. As an independent member of the WTO, Taiwan should have, and will have, the same rights as every other member. I hope the administration will take a strong stand in this regard.

As we look toward and beyond Doha, I look forward to working with the administration. But I also urge our negotiators not to give up the store. The goal of launching a new round of negotiations is not an end in itself. We must be vigilant in ensuring that we get the best deal for our farmers, our workers, and our companies.

ENERGY

Mr. INHOFE. Mr. President, I rise to address the problems we are having getting energy legislation to the Senate floor.

I strongly believe we need to have a comprehensive energy package brought to the Chamber.

My colleagues may remember that a short while ago, I offered an amendment on the Defense authorization bill that would have included a comprehensive energy policy—H.R. 4, the House-passed bill, the bill the administration wants, the bill the majority of people in this Chamber want to pass—in the legislation. I was criticized for that. Yet there is no stronger supporter of the military than I.

Having been chairman of the defense authorization readiness subcommittee for some 5 years, I see energy as a major national security issue. Frankly, it was a wrong decision for the Parliamentarian to say it was not germane.

Let's look at where we are today. Today we are 56.6 percent dependent upon foreign countries for our oil supply. That means we are 56 percent dependent upon foreign countries for our ability to fight a war. What is alarming is that 50 percent of what we have to import is coming from the Middle East. The fastest growing contributor to that amount upon which we are dependent is none other than Iraq. You can say in one-sentence form: It is ludicrous that we should be considered to be dependent upon Iraq for our ability to fight a war against Iraq.

We have a new figure I would like to share with the Senate. In the year 2000 alone, the United States bought $5 billion worth of oil from Iraq.

Let's look at where we are today. For all practical purposes, not only are we at war in Afghanistan, but also in Iraq. They have shot down three of our Predators. We have no-fly zones. We have our troops who should be better trained when they arrive in the Persian Gulf. Yet we are dependent upon Iraq and the Middle East for our ability to carry out a war. If something should happen, an accident of a tanker coming in, any number of things, it would be an absolute disaster.

I will cite for my colleagues some recent statements that I didn't have at the time to share when I brought up my amendment.

One is from Paul Wolfowitz, Deputy Secretary of Defense. In response to my question, he said:

> [It] is a serious strategic issue. . . . My sense is that [our] dependency is projected to grow, not to decline. . . . I think you're right to point out that it's not only that we would, in a sense, be dependent upon Iraqi oil, but the oil as a weapon. The possibility of taking that oil off the market and doing enormous economic damage with it is a very serious problem.

Senator CARPER, the other day, was in a colloquy and statements were going back and forth, and quoting Mr. Greenspan responding to one of Senator CARPER's questions—this is Greenspan, and we are getting ready for an economic stimulus:

> At the moment, the demand for power is pretty soft because the economy is soft. That is going to change. And when it changes, unless we have a long-term focus on how we put our infrastructure together, how we set incentives and rules to, one, maintain energy security while protecting the environment, we are going to run into trouble. And I think unless we give it very considerable thought now—projecting five, six, seven years out in the future—we are going to get sub-optimal solutions.

This is not a new issue. I started on this issue back in the Reagan administration. Nor is this a partisan issue because the Reagan administration, while he was President, refused to have a comprehensive energy policy. Then along came George "the first." He came out of the oil patch, so we thought surely this man would be able to successfully have a national energy policy. And he would not do it. This was at a time when we were nearing a war. This is a national security issue, not an energy issue. During the Clinton administration, he would not do it either.

Now we have an agreement where the leadership on both sides says we need a comprehensive energy policy. We need to have a vote this year to accomplish two things: One, our national security, to get out of this quagmire in the Middle East and to be able to fight a war; two, an economic stimulus. I can't think of anything that would be more positive to stimulate the economy than a national energy policy. It involves some controversial things, yes. ANWR is one small part of this. People keep saying this is an ANWR bill. It is not. We are talking about H.R. 4 over in the House. It has 300 pages. Only 2 pages are ANWR. It includes a comprehensive approach, including nuclear; some of our marginal production in this country that is virtually cut off because of the unpredictability of prices. If you get a marginal operator drilling a well for 15 barrels or less and he is not going to be able to know the price of oil 15 months down the road, he is not going to do it. Consequently, we are not doing it. If we had all of the marginal production that we have ceased to have over the last 10 years in production today, it would equal the total amount we are importing from Saudi Arabia. Consequently, I see this as a critical issue that has to be dealt with this year.

Just recently, I notice almost on a daily basis President Bush expresses the administration's position. This is from the 17th in Sacramento:

> I ask Congress to now act on an energy bill that the House of Representatives passed back in August. . . . Too much of our energy comes from the Middle East. The plan I sent up to Congress promotes conservation, expands energy supplies, and improves the efficiency of our energy network. Our country needs greater energy independence. The issue is a matter of national security, and I hope the Senate acts quickly.

We have many other quotes. I will mention a last one from the Secretary of the Interior, Gale Norton, the other day:

> The President has said very clearly this is a priority. This situation—

Referring to September 11—

> has made it more urgent, and we need to begin moving the process. We have always said that national security is part of the reason we need to get the energy program in place, and we certainly have not backed away from that position now that September 11 has occurred.

So I think there is nothing more important to deal with between now and the end of the session than a comprehensive energy bill. Let's at least bring it up for a vote. That is what this is supposed to be about, so we can debate this issue. We can't really debate this issue, other than the way I am doing it now, in anticipation of a vote, unless we have an opportunity to have a vote. So I think you are going to see this offered again as an amendment. The logical place should be on the economic stimulus package, because this is an economic stimulus issue, as well as a national security issue.

I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred Jan. 28, 2000, in Boston, MA. A group of high school teenagers sexually assaulted and attacked a 16-year-old Boston High School student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes, and pointing at their own genitals. Officials said a teenage boy who was with the group allegedly pulled a knife on the girl, held it to her throat and threatened to slash her. The girl later passed out from being beaten. Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, assault and battery, and indecent assault and battery.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ASKING SAVES KIDS

Mr. LEVIN. Mr. President, PAX is an organization that promotes practical, non-political solutions to the problem of gun violence. Asking Saves Kids or ASK is a national advertising campaign, developed by PAX in collaboration with the American Academy of Pediatrics. The ASK campaign urges parents to ask their neighbors if they have a gun in the home before sending their child over to play. To help parents with what is a difficult question, the ASK campaign has developed a "Parent's Help Kit". The kit contains tips on how to ask the question about guns in the home, a sample letter to mail to other parents, and non-confrontational ways to respond to friends and relatives who may take exception to the question. The Help Kit is an invaluable tool in the fight to protect children from gun violence and I encourage parents to visit the PAX web site and download a copy of the Help Kit. The web site address is http://www.gunviolence.org/pdf/ASK_Kit.pdf.

IN MEMORY OF KATHY T. NGUYEN

Mrs. CLINTON. Mr. President, yesterday, we received tragic news: Kathy Nguyen, a 61-year old Bronx woman who worked at the Manhattan Eye, Ear and Throat Hospital on East 64th Street, passed away from inhalation anthrax. Her death, she is the fourth person in our country to die from anthrax, has saddened New York, and our entire country. Ms. Nguyen, who worked at the hospital since 1991, was a clerk in the stockroom in the basement of the hospital.

Ms. Nguyen came to America from Vietnam in 1977 with the help of a New York City police officer. Like many refugees from Vietnam, she left without any money, and started a new life for herself in America. She settled in the Bronx' Crotona Park East area near the Bronx River. She married an American, but later divorced. They had a son, who tragically died in a car accident years ago.

Ms. Nguyen's friends and neighbors have spoken kindly about the tiny, generous woman who had no family of her own, but always inquired about their families. She enjoyed cooking meals for her neighbors and their families, even sharing Thanksgiving dinner, and was known for her fondness for offering coworkers food.

Working afternoons and evenings at the Manhattan Eye, Ear and Throat Hospital, Ms. Nguyen was responsible for stocking the emergency room and operating rooms with medicine and instruments. She sometimes returned home as late as 11pm. Her neighbors noted her late working hours and said that she was planning on retiring. Although she did not handle mail, it has been reported that the supply room where she worked was adjacent to the hospital's mailroom.

Last Thursday night, Ms. Nguyen complained to her neighbors that she was feeling ill, but she brushed it off as a cold. She went to work as usual on Friday, but by Sunday night, she felt worse and the superintendent of her building brought her to the emergency room at the Lennox Hill Hospital. She was in critical condition in the intensive care unit with pneumonia and was placed on a respirator. Initial tests showed anthrax and additional tests confirmed the diagnosis on Tuesday afternoon. Although she fought hard to battle this terrible infection, she passed away.

Ms. Nguyen was too ill to aid investigators who sought to retrace her movements before she became sick to determine the source of the anthrax and it remains a mystery. Federal and local health officials are vigorously pursuing all avenues to uncover the source of the anthrax that sickened Ms. Nguyen.

I know that Ms. Nguyen's friends and neighbors will miss her greatly. Her kindness and concern for her neighbors were a special part of the Bronx neighborhood where she lived. Her everyday courtesies, in a city that is known for its anonymity and incredible size, made the world a little smaller, and a little nicer, for her neighbors.

COMBATING INTERNATIONAL TERRORISM

Mr. LEAHY. Mr. President, it has been seven weeks since the horrifying attacks on the World Trade Center and the Pentagon, and the crash of the plane in Pennsylvania.

We have all struggled with a flood of thoughts and emotions about the frightening and tragic loss of life, the national response to this cruel, mindless assault on innocent people, and where we go from here.

My wife Marcelle and I have received hundreds of phone calls, letters and e-mails from people who have offered thoughtful suggestions, and I have read many articles, opinion pieces, and heartfelt letters to the editor of the national and local newspapers.

I do not pretend to have all the answers. No one does. The United States military is carrying out bombing missions against the Taliban and terrorist sites in Afghanistan. The situation is unpredictable, and we are learning more each day. But I do want to express some of my thoughts at this time.

First and foremost, my thoughts are with the victims' families. It has been hard, very hard, to see the images of the families as they try to come to terms with the loss of loved ones.

I also share the pride in how our firefighters, police and other emergency workers rushed to the scene intent on rescue without thought for their own safety. We are in awe of the bravery of those on the United Airlines flight who struggled with the hijackers and prevented that aircraft from striking its target in Washington.

I am proud of the skill and courage of our Air Force pilots, who fly thousands of miles, often in the darkness of night, into hostile territory. They are constantly in our thoughts, and we pray that each of them returns safely.

Amid all the sadness and anger, I have been tremendously heartened by the way Americans of all races, religions and backgrounds rallied together to help each other. It should not be surprising that we would respond this way, but it is enormously uplifting and reassuring.

And I was also encouraged when millions of people in cities around the world gathered to express their sympathy and support for the United States. There were 200,000 in Berlin alone.

It was a vivid and moving reminder of how many people in so many countries respect what our country stands for, and look to us for leadership in solving the world's problems. It is that leadership, in combating terrorism but also in addressing other pressing global issues, that we must show today and in the future.

I have been impressed by the leadership shown by President Bush and others in the Cabinet. I commend the President for voicing our common goal to seek justice for the victims and for our country, our condemnation of the despicable acts of harassment and intimidation of Muslims in the United States, and our resolve to protect our country from future terrorist acts.

It has been said over and over that "the world has changed." In one sense that is true. Our country has suffered its greatest loss of life on American soil, in a single day, since the Civil War. Our response to this tragedy is causing changes throughout our society. However, in another sense, it has a lot more to do with our perceptions of the world than with the world itself. The world was changing long before September 11, and threats that existed before that infamous day are no less present today.

These attacks destroyed not only thousands of innocent lives, but they destroyed mistaken assumptions about our safety in isolation. They also, let us hope, erased our complacency. We are now beginning a struggle that may take decades, shake foreign governments, and cause great disruption in our daily lives.

We are responding decisively. The American people want to feel secure and they want justice. If the Taliban continue to shelter bin Laden and other terrorists they will pay a heavy price. They have already lost the support of virtually every country in the world, and our military has destroyed many of their military assets. Others who knowingly harbor terrorists face similar consequences.

Yet as we seek justice and security, let us not be blinded by anger or zealotry. We want a world without terrorists, but we owe it to ourselves to calmly ask constructive questions, as we commit to this cause thousands of American lives, billions of dollars, and the credibility of our nation.

Our response must single out those individuals, organizations, or nations that are responsible for these atrocities. The terrorists want us to overreact. They want us to strike back blindly and cause the deaths of innocent civilians. They want to draw us into a so-called "holy war," and they will use these images against us, alienating others in the Muslim world whose support we need to combat this threat, and among whom there are many who already resent our involvement in the Middle East.

We need to understand the fact that the civilian casualties caused by our bombs in Afghanistan despite the efforts made to prevent them are not only tragic but also exacerbate the hatred of America by Muslims in many parts of the world, a hatred which has been building over many years.

We are seeing this among Muslims in Pakistan, in Indonesia, in the West Bank, even in Africa. Despite President Bush's, Secretary Powell's, and Secretary Rumsfeld's clear statements to the contrary, they see our actions as attacks on their religion.

We also know what happened to the Soviet army, and to the British before them, in Afghanistan. Two of the world's most powerful militaries suffered terrible losses and were forced to withdraw in humiliation. And we should remember our own disastrous experience in Somalia.

We need to recognize that there are parts of the world, dominated by fierce warlords and clans, that we do not understand and probably cannot understand. We should be very, very careful not to repeat past mistakes.

Our campaign against terrorism has no direct precedent, and we are still feeling our way forward. At this stage of the military dimensions of this effort, neither the President nor the Pentagon have yet explained, except in the most general way, what they expect to accomplish militarily in Afghanistan within the next month, 6 months, or year, and how they expect to accomplish it. Nor have they yet explained the risks to our Armed Forces, except to say that there will be casualties.

Meanwhile, the American people have been asked to be patient, and they have been. Members of Congress have been asked to give the President and the Pentagon great latitude, and they have done so. But we are all in this together, and the time for clearer goals and more direct answers about our strategy is approaching.

The fact that 2 weeks ago the Pentagon told us that they had eviscerated the Taliban's military capabilities, and a week later expressed surprise that the Taliban has proved to be a determined foe, already has raised troubling questions.

No one wants to see an end to the Taliban more than I, and I have no doubt that we can force them from power. But there is no evidence it can be done by bombing alone, at least not without many civilian casualties. How many ground troops would it take, over what period of time? And then what? Surely the Taliban would regroup and fight from somewhere else.

The American people will deserve and need answers to these and other questions.

There is no doubt that we will need help from others to fight terrorism, which exists in every corner of the globe. To his credit, the President showed admirable patience in building a coalition to track down terrorists and their sources of income. The President must also continue to show an understanding of the particular situation of each country in the coalition, and of how much we can reasonably demand of them given their circumstances, their capabilities, their history.

The situation we are in is unlike any that we have seen before. It is difficult always to know who the enemy is or where they may be hiding. They may be right among us, or they may be in the mountains of Central Asia. Secretary Powell and others have been clear that we are preparing for a long, sustained, comprehensive campaign, using all the means at our disposal—diplomacy, intelligence, law enforcement, financial, economic, and military.

We must confront the entire superstructure of terrorism—the states that knowingly provide terrorists with support and safe haven, the system of financial support, and sources of recruits, and the hatreds that spawn them.

In doing this, we must heed the lessons from other so-called wars that we have fought against other deeply rooted, complex problems—the war on poverty and the war on drugs. These "wars" have been fought with many weapons. They also depend on foreign cooperation. Yet we are nowhere near to winning either of those wars, despite the fact that we have spent tens of billions of dollars, and even, in the war on drugs, imprisoned thousands of people and deployed our forces in foreign countries.

We must be resolute but realistic. We can no more completely eliminate terrorism from the face of the Earth than we can eliminate poverty. But there is a great deal we can do to protect ourselves.

The President has waived sanctions against Pakistan so we can assist them in this effort. I have heard proposals that we should set aside other laws which affirm our commitment to the protection of human rights in our international relations. Others speak of waiving limitations on our support for dictatorial regimes in Central Asia, or countries that have engaged in proliferation of nuclear, chemical or biological weapons.

I will listen to what the Administration proposes, but I am also mindful of the lessons of history. We supported the fighters who became the Taliban, when they sought to expel the Soviets. Today the Taliban, led by religious fanatics, systematically terrorize and brutalize their own people. The country has been turned into a virtual prison, where its inhabitants, many too weak from hunger and disease to flee, suffer the daily cruelty of the Taliban's tyrannical rule.

We gave weapons to Iraq, and to the Shah of Iran, whose secret police tortured Iranian citizens who spoke out for democracy. We have supported other regimes that committed atrocities, which to the victims were no different from acts of terrorism. We must not repeat those mistakes.

We must reaffirm the principles that make this country a beacon of hope around the world, and which reflect the most deeply held ideals of our people—ideals which the terrorists hate—our civil liberties, our individual and religious freedoms. These ideals, far more than our military power, are our country's greatest strength. Let us not lose sight of the fact that acts of terrorism are human rights atrocities. As we go forward, we must continue to show the world what sets us apart from the terrorists. Defense of human rights is one of these cherished principles.

There can be no excuse, no justification whatsoever, for attacks against unarmed civilians—whether it is the suicide bomber or the suicide highjacker, or a government that commits acts of terrorism against its own citizens.

But to reduce the threat of terrorism, of whatever form, over the long run, we must work to resolve the issues that foster deep and lasting hatreds the terrorists feed on, that produces their funding, and their recruits.

Recently, the House of Representatives approved, after minimal debate and without a dissenting vote, payment of $582 million in arrears to the United Nations. That was both noteworthy and encouraging, since those funds had been held hostage by the House for years over unrelated issues like international family planning. How shortsighted that was.

Many of those same Members took pride in cutting our foreign aid budget. Foreign aid, a meager one percent of the Federal budget—far, far less than most people believe it is— is used, in part, to help alleviate the pervasive poverty in the Middle East, Africa and Asia that leads to despair, instability, violence, and hatred—conditions that breed recruits for terrorist organizations.

Instead of one percent, we should increase five-fold the amount we spend to combat poverty, especially in parts of the world where there is such resentment toward the United States.

We are surrounded by a sea of desperate people. Two billion people—a third of the world's inhabitants, live on the edge of starvation. They barely survive on what scraps they can scavenge, and many children die before the age of five.

Refugees and people displaced from their homes, number in the many tens of millions.

The world is on fire is too many places to count, and at most of those flash points poverty, and the injustice that perpetuates it, are at the root of the instability.

Our foreign assistance programs provide economic support to poor countries, health care to the world's neediest women and children, food and shelter for refugees and victims of natural and man made disasters, and technical expertise to promote democracy, free markets, human rights and the rule of law.

But as important as this aid is, the amount we give is a pittance, when considered in terms of our wealth and the seriousness of the threats we face. The approximately $10 billion that we provide in this type of assistance—whether through our State Department and the Agency for International Development, or as contributions to the World Bank, the United Nations Development Program, the World Food Program, and other organizations, amounts to less than $40 for each American each year.

Forty dollars. It is embarrassing. We are failing the American people, and we are failing future generations.

Our economy is suffering, and people are hurting in this country. We are trying to help them, and we need to do more. But we cannot continue to bury our heads in the sand. We cannot protect our national interests in today's complex, dangerous world on a foreign assistance budget that in real terms is less than what it was 15 years ago. We cannot.

Our world is not simply our towns, our states, our country. It is the whole world. We live in a global economy. The Ebola virus is like a terrorist—an airplane's flight away. We can try our best to control our borders, but we cannot hide behind an impenetrable wall.

We have to go to the source of the problem, and that is to countries that are failing—from AIDS, from ignorance, from poverty, from injustice.

We need a better understanding of the world we live in, and how to protect our security. Almost 60 percent of the world's people live in Asia, and that number is growing. Seventy percent of the world's people are non-White, and 70 percent are non-Christian. About 5 percent own more than half the world's wealth. Half the world's people suffer from malnutrition. Seventy percent are illiterate.

How can we justify spending so little to address these needs? We cannot, any more than we can justify failing to anticipate and prevent the attacks on the World Trade Center and the Pentagon. The Pentagon would be the first to say that they cannot solve these problems.

I would hope that one of the positive things that comes from this time of national soul searching and recovery, is that we begin to think differently about what the future holds, and our role in the world.

Let us act like a superpower. Let us lead the world in combating poverty, in supporting the development of democracy. Let us start paying our share. As the world's wealthiest nation we have a moral responsibility. But we also, because of who we are, have the most at stake. Like the Congress, the White House also needs to change its thinking. For the past six months, it took a hands-off approach to solving complex global problems, turning its back on half a dozen treaties and international agreements, ranging from arms control to protecting the environment. The unmistakable message is that we are so powerful that we do not need the rest of the world, that somehow we are immune from the world's problems.

That notion was arrogant, dangerous and naive then, as it is today. We must move beyond the tired battles over foreign aid and the United Nations, and forge common approaches to global threats. It is clear that this is what is necessary to fight terrorism, and the same is true of AIDS, global warming, and so many other problems.

This brings me to the difficult question of the Middle East conflict. No one who is familiar with the history of the Israeli-Palestinian conflict believes it will be resolved without the active, sustained involvement of the United States. And never has that involvement been so urgently needed, because to maintain strong Arab participation in the coalition we are organizing against terrorism, there must be visible progress toward peace between Israelis and Palestinians.

Frankly, I have been dismayed as our credibility in the Middle East has badly eroded, and as resentment toward the United States has intensified and spread among Muslims throughout that region. We have to confront this problem earnestly and honestly, and recognize its historical and cultural roots. It is clearly in our security interests, as well as those of Israel, that we take actions to reestablish credibility with the Palestinians and their Arab supporters, while continuing to keep faith with Israel and its people—a valued ally and a leading democracy.

We must get both Palestinians and Israelis back to the negotiating table, working seriously toward a viable peace agreement that addresses their long term needs and aspirations—a viable, Palestinian state, and lasting security for Israel.

I do not count myself among those who believe that the deranged, hate-filled perpetrators of the September 11th terrorist attacks would not have carried out their heinous crimes if Israel and the Palestinians had already made peace. It may be that sympathy for the Palestinians had nothing to do with it.

Nor do I believe that a solution to the Middle East conflict will solve the problem of international terrorism.

But I am convinced that, as difficult a problem as it is, the Palestinian-Israeli conflict must be solved if we are to make tangible progress against some of the breeding grounds of terrorism.

The same goes for our relations with the rest of the Arab world. In our single-minded zeal to secure a steady supply of Middle East oil to fuel our insatiable and growing demand for cheap gasoline, we have turned a blind eye to widespread repression by governments whose policies, including the systematic abuse of women, vary sharply from our own. We must take dramatic measures to reduce our wasteful consumption of oil and our dependence on these regimes.

At the same time that we combat terrorism around the world, we must also get our domestic house in order.

Over the last decade this country has put an enormous effort into counterterrorism. It has been a top priority of the FBI, the CIA and other agencies. Yet, all those resources and all that concentrated work failed to prevent this enormous tragedy. It is astounding how unprepared we were, how even the simplest safeguards were ignored, how many weaknesses were waiting for the terrorists to exploit. It was a massive failure of our defenses.

Let us look hard and honestly at where our defenses failed, and work to correct those weaknesses. We need to strengthen our intelligence agencies, law enforcement, border control, emergency response and all the manifold capabilities we will need to defend ourselves. That includes taking steps to eliminate the destructive competition between these agencies, which has impeded coordination and undermined their effectiveness.

We have worked with the Administration on legislation to support law enforcement and our intelligence community, while at the same time protecting our constitutional freedoms. As Benjamin Franklin said, "a people who would trade their liberty for security deserve neither." As we work to become more secure, we must also protect our liberty.

I am concerned about press reports of people held in custody for weeks, who have not been charged with any crime, being denied meaningful access to counsel. This, if true, may be a common practice in some countries, but it should not be the practice in ours.

I am also concerned about the erroneous assertion that the Congress has tied the CIA's hands by limiting its ability to recruit informants with unsavory backgrounds. There is no such law. In fact, the only constraint is the CIA's own internal guidelines, which require prior approval of senior management before recruiting such an asset. There are sound reasons for those guidelines, and the CIA leadership has said repeatedly that this is not a problem.

Even more disturbing are claims that we need to change the "law" prohibiting assassinations of individuals involved in terrorism. Again, there is no such law. There is an Executive Order, first signed by President Ford and reaffirmed each year since then by every succeeding Administration that prohibits assassinations. No law, or executive order for that matter, protects Osama bin Laden or any other terrorist from the exercise of our legitimate right of self-defense, including use of lethal force.

A policy of pre-emptive assassinations would be morally repugnant, a violation of international law, and fraught with dangers for our own government, as well as for our allies. It is also ineffective, because it creates martyrs whose deaths become a terrorist's rallying cry for vengeance. And we have seen how easily foreign identities can be mistaken or stolen, with potentially irreversible, tragic consequences.

Our country has suffered a grievous loss. We have had to face our own vulnerability as never before. As we support the victims' families and set about to prevent future terrorist attacks, we should also rededicate ourselves to upholding the principles which set our nation apart: freedom, tolerance, diversity, respect for the rule of law, and the unique value of every individual. If our leaders appeal to these values—to the better angels of our human nature, not to the instincts of hate or fear or revenge—then this trial by fire will refine us, instead of coarsen us.

And let us go forward from this experience, which has shown in such a tragic way how connected we are to the rest of the world and how much we need the support of other countries, to provide stronger leadership not only to combat the scourge of international terrorism but other urgent global problems, and make this world a better and safer place for all.

UTAH TASK FORCE ONE

Mr. HATCH. Mr. President, today I rise to pay tribute to the Salt Lake Urban Search and Rescue Team, also called Utah Task Force One, UTTF–1 . The outstanding men and women of the Task Force were called upon to serve their nation when 62 members made the grim trip to New York City on September 18, 2001, to search for survivors and bodies in the World Trade Center rubble. The Salt Lake County Fire Department, the Salt Lake City Fire Department, and the Rocky Mountain Rescue Dogs made up this response force. UTTF–1 is one of only 28 task force teams nationwide participating in the National USAR, Urban Search and Rescue, Response System.

UTTF–1 deployed to New York with specialized firefighters, search dogs and handlers, two physicians and structural engineers. The team spent 9 days working 12-hour shifts in intolerable conditions and under tremendous strain. They experienced things that would turn lesser men and women to despair. Yet these brave individuals soldiered on without complaint or regard for themselves. In essence, they got the job done.

We cannot even begin to imagine the tasks they were asked to perform, but we can give our humble thanks for their determination and courage. The frustration they shared in finding no one alive and the grief they felt as they recovered the bodies of many victims of the terrorist attack—including a New York City firefighter—are beyond words. They faced the incredible devastation and unspeakable smell with the character and composure of real heroes.

And we must not forget the families and friends of the task force members. They carried the burden of seeing their loved ones go into a situation that was not only physically dangerous but also emotionally unsettling. These families and friends were also the ones to welcome home the team and comfort them in the aftermath of what was a horrific and heartbreaking experience.

Lastly, we give thanks to the rescue dogs who worked so hard and shared the same dangers and frustrations as their handlers. I believe a sign at a U.S. Public Health Service veterinary clinic serving the rescue dogs during the New York disaster said it best, "For man's best friend, who is fighting men's worst enemy. God bless you."

The members of Utah Task Force One reflect all that is great about America. They are strong; they are brave; and they are resilient. I take exceptional pride in submitting each one of their names to be recorded in the CONGRESSIONAL RECORD for posterity. Mr. President, here are 62 American Patriots listed by rank, name, and department:

Battalion Chief, Stanley, Dennis, Salt Lake County Fire Department; Battalion Chief, Stroud, Roger, D., Salt Lake City Fire Department; Battalion Chief, Johnson, Jeff, Salt Lake County Fire Department; Assistant Chief, Collins, Scott, Salt Lake County Fire Department; Captain, Riley, Mike, Salt Lake County Fire Department; Deputy Chief, Littleford, Larry B., Salt Lake City Fire Department; Captain, Lund, Jens, Salt Lake County Fire Department; Firefighter, Harp, Michael W., Salt Lake City Fire Department; K–9 Handler, Hackmeister, Nancy, Rocky Mountain Rescue Dogs; K–9 Handler, Richards, Dave, Rocky Mountain Rescue Dogs; K–9 Handler, Flood, Mary, Rocky Mountain Rescue Dogs; K–9 Handler, Perks, Dave, Rocky Mountain Rescue Dogs; Firefighter, Case, R. Bryan, Salt Lake County Fire Department; Captain, Baldwin, J. Clair, Salt Lake City Fire Department; Captain, McBride, Scott, Salt Lake County Fire Department; Captain, Ulibarri, Mike, Salt Lake County Fire Department; Captain, Dixon, David H., Salt Lake City Fire Department; Firefighter, Russell, Wade, Salt Lake County Fire Department; Instructor, Shields, Jon, Utah Valley State College; Paramedic, Clark, Jeffrey A., Salt Lake City Fire Department; Paramedic, Tallon, Tevor J., Salt Lake City Fire Department; Paramedic, Silverthorne, Robert R., Salt Lake City Fire Department; Captain, Darger, Brent, Salt Lake County Fire Department; Paramedic, Schaugaard, Steven, Salt Lake County Fire Department; Paramedic, Halligan, Steven Salt, Lake County Fire Department; Engineer, Russell, Ron, Salt Lake County Fire Department; Firefighter, Fox, Michael S., Salt Lake City Fire Department; Paramedic, Outzen, Craig, Salt Lake County Fire Department; Captain, De Journett, Charles, Salt Lake County Fire Department; Engineer, Cage, Chris, Salt Lake County Fire Department; Paramedic, Harmer, Jacob, Salt Lake County Fire Department; Paramedic, Bone, Merrill L., Salt Lake City Fire Department; Paramedic, Morell, Brad J, Salt Lake City Fire Department; Firefighter, Glagola, Nicholas P., Salt Lake City Fire Department; Paramedic, Vialpando, David T., Salt Lake City Fire Department; Paramedic, Black, Rick G., Salt Lake City Fire Department; Paramedic, Taylor, Matthew A., Salt Lake City Fire Department; Paramedic, Hambleton, Matt, Salt Lake City Fire Department; Captain, Pilcher, Robin, Salt Lake County Fire Department; Firefighter, Widdison, Anthony, Salt Lake County Fire Department; Doctor, Joyce, Stephen, University of Utah Medical Center; Doctor, Dixon, Lester, St. Marks Hospital; Captain, Cooper, Catherine, Salt Lake City Fire Department; Paramedic, Homen, Jack, Salt Lake County Fire Department; Paramedic, DeGering, James, Salt Lake County Fire Department; Paramedic, Tuttle, Dick L., Salt Lake City Fire Department; Battalion Chief, Bogle, Tom, Salt Lake County Fire Department; Paramedic, Jensen, Michael L., Salt Lake County Fire Department; HazMat, Robinson, Zachary, Salt Lake County Fire Department; Paramedic, Greensides, Michael, Salt Lake County Fire Department; HazMat, Mecham, Clint, Salt Lake County Fire Department; HazMat, Wall, Ron, Salt Lake County Fire Department; Communications Technician, Garcia, Ted, Private Citizen; Communications Technician, Neal, Joel, Private Citizen; HazMat, Bevan, Keith, Salt Lake County Fire Department; Captain, Rice, Doug, Salt Lake County Fire Department; Firefighter, Gish, Daniel, Salt Lake City Fire Department; Firefighter, Endemano III, Edward W., Salt Lake City Fire Department; Captain, Haakenson, Roy Salt, Lake County Fire Department; Captain, Gaulke, Brian, Salt Lake City Fire Department; Contractor, McQuarry, Mel; and Contractor, Hansen, Ross.

STACEY CALDWELL'S POEM

Mr. KENNEDY. Mr. President, in a meeting today with America's Ambassador to Ireland, Richard Egan, the Ambassador gave me a poem written by an 11-year-old from Northern Ireland.

The poem addresses the horrendous attack on our Nation on September 11 and the shared fears of the American and Irish people. It is moving and eloquent tribute to the innocent victims of these atrocities, and I commend it to my colleagues.

I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

A DAY TO REMEMBER

(By Stacey Caldwell)

Tuesday 11th September 2001
Another day in New York has just begun
Everyone's getting ready for work, no time to slow down
Mums, Dads and children all rushing around.

But a long time ago a sinister deed was done
For some terrible people, their plans had begun
They plotted and schemed and organized their crime
Every detail discussed, right down to the date and time.

America was the target to be
No-one could predict what they were about to see
Four planes had been hijacked, innocent people on board
Their right to life had been totally ignored.
The twin towers in New York, were the first to be hit
The next was the Pentagon but it wasn't over yet
Another plane was heading for Camp David
But a small group of people tried in vain to save it
Unfortunately they died in a field far away
Never to wake and see another day.
Reality sets in. . . . Thousands of bodies never to be found.

I live in Northern Ireland and I'm eleven years old
I have no idea what the future will hold
Only a hope that peace is near
We cannot live a life constantly faced with fear.

Fear of attack, not knowing who's next
Security stepped up because of the risk
I cannot explain my words, my fear
For my family, my future and the coming year.

I trust in you that you'll do the right thing
Just consider the consequences and what they might bring
I'll never forget what I watched on T.V.
Let's bring them to justice for the world to see.

* * *

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN ERICKSON

• Mr. MILLER. Mr. President, Bessie Anderson Stanley once wrote:

> He has achieved success who has lived well, laughed often and loved much; who has enjoyed the trust of pure women, the respect of intelligent men and the love of little children; who has filled his niche and accomplished his task; who has left the world better than he found it, whether an improved poppy, a perfect poem, or a rescued soul; who has always looked for the best in others and given them the best he had; whose life was an inspiration; whose memory a benediction.

These words aptly describe our friend, John Erickson, former administrative assistant to the late Senator J. William Fulbright of Arkansas and Director of Governmental Affairs for Ford Motor Company's Southeast Region. John died a few weeks ago at the age of 81, leaving behind a legacy that will long be remembered by those of us who knew him.

I first met John in 1975 at the beginning of my first of four terms as Lieutenant Governor of Georgia. John came by to see me and I immediately knew that he was a special person. Our friendship carried over to my terms as Governor and until his death in Winter Park, FL, on September 3.

John was a native of Roger, AR, where he began a political career that endeared him to U.S. Senators, Congressmen, and Presidents, and to everyone who knew him.

His first experience in politics and public service began when he was a student at the University of Arkansas as Secretary to the late Congressman Clyde Ellis, who represented Arkansas' Third Congressional District. When Congressman John McClellan defeated Ellis for a seat in the U.S. Senate, John was asked to become secretary to Ellis' successor, J. William Fulbright.

When John accepted Fulbright's offer, it began a partnership that lasted for more than two decades. John Erickson engineered Fulbright's election to the U.S. Senate in a highly contested race that included former Senator and the first woman elected to serve in the Senate, Hattie Carraway. Also in the race was Arkansas' sitting Governor, Homer Atkins. Fulbright won the race, bringing national attention to both the new Senator and to the skills of John Erickson.

He served Senator Fulbright well and while building a reputation among his peers as a hard-working, politically savvy staff member whose devotion to his boss was exceeded only by his love for, and dedication to, his wife and family.

John had a wonderful family. He married his childhood sweetheart, Sara Louise Glenn, with whom he enjoyed 53 years of companionship before her death in 1998. John and Sara Lou are survived by their children: Gunnar Erickson and his wife, Barbara of Malibu, CA; Karen Erickson of Colorado Springs, CO; and Kristin Erickson and her husband, Jon Farmer, of Winter Park, FL.

In addition to his staff duties with Senator Fulbright, John provided political knowledge and skills to other candidates as well. In the national elections of 1952 and 1956, John took leave from Senator Fulbright's staff to work in the campaigns of Illinois Governor Adlai Stevenson, the Democratic nominee for President. He was a valued member of Stevenson's staff, often traveling with the candidate while managing his office operation in Springfield, IL.

John joined Ford Motor Company in 1960 as civic and governmental affairs manager in Kansas City. While there, he served on the committee that planned the funeral services for former President Harry Truman. He moved to Atlanta in 1970 from where he worked with State and national officials on such issues as seat belt laws, highway safety and other legislative matters.

John Erickson's life and his death touched the lives of all of those with whom he was associated.

The poet Longfellow expressed it well when he wrote:

Lives of great men all remind us,
We can make our lives sublime,
And departing, leave behind us,
Footprints in the sands of time.

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.•

TRIBUTE TO SHELDON PARKER

• Mr. SPECTER. Mr. President, I seek recognition to commend the service of Sheldon Parker, a Pennsylvanian who is ending his term on the board of directors for the Northeast-Midwest Institute. Shel has provided exceptional service to the institute, and in the process helped to improve our region's economic development and environmental quality. Shel is general manager and chief executive officer of the Pennsylvania Public Television Network, PPTN, and secretary-treasurer of the PPTN Commission. From 1967 to 1978, he was a Pennsylvania State Representative, serving as vice chairman of the House Appropriations Committee and chairman of the House Select Committee on Federal-State Affairs. I thank Shel Parker for his leadership on the Northeast-Midwest Institute's Board of Directors. He provided valued service and helped increase that organization's reputation and effectiveness.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated by the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON A NOTICE STATING THAT THE EMERGENCY DECLARED WITH RESPECT TO THE GOVERNMENT OF SUDAN ON NOVEMBER 3, 1997 IS TO CONTINUE IN EFFECT BEYOND NOVEMBER 3, 2001—MESSAGE FROM THE PRESIDENT—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 2, 2000 (65 Fed. Reg. 66163).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about its record on terrorism and the prevalence of human rights violations, including slavery, restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 31, 2001.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN FOR THE PERIOD BEGINNING MAY 2001 AND ENDING OCTOBER 2001—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, based upon information made available to me.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 31, 2001.*

MESSAGE FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee on conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the report of the committee on conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4508. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Intelligence; Indian Affairs; and Rules and Administration.

EC-4509. A communication from the Director of the Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Occupational Injury and Illness Recording and Reporting Requirements" (RIN1218-AC00) received on October 24, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4510. A communication from the Assistant Secretary of Policy, Management and Budget, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claims Under the General Mining Law; Surface Management" (RIN1004-AB44) received on October 29, 2001; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 1428: An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability

System, and for other purposes. (Rept. No. 107-92).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS for the Committee on Finance:

*Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.

By Mr. LEAHY for the Committee on the Judiciary:

Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. Kennedy):

S. 1609. A bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself and Mr. Craig):

S. 1610. A bill to protect United States military personnel and other elected and appointed officials of the Untied States Government against criminal prosecution by an international criminal court to which the United States is not party; to the Committee on Foreign Relations.

By Mr. LEAHY:

S. 1611. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON:

S. 1612. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMPSON:

S. 1613. A bill to provide for expedited congressional consideration of "Freedom to Manage" legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws; to the Committee on Governmental Affairs.

By Mr. SESSIONS (for himself, Mrs. Hutchison, Mr. Edwards, Mr. Shelby, Mr. Hollings, Mr. Lott, Mr. Cleland, Mr. Cochran, Mr. Helms, and Mr. Inhofe):

S. 1614. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mrs. Clinton, Mr. Leahy, and Mr. Hatch):

S. 1615. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. Corzine):

S. 1616. A bill to provide for interest on late payments of health care claims; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Warner, Mr. Sarbanes, Mr. Schumer, Mrs. Murray, Mr. Cleland, Mr. Corzine, and Mr. Daschle):

S. 1617. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. Brownback, Ms. Cantwell, Ms. Collins, Mr. Edwards, Mr. Hagel, Mr. Reid, and Mr. Ensign):

S. 1618. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. Rockefeller, Mrs. Lincoln, and Mr. McConnell):

S. 1619. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 1620. A bill to authorize the Government National Mortgage Association to guarantee conventional mortgage-backed securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mr. Schumer, Mr. Smith of New Hampshire, and Mr. Corzine):

S. 1621. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. Schumer, and Mr. Corzine):

S. 1622. A bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of the terrorist attacks of September 11, 2001; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. Schumer, and Mr. Corzine):

S. 1623. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. Schumer):

S. 1624. A bill to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. Jeffords, Mr. Leahy, and Mrs. Murray):

S. 1625. A bill to require the Secretary of Health and Human Services to approve up to 4 State waivers to allow a State to use its allotment under the State children's health insurance program under title XXI of the Social Security Act to increase the enrollment of children eligible for medical assistance under the medicaid program under title XIX of such Act; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Cochran, Mr. Daschle, Mrs. Lincoln, Ms. Collins, Mrs. Carnahan, Mr. Hutchinson, and Mr. Corzine):

S. 1626. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Kyl, Ms. Snowe, Mr. Hatch, Mr. Thurmond, Mr. Bond, and Mr. Kohl):

S. 1627. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. Specter):

S. Res. 175. A resolution honoring Penn State football coach Joe Paterno; considered and agreed to.

By Mr. INHOFE:

S. Res. 176. A resolution relating to expenditures for official office expenses; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 88

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 540

At the request of Mr. DEWINE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr . KERRY) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Missouri (Mr. BOND) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1299

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1299, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 1434

At the request of Mr. REID, his name was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1519

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1519, a bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

S. 1563

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Mr. SMITH of New Hampshire) was added as a cosponsor of S. 1563, a bill to establish a coordinated program of science-based countermeasures to address the threats of agricultural bioterrorism.

S. 1589

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1589, a bill to amend title XVIII of the Social security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes.

S. 1593

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. CON. RES. 79

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

AMENDMENT NO. 2021

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2021 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2050

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Massachusetts (Mr. KERRY) , the Senator from Minnesota (Mr. WELLSTONE) , the Senator from Maryland (Mr. SARBANES), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2050 proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1609. A bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central

Connecticut as a national historic trail; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise today to introduce a bill along with my senior Senator, Senator KENNEDY of Massachusetts, to amend the National Trails System Act to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail.

The National Trails System was created in 1968 to provide outdoor recreation and to conserve the scenic, historic, natural, and cultural qualities of the areas through which trails more than 100 miles long pass. Trails provide opportunities for outdoor recreation to citizens in Massachusetts and around the country. People enjoy bicycling, cross-country skiing, day hiking, jogging, camping, and long-distance backpacking. In addition, National Scenic Trails promote tourism and foster economic development. National trails can only be authorized and designated by Acts of Congress.

The Metacomet-Monadnock-Mattabesett Trail plays an important role in land protection and wildlife habitat preservation. It is a system of trails and potential trails extending southward approximately 180 miles from the Metacomet-Monadnock Trail in western Massachusetts, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound. Dozens of waterfalls, natural areas, and wildlife viewing spots can be found along the route. There are dramatic traprock ledges and summits that provide tremendous views of the Connecticut River Valley. At a time when the Northeast corridor is faced with overdevelopment, designating the Metacomet-Monadnock-Mattabesett as a national trail would help protect it, facilitate better planning for power lines, pipelines, and roads, and help maintain natural habitats through the financial and technological assistance of the National Park Service, nonprofit organizations, and local volunteers.

I would like to share a few of the comments from organizations in Massachusetts and Connecticut that support this legislation. Peter Westover, the conservation director for the town of Amherst, wrote to express strong support for the trail. He is confident that there will be widespread support among trail managers and trail users throughout the region. Both Durand, the Massachusetts Secretary of Environmental Affairs, wrote that the Metacomet-Monadnock portion of the trail is an important recreational, scenic, and historic resource that could be significantly enhanced by this project. The Massachusetts director of the Nature Conservancy, Wayne Klockner, expressed his strong support for the trail, writing that he supports the benefits that designation can bring to a fragile area and that he looks forward to increased land protection, funding and technical expertise. From Connecticut, Leslie Kane, chairman of the Guilford Land Acquisition Committee, supports the trail because it will preserve Connecticut's natural heritage for all people to enjoy. These comments represent only a handful of the letters of support that my colleagues and I have received.

Establishing a new national scenic trail is typically a four-step process, which, on average, can take 10 years to complete. In 10 years, given the rapid development in the Northeast, entire landscapes and habitats can change and become endangered. The first step in the process to establish a new national trail is amending the National Trails System Act to allow for a feasibility study. Senator KENNEDY and I are asking today that we take that first step and get started protecting the natural heritage of this small part of New England.

By Mr. LEAHY:

S. 1611. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1999, the U.S. Supreme Court issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to the Florida Prepaid and College Savings Bank cases. The Court ruled in these cases that States and their institutions cannot be held liable for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

About 4 months after the Court ruled in these cases, I introduced a bill that responded to the Court's decisions. The Intellectual Property Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property rights by States.

I regret that the Senate Judiciary Committee did not consider my legislation during the last Congress, and that the Senate has yet to give any attention to the nearly 2-year-old Supreme Court decisions that opened such a troubling loophole in our Federal intellectual property laws. We should delay no further.

Today, I am introducing the Intellectual Property Protection Restoration Act of 2001, IPPRA. This legislation builds on my earlier proposal and on the helpful comments I received on that proposal from legal experts across the country. In particular, I would like to thank Justin Hughes, David Carson, Steve Tepp, Michael Kirk, Michael Klipper, and John Kent for their assistance in improving and refining this legislation. I also want to thank the House sponsors of the counterpart bill, HOWARD COBLE and HOWARD BERMAN, who are the chairman and ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

The IPPRA has two essential components. First, it places States on an equal footing with private parties by eliminating any damages remedy for infringement of State-owned intellectual property unless the State has waived its immunity in Federal suits for infringement of privately owned intellectual property. Second, it improves the limited remedies that are available to enforce a nonwaiving State's obligations under Federal law and the United States Constitution. I will discuss both provisions in more detail later in these remarks.

Innovation and creativity have been the fuel of our national economic boom over the past decade. The United States now leads the world in computing, communications and biotechnologies, and American authors and brand names are recognized across the globe.

Our national prosperity is, first and foremost, a tribute to American ingenuity. But it is also a tribute to the wisdom of our Founding Fathers, who made the promotion of what they called "Science and the Useful Arts" a national project, which they constitutionally assigned to Congress. And it is no less of a tribute to the successive Congresses and administrations of both parties who have striven to provide real incentives and rewards for innovation and creativity by providing strong and even-handed protection to intellectual property rights. Congress passed the first Federal patent law in 1790, and the U.S. Government issued its first patent the same year, to Samuel Hopkins of my home State of Vermont. The first Federal copyright law was also enacted in 1790, and the first Federal trademark laws date back to the 1870s.

The Supreme Court has long recognized that intellectual property rights bear the hallmark of true constitutional property rights, the right of exclusion against the world, and are therefore protection against appropriation both by individuals and by government. Consistent with this understanding of intellectual property, Congress has long ensured that the rights secured by the Federal intellectual property laws were enforceable against the Federal Government by waiving the government's immunity in suits alleging infringements of those rights.

No doubt Congress would have legislated similarly with respect to infringements by State entities and bureaucrats had there been any doubt that they were already fully subject to Federal intellectual property laws. But there was no doubt. States had long enjoyed the benefits of the intellectual property laws on an equal footing with private parties.

By the same token, and in accordance with the fundamental principles of equity on which our intellectual property laws are founded, the States bore the burdens of the intellectual property laws, being liable for infringements just like private parties. States were free to join intellectual property markets as participants, or to hold back from commerce and limit themselves to a narrower governmental role. The intellectual property right of exclusion meant what it said and was enforced even-handedly for public and private entities alike.

This harmonious state of affairs ended in 1985, with the Supreme Court's announcement of the so-called "clear statement" rule in Atascadero State Hospital versus Scanlon. The Court in Atascadero held that Congress must express its intention to abrogate the States' 11th Amendment immunity "in unmistakable language in the statute itself." A few years later in Pennsylvania versus Union Gas Co., the Supreme Court assured us that if the intent to abrogate were expressed clearly enough, it would be honored.

Following Atascadero, some courts held that States and State entities and officials could escape liability for patent, copyright and trademark infringement because the patent, copyright and trademark laws lacked the clear statement of congressional intent that was now necessary to abrogate State sovereign immunity.

To close this new loophole in the law, Congress promptly did precisely what the Supreme Court had told us was necessary. In 1990 and 1992, Congress passed three laws—the Patent and Plant Variety Protection Remedy Clarification Act, the Copyright Remedy Clarification Act, and the Trademark Remedy Clarification Acts. The sole purpose of the Clarification Acts was to make it absolutely, unambiguously, 100 percent clear that Congress intended the patent, copyright and trademark laws to apply to everyone, including the States, and that Congress did not intend the States to be immune from liability for money damages. Each of the three Clarification Acts passed unanimously.

In 1996, however, by a five-to-four vote, the Supreme Court in Seminole Tribe of Florida versus Florida reversed its earlier decision in Union Gas and held that Congress lacked authority under article I of the Constitution to abrogate the States' 11th amendment immunity from suit in Federal court.

Then, on June 23, 1999, by the same bare majority, the Supreme Court in Florida Prepaid Postsecondary Education Expense Board versus College Savings Bank told us that it did not really mean what it said in Atascadero and invalidated the Patent and Plant Variety Protection Remedy Clarification Act. In the companion case decided on the same day, College Savings Bank versus Florida Prepaid Postsecondary Education Expense Board, the same five Justices held that the Trademark Remedy Clarification Act also failed to abrogate State sovereign immunity.

The Florida Prepaid decisions have been the subject of bipartisan criticism. In a floor statement on July 1, 1999, I highlighted the anti-democratic implications of the approach of the activist majority of the Supreme Court, who have left constitutional text behind, ripped up precedent, and treated Congress with less respect than that due to an administrative agency in their haste to impose their natural law notions of sovereignty as a barrier to democratic regulation. I also noted that "the Court's decisions will have far-reaching consequences about how * * * intellectual property rights may be protected against even egregious infringements and violations by the states."

One of my Republican colleagues on the Judiciary Committee, Senator SPECTER, expressed similar concerns in a floor statement on August 5, 1999. He noted that the Court decisions "leave us with an absurd and untenable state of affairs," where "states will enjoy an enormous advantage over their private sector competitors."

Charles Fried, a professor at Harvard Law School and former Solicitor General during the Reagan administration, has called the Florida Prepaid decisions "truly bizarre." He observed in an op-ed piece in the New York Times:

> [The Court's decisions] did not question that states are subject to the patent and trademark laws of the United States. It's just that when a state violates those laws—as when it uses a patented invention without permission and without paying for it—the patent holder cannot sue the state for infringement. So a state hospital can manufacture medicines patented by others and sell or use them, and state schools and universities can pirate textbooks and software, and the victims cannot sue for infringement.
>
> It is hard to see what sense this makes, and the claim that "the Constitution made me do it" is particularly unconvincing. The 11th Amendment does protect states from suits in Federal courts by residents of other states—a provision almost certainly not intended to protect states from suits based on Federal law.

Not surprisingly, alarm has also been expressed in the business community about the potential of the Court's recent decisions to harm intellectual property owners in a wide variety of ways. A commentary in Business Week offered these cautions:

> Watch out if you publish software that someone at a state university wants to copy for free . . . Watch out if you own a patent on a medical procedure that some doctor in a state medical school wants to use. Watch out if you've invested heavily in a great trademark, like Nike's Swoosh, and a bureaucrat decides his state program would be wildly promoted if it used the same mark.

I believe that these concerns are real. As Congress acknowledged when it waived Federal sovereign immunity in this area, it would be naive to imagine that reliance on the commercial decency of the government and its myriad agencies and officials would provide the security needed to promote investment in research and development and to facilitate negotiation in the exclusive licensing arrangements that are often necessary to bring valuable products and creations to market. Indeed, the good intentions of government may be beside the point, if businesses are unwilling to enter into agreements because one side cannot be bound by the law.

Since the Court issued its decisions in June 1999, intellectual property scholars and practitioners across the country have come together to explore ways for Congress to restore protection for federal intellectual property rights as against the States. The Patent and Trademark Office hosted a particularly enlightening conference in March 2000, in cooperation with the American Intellectual Property Law Association and the Intellectual Property Section of the American Bar Association. I commend the PTO for taking the initiative on this important issue.

More recently, in September 2001, the General Accounting Office released a report requested by Senator ORRIN HATCH on State Immunity in Infringement Actions. The GAO's research confirmed that, after Florida Prepaid, owners of intellectual property have few alternatives or remedies available against State infringements. A State cannot be sued in Federal court for damages except in the unlikely event that it waives its sovereign immunity. As for the State courts, there is little chance of success with infringement-type a actions for patents and copyrights because of Federal judicial preemption and an absence of State-recognized causes of action. Furthermore, even if infringement suits can be brought in State court, it may not be possible to bring them against States that have governmental immunity shielding them from suit in their own courts.

What I have just described is a series of dead ends for intellectual property owners. That is why the two Federal agencies with expertise in intellectual property matters, the U.S. Copyright Office and the U.S. Patent and Trademark Office, have expressed their support for corrective legislation by Congress. As the Copyrights Office told the GAO, "Only in this way can the proper balance, and basic fairness, be restored."

I hope we can all agree on the need for congressional action on this issue.

We need to assure American inventors and investors, and our foreign trading partners, that as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies.

This is important as a matter of economics: Our national economy depends on real and effective intellectual property rights. It is also important as a matter of justice: In conceding that the States are constitutionally bound to respect Federal intellectual property rights but invalidating the remedies Congress has created to enforce those rights, the Court has jeopardized one of the basic principles that distinguishes our Constitution from the constitution of the old Soviet Union, the principle that where there is a right, there must also be a remedy.

It is also important as a matter of foreign relations: American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora, and those efforts could be jeopardized by the loophole in U.S. intellectual property enforcement that the Supreme Court has created.

Like most of the constitutional experts who have examined the issue, I have no doubt that several constitutional mechanisms remain open to Congress to restore substantial protection for patents, copyrights and trademarks. The Supreme Court's hypertechnical constitutional interpretations require us to jump through some technical hoops of our own, but that the exercise is now not merely worthwhile, but essential to safeguard both U.S. prosperity and the continued authority of Congress.

My bill is based on a simple premise: That there is no inherent, "natural law" entitlement to Federal intellectual property rights and remedies. In discussing the policies underlying the intellectual property laws, the Supreme Court has emphasized that intellectual property is not a right but a privilege, and that it is conditioned by a public purpose. For example, the Court wrote in Mercoid Corp. versus Mid-Continent Invest Co., a 1944 case, that "The grant of a patent is the grant of a special privilege 'to promote the Progress of Science and useful Arts,'" and that "It is the public interest which is dominant in the patent system." Similarly, in discussing the copyright laws in Fogerty versus Fantasy, Inc, the Court underscored that "the monopoly privileges that Congress has authorized, while intended to motivate the creative activity of authors and inventors by the provision of a special reward, are limited in nature and must ultimately serve the public good."

The Constitution empowers but does not require Congress to make intellectual property rights and remedies available, and Congress should do so in a manner that encourages and protects innovation in the public and private sector alike.

States and their institutions, especially State Universities, benefit hugely from the Federal intellectual property laws. All 50 States own or have obtained patents, some hold many hundreds of patents. States also hold other intellectual property rights secured by Federal law, and the trend is toward increased participation by the States in commerce involving intellectual property.

Principles of State sovereignty tell us that States and their instrumentalities are entitled to a free and informed choice of whether or not to participate in the Federal intellectual property system, subject only to their constitutional obligations.

Equity and common sense tell us that one who chooses to enjoy the benefits of a law, whether it be a Federal research grant or the multimillion-dollar benefits of Federal intellectual property protections, should also bear its burdens.

Sound economics and traditional notions of federalism tell us that it is appropriate for the Federal Government to assist and encourage the sovereign States in their sponsorship of whatever innovation and creation they freely choose to sponsor by giving them intellectual property protection and, on occasion, funding, so long as the States hold up their end of the bargain by honoring the exclusive rights of other intellectual property owners.

The IPPRA builds on these principles. In order to promote cooperative federalism in the intellectual property arena, it provides reasonable incentives for states to waive their immunity in intellectual property cases and participate in our national intellectual property project on equal terms with private parties. States that choose not to waive their immunity within 2 years after enactment of the IPPRA would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue non-waiving states for infringement, nonwaiving States that sue private parties for infringement could not recover any money damages that would otherwise be available under Federal law. That is because Federal intellectual property that has been owned by a nonwaiving State would be short one "stick" from the usual bundle of rights accorded by Federal law: The ability to sue for damages under Federal law when the intellectual property has been infringed.

This scheme is plainly authorized by the letter of the Constitution. Article I empowers Congress to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive right to their respective Writings and Discoveries." Incident to this power, Congress may attach conditions on the receipt of exclusive intellectual property rights. Indeed, we have always attached certain conditions, such as the requirement of public disclosure of an invention at the Patent and Trademark Office in order to obtain a patent.

My proposal is also consistent with the spirit of federalism, as interpreted by the Supreme Court, because it gives State entities a free, informed and meaningful choice to waive or not to waive immunity at any time. The condition imposed on receipt of federal benefits by the IPPRA, submitting to suit under laws that are already binding on the States, is not onerous, nor does it co-opt any state resources to the service of Federal policy. It simply levels the intellectual property playing field.

Congress may attach conditions on a State's receipt of Federal intellectual property protection under its Article I intellectual property power just as Congress may attach conditions on a State's receipt of Federal funds under its Article I spending power. Either way, the power to attach conditions to the Federal benefit is an integral part of the greater power to deny the benefit altogether. Either way, the State has a choice, to forgo the Federal benefit and exercise its sovereign power however it wishes subject to the Constitution, or to take the benefit and exercise its sovereign power in the manner requested by Congress.

Three Federal appeals courts have applied similar reasoning in connection with the 1996 Telecommunications Act. The Courts of Appeals for the Fifth, Seventh, Tenth Circuits have reasoned that, because Congress was under no obligation to allow States to participate in the regulatory scheme established by the 1996 Act, Congress could validly condition a state commission's decision to exercise regulatory authority under the Act on its waiving sovereign immunity.

This seems like plain common sense to me. It would be a truly bizarre reading of the Constitution to say that it is up to Congress whether or not to let States participate in telecom regulation or in the intellectual property regime, but that if we choose to let them participate, we cannot hold them accountable for their actions.

Given the choice between opting in to the intellectual property laws and forging some intellectual property protection under the Federal laws, States and their institutions will, I hope, choose to opt in. The benefit—being able to recover damages for an infringement—is significant, while the burden—consenting to be sued for future State infringements—is slight. Most States already respect intellectual property rights and will seldom find themselves in infringement suits.

However, some State entities and officials have violated intellectual property rights in the past, and the massive growth of both intellectual property and state participation in the intellectual property marketplace that we are seeing in the new economy give ample cause for concern that such violations will continue. Now that the Supreme Court has seemingly given the States carte blanche to violate intellectual property rights free from any adverse financial consequences so long as they stand on their newly augmented sovereign immunity, the prospect of States violating Federal law and then asserting immunity is too serious to ignore.

The IPPRA therefore also provides for the limited set of remedies that the Supreme Court's new jurisprudence leaves available to Congress to enforce a nonwaiving State's obligations under Federal law and the United States Constitution. The key point here is that, while the Court struck down our prior effort to enforce the intellectual property laws themselves by authorizing actions for damages against the states, it nonetheless acknowledged Congress' power to authorize actions for injunctions and actions to enforce constitutional rights related to intellectual property.

First, for the avoidance of doubt, the IPPRA ensures the full availability of prospective equitable relief to prevent States from violating or exceeding their rights under Federal intellectual property laws. As the Supreme Court expressly acknowledged in its Seminole Tribe decision in 1996, such relief is available, notwithstanding any assertion of State sovereign immunity, under what is generally known as the doctrine of Ex parte Young.

Second, to address the harm done to the rights of intellectual property owners before they can secure an injunction, the IPPRA also provides a damages remedy to the full extent of Congress' power to enforce the constitutional rights of intellectual property owners. Under the Supreme Court's recent decisions, this remedy is necessarily limited to the redress of constitutional violations, not violations of the Federal intellectual property laws themselves. However, the Supreme Court has reaffirmed on may occasions that the intellectual property owner's right of exclusion is a property right fully protected from governmental violation under the Fifth amendment's takings clause and under the 14th amendment's due process clause.

The constitutional remedy provided by the IPPRA closely resembles the remedy that Congress provided decades ago for deprivations of Federal rights by persons acting under color of State law. The bill does not expand the property rights secured by the Federal intellectual property laws—these laws are already binding on the States' nor does the bill interfere with any governmental authority to regulate businesses that own such rights. It simply restores the ability of private persons to enforce such rights against the States.

I view this bill as an exercise in cooperative federalism. Clear, certain, and uniform national rules protecting Federal intellectual property rights benefit everyone: Consumers, businesses, the Federal Government and the States. The IPPRA preserves States' rights, and gives States a free choice. At the same time, it ensures effective protection for individual constitutional rights closing the loophole created by the Supreme Court of Federal rights unsupported by effective remedies. We unanimously passed more sweeping legislation in the early 1990s, but were thwarted by Supreme Court's shifting jurisprudence. The IPPRA is designed to restore the benefits we sought to provide intellectual property owners while meeting the Court's new jurisprudential requirements.

There are to be sure, other approaches that Congress could take to address the problems created by the Court's decisions. In consultation with experts in intellectual property law and constitutional law, I reviewed several alternatives before settling on the IPPRA's approach. In the end, I concluded that the approach I have outlined is the best way to achieve a solution that meets any constitutional concerns, fosters State-Federal cooperation, and encourages American innovation and creativity to providing certain and effective intellectual property protection.

when I first introduced the IPPRA in 1999, it prompted a flurry of constructive comments and suggestions on how the legislation could be improved. I look forward to considering further refinements to the bill as the legislative process moves forward.

I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Intellectual Property Protection Restoration Act of 2001".

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) help eliminate the unfair commercial advantage that States and their instrumentalities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation in furtherance of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the United States Constitution by infringing Federal intellectual property.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

"(d)(1) No remedies under section 284 or 289 shall be awarded in any civil action brought under this title for infringement of a patent issued on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that—

"(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to a patent if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(b) AMENDMENT TO COPYRIGHT LAW.—Section 504 of title 17, United States Code, is amended by adding at the end the following:

"(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

"(1) No remedies under this section shall be awarded in any civil action brought under this title for infringement of an exclusive right in a work created on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

"(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to an exclusive right if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the exclusive right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(c) AMENDMENT TO TRADEMARK LAW.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

"(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

"(1) No remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2002, or any right of the owner of a mark first used in commerce on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

"(A) on or before the date the violation commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to a right of the registrant or owner of a mark if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO PATENT LAW.—

(A) IN GENERAL.—Section 296 of title 35, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 296.

(2) AMENDMENTS TO COPYRIGHT LAW.—

(A) IN GENERAL.—Section 511 of title 17, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 511.

(3) AMENDMENTS TO TRADEMARK LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(A) by striking subsection (b);

(B) in subsection (c), by striking "or (b)" after "subsection (a)"; and

(C) by redesignating subsection (c) as subsection (b).

SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality for any violation of any of the provisions of title 17 or 35, United States Code, the Trademark Act of 1946, or the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as such remedies are available in an action against a private individual under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) DUE PROCESS VIOLATIONS.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that deprives any person of property in violation of the fourteenth amendment of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(b) TAKINGS VIOLATIONS.—

(1) IN GENERAL.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(2) EFFECT ON OTHER RELIEF.—Nothing in this subsection shall prevent or affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(c) COMPENSATION.—Compensation under subsection (a) or (b)—

(1) may include actual damages, profits, statutory damages, interest, costs, expert witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and

(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), and section 124(b) of the Plant Variety Protection Act (7 U.S.C. 2564(b)).

(d) BURDEN OF PROOF.—In any action under subsection (a) or (b)—

(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as if the action were brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for any deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) EFFECTIVE DATE.—This section shall apply to violations that occur on or after the date of enactment of this Act.

SEC. 6. RULES OF CONSTRUCTION.

(a) JURISDICTION.—The district courts shall have original jurisdiction of any action arising under this Act under section 1338 of title 28, United States Code.

(b) BROAD CONSTRUCTION.—This Act shall be construed in favor of a broad protection of intellectual property, to the maximum extent permitted by the United States Constitution.

(c) SEVERABILITY.—If any provision of this Act or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected.

Intellectual Property Protection Restoration Act of 2001—Section-by-Section Summary

Recent Supreme Court decisions invalidated prior efforts by Congress to abrogate state sovereign immunity in actions arising under the federal intellectual property laws. The Court's decisions give states an unfair advantage in the intellectual property marketplace by shielding them from money damages when they infringe the rights of private parties, while leaving them free to obtain money damages when their own rights are infringed. These decisions also have the potential to impair the rights of private intellectual property owners, discourage technological innovation and artistic creation, and compromise the ability of the United States to fulfill its obligations under a variety of international treaties. The Intellectual Property Protection Restoration Act of 2001 creates reasonable incentives for states to waive their immunity in intellectual property cases and participate in the intellectual property marketplace on equal terms with private parties. The bill also provides new remedies for state infringements that rise to the level of constitutional violations.

Sec. 1. Short title; references.—This Act may be cited as the "Intellectual Property Protection Restoration Act of 2001.

Sec. 2. Purposes.—Legislative purposes in support of this Act.

Sec. 3. Intellectual property remedies equalization.—Places states on an equal footing with private parties by eliminating any damages remedy for infringement of state-owned intellectual property unless the state has waived its immunity from any damages remedy for infringement of privately-owned intellectual property. Intellectual property that the state owned before the enactment of this Act is not affected.

Sec. 4. Clarification of remedies available for statutory violations by state officers and employees.—Affirms the availability of injunctive relief against state officials who violate the federal intellectual property laws. Such relief is authorized under the doctrine of Ex parte Young, 209 U.S. 123 (1908), which held that an individual may sue a state official for prospective relief requiring the state official to cease violating federal law, even if the state itself is immune from suit under the eleventh amendment. This section also affirms that state officials may be personally liable for violations of the intellectual property laws.

Sec. 5. Liability of states for constitutional violations involving intellectual property.—Establishes a right to compensation for state infringements of intellectual property that rise to the level of constitutional violations. Compensation shall be measured by the statutory remedies available under the federal intellectual property laws, but may not include treble damages.

Sec. 6. Rules of construction.—Establishes rules for interpreting this Act.

By Mr. THOMPSON:

S. 1612. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMPSON:

S. 1613. A bill to provide for expedited congressional consideration of "Freedom to Manage" legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws; to the Committee on Governmental Affairs.

Mr. THOMPSON. Mr. President, I am introducing legislation today that was referred to Congress by President Bush. The legislation seeks to extensively reform management of the Federal Government. I applaud the Administration's attention to the issue of government reform, and I will work with my colleagues on the Governmental Affairs Committee and in Congress to enact this important package, because it includes comprehensive reforms that will make government work better.

The Governmental Affairs Committee has documented the problems affecting Executive Branch operations for some time, and I am impressed with the President's attention to these issues at this critical time in our Nation's history. The President's package of management reform proposals will allow government managers to carry out their critical responsibilities for the American public more effectively. It's obvious the Administration understands how very important government reform is to ensuring that the government can accomplish its varied missions.

The legislation, which includes the Freedom to Manage Act and the Managerial Flexibility Act, makes it easier for Executive Branch management to increase accountability, reduce unnecessary costs, and manage for results. The Managerial Flexibility Act will help the government recruit and retain people with needed skills, increase the flexibility of federal property management, and allow agencies to budget for results. The Freedom to Manage Act would allow other reform proposals, submitted to the Congress by the Administration, to be considered expeditiously by the Congress.

I ask unanimous consent that a summary of this important legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FREEDOM TO MANAGE REFORM PACKAGE—A SUMMARY

Freedom to Manage Act of 2001

This legislation establishes a procedure under which heads of departments and agencies can identify statutory barriers to good management. Congress, in turn, would quickly consider those obstacles and act to remove them.

Managerial Flexibility Act of 2001

This legislation provides federal managers with increased flexibility in managing personnel; assigns agencies the responsibility for funding the full government share of the accruing cost of all retirement and retiree health care benefits for Federal employees; and gives agencies greater flexibility in managing property.

Reform Personnel Management. This proposal gives Federal agencies and managers increased discretion and flexibility in attracting, managing, and retaining a high quality workforce. It empowers Federal agencies to determine when, if, and how they might offer new employee incentives, and it enhances the agencies' authority to use recruitment, retention, and relocation bonuses to compete better with the private sector. The bill permits agencies to develop alternative personnel systems to attract and hire employees that best fit the position, and it will enable managers to offer early retirement packages. By enacting important changes to the Senior Executive Service, this proposal also permits high-level Federal managers to be treated more like their private sector counterparts, by results-based performance standards that hold them accountable.

Budgeting and Managing for Results.—Full Funding for Federal Retiree Costs: This proposal charges Federal agencies the full accruing cost of all retirement and retiree health care benefits for Federal employees. This proposal is the first government-wide step in linking the full cost of resources used with the results achieved, which will make management in the Executive Branch more performance-oriented. This proposal will not change any of the benefits provided by these programs, and will not change the level of employee contributions.

Reform Federal Property Management.—The Federal Government owns or controls more than 24 million acres of land and facilities, but existing rules restrict the government's ability to consolidate or release underperforming property. In many instances, Federal agencies lack the incentives and authority to renovate the property or tap its equity. This proposal facilitates a total asset management approach to Federal property issues by: improving life cycle planning and management; allowing greater flexibility to optimize asset performance; and providing incentives for better property management. Modernizing these processes enhances government-wide property management, bringing the practices federal agencies use to manage their assets into the 21st century.

By Mr. SESSIONS (for himself, Mrs. HUTCHISON, Mr. EDWARDS, Mr. SHELBY, Mr. HOLLINGS, Mr. LOTT, Mr. CLELAND, Mr. COCHRAN, Mr. HELMS, and Mr. INHOFE):

S. 1614. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

Mr. SESSIONS. Mr. President, today I rise to re-introduce legislation to help preserve the heritage of eight historic women's colleges and universities. The legislation would authorize the Secretary of the Interior to provide restoration and preservation grants for historic buildings and structures at eight historically women's colleges or universities. The bill directs the Secretary to award $16 million annually from fiscal years 2002 through 2006 to the eight institutions. Funds would be awarded from the National Historic Preservation Fund and are subject to a 50 percent matching requirement from non-federal sources.

The sweeping changes of the industrial revolution prompted Congress in 1862, with further action in 1887 and 1890, to provide Federal support for the establishment of agricultural and mechanical colleges with growing emphasis on industrial and technical education. Unfortunately, these "land-grant" schools were only for men, leaving women untrained as they entered the expanded work force. Women's advocates, such as Miss Julia Tutwiler in Alabama, immediately recognized the need for institutions where women could receive an equal education. Beginning in 1836, eight institutions in seven separate States were established as industrial schools for women. These institutions include the Mississippi University for Women, in Alabama the University of Montevallo, Georgia College and State University, Wesleyan College also in Georgia, Winthrop University in South Carolina, University of North Carolina at Greensboro, Texas Women's University, and the University of Science and Arts of Oklahoma. These eight institutions remain open, providing a liberal arts education for both men and women, but retain significant historical and academic features of those pioneering efforts to educate women. Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. My legislation would enable these buildings to be preserved and maintained by providing funding for the historic buildings located at the colleges and universities that I have identified. Funding would originate from the National Historic Preservation Fund. No more than $16 million would be available and would be distributed in equal amounts to the eight institutions. My bill also provides that a 50 percent matching contribution from non-federal sources and assures that alterations in properties using the funds are subject to approval from the Secretary of the Interior and reasonable public access for interpretive and educational purposes.

These historically women's colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, low income individuals, and educationally disadvantaged Americans. I believe it is our duty to do all we can to preserve these historic institutions and I ask my colleagues for their support.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 1616. A bill to provide for interest on late payments of health care claims; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Prompt Payment Bill". This legislation addresses the need for the managed care industry to not only take responsibility for their payments on time, but to face specific penalties if they do not do so.

HMOs are one of the few entities that continue to be shielded from lawsuits. It is shocking that under current federal and most state laws, there are no consequences when HMOs fail to pay their bills in a timely manner. HMOs even have the right to drop out of Medicare simply because they are unsatisfied with the rate, let alone the timeliness, of what the government is paying them. It is time that this lack of accountability is addressed and significantly increased.

In my State of New Jersey, there is in fact a "prompt pay" law that requires HMOs to pay their bills in thirty days from receiving a claim from a beneficiary, hospital or health care provider. However, a 1998 survey of twenty-four New Jersey hospitals found that more than $150 million in HMO payments were held up for sixty days or longer. That same year, sixty percent of New Jersey hospitals lost money, over $172 million in statewide losses. HMOs simply face no consequences from state regulatory agencies and the enforcement mechanisms currently in place are too weak. If we let this continue, we will jeopardize the care that people receive from their health care providers.

For these reasons, I am introducing the "Prompt Payment Bill". This amendment will move HMOs considerably closer to assuming the financial responsibilities for the health care coverage they are being paid to provide. Specifically, it will call for a ten-percent interest penalty per year on any payment not made within 45 days. If the HMO continues to be delinquent, beneficiaries or health care providers can bring the HMO to court to make them pay their bills.

I urge my colleagues to join me in my efforts in making the managed care industry significantly more accountable to their beneficiaries.

By Mr. DODD (for himself, Mr. WARNER, Mr. SARBANES, Mr. SCHUMER, Mrs. MURRAY, Mr. CLELAND, Mr. CORZINE, and Mr. DASCHLE):

S. 1617. A bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with my colleagues Senator WARNER, Senator SARBANES, Senator SCHUMER, Senator MURRAY, Senator CLELAND, and Senator CORZINE to introduce legislation to ensure that America's firefighters have the staffing they need to safely do their jobs.

It has been nearly seven weeks since the terrorist attacks on the World Trade Center and the Pentagon. We are still assessing the damage done by those attacks, but one thing is already absolutely certain, the world has changed. And as we begin to figure out all of the ways in which the world has changed, we are starting to reassess our national priorities. We, as a Nation, are taking stock of our strengths and vulnerabilities, and we're identifying ways to improve our capacity to deal with the threats that became so apparent on September 11.

One of the fundamental new realities that we find ourselves facing is that America needs to be better prepared to respond to deliberate acts of mass destruction. We need to be better prepared to deal with acts of bioterrorism and we need to be prepared to help save people even if they are deliberately attacked with toxic chemical weapons. In short, we need to be prepared for what seemed unthinkable.

The legislation that we are proposing will help ensure that America's local fire agencies have the human resources that they need to meet the challenges which they will address as America faces the challenge of an extended war against terrorism.

Just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire the firefighters necessary to protect the American people here on the home front. The legislation that we are proposing will put 75,000 new firefighters on America's streets over the next seven years.

Many of us in Congress have long understood that America's firefighters make extraordinary contributions to their communities everyday. But on September 11, we got a glimpse of a larger role that the men and women of the fire service, not to mention police forces play. The national role of our firefighters has become apparent. They have made the nation proud.

Despite the increasingly important role firefighters play both in our local communities and as part of our national homeland defense system, communities over the years have not maintained the level of staffing necessary to ensure the safety of the public or even of the firefighters themselves.

Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined. Today in America there is only one firefighter for every 280 citizens. We have fewer firefighters per capita than nurses and police officers. We need to turn this trend around, now more than ever.

Understaffing is dangerous for the public and for firefighters. Chronic understaffing means that many firefighters do not have the backup and on-the-ground support they need to do their jobs safely. The sad consequence is that about every three days we lose a firefighter in the line of duty. And on some days, the losses are unimaginably high.

We learned on September 11 that the American homeland is not immune from unthinkable acts of violence. Knowing that, we have an obligation to take every reasonable step to mitigate the potential damage that may be caused by future attacks.

Again, just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire firefighters to protect the American people. In these difficult times, it is both necessary and proper for us to send for reinforcements for our domestic defenders. The SAFER Act will make that commitment.

This legislation honors America's firefighters. It acknowledges the men and women who charge up the stairs while everybody else is running down them. But it is more than that. This legislation is an investment in America's security, an investment that will rebuild public confidence and help reassure Americans that their homes and businesses are as well protected as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

Title III of the Workforce Investment Act of 1998 (Public Law 105–220; 112 Stat. 1080) is amended by adding at the end the following:

"Subtitle E—Staffing for Adequate Fire and Emergency Response

"SEC. 351. SHORT TITLE.

"This subtitle may be cited as the 'Staffing for Adequate Fire and Emergency Response Act of 2001' or as the 'SAFER Act of 2001'.

"SEC. 352. PURPOSES.

"The purposes of this subtitle are—

"(1) to expand on the firefighter assistance grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), in order to ensure adequate funding to increase the number of firefighting personnel throughout the Nation;

"(2) to substantially increase the hiring of firefighters so that communities can—

"(A) meet industry minimum standards for providing adequate protection from acts of terrorism and hazards; and

"(B) enhance the ability of firefighter units to save lives, save property, and effectively respond to all types of emergencies; and

"(3) to promote that substantial increase in hiring by establishing a program of grants, authorized for 7 years, to provide direct funding to States, units of local government, and Indian tribal organizations for firefighter salaries and benefits.

"SEC. 353. DEFINITIONS.

"In this subtitle:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State, a unit of local government, a tribal organization, or another public entity; or

"(B) a multi-jurisdictional or regional consortia of entities described in subparagraph (A).

"(2) FIREFIGHTER.—The term 'firefighter' has the meaning given the term 'employee in fire protection activities' in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Labor, acting after consultation with the Director of the Federal Emergency Management Agency.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 354. AUTHORITY TO MAKE GRANTS.

"(a) DEFINITION.—In this section, the term 'qualifying entity', used with respect to a fiscal year, means any eligible entity (including a State) that has submitted an application under section 355 for the fiscal year that meets the requirements of this subtitle and such additional requirements as the Secretary may prescribe.

"(b) GRANT AUTHORIZATION.—The Secretary may make grants to eligible entities to pay for the Federal share of the cost of carrying out projects to hire firefighters.

"(c) MINIMUM AMOUNT.—

"(1) AMOUNT.—For any fiscal year, the Secretary shall ensure that the qualifying entities in each State shall receive, through grants made under this section, a total amount that is not less than ½ of 1 percent of the amount appropriated under section 362 for the fiscal year.

"(2) EXCEPTION.—Paragraph (1) shall not apply for a fiscal year if the Secretary makes a grant under this section to every qualifying entity for the fiscal year.

"(d) GRANT PERIODS.—The Secretary may make grants under this section for periods of 3 years.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of carrying out a project to hire firefighters under this subtitle shall be not more than 75 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share shall be provided—

"(A) in cash;

"(B) in the case of a State or unit of local government, from assets received through an asset forfeiture program; or

"(C) in the case of a tribal organization or the Bureau of Indian Affairs, from any Federal funds made available for firefighting functions to assist an Indian tribe.

"(3) WAIVER.—The Secretary may waive the requirements of paragraphs (1) and (2) for an eligible entity.

"SEC. 355. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may prescribe.

"(b) CONTENTS.—Each such application shall—

"(1) include a long-term strategy and detailed implementation plan, for the hiring to be conducted under the grant, that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of a statewide strategy for such hiring;

"(2) specify the reasons why the entity is unable to hire sufficient firefighters to address the entity's needs, without Federal assistance;

"(3)(A) specify the average number of firefighters employed by the entity during the fiscal year prior to the fiscal year for which the application is submitted; and

"(B) outline the initial and planned level of community support for implementing the strategy and plan, including the level of financial and in-kind contributions or other tangible commitments;

"(4)(A) specify plans for obtaining necessary support and continuing the employment of a greater number of firefighters than the number specified under paragraph (3)(A), following the conclusion of Federal assistance under this subtitle; and

"(B) include an assurance that the entity will continue the employment of firefighters hired with funds made available through the grant for at least 1 year after the end of the grant period; and

"(5) include assurances that the entity will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase the ranks of minorities and women within the entity's firefighter units.

"(c) SMALL JURISDICTIONS.—Notwithstanding any other provision of this subtitle, the Secretary may waive 1 or more of the requirements of subsection (b), and may make special provisions to facilitate the expedited submission, processing, and approval of an application under this section, for an eligible entity that is a unit of local government, or an eligible entity serving a fire district, that has jurisdiction over an area with a population of less than 50,000.

"(d) PREFERENCE.—In awarding grants under this subtitle, the Secretary—

"(1) shall give preference to a unit of local government; and

"(2) may give preference, where feasible, to an eligible entity that submits an application containing a plan that—

"(A) provides for hiring (including rehiring) career firefighters; and

"(B) requires the entity to contribute a non-Federal share of more than 25 percent of the cost of carrying out a project to hire the firefighters.

"(e) STATE AND LOCAL APPLICATIONS.—If a unit of local government for a community, and the State in which the community is located, submit applications under this section for a fiscal year to carry out a project in a community, and the unit of local government and State are qualifying entities under section 354(a), the Secretary—

"(1) shall make a grant under this subtitle to the unit of local government for that year; and

"(2) shall not make a grant under this subtitle to the State to carry out a project in that community for that year.

"SEC. 356. USE OF FUNDS.

"(a) IN GENERAL.—An eligible entity that receives a grant under this subtitle shall use the funds made available through the grant to hire career firefighters. The funds may only be used to increase the number of firefighters employed by the agency from the number specified under section 355(b)(3)(A). The funds may be used for salaries and benefits for the firefighters.

"(b) HIRING COSTS.—

"(1) FISCAL YEAR 2002.—For fiscal year 2002, in hiring any 1 firefighter, the entity may not use more than $90,000 of such funds.

"(2) SUBSEQUENT YEARS.—For each subsequent fiscal year, in hiring any 1 firefighter, the entity may not use more than $90,000 of such funds, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by September of the preceding fiscal year from such Index for September 2001.

"(3) WAIVERS.—The Secretary may waive the requirements of paragraph (1) or (2) for an eligible entity.

"(c) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this subtitle shall be used to supplement and not supplant other Federal, State, and local public funds expended to hire firefighters.

"SEC. 357. TECHNICAL ASSISTANCE.

"The Secretary may provide technical assistance to eligible entities to further the purposes of this Act.

"SEC. 358. MONITORING AND EVALUATIONS.

"(a) MONITORING COMPONENTS.—Each project funded through a grant made under this subtitle shall contain a monitoring component, developed pursuant to regulations established by the Secretary. The monitoring required by this subsection shall include systematic identification and collection of data about the project throughout the period of the project and presentation of such data in a usable form.

“(b) EVALUATION COMPONENTS.—The Secretary may require that selected grant recipients under this subtitle conduct local evaluations or participate in a national evaluation, pursuant to regulations established by the Secretary. Such local or national evaluations may include assessments of the implementation of different projects. The Secretary may require selected grant recipients under this subtitle to conduct local outcome evaluations to determine the effectiveness of projects under this subtitle.

“(c) PERIODIC REPORTS.—The Secretary may require a grant recipient under this subtitle to submit to the Secretary the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Secretary determines to be reasonably necessary.

“(d) REVOCATION OR SUSPENSION OF FUNDING.—If the Secretary determines, as a result of the monitoring or evaluations required by this section, or otherwise, that a grant recipient under this subtitle is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 355, the Secretary may revoke the grant or suspend part or all of the funding provided under the grant.

“SEC. 359. ACCESS TO DOCUMENTS.

“For the purpose of conducting an audit or examination of a grant recipient that carries out a project under this subtitle, the Secretary and the Comptroller General of the United States shall have access to any pertinent books, documents, papers, or records of the grant recipient and any State or local government, person, business, or other entity, that is involved in the project.

“SEC. 360. REPORT TO CONGRESS.

“Not later than September 30, 2008, the Secretary shall submit a report to Congress concerning the experiences of eligible entities in carrying out projects under this subtitle, and the effects of the grants made under this subtitle. The report may include recommendations for such legislation as the Secretary may consider to be appropriate, which may include reauthorization of this subtitle.

“SEC. 361. REGULATIONS.

“The Secretary may issue regulations to carry out this subtitle.

“SEC. 362. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle—

“(1) $1,000,000,000 for fiscal year 2002;-
“(2) $1,030,000,000 for fiscal year 2003;
“(3) $1,061,000,000 for fiscal year 2004;
“(4) $1,093,000,000 for fiscal year 2005;
“(5) $1,126,000,000 for fiscal year 2006;
“(6) $1,159,000,000 for fiscal year 2007; and
“(7) $1,194,000,000 for fiscal year 2008.

“(b) AVAILABILITY.—Funds appropriated under subsection (a) for a fiscal year shall remain available until the end of the second succeeding fiscal year.”.

SEC. 2. CONFORMING AMENDMENT.

The table of contents in section 1(b) of the Workforce Investment Act of 1998 (Public Law 105-220; 112 Stat. 936) is amended, in the items relating to title III, by adding at the end the following:

“Subtitle E—Staffing for Adequate Fire and Emergency Response

“Sec. 351. Short title.
“Sec. 352. Purposes.
“Sec. 353. Definitions.
“Sec. 354. Authority to make grants.
“Sec. 355. Applications.
“Sec. 356. Use of funds.
“Sec. 357. Technical assistance.
“Sec. 358. Monitoring and evaluations.
“Sec. 359. Access to documents.
“Sec. 360. Report to Congress.
“Sec. 361. Regulations.
“Sec. 362. Authorization of appropriations.”.

Mr. WARNER. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, in introducing legislation that will address a pressing issue for many States and localities which do not have the necessary funding to hire additional firefighters. The SAFER Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

The brave women and men serving in our nation's fire service are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

The SAFER Act would help ensure adequate staffing for fire and emergency response. Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

Many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which our fire rescue personnel deal with on a daily basis.

Well over 300 firefighters lost their lives in the line of duty in responding to the World Trade Center terrorist attacks. We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protect.

I am honored to be an original cosponsor of the important legislation. I encourage my colleagues to support this measure and address this critical need of our fire and rescue services throughout the country.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. HAGEL, Mr. REID, and Mr. ENSIGN):

S. 1618. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators BROWNBACK, CANTWELL, COLLINS, EDWARDS, HAGEL, REID, and ENSIGN in introducing legislation to strengthen the security of our borders and enhance our ability to deter potential terrorists. There is an urgent need to improve intelligence and technology capabilities, enhance the ability to screen individuals before they arrive at our borders, and improve the monitoring of foreign nationals already within the United States.

In strengthening the security of our borders, we must also safeguard the unobstructed entry of the more than 31 million persons who enter the U.S. legally each year as visitors, students, and temporary workers. Many of them cross the Canadian and Mexican borders to conduct daily business or visit close family members.

We must also live up to our history and heritage as a Nation of immigrants. Immigration is essential to who we are as Americans. Continued immigration is part of our national wellbeing, our identity as a Nation, and our strength in today's world. In defending the Nation, we are also defending the fundamental constitutional principles that have made America strong in the past and will make us even stronger in the future.

Our action must strike a careful balance between protecting civil liberties and providing the means for law enforcement to identify, apprehend and detain potential terrorist. It makes no sense to enact reforms that severely limit immigration into the United States. “Fortress America,” even if it could be achieved, is an inadequate and ineffective response to the terrorist threat.

A major goal of this legislation is to improve coordination and information-sharing by the Department of State, the Immigration and Naturalization Service, and law enforcement and intelligence agencies. It will require the Department of State and the INS to work with the Office of Homeland Security and the recently formed Foreign Terrorist Tracking Task Force to submit and implement a plan to improve their access to critical security information. It will give those responsible for screening visa applicants and persons entering the U.S. the tools they need to make informed decisions.

We must provide enforcement personnel at our ports of entry with greater resources and technology. These men and women are a primary defense in the battle against terrorism. This legislation will see that they receive adequate pay, can hire necessary support staff, and are well-trained to identify individuals who pose a security threat.

The anti-terrorism bill recently passed by the Senate addressed the need for machine-readable passports.

but it did not focus on machine-readable visas, a necessary part of our efforts to improve border security. This legislation allows the Department of State to raise fees through the use of machine-readable visas and use the funds collected from those fees to improve technology at our ports of entry.

We must do more to improve our ability to screen individuals along our entire North American perimeter. This legislation directs the Department of State and the INS to work with the Office of Homeland Security and the Foreign Terrorist Tracking Task Force to strengthen our ability to screen individuals at the Perimeter before they reach our continent. We can work with Canada and Mexico to coordinate these efforts.

We must also strengthen our ability to monitor foreign nationals in the United States. In 1996, Congress enacted legislation mandating the development of an automated entry/exit control system to record the entry of every non-citizen arriving in the U.S., and to match it with the record of departure. Although technology is currently available for such a system, it has not been implemented because of the high costs involved. Our legislation builds on the anti-terrorism bill and provides greater direction to the INS for implementing the entry/exit system.

We must improve the ability of foreign service officers to detect and intercept potential terrorists before they arrive in the U.S. Most foreign nationals who travel here must apply for visas at American consulates overseas. Traditionally, consular officers have focused on interviewing applicants to determine whether they are likely to violate their visa status. Although this review is important, consular officers must also be trained specifically to screen for security threats.

We must require all airlines to electronically transmit passenger lists to destination airports in the United States, so that once the planes have landed, law enforcement authorities can intercept passengers who are on federal lookout lists. United States airlines already do this, but some foreign airlines do not. Our legislation requires all airlines to transmit passenger manifest information prior to the arrival of flight in the U.S.

In 1996, Congress established a program to collect information on non-immigrant foreign students and participants in exchange programs. Although a pilot phase of this program ended in 1999, a permanent system has not yet been implemented. Congress passed provisions in the anti-terrorism bill for the quick and effective implementation of this system by 2003, but gaps still exist. This legislation will increase the data collected by the monitoring to include the date of entry, the port of entry, the date of school enrollment, and the date the student leaves the school. It requires the Department of State and INS to monitor students who have been given visas, and to notify schools of their entry. It also requires a school to notify the INS if a student does not actually report to the school. If institutions fail to comply with these and other requirements, they should lose their ability to admit foreign students.

INS regulations provide for regular reviews of over 26,000 educational institutions that are authorized to enroll foreign students. However, inspections have been sporadic in recent years. This legislation will require INS to monitor institutions on a regular basis.

As we work to implement stronger tracking systems, we must also remember that the vast majority of foreign visitors, students, and workers who overstay their visas are not criminals or terrorists. It would be wrong and unfair, without additional information, to stigmatize them.

This legislation will also help restrict visas to foreign nationals from countries that the Department of State has determined are sponsors of terrorism. It precludes visas to individuals from countries that sponsor terrorism, unless specific steps are taken to ensure the person is not a security threat.

We must be able to retain highly skilled immigration inspectors. Our legislation will provide incentives to immigration inspectors by providing them with the same benefits as other law enforcement personnel.

We must fully implement the use of biometric border crossing cards and allow sufficient time for individuals to obtain these cards. Many of these cards are already in use, but INS does not have the necessary equipment to read the cards. This legislation appropriates needed funds to enable the INS to purchase the machines, and it extends the deadline for individuals crossing the border to acquire the cards.

When planes land at our airports, inspectors are under significant time constraints to clear the planes and ensure the safety of all departing passengers. Our legislation removes the existing 45 minute deadline, providing inspectors with adequate time to clear and secure aircraft.

The Senate took significant steps last week to improve immigration security by passing the anti-terrorism bill, but further action is needed. This legislation will strengthen the security of our borders and enhance our ability to prevent future terrorist attacks, while also reaffirming our tradition as a Nation of immigrants. I strongly urge my colleagues to support it.

Mr. BROWNBACK. Mr. President, the terrorist attacks of September 11th have unsettled the public's confidence in our Nation's security and have raised concerns about whether our institutions are up to the task of intercepting and thwarting would-be terrorists. Given that the persons responsible for the attacks on the World Trade Center and the Pentagon came from abroad, our citizens understandably ask how these people entered the United States and what can be done to prevent their kind from doing so again. Clearly, our immigration laws and policies are instrumental to the war on terrorism. While the battle may be waged on several fronts, for the man or woman on the street, immigration is in many ways the front line of our defense.

The immigration provisions in the anti-terrorist bill passed by this body last week, the USA Patriot Act of 2001, represent an excellent first step toward improving our border security, but we must not stop there. Our Nation receives millions of visitors each year, foreign nationals who come to the United States to visit family, to do business, to tour our sites, to study and learn. Most of these people enter lawfully and mean well; they are good for our economy and are potential ambassadors of good will to their home countries. However, there is a small minority who intend us harm, and we must take intelligent measures to keep these people out.

For that reason, I am pleased to introduce today, along with my colleagues Senator KENNEDY, Senator COLLINS, Senator CANTWELL, Senator HAGEL, Senator EDWARDS, Senator ENSIGN, and Senator REID, legislation that looks specifically toward strengthening our borders and better equipping the agencies that protect them. The Enhanced Border Security Act of 2001 represents an earnest, thoughtful, and bipartisan effort to refine our immigration laws and institutions to better combat the evil that threatens our Nation.

The legislation recognizes that the war on terrorism is, in large part, a war of information. To be successful, we must improve our ability to collect, compile, and utilize information critical to our safety and national security. This bill provides that the agencies tasked with screening visa applicants and applicants for admission, namely the Department of State and the Immigration and Naturalization Service, must be provided with law enforcement and intelligence information that will enable these agencies to identify alien terrorists. By directing better coordination and access, this legislation will bring together the agencies that have the information and those that need it. With input from the Office of Homeland Security and the President's Foreign Terrorist Tracking Task Force, this bill will make prompt and effective information-sharing between these agencies a reality.

In complement to last week's anti-terrorist act, this legislation provides for necessary improvements in the technologies used by the State Department and the Service. It provides funding for the State Department to better interface with foreign intelligence information and to better staff its infrastructure. It also provides the Service with guidance on the implementation of the Integrated Entry and Exit Data System, pointing the Service to such tools as biometric identifiers in immigration documents, machine readable visas and passports, and arrival-departure and security databases. In fact, this legislation expressly enables the Service to take immediate advantage of biometric technology by authorizing the funding to purchase equipment for reading border-crossing cards that are already available for use.

To the degree that we can reasonably and realistically do so, we should attempt to intercept terrorists before they reach our borders. Accordingly, we must consider security measures not only at domestic ports of entry but also at foreign ports of departure. To that end, this legislation directs the State Department and the Service, in consultation with Office of Homeland Security, to examine, expand, and enhance screening procedures to take place outside the United States, as preinspection and preclearance. It also requires international air carriers to transmit, in advance of their arrival, passenger manifests for review by the Service. Further, it eliminates the 45-minute statutory limit on airport inspections, which many feel compromises the Service's ability to screen arriving flights properly. Finally, since we should ultimately look to expand our security perimeter to include Canada and Mexico, this bill requires these agencies to work with our neighbors to create a collaborative North American Security Perimeter.

While this legislation mandates certain technological improvements, it does not ignore the human element in the security equation. It provides special training to border patrol agents, inspectors, and foreign service officers to better identify terrorists and security threats to the United States. Moreover, to help the Service retain its most experienced people on the borders, this bill provides the Service with increased flexibility in pay, certain benefit incentives, and the ability to hire necessary support staff.

Finally, this legislation considers certain classes of aliens that raise security concerns for our country: nationals from states that sponsor terrorism and foreign students. With respect to the former, this bill expressly prohibits the State Department from issuing a nonimmigrant visa to any alien from a country that sponsors terrorism until it has been determined that the alien does not pose a threat to the safety or national security of the United States. With respect to the latter, this legislation would fill data and reporting gaps in our foreign student programs by requiring the Service to electronically monitor the student at every stage in the student visa process. It would also require the educational institution to report a foreign student's failure to enroll and the Service to monitor schools' compliance with this reporting requirement.

While we must be careful not to compromise our values or our economy, we must take intelligent, immediate steps to enhance the security of our borders. This legislation, consonant with both the USA Patriot Act and President Bush's recent directive on immigration, would implement many changes that are vital to our war on terrorism. I therefore urge my colleagues to support it.

Ms. CANTWELL. Mr. President I rise today for two purposes. First, I commend my colleague, Senator KENNEDY, for his tireless work on immigration issues and to offer my support for a bill he and Senator BROWNBACK are introducing today, the Enhanced Border Security Act of 2001. Also, I want to discuss legislation I will be introducing that builds upon the visa technology standards provisions of the USA Patriot Act of 2001 and fits within the construct of what Senators KENNEDY and BROWNBACK seek to accomplish. Several of the provisions I have proposed have already been incorporated by Senators KENNEDY and BROWNBACK, and I will continue to work with them and my other colleagues to move other provisions of my bill.

As a member of the Judiciary Committee, I have been honored to work closely with Senator KENNEDY to find ways to better protect our borders and provide necessary support to the men and women who work for the State Department, the Immigration and Naturalization Service and the U.S. Customs Agency.

I, along with many of my colleagues, am currently pressing for funding to triple the number of Immigration and Naturalization Service and U.S. personnel on our northern border and improve border technology, the authorization for which was included in the USA Patriot Act. In the past, a severe lack of resources at our northern border has compromised the ability of border control officials to execute their duties. I am pleased that Congress made the tripling of these resources a priority for national security, and I will continue to fight for full funding of this measure. Senators KENNEDY and BROWNBACK have also addressed these needs by improving INS pay standards, providing additional training for Border Patrol and Customs agents, and increasing information technology funding.

Let me commend Senators KENNEDY and BROWNBACK on the bill they are introducing today. It reflects a thoughtful response to the current situation at our borders, and I am pleased to be an original cosponsor. I am aware that others have proposals to address border issues as well, and I look forward to working with them.

The Enhanced Border Security Act of 2001 addresses several critical issues. In hearings in recent weeks before the Immigration Subcommittee and the Technology and, Terrorism Subcommittee, we heard repeated calls for better sharing of law enforcement and intelligence information as it relates to admitting aliens into the United States. The bill addresses this problem by mandating INS and Department of State access to relevant FBI information within one year. I am pleased that the authors of this bill have included provisions to protect the privacy and security of this information, and require limitations on the use and repeated dissemination of the information.

Sharing U.S. law enforcement and intelligence information with the State Department and INS is important, but it is also critical to build upon our relationships with Canada and Mexico. We share a mutual interest in protecting our respective borders. The U.S., Canada and Mexico must also improve the sharing of information by our law enforcement and intelligence communities. We need to develop a perimeter national security program with our partners to our north and south, and the Enhanced Border Security Act does just that.

The Enhanced Border Security Act requires airlines to provide passenger manifests to the INS and Customs in advance of a flight's arrival. This will be one more source of data, that will help INS screen for those who should not be allowed to enter. It also tightens controls on student visas, and restricts the issuance of visas to aliens who are citizens of countries that sponsor terrorism. This is a thoughtful bill and I urge my colleagues' support.

Last week with the enactment of the USA Patriot Act of 2001, the Federal Government committed to developing a visa technology standard that would facilitate the sharing of information related to the admissibility of aliens into the United States. I proposed this language recognizing that for many years, the U.S. law enforcement and intelligence communities have maintained numerous, but separate, non-interoperable databases. These databases are not easily or readily accessible to front-line Federal agents responsible for making the critical decisions of whether to issue a visa or to admit an alien into the United States.

To build on and fulfill the goals of establishing this standard, my bill will do three things. First, it will require technology be implemented to track the initial entry and exit of aliens traveling on a U.S. visa. We know now that several of the terrorists who attacked America on September 11 were traveling on expired visas. We have had the law in place for several years now, but due to concerns about maintaining the flow of trade and tourism across our borders, concerns I share, the provisions of Section 110 have not been fully implemented. Technology will address those concerns, allowing electronic recordation and verification of entry and exit data in an instant.

Second, I believe it is necessary to require the Departments of State and Justice to work with the Office of Homeland Security to build a cohesive electronic data sharing system. The system must incorporate interoperability and compatibility within and between the databases of the various agencies that maintain information relevant to determining whether a visa should be issued or whether an alien should be admitted into the United States. My legislation will require interoperable real-time sharing of law enforcement and intelligence information relevant to the issuance of a visa or an alien's admissibility to the U.S. The provision will require that information is made available, although with the appropriate safeguards for privacy and the protection of intelligence sources, to the front line government agents making the decisions to issue visas or to admit visa holding aliens to the United States. I am pleased that Senators KENNEDY and BROWNBACK have adopted these provisions into their legislation.

Finally, building on the provisions of the Kennedy-Brownback bill for a Perimeter National Security Program, and on the technology standard required under the USA Patriot Act, my legislation will require the Department of State and the Attorney General to study and report to Congress within 90 days on how best to facilitate sharing of information that may be relevant to determining whether to issue a U.S. visa. Our borders are only as secure as the borders of those countries with whom we have agreements that visas are not required. We need to build on our relationships with these international partners to secure our respective borders through better information sharing.

Keeping terrorists out of the U.S. in the first place will reduce the risks of terrorism within the U.S. in the future. Aliens known to be affiliated with terrorists have been admitted to the U.S. on valid visas simply because one agency in government did not share important information with another department in a timely fashion. We must make sure that this does not happen again.

Until now, we had hoped that agencies would voluntarily share this information on a real-time and regular basis. This has not happened, and although I know that the events of September 11 have led to serious rethinking of our information-sharing processes and procedures, I think it is time to mandate the sharing of fundamental information.

Advancements in technology have provided us with additional tools to verify the identify of individuals entering our country without impairing the flow of legitimate trade, tourism, workers and students. It is time we put these tools to use.

Improving our national security is vitally important, but I will not support measures that compromise America's civil liberties. Both the bill being introduced today and the bill I will be introducing include several safeguards to protect individuals' rights to privacy. The bills provide that where databases are created or shared, there must be protection of privacy and adequate security measures in place, limitations on the use and re-dissemination of information, and mechanisms for removing obsolete or erroneous information. Even in times of urgent action, we must protect the freedoms that make our country great.

By Mr. SANTORUM (for himself, Mr. ROCKEFELLER, Mrs. LINCOLN, and Mr. MCCONNELL):

S. 1619. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to join my colleagues Mr. ROCKEFELLER, Mrs. LINCOLN, and Mr. MCCONNELL to introduce bipartisan legislation aimed at improving long-term care health and rehabilitation options for Medicare beneficiaries, and also assisting family caregivers.

We all recognize that our Nation needs to address sooner rather than later challenges of financing long-term care services for our growing aging population. The Congressional Budget Office has projected that national expenditures for long-term care services for the elderly will increase each year through 2040. But it is in just over a decade when we will see these challenges become even more pronounced when the 76 million baby boomers begin to turn 65. Baby boomers are expected to live longer and greater numbers will reach 85 and older.

Given the expected growing costs of long-term care services, and combined with the fact that today so many American families are already serving as caregivers for aging or ailing seniors and providing such a large portion of long-term care services, it is more important than ever that we have in place quality options in how to best care for our senior population about to dramatically increase.

This is why we are introducing the Medicare Adult Day Services Alternative Act, legislation to offer home health beneficiaries more options for receiving care in a setting of their own choosing, rather than confining the provision of those benefits solely to the home.

This legislation would give beneficiaries the option to receive some or all of their Medicare home health services in an adult day setting. This would be a substitution, not an expansion, of services. The bill would not make new people eligible for Medicare home health benefits or expand the list of services paid for. In fact, this legislation may be designed to produce net savings for the Medicare program.

Permitting homebound patients to receive their home health care in a clinically-based senior day center, as an alternative to receiving it at home, could result in significant benefits to the Medicare program, such as reduced cost-per-episode, reduced numbers of episodes, as well as mental and physical stimulation for patients.

Moreover, the Medicare Adult Day Services Alternative Act could well have a positive impact on our economy, as it would enable caregivers to attend to other things in today's fast-paced family life, such as working a full- or part-time job and caring for children, knowing their loved ones are well cared for. It is unfortunate that today many caregivers have to choose between working or caring for a family member. It is estimated that the average loss of income to these caregivers is more than $600,000 in wages, pension, and Social Security benefits. And by extension, the loss in productivity in United States businesses is pegged at more than $10 billion annually.

But it does not have to be an either-or proposition. The Medicare Adult Day Services Alternative Act is a creative solution to health care delivery, which would adequately reimburse providers in a fiscally responsible way. Located in every state in the United States and the District of Columbia, adult day centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered.

We can and should offer both our Medicare beneficiaries and family caregivers more and better options for health care delivery, and that is exactly what the Medicare Adult Day Services Alternative Act is designed to do. This legislation is bipartisan, and is supported by more than 20 national non-profit organizations concerned with the well-being of America's older population and committed to representing their interests.

I hope our colleagues will join us in this cause. I again thank Senators ROCKEFELLER, LINCOLN and MCCONNELL for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Adult Day Services Alternative Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day care offers services, including medical care, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(2) access to adult day care services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families, providing close to 80 percent of the care to individuals requiring long-term care;

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be $659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from $11,000,000,000 to $29,000,000,000 annually;

(7) the services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day care centers in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the baby boomer generation, the time to address these issues is now.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(a) Substitute Adult Day Care Services Benefit.—

(1) In general.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (ww));".

(2) Substitute adult day care services defined.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(ww)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

"(B) The items and services described in this subparagraph are the following items and services:

"(i) Items and services described in paragraphs (1) through (7) of subsection (m).

"(ii) Meals.

"(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

"(iv) A medication management program (as defined in subparagraph (C)).

"(C) For purposes of subparagraph (B)(iv), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

"(i) unnecessary or inappropriate use of prescription drugs; and

"(ii) adverse events due to unintended prescription drug-to-drug interactions.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

"(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

"(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

"(iii) provides the items and services described in paragraph (1)(B); and

"(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

"(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (1)(B) are provided—

"(i) by an adult day-care program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

"(ii) under arrangements with that program made by such agency.

"(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

"(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility.".

(b) Payment for Substitute Adult Day Care Services.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(f) Payment Rate for Substitute Adult Day Care Services.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(ww)), the following rules apply:

"(1) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a period specified by the Secretary.

"(2) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (1) furnished under the plan by a home health agency.".

(c) Adjustment in Case of Overutilization of Substitute Adult Day Care Services.—

(1) Monitoring expenditures.—Beginning with fiscal year 2003, the Secretary of Health and Human Services shall monitor the expenditures made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) Required reduction in payment rate.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the medicare program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

Mr. ROCKEFELLER. Mr. President, I am delighted to join my good friend from Pennsylvania as an original cosponsor of the "Medicare Adult Day Services Alternative Act."

Adult day health care is a vital component of good long-term care, for patients and for their caregivers. I am hopeful that as a result of this bill, adult day health care will play an increasingly larger role in how we care for the elderly in this country.

To be clear, this bill would simply give beneficiaries of the Medicare home health benefit the option of choosing to receive their care partially in an adult day care setting. This bill would not expand the list of who is eligible for home care, it simply changes the location where services may be provided. The benefits of this legislation, are that beneficiaries gain increased social interaction with peers, while simultaneously giving caregivers a measure of respite.

I am a strong supporter of adult day health care, because I've seen the tremendous benefits of it in the VA health care system. The federally funded VA health care system, because of the very substantial World War II veteran population, has developed some of the most innovative ways to care for older people especially in non-institutional settings. As a result of this demand, VA has led the Nation in developing adult day health care programs. The Adult Day Health Care Program at VA was established in the late 1970s at five facilities. At this time, there are 15 inhouse VA Adult Day Health Care programs. All other VA medical centers provide this program to veterans through a contractual basis with community-based programs.

In 1999, I introduced legislation to further expand on VA adult day by making adult day health care, and other non-institutional long-term care services, part of the standard benefits package in the VA. I am thrilled that my legislation was passed later that year and that all veterans who enroll for VA care will have access to these services.

I look forward to working with members of the Senate Finance Committee to advance the cause of long-term care. It is my view that providing long-term care to all Americans is a priority. Let us delay no longer.

By Mr. ALLARD:

S. 1620. A bill to authorize the Government National Mortgage Association to guarantee conventional mortgage-backed securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, today I am pleased to introduce the Home Ownership Expansion Act of 2001. This legislation is designed to expand home ownership by increasing the supply of affordable mortgages available for home buyers. The legislation establishes a private-public partnership between mortgage providers and insurers and the Government National Mortgage Association, GNMA or Ginnie Mae.

GNMA is a part of the Department of Housing and Urban Development, and its current business is limited to home loans that are insured only by government agencies. GNMA provides a guarantee to investors who purchase FHA and VA home loans that are bundled into securities. These securities are backed by the full faith and credit of the U.S. government.

The Home Ownership Expansion Act of 2001 would authorize a new program that permits GNMA to guarantee securities that consist of mortgages insured by private mortgage insurance. Private insurance results in reduced risk to taxpayers which will in turn make more capital available for home mortgages.

This new GNMA program would be targeted at first-time and middle income home buyers. The program would be limited to mortgages up to $275,000 and tailored to borrowers who have less than 20 percent down payments to put into homes. GNMA would benefit from the ability to compete for privately insured mortgage business. GNMA's income would increase through the program and GNMA would be strengthened by its ability to offer a greater variety of products to investors.

By permitting GNMA to enter the secondary market for privately insured mortgages, the legislation would increase competition. Mortgage lenders would have a new entity to which they could sell their mortgages, and the number and variety of loan-approval systems at use in the low down payment mortgage market would increase. The beneficiaries of this increase in competition would be consumers who wish to purchase a home.

Mr. President, the current rate of home ownership in the United States is 67 percent of households. This rate has risen steadily in recent decades and is great achievement for our nation. However, the rate of home ownership among minority families, entry level workers, and younger Americans remains much lower. This legislation is designed to further increase the home ownership rate by increasing the availability of affordable mortgages.

The Home Ownership Expansion Act of 2001 would strengthen the Government National Mortgage Association. It would protect taxpayers by increasing private sector risk sharing on GNMA products. It would increase competition in the secondary mortgage market, helping to lower costs to consumers. And by increasing the use of varying underwriting systems it would help to qualify more first-time, middle income and minority home buyers. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Ownership Expansion Act of 2001".

SEC. 2. GNMA GUARANTEE OF SECURITIES BACKED BY CONVENTIONAL MORTGAGES.

(a) FINDINGS.—Congress finds that—

(1) expanding home ownership is a national goal, and that increasing the principal secondary market outlets for conventional home mortgages will serve that goal by improving the liquidity of investments in those mortgages; and

(2) risk-sharing between the public sector and the private mortgage insurance industry will provide consumers with greater access to mortgage credit opportunities.

(b) AUTHORITY TO GUARANTEE CONVENTIONAL MORTGAGE-BACKED SECURITIES.—Section 306 of the National Housing Act (12 U.S.C. 1721) is amended by adding at the end the following:

"(h) GNMA GUARANTEE OF SECURITIES BACKED BY CONVENTIONAL MORTGAGES.—

"(1) IN GENERAL.—The Association may guarantee the timely payment of principal and interest on conventional mortgage-backed securities that are backed by qualifying privately insured mortgages that are insured with primary mortgage insurance, extended mortgage insurance, and supplemental mortgage insurance.

"(2) PREMIUMS.—The issuer of securities guaranteed by the Association under this subsection that are backed by qualifying privately insured mortgages shall—

"(A) for primary mortgage insurance, collect from the mortgagor, and remit to the qualified mortgage insurer, the premium or premiums as may be established by the qualified mortgage insurer in accordance with applicable Federal or State law; and

"(B) for extended mortgage insurance and supplemental mortgage insurance, pay and remit the premium or premiums to the qualified mortgage insurer from the sums attributable to the difference between the interest rates applicable to the mortgages in the particular pool and the interest rate set forth on the trust certificate or security guaranteed by the Association based on and backed by such mortgages, and without additional premium charge therefore to the mortgagor.

"(3) DISPOSITION OF PROPERTY UPON DEFAULT.—Upon default by a mortgagor of a mortgage guaranteed under this subsection, the property covered by the mortgage shall be disposed of by the issuer of the securities guaranteed under this subsection or the qualified mortgage insurer in accordance with the customary policies and procedures of that issuer and insurer.

"(4) AUTHORITY.—As part of the authority provided to the Association to issue guarantees under this subsection for fiscal year 2002, the Association may, during fiscal year 2002, issue guarantees of the timely payment of principal and interest on trust certificates or other securities based on and backed by qualifying privately insured mortgages in an aggregate amount equal to not more than $50,000,000,000.

"(5) REGULATORY POWER OF THE SECRETARY.—The Secretary shall—

"(A) have authority to review and approve premiums and other terms and conditions established for the primary mortgage insurance covering the mortgages contained in the trusts or pools guaranteed by the Association under this subsection, and shall have the authority to approve participation in the program based on safety and soundness;

"(B) prescribe such rules and regulations as shall be necessary and proper to ensure that the purposes of the Home Ownership Expansion Act of 2001 are accomplished.

"(i) DEFINITIONS.—As used in this section:

"(1) CONVENTIONAL MORTGAGE LIMIT.—The term 'conventional mortgage limit' means the greater of the applicable maximum original principal obligation of conventional mortgages established by—

"(A) the Federal National Mortgage Association, pursuant to section 302(b)(2); or

"(B) the Federal Home Loan Mortgage Corporation, pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

"(2) COVERAGE PERCENTAGE.—The term 'coverage percentage' means the percentage of the total of the outstanding principal balance on a mortgage, and accrued interest, advances, and reasonable expenses related to property preservation and foreclosure, that is subject to payment in the event of a claim under a policy of primary mortgage insurance on a qualifying privately insured mortgage.

"(3) EXTENDED MORTGAGE INSURANCE.—The term 'extended mortgage insurance' means insurance that—

"(A) is issued by a qualified mortgage insurer;

"(B) guarantees and insures against losses on the mortgage;

"(C) has the same coverage percentage and other substantially similar terms and conditions as the primary mortgage insurance for the mortgage;

"(D) becomes effective upon mandatory cancellation or termination of the primary mortgage insurance, and remains in effect until the mortgage is paid in full; and

"(E) is not subject to mandatory cancellation or termination.

"(4) MANDATORY CANCELLATION OR TERMINATION.—The term 'mandatory cancellation or termination' means cancellation or termination of mortgage insurance, as provided in section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) or by a protected State law, as defined in section 9 of that Act.

"(5) PRIMARY MORTGAGE INSURANCE.—The term 'primary mortgage insurance' means insurance that—

"(A) is issued by a qualified mortgage insurer;

"(B) guarantees and insures against losses on the mortgage, under standard terms and conditions generally offered in the private mortgage guaranty insurance industry;

"(C) has a coverage percentage equal to—

"(i) not less than 12 percent, if the principal-to-value ratio is greater than 80 percent and not greater than 85 percent;

"(ii) not less than 25 percent, if the principal-to-value ratio is greater than 85 percent and not greater than 90 percent;

"(iii) not less than 30 percent, if the principal-to-value ratio is greater than 90 percent and not greater than 95 percent; and

"(iv) not less than 35 percent, if the principal-to-value ratio is greater than 95 percent; and

"(D) may be canceled or terminated by the mortgagor, issuer, or qualified mortgage insurer only pursuant to mandatory cancellation or termination.

"(6) PRINCIPAL-TO-VALUE RATIO.—The term 'principal-to-value ratio' means the ratio of the original outstanding principal balance of a first mortgage to the value of the property securing the mortgage, as established at the time of origination by appraisal or other reliable indicia of property, conducted or performed not earlier than 6 months before the date of origination, and not later than that date of origination.

"(7) QUALIFIED MORTGAGE INSURER.—The term 'qualified mortgage insurer' means a provider of private mortgage insurance, as defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), that—

"(A) is authorized and licensed by a State or an instrumentality of a State to transact private mortgage insurance business in the State in which the provider is transacting that business, excluding any entity that is exempt from State licensing requirements;

"(B) is rated in 1 of the 2 highest rating categories by not less than 1 nationally recognized statistical rating organization; and

"(C) meets such additional qualifications as may be determined by the Association.

"(8) QUALIFYING PRIVATELY INSURED MORTGAGE.—The term 'qualifying privately insured mortgage' means a first mortgage—

"(A) that is not—

"(i) insured under title II of this Act, except as specifically provided in this section;

"(ii) insured under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

"(iii) insured or guaranteed under chapter 37 of title 38, United States Code; or

"(iv) made or guaranteed under part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.);

"(B) that—

"(i) is secured by property comprising 1-to-4 family dwelling units;

"(ii) has a term of not longer than 30 years;

"(iii) has a principal-to-value ratio of more than 80 percent; and

"(iv) has an original principal obligation that does not exceed the conventional mortgage limit;

"(C) not more than 1 payment of which has been delinquent by more than 30 days, and no payment of which has been delinquent by more than 60 days, during the 12-month period immediately preceding the time of guarantee; and

"(D) that is covered by primary mortgage insurance, extended mortgage insurance, and supplemental mortgage insurance.

"(9) SUPPLEMENTAL MORTGAGE INSURANCE.—The term 'supplemental mortgage insurance' means insurance that—

"(A) is issued by a qualified mortgage insurer;

"(B) guarantees and insures against losses on the mortgage under such terms and conditions as are reasonably acceptable to the Association;

"(C) becomes effective on the date on which the guaranty becomes effective; and

"(D) terminates as if subject to automatic termination under section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)), subject to the conditions stated in that section, or when the mortgage is paid in full, whichever occurs first.

"(10) TRUST OR POOL.—A trust or pool referred to in this section means a trust or pool composed only of—

"(A) qualifying privately insured mortgages; or

"(B) mortgages insured under title II.".

(c) GUARANTY FEE.—Section 306(g)(3)(A) of the National Housing Act (12 U.S.C. 1721(g)(3)(A)) is amended—

(1) by inserting "(i)" after "(A)"; and

(2) by adding at the end the following:

"(ii) The Association shall assess and collect a fee in an amount equal to not more than 8 basis points, as determined by the Secretary, in order to generate revenues to the Federal Government in excess of the cost to the Federal Government, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of the guaranty of the timely payment of principal and interest on trust certificates or other securities based on or backed by qualifying privately insured mortgages under subsection (h).".

(d) VOLUNTARY PROGRAM PARTICIPATION; NO FEDERAL CONTRACTOR STATUS.—Section 306(g) of the National Housing Act (12 U.S.C. 1721(g)) is amended by adding at the end the following:

"(4) Nothing in this subsection shall be construed to require any issuer to issue any trust certificate or security that is based on and backed by a trust or pool composed of qualifying privately insured mortgages.

"(5) Notwithstanding any other provision of law, a qualified mortgage insurer that participates in the guarantee program under subsection (h) shall not be considered, by virtue of such participation, as entering into a contract with any Federal department or agency, or participating in any program or activity receiving Federal financial assistance, or participating in any program or activity conducted by any Federal department or agency. Nothing in this paragraph is intended to deny or otherwise affect the rights of the Association as the assignee, holder, or beneficiary of a mortgage insurance contract.".

(e) REINSURER RATINGS REQUIREMENTS.—Section 306(g) of the National Housing Act (12 U.S.C. 1721(g)), as amended by this Act, is amended by adding at the end the following:

"(6) A qualified mortgage insurer may not reinsure any portion of its obligations under subsection (h) with any reinsurance that—

"(A) is not rated in 1 of the 2 highest rating categories by not less than 1 nationally recognized statistical rating organization; or

"(B) fails to meet such other requirements as the Secretary may deem appropriate.".

SEC. 3. CONFORMING AMENDMENTS.

(a) GUARANTEES.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) is amended—

(1) by inserting "or subsection (h)" after the term "this subsection" each place it appears;

(2) by inserting "(A)" after "(1)";

(3) by striking "The Association shall collect" and inserting the following:

"(B) The Association shall collect";

(4) by striking "In the event" and inserting the following:

"(C) In the event";

(5) by striking "In any case" and inserting the following:

"(D) In any case";

(6) in subparagraph (D), as so designated by paragraph (4) of this subsection—

(A) by striking "(I)" and inserting "(i)";

(B) by striking "(II)" and inserting "(ii)"; and

(C) by striking "(III)" and inserting "(iii)";

(7) by striking "The Association is hereby empowered," and all that follows through "against which the guaranteed securities are issued." and inserting the following:

"(E)(i) The Association may, in connection with any guaranty under this subsection or subsection (h), whether before or after any default by the issuer or any default by the qualified mortgage insurer (in the case of securities based on and backed by qualifying privately insured mortgages)—

"(I) provide by contract with the issuer for the extinguishment, upon default by the issuer, of any redemption, equitable, legal, or other right, title, or interest of the issuer in any mortgage or mortgages constituting the trust or pool against which the guaranteed securities are issued; or

"(II) provide by contract with the qualified mortgage insurer for the extinguishment, upon default by the qualified mortgage insurer, of any redemption, equitable, legal, or other right, title, or interest of the qualified mortgage insurer in such mortgage or mortgages, as well as any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage or any future premiums and proceeds related thereto.

"(ii) With respect to any issue of guaranteed securities—

"(I) in the event of default by the issuer, and pursuant otherwise to the terms of the contract, the mortgages that constitute the trust or pool referred to in clause (i) shall become the absolute property of the Association, subject only to the unsatisfied rights of the holders of the securities based on and backed by that trust or pool; and

"(II) in the event of default by the qualified mortgage insurer, and pursuant otherwise to the terms of the contract, any right of the qualified mortgage insurer with respect to the mortgages that constitute such trust or pool and any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage and any future premiums and proceeds related thereto shall become the absolute property of the Association, subject only to the unsatisfied rights of the holders of the securities based on and backed by such trust or pool and to the unsatisfied rights of any insured issuer with respect to any mortgage insurance coverage.

"(F) No State, local, or Federal law (other than a Federal statute enacted expressly in limitation of this subsection after the date of enactment of the Home Ownership Expansion Act of 2001), shall preclude or limit the exercise by the Association of—

"(i) its power to contract with the issuer, or the qualified mortgage insurer on the terms stated in subparagraph (E);

"(ii) its rights to enforce any such contract with the issuer or the qualified mortgage insurer; or

"(iii) its ownership rights, as provided in subparagraph (E), with respect to the mortgages constituting the trust or pool against which the guaranteed securities are issued, and with respect to any related primary mortgage insurance, extended mortgage insurance, or supplemental mortgage insurance coverage and any future premiums and proceeds related thereto.";

(8) by striking "The full faith" and inserting the following:

"(G) The full faith"; and

(9) by striking "There shall be" and inserting the following:

"(H) There shall be".

(b) SEPARATE ACCOUNTABILITY.—Section 307 of the National Housing Act (12 U.S.C. 1722) is amended—

(1) by striking "All" and inserting "(a) IN GENERAL.—All"; and

(2) by adding at the end the following:

"(b) LIMITATION.—Notwithstanding subsection (a), with respect to qualifying privately insured mortgages (as defined in section 306(i)), related earnings described in subsection (a) of this section or other amounts as become available after such allowances and as are attributable to the fees and charges assessed or collected in connection with the guaranty of trust certificates or securities based on or backed by such qualifying privately insured mortgages shall inure to the benefit of and may be retained by the Secretary in support of programs under titles II and III of this Act.".

SEC. 4. IMPLEMENTATION AND REPORT.

(a) IN GENERAL.—The Government National Mortgage Association shall provide for the initial implementation of this Act and the amendments made by this Act by—

(1) giving notice to its participating issuers; and

(2) submitting a report to the Chairpersons and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, that confirms that the authority of the Secretary of Housing and Urban Development under section 306(h)(5) of the National Housing Act, as added by this Act, does not adversely impact the safety and soundness of the Government National Mortgage Association.

(b) PUBLICATION.—The notice required by subsection (a) shall be published not later than 120 days after the date of enactment of this Act.

(c) REPORT.—The report submitted in accordance with subsection (a) shall include an economic analysis of the adequacy of the guarantee fee provided for in section 306(g)(3)(A)(ii) of the National Housing Act, as added by this Act.

By Mr. BINGAMAN (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mrs. MURRAY):

S. 1625. A bill to require the Secretary of Health and Human Services to approve up to 4 State waivers to allow a State to use its allotment under the State children's health insurance program under title XXI of the Social Security Act to increase the enrollment of children eligible for medical assistance under the Medicaid Program under title XIX of such Act; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators JEFFORDS, LEAHY, and MURRAY entitled the "Children's Health Equity Act of 2001" addresses an inequity that was created during the establishment of the State Children's Health Insurance Program, CHIP, that unfairly penalized certain States that had done the right thing and had expanded Medicaid coverage to children prior to the enactment of the bill.

While the Congress recognized this fact for some States and "grandfathered" in their expansions so those States could use the new CHIP funding for the children of their respective states, the legislation failed to do so for others, including New Mexico. This had the effect of penalizing a certain group of states for having done the right thing.

As a result, the "Children's Health Equity Act of 2001" addresses this inequity by allowing four States, including New Mexico, Vermont, Washington, and Rhode Island, to be allowed to also utilize their CHIP allotments for coverage of children covered by Medicaid above their 1996 levels, putting them on a more level field with all other States in the country.

Mr. President, as you know, in 1997 Congress and President Clinton agreed to establish the State Children's Health Insurance Program, CHIP, and provide $48 billion over 10 years as an incentive to States to provide health care coverage to uninsured, low-income children up 200 percent of poverty or beyond.

During the negotiations of the Balanced Budget Act, BBA, of 1997, Congress and the Administration properly recognized that certain states were already undertaking Medicaid or separate state-run expansions of coverage to children up to 185 percent of poverty or above and that they would be allowed to use the new CHIP funding for those purposes. The final bill specifically allowed the States of Florida, New York, and Pennsylvania to convert their separate state-run programs into CHIP expansions and States that had expanded coverage to children through Medicaid after March 31, 1997, were also allowed to use CHIP funding for their expansions.

Unfortunately, New Mexico and other States that had enacted similar expansions prior to March 1997 were denied the use of CHIP funding for their expansions. This created an inequity among the states where some were allowed to have their prior programs "grandfathered" into CHIP and others were denied. Again, our bill addresses this inequity.

New Mexico has a strong record of attempting to expand coverage to children through the Medicaid program. In 1995, prior to the enactment of CHIP, New Mexico expanded coverage to for all children through age 18 through the Medicaid program up to 185 percent of poverty. After CHIP was passed, New Mexico further expanded its coverage up to 235 percent of poverty, above the level of the vast majority of states across the country.

Due to the inequity caused by CHIP, New Mexico has been allocated $182 million from CHIP between fiscal years 1998 and 2000, and yet, has only been able to spend slightly over $5 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend only 3 percent of its Federal CHIP allocations.

New Mexico is unable to spend its funding because it had enacted its expansion of coverage to children up to 185 percent of poverty prior to the enactment of CHIP and our State was not "grandfathered" into CHIP as other comparable States were.

The consequences for the children of New Mexico are enormous. According to the Census Bureau, New Mexico has an estimated 129,000 uninsured children. In other words, almost 22 percent of all the children in New Mexico are uninsured, despite the fact the State has expanded coverage up to 235 percent of poverty. This is the fourth highest rate of uninsured children in the country.

This is a result of the fact that an estimated 103,000 of the 129,000 uninsured children in New Mexico are below 200 percent of poverty. These children are, consequently, eligible for Medicaid but currently unenrolled. With the exception of those few children between 185 and 200 percent of poverty who are eligible for CHIP funding, all of the remaining uninsured children below 185 percent of poverty in New Mexico are denied CHIP funding despite their need.

Exacerbating this inequity is the fact that many states are accessing their CHIP allotments to cover kids at poverty levels far below New Mexico's current or past eligibility levels. The children in those states are certainly no more worthy of health insurance coverage than the children of New Mexico.

As the most recent policy statement by the National Governors' Association reads, "The Governors believe that it is critical that innovative States not be penalized for having expanded coverage to children before the enactment of S-CHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage to the majority of uninsured children in their States."

Consequently, the bill I am introducing today corrects this inequity. The bill reflects a carefully-crated response to the unintended consequences of CHIP and brings much needed assistance to children currently uninsured in my State and other similarly situated States, including Washington, Vermont, and Rhode Island.

Rather than simply changing the effective date included in the BBA that helped a smaller subset of States, this initiative includes strong maintenance of effort language as well as incentives for our State to conduct outreach and enrollment efforts and program simplification to find and enroll uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

The bill does not take money from other States' CHIP allotments. It simply allows our States to spend our States' specific CHIP allotments from the Federal Government on our uninsured children, just as other States across the country are doing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Equity Act of 2001".

SEC. 2. APPROVAL OF UP TO 4 STATE WAIVERS TO ALLOW TITLE XXI ALLOTMENTS TO BE USED FOR INCREASING THE ENROLLMENT OF MEDICAID CHILDREN.

(a) DEFINITIONS.—In this section:

(1) CHILD.—With respect to a State, the term "child" has the meaning given such term for purposes of the State medicaid program under title XIX of the Social Security Act.

(2) CHILD HEALTH ASSISTANCE.—The term "child health assistance" has the meaning given that term in section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)).

(3) ENHANCED FMAP.—The term "enhanced FMAP" has the meaning given that term in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(4) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term "Federal medical assistance percentage" has the meaning given that term in section 1905(b) of such Act (42 U.S.C. 1396d(b)).

(5) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE CHILD HEALTH PLAN.—The term "State child health plan" has the meaning given that term under section 2110(c)(7) of such Act (42 U.S.C. 1397jj(c)(7)).

(b) APPROVAL OF CERTAIN WAIVERS.—The Secretary shall approve not more than 4 waiver applications under which the Secretary shall pay to a State that the Secretary determines satisfies the requirements described in subsection (c) the payment authorized under subsection (d).

(c) REQUIREMENTS.—The requirements described in this subsection are the following:

(1) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or XXI of the Social Security Act)—

(A) has the highest income eligibility standard permitted under title XXI of such Act as of January 1, 2001;

(B) subject to paragraph (2), does not limit the acceptance of applications for children; and

(C) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

(2) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

(3) ADDITIONAL REQUIREMENTS.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under titles XIX and title XXI of the Social Security Act):

(A) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A) of that Act (42 U.S.C. 1396a(a)(10)(A)), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under titles XIX and XXI of that Act.

(B) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or title XXI of the Social Security Act (42 U.S.C. 1396a(l), 1397aa et seq.) with respect to children.

(C) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under title XXI of such Act or for children described in section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)).

(D) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under title XXI of that Act, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under titles XIX and XXI.

(E) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under title XXI of such Act and for children under title XIX of that Act at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) of such Act (42 U.S.C. 1396r-4(a)(1)(A)) and Federally-qualified health centers described in section 1905(l)(2)(B) of that Act (42 U.S.C. 1396d(l)(2)(B)) consistent with section 1902(a)(55) of that Act (42 U.S.C. 1396a(a)(55)).

(d) PAYMENT AUTHORIZED.—

(1) IN GENERAL.—Notwithstanding any provision of title XIX or XXI of the Social Security Act, or any other provision of law, with respect to a State with a waiver approved under this section that satisfies the requirements of subsection (c) (and that otherwise has a State child health plan approved under title XXI of the Social Security Act), the Secretary shall pay to the State from its allotment under section 2104 of the Social Security Act (42 U.S.C. 1397dd) an amount for each fiscal year (beginning with fiscal year 2002) determined under subparagraph (D) as follows:

(A) BASE EXPENDITURE AMOUNT.—The Secretary shall determine the total amount of expenditures for medical assistance under title XIX of the Social Security Act in the State for children described in paragraph (2) for fiscal year 1995.

(B) CURRENT EXPENDITURE AMOUNT.—The Secretary shall determine the total amount of expenditures for medical assistance under title XIX of such Act in the State for children described in paragraph (2) for the fiscal year involved.

(C) INCREASED EXPENDITURES.—The Secretary shall determine the number (if any) by which the total amount determined under subparagraph (B) exceeds the total amount determined under subparagraph (A).

(D) BONUS AMOUNT.—The amount determined under this subparagraph for a fiscal year is equal to the product of the following:

(i) The total amount determined under subparagraph (C).

(ii) The difference between the enhanced FMAP and the Federal medical assistance percentage for that State for the fiscal year involved.

(2) CHILDREN DESCRIBED.—For purposes of paragraph (1)(A), the children described in this paragraph are—

(A) children who are eligible and enrolled for medical assistance under title XIX of the Social Security Act; and

(B) children who—

(i) would be described in subparagraph (A) but for having family income that exceeds the highest income eligibility level applicable to such individuals under the State plan; and

(ii) would be considered disabled under section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) (determined without regard to the reference to age in that section but for having earnings or deemed income or resources, as determined under title XVI of such Act for children) that exceed the requirements for receipt of supplemental security income benefits.

(3) ORDER OF TITLE XXI PAYMENTS.—With respect to a State with a waiver approved under this section, payments to the State under section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) for a fiscal year shall, notwithstanding paragraph (2) of such section, be made in the following order:

(A) First, for expenditures for items described in paragraph (1)(A) of section 2105(a) of such Act.

(B) Second, for expenditures for items described in paragraph (1)(B) of such section.

(C) Third, for the payment authorized under subsection (d)(1) of this section.

(D) Fourth, for expenditures for items described in paragraph (1)(C) of section 2105(a) of the Social Security Act.

(E) Fifth, for expenditures for items described in paragraph (1)(D) of such section.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. DASCHLE, Mrs. LINCOLN, Ms. COLLINS, Mrs. CARNAHAN, Mr. HUTCHINSON, and Mr. CORZINE):

S. 1626. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators COCHRAN, DASCHLE, LINCOLN, COLLINS, CARNAHAN, HUTCHINSON of Arkansas, and CORZINE entitled the "Children's Dental Health Improvement Act of 2001" is designed to improve the access and delivery of dental health services to our Nation's children through Medicaid, the State Children's Health Insurance Program, SCHIP, the Indian Health Service, IHS, and our Nation's safety net of community health centers.

The oral health problems facing children are highlighted in a landmark report issued by the Surgeon General and the Department of Health and Human Services, HHS, last year entitled Oral Health in America: A Report of the Surgeon General in which he observed that our Nation is facing what amounts to "a 'silent epidemic' of dental and oral diseases."

In fact, dental caries, which refers to both decayed teeth or filled cavities, is the most common childhood disease. According to the Surgeon General, "Among 5- to 17-year olds, dental caries is more than 5 times as common as a reported history of asthma and 7 times as common as hay fever." In short, dental care is, as the Surgeon General adds, "the most prevalent unmet health need among American children."

The severity of this problem is even greater among children is poverty. Poor children aged 2 to 9 have twice the levels of untreated decayed teeth as nonpoor children. Moreover, the Surgeon General has found that poor Mexican American children have rates of untreated decayed teeth that exceed 70 percent, a rate of true epidemic proportions.

For these children, their personal suffering is real. Many of the oral diseases and disorders can cause severe pain, undermine self-esteem and self-image, discourage normal social interaction, cause other health problems, compromise nutritional status, and lead to chronic stress and depression as well as incur great financial cost. Lack of treatment is estimated to result in a loss of 1.6 million school days annually, according to the National Center for Health Statistics.

The General Accounting Office, GAO, in its April 2000 report, entitled "Oral Health: Dental Disease is a Chronic Problem Among Low-Income Populations," adds, "Poor children suffer nearly 12 times more restricted-activity days, such as missed school, than higher-income children as a result of dental problems."

Incredibly, this could all be prevented. As the Surgeon General's report notes, prevention programs in oral health that have been designed and evaluated for children using a variety of fluoride and dental sealant strategies has the "potential of virtually eliminating dental caries in all children."

Unfortunately, children do not get the dental services they need. According to the Surgeon General," Although over 14 percent of children under 18 have no form of private or public medical insurance, more than twice that many, 23 million children, have no dental insurance." The report adds, "There are at least 2.6 children without dental insurance for each child without medical insurance."

One important provision in the bill would grant States flexibility to provide dental coverage to low-income children through the State Children's Health Insurance Program, just as States currently are able to do through Medicaid.

Unfortunately, SCHIP law prohibits coverage of children for services unless they are completely uninsured. As authors Ruth Almeida, Ian Hill, and Genevieve Kenney of an Urban Institute report entitled Does SCHIP Spell Better Dental Care for Children? An Early Look at New Initiatives write, ". . . many low-income children are covered by employer-based or other private health insurance for their medical care, but do not have a comprehensive dental benefit. Because these children are privately insured, they are not eligible for SCHIP and cannot avail themselves of dental coverage under SCHIP. Expanding SCHIP to furnish dental services on a wraparound basis to privately covered low-income children without dental coverage could help achieve broader improvements in children's oral health."

For low-income children with medical coverage but no dental insurance through the private sector, their only option would be to completely dump their private coverage for their children in order to access SCHIP coverage.

Instead, the "Children's Dental Health Improvement Act of 2001" would create an option for states to provide low-income families with the ability to receive wrap-around dental coverage through SCHIP without having to completely drop their private insurance. This reduces the crowd-out of private insurance, which was a priority of the Congress during passage of SCHIP, and it provides low-income children with dental services that other children in the same economic circumstance are already receiving through SCHIP.

In implementing such a change, I want to make it clear that I am in strong support of providing additional funding to SCHIP to ensure that these services are provided without reducing current levels of SCHIP funding. I am concerned about SCHIP funding in forthcoming years, particularly in those years referred to as the "CHIP dip" when funding levels drop from over $4 billion annually to around $3 billion. I have other legislation entitled, S. 1016, the "Start Healthy, Stay Healthy Act of 2001," that addresses this very problem.

With those additional funds, I strongly believe that SCHIP, just as Medicaid, should provide services to low-income children who are both uninsured and underinsured. Children need a comprehensive set of child health services, including dental services, to ensure their appropriate health and development.

However, coverage for these services is often not enough. Even when children do have dental coverage, the access to care is often sorely lacking. Medicaid is the largest insurer of dental coverage to children. Yet, despite the design of the Medicaid program to ensure access to comprehensive services for children, including dental care, the Inspector General of the Department of Health and Human Services reported in 1996 that only 18 percent of children eligible for Medicaid received even a single preventive dental service. The same report shows that no State provides preventive services to more than 50 percent of eligible children. The factors are complex but the primary one is due to limited dentist participation in Medicaid.

According to GAO, in its September 2000 report entitled Oral Health: Factors Contributing to Low Use of Dental Services by Low-Income Populations, "Of 39 states that provided information about dentists' participation in Medicaid, 23 reported that fewer than half of the states' dentists saw at least one Medicaid patient during 1999." Even worse, a 1998 survey by the National Conference of State Legislatures indicates that fewer than 20 percent of dentists participate in the Medicaid program nationwide.

The GAO concludes poor participation rates by dentists is due in large part to poor reimbursement rates in Medicaid. As the GAO points out, "Our analysis showed that Medicaid payment rates are often well below dentists' normal fees. Only 13 states had Medicaid rates that exceeded two-thirds of the average regional fees dentists charged. . . ."

Clearly, Medicaid is chronically underfunded with respect to dental care. The Surgeon General's report notes, "On average, state Medicaid agencies contribute only 2.3 percent of their child health expenditures to dental care, whereas nationally, the percentage of all child health expenditures dedicated to dental care is more than 10 times that rate, almost 30 percent."

The good news is that many States, including New Mexico, are taking actions to improve the participation of dentists in the Medicaid program by raising low payment rates and reducing administrative requirements. These efforts were highlighted by the GAO in its September 2000 report. To further encourage such efforts, the "Children's Dental Health Improvement Act of 2001" provides $50 million annually as financial incentives and planning grants to states to undertake additional improvements in their Medicaid programs delivery of dental health services to children.

In addition to Medicaid and SCHIP, the federal government administers other health care programs providing dental services or providers for low-income children and their families, including services administered by community health centers and the Indian Health Service, IHS. Unfortunately, both of these programs are underfunded and, as the GAO found, "report difficulty in meeting the dental needs of their target populations."

For example, the GAO found that "HHS and health center officials report that the demand for dental services significantly exceeds the, urban and rural health, centers' capacity to deliver it. In 1998 . . ., a little more than half of the nearly 700 health center grantees funded under this program had active dental programs." This is also true for public health departments across the country.

To assist the health centers and public health departments with this need, the "Children's Dental Health Improvement Act of 2001" provides $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dental health professionals to serve low-income populations.

This is particularly a problem that needs to be addressed in areas with severe dental health professional shortages, such as New Mexico. For example, New Mexico ranked next to last in the Nation with just 32.1 dentists per 100,000 population in 1998, according to HHS. This compares to the national average of 48.4 per 100,000. Moreover, the number of dentists in New Mexico declined by 7 percent between 1991 and 1998 while the State's population grew 12 percent. The result was a 17 percent decline in dentists per capita during the period.

With regard to American Indian and Alaska Native populations, the need is so great and the funding so little that a comprehensive solution is requiring throughout the IHS system. With respect to the unmet need, the GAO notes that "American Indian and Alaska Native children aged 2 to 4 years old have five times the rate of dental decay that all children have."

Unfortunately, the GAO adds, ". . . about one-fourth of IHS' dentist positions at 269 HIS and tribal facilities were vacant in April 2000. Vacancies have been chronic at IHS facilities, in the past 5 years, at least 67 facilities have had one or more dentist position vacant for at least a year. According to IHS officials, the primary reason for these vacancies is that IHS is unable to provide a competitive salary for new dentists. . ."

The GAO continues, "The IHS' dental personnel shortages translate into a large unmet need for dental services among American Indians and Alaska Natives. IHS reports that only 24 percent of the eligible population had a dental visit in 1998. The personnel shortages have also reduced the scope of services that facilities are able to provide. According to IHS officials, available services have concentrated more on acute and emergency care, while routine and restorative care have dropped as a percentage of workload. Emergency services increased from one-fifth of the workload in 1990 to more than one-third of the workload in 1999.'

To help alleviate this workforce shortage, the "Children's Dental Health Improvement Act of 2001" provides IHS with the authority to offer multi-year retention bonuses to dental providers offering services through the IHS and tribal programs.

The bill also provides for some technical amendments to ensure that tribal organizations and community health centers are allowed to apply for school-based dental sealant funding from the Centers for Disease Control and Prevention, CDC.

And finally, to help address this "silent epidemic," HHS implemented what is referred to as the Oral Health Initiative, OHI, to coordinate dental health services in both the Health Resources and Services Administration, HRSA, and the Center for Medicaid and Medicare Services, CMS, formerly known as the Health Care Financing Administration. Despite the progress of the Initiative, it has no legal authority unlike other programs that target specific health needs of children, such as Emergency Medical Services for Children or the Traumatic Brain Injury Program. Because it lacks formal status and program control, the OHI is susceptible to future disruptions or dispanding.

To ensure the continuation of the OHI, the "Children's Health Improvement Act of 2001" provides statutory authority for the OHI and authorized funding of $25 million to improve the oral health of low-income populations served by both the public and private sector.

The bipartisan legislation I am introducing today would improve the access and delivery of dental health services to our Nation's children through Medicaid, the State Children's Health Insurance Program, SCHIP, the Indian Health Service, IHS, and our Nation's safety net of community health centers. These problems are well-documented and call out for congressional action as soon as possible.

I would like to thank the American Dental Association, the American Dental Education Association, the American Academy of Pediatric Dentistry, the National Association of Community Health Centers, Inc., the National Association of Children's Hospitals, the American Dental Hygienists' Association, and the Children's Dental Health Project for their outstanding support and/or their technical advice on this legislation. This bill is a result of their outstanding work.

In particular, I want to thank Dr. Burt Edelstein and Libby Mullin of the Children's Dental Health Project for their vast knowledge and technical assistance on this issue. I want to thank Judy Sherman of the American Dental Association, Myla Moss of the American Dental Education Association, Dr. Heber Simmons and Scott Litch of the American Academy of Pediatric Dentistry, Karen Sealander of the American Dental Hygienists' Association, and Heather Mizeur of the National Association of Community Health Centers, Inc., for their valuable insight, technical advice, and support for this legislation. I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

In addition to those organizations, I would like to thank the following groups for their support of the bill, including: Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians of the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists, USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

I request unanimous consent that a Fact Sheet and the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Dental Health Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

Sec. 101. Grants to improve the provision of dental services under medicaid and SCHIP.
Sec. 102. Authority to provide dental coverage under SCHIP as a supplement to other health coverage.

TITLE II—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

Sec. 201. Grants to improve the provision of dental health services through community health centers and public health departments.
Sec. 202. Dental officer multiyear retention bonus for the Indian Health Service.
Sec. 203. Streamline process for designating dental health professional shortage areas.
Sec. 204. Demonstration projects to increase access to pediatric dental services in underserved areas.

TITLE III—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

Sec. 301. Oral health initiative.
Sec. 302. CDC reports.
Sec. 303. Early childhood caries.
Sec. 304. School-based dental sealant program.

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

"(a) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States that satisfy the requirements of subsection (b) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a State child health plan under title XXI (in this section, collectively referred to as the 'State plans').

"(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall provide the Secretary with the following assurances:

"(1) IMPROVED SERVICE DELIVERY.—The State shall have a plan to improve the delivery of dental services to children who are enrolled in the State plans, including providing outreach and administrative case management, improving collection and reporting of claims data, and providing incentives, in addition to raising reimbursement rates, to increase provider participation.

"(2) ADEQUATE PAYMENT RATES.—The State has provided for payment under the State plans for dental services for children at levels consistent with the market-based rates and sufficient enough to enlist providers to treat children in need of dental services.

"(3) ENSURED ACCESS.—The State shall ensure it will make dental services available to children enrolled in the State plans to the same extent as such services are available to the general population of the State.

"(c) APPLICATION.—A State shall submit an application to the Secretary for a grant under this section in such form and manner and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $50,000,000 for fiscal year 2002 and each fiscal year thereafter.

"(e) APPLICATION OF OTHER PROVISIONS OF TITLE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

"(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

"(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

"(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

"(C) Section 504(d) (relating to a limitation on administrative expenditures).

"(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

"(E) Section 507 (relating to penalties for false statements).

"(F) Section 508 (relating to nondiscrimination).

"(G) Section 509 (relating to the administration of the grant program).".

SEC. 102. AUTHORITY TO PROVIDE DENTAL COVERAGE UNDER SCHIP AS A SUPPLEMENT TO OTHER HEALTH COVERAGE.

(a) AUTHORITY TO PROVIDE COVERAGE.—

(1) SCHIP.—

(A) IN GENERAL.—Section 2105(a)(1)(C) of the Social Security Act (42 U.S.C. 1397ee(a)(1)(C)) is amended—

(i) by inserting "(i)" after "(C)"; and

(ii) by adding at the end the following:

"(ii) notwithstanding clause (i), in the case of a State that satisfies the conditions described in subsection (c)(8), for child health assistance that consists only of coverage of dental services for a child who would be considered a targeted low-income child if that portion of subparagraph (C) of section 2110(b)(1) relating to coverage of the child under a group health plan or under health insurance coverage did not apply, and such child has such coverage that does not include dental services; and".

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

"(8) CONDITIONS FOR PROVISION OF DENTAL SERVICES ONLY COVERAGE.—For purposes of subsection (a)(1)(C)(ii), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2001;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.".

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) at State option, may not apply a waiting period in the case of child described in section 2105(a)(1)(C)(ii), if the State satisfies the requirements of section 2105(c)(8) and provides such child with child health assistance that consists only of coverage of dental services.".

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking "or subsection (u)(3)" and inserting "(u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

"(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for dental services for children described in section 2105(a)(1)(C)(ii), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2001 and apply to child health assistance and medical assistance provided on or after that date.

TITLE II—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

SEC. 201. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by insert before section 330, the following:

"SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

"(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

"(b) ELIGIBILITY.—

"(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

"(A) shall be—

"(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

"(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

"(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); or

"(iv) a dental education program accredited by the Commission on Dental Accreditation; and

"(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

"(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

"(C) provide assurances that—

"(i) the individual will practice in a federally-designated dental health professional shortage area; and

"(ii) not less than 33 percent of the patients of such individual are—

"(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

"(III) uninsured.

"(c) USE OF FUNDS.—

"(1) ENTITIES.—An entity shall use amounts received under a grant under this section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

"(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2002 through 2006 to hire and retain dental health care providers under this section.

"(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

"(A) not less than 75 percent of such amount to make grants to eligible entities; and

"(B) not more than 25 percent of such amount to make grants to eligible individuals.".

SEC. 202. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term "creditable service" includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term "dental officer" means an officer of the Indian Health Service designated as a dental officer.

(3) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(4) RESIDENCY.—The term "residency" means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency (GPR) or an advanced education general dentistry (AEGD).

(5) SPECIALTY.—The term "specialty" means a dental specialty for which there is an Indian Health Service specialty code number.

(b) REQUIREMENTS FOR BONUS.—

(1) IN GENERAL.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(2) LIMITATIONS.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

(A) $14,000 for a 4-year written agreement.

(B) $8,000 for a 3-year written agreement.

(C) $4,000 for a 2-year written agreement.

(c) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

(A) be at or below such grade as the Director shall determine;

(B) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service;

(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery.

(2) EXTENSION TO OTHER OFFICERS.—The Director may extend the retention bonus to dental officers other than officers with a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate, with cause, at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

(e) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

SEC. 203. STREAMLINE PROCESS FOR DESIGNATING DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by adding at the end the following:

"(4) In designating health professional shortage areas under this section, the Secretary may designate certain areas as dental health professional shortage areas if the Secretary determines that such areas have a severe shortage of dental health professionals. The Secretary shall, in consultation with State and local dental societies and tribal health organizations, streamline the process to develop, publish and periodically update criteria to be used in designating dental health professional shortage areas.".

SEC. 204. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) AUTHORITY TO CONDUCT PROJECTS.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration and the Director of the Indian Health Service, shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE III—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

SEC. 301. ORAL HEALTH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an oral health initiative to reduce the profound disparities in oral health by improving the health status of vulnerable populations, particularly low-income children, to the level of health status that is enjoyed by the majority of Americans.

(b) ACTIVITIES.—The Secretary of Health and Human Services shall, through the oral health initiative—

(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing Federal and State programs to maximize their potential to address oral health;

(2) carry out activities to encourage public-private partnerships to engage private sector communities of interest (including health professionals, educators, State policymakers, foundations, business, and the public) in partnerships that promote oral health and dental care; and

(3) carry out activities to reduce the disease burden in high risk populations through the application of best-science in oral health, including programs such as community water fluoridation and dental sealants.

(c) COORDINATION.—The Secretary of Health and Human Services shall—

(1) through the Administrator of the Centers for Medicare & Medicaid Services (formerly known as the Health Care Financing Administration) establish a Chief Dental Officer for the medicaid and State children's health insurance programs established under titles XIX and XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq. 1397aa et seq.); and

(2) carry out this section in collaboration with such Administrator and Chief Dental Officer and the Administrator and Chief Dental Officer of the Health Resources and Services Administration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 302. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention in collaboration with other organizations and agencies shall annually collect data describing the dental, craniofacial, and oral health of residents of at least 1 State and 1 Indian tribe from each region of the Department of Health and Human Services.

(b) REPORTS.—The Director of the Centers for Disease Control and Prevention shall compile and analyze data collected under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of certain States and tribes.

SEC. 303. EARLY CHILDHOOD CARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) expand existing surveillance activities to include the identification of children at high risk of early childhood caries;

(2) assist State, local, and tribal health agencies and departments in collecting, analyzing and disseminating data on early childhood caries; and

(3) provide for the development of public health nursing programs and public health education programs on early childhood caries prevention.

(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under subsection (a) in a culturally appropriate manner with respect to populations at risk of early childhood caries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. 304. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (as added by section 1602 of Public Law 106-310)) is amended—

(1) in paragraph (1), by inserting “and school-linked” after “school-based”;

(2) in the first sentence of paragraph (2)—

(A) by inserting “and school-linked” after “school-based”; and

(B) by inserting “or Indian tribe” after “State”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

“(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

“(B) be a—

“(i) public elementary or secondary school—

“(I) that is located in an urban area in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

“(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

“(ii) public or non-profit health organization, including a grantee under section 330, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.”.

FACT SHEET—CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT OF 2001

Senators Jeff Bingaman (D-NM), Thad Cochran (R-MS), Blanche Lincoln (D-AR), Tom Daschle (D-SD), Susan Collins (R-ME), Jean Carnahan (D-MO), Tim Hutchinson (R-AR), and Jon Corzine (D-NJ) are preparing to introduce the “Children's Dental Health Improvement Act of 2001.” The legislation seeks to improve the access and delivery of dental care to children across the country.

PROBLEMS AND SOLUTIONS

Lack of Coverage for Children

According to the Surgeon General's report, Oral Health in America: A Report of the Surgeon General, that was issued in 2000, “Although over 14 percent of children under 18 have no form of private or public medical insurance, more than twice that many, 23 million children, have no dental insurance.” The report adds, “There are at least 2.6 children without dental insurance for each child without medical insurance.”

Moreover, according to the General Accounting Office in a report entitled Factors Contributing to Low Use of Dental Services by Low-Income Populations (Sept. 2000), AHHS and health center officials report that the demand for dental services significantly exceeds the [urban and rural health] centers' capacity to delivery it. In 1998 . . ., a little more than half of the nearly 700 health center grantees funded under this program had active dental programs.”

Legislative Proposal: The legislation would improve the dental health of uninsured children by: Allowing states the flexibility to utilize the State Children's Health Insurance Program (SCHIP) to provide dental coverage to low-income children below 200 percent of poverty that may have private insurance for medical care but not dental services; and providing $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dentist health professionals to serve low-income children.

Lack of Access to Care

According to the GAO, “While several factors influence the access low-income groups have to dental care, the primary one is limited dentist participation in Medicaid . . . Of 39 states that provided information about dentists' participation in Medicaid, 23 reported that fewer than half of the states' dentists saw at least one Medicaid patient during 1999.”

The GAO concludes this is due in large part to poor reimbursement rates in Medicaid. As the GAO adds, “Our analysis showed that Medicaid payment rates are often well below dentists' normal fees. Only 13 states had Medicaid rates that exceeded two-thirds of the average regional fees dentists charged. . ..”

Legislative Proposal: The legislation seeks to improve access to dental services for low-income children in the Medicaid program by providing $50 million as financial incentives and planning grants to states to improve their Medicaid programs in terms of adequate payment rates, access to care, and improved service delivery.

Lack of Providers in Federally Funded Programs

With respect to community health centers, the GAO notes, “HHS and health center officials report that the demand for dental services significantly exceeds the [urban and rural health] centers' capacity to delivery it. In 1998 . . .. a little more than half of the nearly 700 health center grantees funded under this program had active dental programs.”

With respect to the Indian Health Service (IHS) the GAO adds, “. . . about one-fourth of IHS” dentist positions at 269 IHS and tribal facilities were vacant in April 2000. Vacancies have been chronic at IHS facilities—in the past 5 years, at least 67 facilities have had one or more dentist positions vacant for at least a year. According to IHS officials, the primary reason for these vacancies is that IHS is unable to provide a competitive salary for new dentists.”

Legislative Proposal: The legislation seeks to improve access to dental services for children served by community health centers and the Indian Health Service by: Again, providing $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dental health professionals to serve low-income children; and providing the Indian Health Service with the authority to offer multi-year retention bonuses to dental providers offering service through the IHS and tribal programs.

Need for Improved Coordination and Collaboration

Despite Medicaid and SCHIP, dental care is the least utilized core pediatric health service for low-income children. There are 2.6 times more children lacking dental coverage than health coverage and over a hundred million Americans without dental insurance. Dental care is the most frequently cited unmet health need of children, according to their parents. In fact, the Health Interview Survey reveals that the unmet need is three times greater than unmet need for medical care, four times greater than unmet need for prescription drugs, and five times greater than unmet need for vision care. The third National Health and Nutrition Interview Survey showed that dental caries [or dental decay] is the most prevalent chronic disease of childhood.

To help address this “hidden epidemic,” the Department of Health and Human Services (HHS) enacted the Oral Health Initiative (OHI) to coordinate dental health services in both the Health Resources and Services Administration (HRSA) and the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration).

Despite the progress of the initiative, it has no legal authority unlike other programs that target specific health needs of children (e.g., Emergency Medical Services for Children and the Traumatic Brain Injury Program). Because it lacks formal status and program control, the OHI is susceptible to future disruptions or disbanding.

Legislative Proposal: The legislation provides statutory authority for the OHI and authorized funding of $25 million to improve the oral health of low-income populations served by both the public and private sector.

Other Provisions

In addition, the legislation contains the following technical provisions:

Dental Health Professional Shortage Area Designation: The bill streamlines the process for the designation of dental health professional shortage areas.

Technical School-Based Sealant Provisions: The bill includes technical provisions ensuring that entities eligible for funding include both "school-linked" as well as school-based organizations, clarifies that an eligible entitle can be a public or non-profit health organization or tribal organization.

Demonstration: The bill creates authority for HHS to establish demonstration projects to increase access to dental services for children in underserved areas.

ENDORSING ORGANIZATIONS

American Dental Association, American Dental Education Association, American Academy of Pediatric Dentistry, National Association of Community Health Centers, Inc., National Association of Children's Hospitals, American Dental Hygienists' Association, Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians of the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

Mrs. CARNAHAN. Mr. President, I would like to bring your attention to a hidden epidemic. This epidemic affects the overall health of children, especially children in low-income families. It has been called a "hidden epidemic" because it can be difficult to detect at a glance, and because it receives relatively little attention as a threat to children's health. But while this epidemic is "hidden," it manifests itself every day in the smiles of America's children.

The epidemic I am referring to is that of poor dental health. Dental decay, a major cause of tooth loss, is the most prevalent chronic disease of childhood. Each year, dental conditions cause children in the U.S. to miss more than 750,000 days of school. One in ten children between the ages of five and eleven has never visited a dentist. This is a shocking and distressing statistic. The unfortunate trend cannot be allowed to continue.

States are working hard to offer dental health services through their Medicaid programs and the State Children's Health Insurance Program, but they need our help in meeting the challenge. The General Accounting Office reported that the biggest reason low-income people lack dental care is that not enough dentists participate in Medicaid. In Missouri, as in other states, some dentists simply choose not to accept Medicaid patients, while others cannot afford to accept them because Medicaid reimbursement is not sufficient to cover the costs of providing care. In Missouri, there are more than 1,000 children on Medicaid for every dentist willing to serve them.

As a result, Medicaid patients must search far and wide to find a dentist and then face, another challenge in traveling long distances to see that dentist. Often, this requires hours of planning to arrange for public or Medicaid-provided transportation, and several more hours of waiting after the visit to be picked up and returned home. For many lower-income parents, these hours away from work will severely cut into the family's income. Is it any wonder why so many children do not get the preventive dental care they need, and are not seen by a dentist until they are in intense pain or have infections so severe that their eyes have swelled shut? We cannot let this continue to happen to children in the United States.

There are many reasons for protecting children's oral health. For instance, we know that when children have healthy smiles:

They chew more easily and gain more nutrients from the foods they eat.

They learn to speak more quickly and clearly.

They look and feel more attractive improving self-confidence and willingness to communicate with others.

They have better school attendance and pay more attention in class.

They avoid extensive and costly treatment of dental disease.

And they begin a lifetime of good dental habits.

For all of these reasons, I am proud to join with Senators BINGAMAN, COCHRAN, CORZINE, COLLINS, DASCHLE, HUTCHISON, and LINCOLN in introducing the Children's Dental Health Improvement Act. This bipartisan bill would improve dental care for low-income children. I appreciate Senator BINGAMAN'S leadership on this bill, and I am honored for the opportunity to work with him on this important issue. In order to make real improvements in our current situation, this legislation takes a multi-faceted approach that addresses each component of the problem.

First, this bill would give States the option to provide dental coverage through the State Children's Health Insurance Program to low-income children who may have private insurance for medical care but not for dental services. Part of the reason for the epidemic in dental health is a lack of insurance for dental services. For every child without health insurance, there are nearly three children who are uninsured for dental care. By providing more of these children with insurance, we can reduce their dental care costs—one of the many barriers that low-income families face in getting dental care for their children. Although the bill does not call for additional SCHIP funding, I support a separate funding increase for this program. This increase is essential to giving States the ability to expand coverage to dental services, especially States like Missouri, whose SCHIP programs are doing an excellent job and as a result spend all of their existing funding.

Second, this bill would invest $25 million in and provide statutory authority to the Federal Oral Health Initiative. The Department of Health and Human Services initiated the Oral Health Initiative to coordinate its dental health services. These funds would be used to promote public-private partnerships and cooperation among Federal agencies in order to reduce the profound disparities in oral health among vulnerable populations. Low-income people are the hardest hit when it comes to dental disease. Compared to their counterparts in higher-income families, poor children have five times more untreated dental disease and poor teens are half as likely to visit a dentist annually. Giving legal authority to this Initiative will allow it to work on improving access to dental health without fear of future disruptions or disbanding and the increased funding will allow for the Oral Health Initiative's much-needed expansion.

Third, this bill would offer States the opportunity to apply for $50 million in Federal grants to assist them in improving dental coverage for children through Medicaid. The financial incentives and planning grants included in the bill would enable states to improve payment rates, access to care, and service delivery. It also includes an investment of $40 million for community health centers and public health departments to increase the number of dental health professionals who serve low-income children. With these funds, we can increase access to dental care for low-income children, shorten travel times and the wait for a dental appointment. This is especially important in rural areas, which generally face a greater shortage of providers.

The Children's Dental Health Improvement Act has gained the support of over twenty dental health organizations, including the American Academy of Pediatric Dentistry and the American Dental Association. Other supporters include the American Academy of Pediatrics, the National Association of Children's Hospitals, and the National Association of Community Health Centers. With their support, and the leadership of my fellow cosponsors of this bill, I hope that we can have a profound impact on dental health and ensure that America's low-income children will have healthy, beautiful smiles.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. SNOWE, Mr. HATCH, Mr. THURMOND, Mr. BOND, and Mr. KOHL):

S. 1627. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to join with the distinguished Senator from Arizona, who is my ranking member on the Technology and Terrorism Subcommittee of Judiciary, to introduce a piece of legislation.

On October 12, the committee held a hearing on what could be done to technologically improve our visa entry system. It has become very clear, now that we know all 19 of the terrorists essentially had, at some time, valid visas, that our system is such that it really cannot countermand or alert our Government to any possible terrorist entering this country legally through our visa system.

We have about 7 million nonimmigrants entering the U.S. a year. About 4 million of them disappear and are unaccounted for. We have 23 million people coming in on visa waivers from 29 different countries. We have an unregulated student visa program. And, we also have about 300 million people coming across borders back and forth. We have about 5 million containers a year that come in through the ports of entry, fewer than 2 percent of them searched.

The ranking member, the distinguished Senator from Arizona, and I have been very concerned about this. As a product of the hearing, we believed that the most important thing we could do was create a centralized data base, using cutting-edge technology, and also enabling that data base to interface between our intelligence agencies, our law enforcement agencies, and our State Department, to create a kind of lookout data base so that the situation that happened—whereby in Saudi Arabia 15 terrorists came in to the State Department consul's office and got visas, and we were told there was no intelligence to alert the system—would not, in fact, happen in the future. This legislation would create that kind of centralized, integrated data base.

Additionally, we provide for a biometric visa smart card. We provide that all Federal identity permit and license documents be fraud-resistant and tamper-resistant. We provide for passenger manifests of all commercial transportation vehicles to go into that data base, again, so that it can alert the proper authorities about who is about to come into the U.S. Law enforcement information, intelligence information all combine to send certain signals.

We also provide regulation and school responsibility for the student visa program. I am very pleased to indicate that Senator KYL and I are joined by Senators KOHL, SNOWE, HATCH, THURMOND, and BOND.

I would like to now defer to my colleague from Arizona, the ranking member of our Technology and Terrorism Subcommittee.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank Senator FEINSTEIN, the chairman of the Technology and Terrorism Subcommittee of the Judiciary Committee, for her leadership both in the holding of the hearing that she mentioned, as well as putting together the legislation we introduce this evening.

Something happened on September 11 that, with one exception, really had not happened since the War of 1812 when British soldiers came into the United States and literally attacked Americans on our own soil. Except for the first attack on the World Trade Center, that did not happen again until September 11, when over 6,000 people were killed by foreigners who were here and attacked Americans in our country.

At that point, we began to realize that we had to begin to close the loopholes in our immigration system that, frankly, were allowing just about anybody and everybody to come into this country and, as we have learned, to do some very bad things to Americans here in our own country.

So this legislation would do a variety of things, as Senator FEINSTEIN has said, beginning with the creation of a data base that would enable us to know what the FBI knows, what the CIA knows, what the INS knows, what the State Department knows.

Today, these different computers do not talk to each other, so that when a consular officer is asked to grant a visa to someone, he may have no information indicating this person should be denied the visa, yet it is quite possible that person is not someone we would want to have come into the United States.

In our hearing, the representative from the State Department said the State Department personnel who granted visas to these 19 terrorists were heartbroken.

She said it is like when a person hits the little kid who runs out from between the parked cars. It obviously is not the driver's fault, but you feel horrible about it. It is obviously not the fault of the people in the State Department who granted these visas, but they felt horrible about it because they didn't have the information to tell them that those visas should have been denied.

This bill will enable us to put all of that information into one simple database so that our consular offices will know to whom to grant the visas and who should not receive them. It will make a lot of other changes, as Senator FEINSTEIN said, all of which are designed to gain better for the process of admitting people into the country, for knowing when they exit the country, for ensuring that people who come here to study in fact come here and study and don't come on a pretext, as at least one of these terrorists did, and a variety of other things that take advantage of the technology we have today.

The great thing about this bill, as verified by the hearing and some other very hard work Senator FEINSTEIN has done on her own, is to determine that the technology is here. We can apply technology to this problem. The other piece of good news is that it doesn't cost that much, relatively speaking. In fact, we are going to have to employ technology to save money. We can't possibly hire enough people or take all of the time it would take to do this if we don't employ technology.

We are very excited about the prospect of applying technology to a new challenge here in America to close the loopholes in our immigration law, to ensure or at least be a lot more sure that we are not letting terrorists come into this country or stay in this country when they shouldn't be here. I am proud to join my colleague Senator FEINSTEIN in the introduction of this legislation. I hope we can find a way very early on to see that it gets considered in the proper fora so that the full Senate will have an opportunity to support the legislation and support the President, who has called for exactly this kind of approach.

Mr. President, today, Senators FEINSTEIN and I, joined by Senators SNOWE, HATCH, THURMOND, BOND, and KOHL, introduce the Visa Entry Reform Act, legislation that will strengthen our U.S. visa system, and allow better tracking and monitoring of foreign nationals in the United States who present national security risks to our country.

Last week the President signed into law anti-terrorism legislation that will provide many of the tools necessary to keep terrorists out of the United States, and to detain those terrorists who have entered our country. That law provides new, better definitions of what a terrorist organization is, and provides the Attorney General greater authority to detain members of such organizations. It clarifies that individuals who have contributed to such organizations, even if such support went to nonterrorist activities of the organizations, are inadmissible and deportable. The new law also authorizes the tripling of Border Patrol, Customs inspectors, and INS inspectors at the northern border, a minimal addition, given the expected high rates of attrition for these agencies over the next five years, and the continued and growing need for personnel along the southwest border.

Yesterday, the President announced three initiatives in our fight to track down terrorists: a task force, headed by the deputy assistant director of the FBI for intelligence, to work toward greater coordination of intelligence and law enforcement information on terrorists; a comprehensive study of our never-implemented foreign student tracking system; and an initiative to provide much-needed coordination among Customs and INS officials in the United States, Canada, and Mexico.

These are all important tools, and will be instrumental in our overall efforts to track down terrorists. The legislation that we introduce today will complement our recent efforts. Under the Visa Entry Reform Act of 2001, law enforcement, the Departments of Transportation and State, and all of our intelligence agencies will be connected by a comprehensive database, headed by the Director of Homeland Defense, with necessary shared law enforcement and intelligence information to thwart attempts to enter the country and to find terrorists who have made their way into the United States.

Under our bill, terrorists will be deprived of the ability to present fake or altered international documents in order to gain entrance, or stay here. Foreign nationals will be provided with a new fraud-proof "SmartVisa" card, using new technology that would include a person's fingerprints or other forms of "biometric" identification. These cards would be used by visitors upon exit and entry into the United States, and would alert authorities immediately if a visa has expired or a red flag is raised by a Federal agency. Our bill would also strengthen other Federal identification documents such as pilots' licenses, visas, immigration work authorization cards, and others by requiring that they be fraud- and tamper-resistant, contain biometric data, and, if applicable, include the visa's expiration date.

Another provision of the bill would require that the 29 nations that participate in the government's visa waiver program be required, after 1 year, to issue tamper-resistant, machine-readable passports. In addition, our bill would require that, after 2 years, all countries that participate include biometric data on their passports. INS inspectors would have to check passport numbers and, where available, biometric information with the new, centralized information database. Countries that participate in the program would be required to report stolen passport numbers to the State Department in order to continue to participate in the program.

Another section of our bill will make a significant difference in our efforts to stop terrorists from ever entering our country. Section six of the bill will require that passenger manifests on all flights scheduled to come to the United States be forwarded in real-time, and then cleared, by the Immigration and Naturalization Service. All cruise and cargo lines and cross-border bus lines would also have to submit such lists to the INS. Our bill also removes a current U.S. requirement that all passengers on flights to the United States be cleared by the INS within 45 minutes of arrival.' Clearly, in some circumstances, the INS will need more time to clear all prospective entrants to the United States. These simple steps would give law enforcement advance notice of foreigners coming into the country, particularly visitors or immigrants who pose security threats to the United States.

The Visa Entry Reform Act will also provide much needed reforms and requirements in our U.S. foreign student visa program, which has allowed numerous foreigners to enter the country without ever attending classes and with lax oversight by the Federal Government. The system is rife with abuse, with numerous examples of fraud and bribery by persons seeking student visas.

Just as alarming, in the past decade, more than 16,000 people have entered the United States on student visas from states included on the government's list of terrorist sponsors. Notwithstanding that Syria is one of the countries on the list, the State Department recently issued visas to 14 Syrian nationals so that they could attend flight schools in Fort Worth, TX.

Our legislation would prevent most persons from obtaining student visas if they come from terrorist-supporting states such as Iran, Iraq, Sudan, Libya, and Syria, with the authority of the Secretary of State to waive the bar. Additionally, our bill would require the INS to conduct background checks before the State Department issues the visas. U.S. educational institutions would also be required to immediately notify the INS when a foreign student violates the term of the visa by failing to show up for class or leaving school early.

For the first time since the War of 1812, the United States has faced a massive attack from foreigners on our own soil. Every one of the terrorists who committed the September 11 atrocities were foreign nationals who had entered the United States legally through our visa system. None of them should have been allowed entry due to their ties to terrorist organizations, and yet even those whose visas had expired were not expelled.

Mohamed Atta, for example, the suspected ringleader of the attacks, was allowed into the United States on a tourist visa, even though he made clear his intentions to go to flight school while in the United States. Clearly, at the very least, he should have been queried about why he was using his tourist visa to attend flight school.

We also know that two of the terrorists were on watch lists that should have been provided to the State Department and the INS, in order to prevent their entry to the United States.

Another hijacker, Hani Hanjour, was here on a student visa that had expired as of September 11. Hani Hanjour never attended class. In addition, at least two other visitor visa-holders overstayed their visa. In testimony before my own Senate subcommittee, U.S. officials have told us that they possess little information about foreigners who come into this country, how many there are, and even whether they leave when required by their visas. America is a nation that welcomes international visitors—and should remain so. But terrorists have taken advantage of our system and its openness. Now that we face new threats to our homeland, it is time we restore some balance to our immigration policy.

As former chairman and now ranking Republican of the Judiciary Committee's Terrorism Subcommittee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming and tragic events that took thousands of precious lives, I am resolved to push forward on all fronts to fight against terrorism. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing the institutions of government so that the law-abiding can continue to live their lives in freedom. I hope that we will soon pass, the Congress will pass, the Visa Entry Reform Act. It will make a difference.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank my distinguished colleague from Arizona for those comments. He is very hard working, and it has been a great pleasure for me to be able to work with him. He and I hope to sit down with Senators KENNEDY and BROWNBACK next week. I think all four of us believe that if it is possible to have one bill, we would like to have one bill. We have taken on the technology aspect of our bill. But bottom line, the Senator from Arizona is correct, our Nation has essentially been laid back when it comes to matters of really scrupulously trying to set up a system that can provide a measure of protection for our national security.

It has become very clear now, post September 11, that we must take steps to do so. Otherwise, we are derelict in our duty to protect American citizens. This bill does it.

Because the student visa part of it has been somewhat controversial, this morning I was visited by the chancellor of the California State University system. This is the largest system in the United States, with about 380,000 students. He came in to indicate his support for our bill, for the acknowledgment that he knows that schools across America also have to assume more responsibility to see that there is a system where there is some regulation. Right now, a student can apply to a number of schools, get accepted to a number, and show up at none. And there is no reporting.

We would change this. The university association will be supportive of these changes.

I am very optimistic that we have an opportunity, in meeting with Senators KENNEDY and BROWNBACK, to put together one bill that could provide some reform to a porous visa entry system.

As I said, I sit as the chair of the Judiciary Committee's Subcommittee on Technology, Terrorism and Government Information. Last month, we held a hearing into the need for new technologies to assist our government agencies in keeping terrorists out of the United States.

The testimony at that hearing was very illuminating. We were given a picture of an immigration system in chaos, and a border control system that acts like a sieve. Agencies don't communicate with each other. Computers are incompatible. And even in instances where technological leaps have been made—like the issuance of more than 4.5 million "smart" border crossing cards with biometric data—the technology is not even used.

Let me give some specific examples of the testimony we heard before our subcommittee:

There are 29 countries that now participate in a "visa waiver" program that invites 23 million visitors a year to our country. Travelers from these countries do not have to get a visa before entering the United States, so nobody knows when they arrive, and nobody knows whether they leave. Passports don't have to be machine-readable or tamper-proof, and the result is millions of people coming and going with no accountability, and no way to find them if they choose to stay and do mischief.

We also heard in our subcommittee that the student visa program is unregulated and subject to abuse and fraud. Schools don't keep track of students, the INS does not find out when the students leave or whether they even show up for classes, and many students overstay their visas by years. Furthermore, students who apply to many schools can receive multiple documents—called "I-20" forms—giving them the right to entry. Because they only need one of these forms, the possibility for fraud is enormous. Additional forms are sold, and many enter the country with no real plans to go to school here at all.

In our hearing, Mary Ryan, the Assistant Secretary of State for Consular Affairs, said that the lack of information sharing is a "colossal intelligence failure" and that the State Department "had no information on the terrorists from law enforcement." Personally, I am amazed that a person can apply for a visa, be granted a visa, and that there is no mechanism by which the FBI or CIA can enter a code into the system to raise a red flag on individuals known to have links to terrorist groups and pose a national threat. In the wake of September 11th, it is hard for me to fathom how a terrorist might be permitted to enter the U.S. because our government agencies aren't sharing information.

This was one, sobering hearing. It made it clear to all who were present that our borders act only as a sieve, essentially allowing easy access to all who would do us harm. Something must be done, and something must be done now.

When I arrived in the Senate in 1992, I brought with me the concerns of millions of Californians about the porous nature of the Southwest border. When I tried to address the problems there, I met with the same response over and over again—"nothing can be done."

But something was done, and our Southwest border is now far more difficult to transit.

Here, too, I am now told that "nothing can be done" to keep terrorists from entering the country on student visas, or through the visa waiver program, or through some other program. I am told that commerce and trade are too important. Or that the technology simply does not exist. Or that the agencies involved are incapable of cooperating in a way that would keep our country safe from those who try to enter.

Well, I did not accept those arguments then, and I do not accept them now. There are things we can do to solve some of these problems, and this issue is too important to wait.

Let me talk about how this legislation would address these problems.

First, the most important piece of this solution is the creation of one, central database containing all the information our government has about foreign nationals who cross the border into the United States. Private industry can help in this effort—in fact, I recently met with Larry Ellison, Chairman of Oracle, who wrote me a letter offering the services of his company, free of charge, in the creation of the necessary software.

Right now, our government agencies use different systems, with different information, in different formats. And they often refuse to share that information with other agencies within our own government. This is not acceptable.

When a terrorist presents himself at a consular office asking for a visa, or at a border crossing with a passport, we need to make sure that his name and identifying information is checked against an accurate, up-to-date, and comprehensive database. Period.

My legislation will require the creation of this central database, and will require the cooperation of all U.S. government agencies in providing accurate and compatible information to that system.

Incidentally, this legislation also contains strict privacy provisions, limiting access to this database to authorized federal officials. And the bill contains severe penalties for wrongful access or misuse of information contained in the database.

Second, the legislation I will introduce will include concrete steps to restore the integrity to the immigration and visa process, including the following:

First, the legislation requires all foreign nationals to be fingerprinted, and, when appropriate, submit other biometric data, to the State Department when applying for a visa. This provision should help eliminate fraud, as well as identify potential threats to the country before they gain access.

Second, we include reforms of the visa waiver program, so that any country wishing to participate in that program must quickly provide its citizens with tamper-proof, machine-readable passports, eventually with biometric data to help verify identity at ports of entry.

Third, we establish a robust "SmartVisa" program. Newly issued visas must contain biometric data and other identifying information—like more than 4 million already do on the Southwest border—and, just as importantly, our own officials at the border and other ports of entry must have the equipment necessary to read those new smart cards.

Next, we worked closely with the university community in crafting new, strict requirements for the student visa program, to crack down on fraud, make sure that students really are attending classes, and give the government the ability to track any foreign national who arrives on a student visa but fails to enroll in school.

The legislation prohibits the issuance of a student visa to any citizen of a country identified by the State Department as a terrorist-supporting nation. There is a waiver provision to this prohibition, however, allowing the State Department to allow students even from these countries after review and evaluation.

We require that airlines, cruiselines, buslines, and other transportation services provide passenger and crew manifests to law enforcement before arrival, so that any potential terrorists or other wrongdoers can be singled out before they arrive in this country and disappear into the general populace.

The bill contains a number of other related provisions as well, but the gist of this legislation is this:

Where we can provide law enforcement more information about potentially dangerous foreign nationals, we do so;

Where we can reform our border-crossing system to weed out or deter terrorists or others who would do us harm, we do so;

And where we can update technology to meet the demands of the modern war against terror, we do that as well.

As we prepare to modify our immigration system, we must be sure to enact changes that are realistic and feasible. We must also provide the necessary tools to implement them.

Our Nation will be no more secure tomorrow if we create new top of the line databases and no not see to it that government agencies share critical information.

We will be no safer tomorrow if we do not create a workable entry-exit tracking system to ensure that terrorists do not enter the U.S. and blend into our communities without detection.

And we will be no safer if we simply authorize new programs and information sharing, but do not provide the resources necessary to put the new technology at the border, train agents appropriately, and require our various government agencies to cooperate in this effort.

We have a lot to do and I am confident that we will move swiftly and with great care to address these important issues. The legislation I introduce today is an important, and strong, first step. But this is only the beginning of a long, difficult process.

I urge my colleagues to support us on this legislation. I yield the floor.

Ms. SNOWE. Mr. President, I'm pleased to join with Senators FEINSTEIN and KYL in introducing the Visa Entry Reform Act of 2001.

Both of these leaders have worked feverishly to bring this bipartisan bill to fruition and I have very much appreciated the opportunity to work with them in assembling a strong and meaningful package to help secure our homeland.

The bottom line is, at this extraordinary time, in the wake of horrific attacks from without against innocent lives within our borders, we must take every conceivable step with regard to those variables we can control in securing our Nation. How can we do anything less when it has become so abundantly and tragically apparent that admittance into this country cannot and must not be the "X-Factor" in protecting our homeland?

Entry into this country is a privilege, not a right, and it's a privilege that's clearly been violated by evildoers who were well aware of inherent weaknesses in the system. Just look at the story of Mohamed Atta, coming into Miami, he told the INS that he was returning to the U.S. to continue flight training, despite the fact that he presented them with a tourist visa, not the student required visa for his purposes, and they let him in. INS has since said that Atta had filed months earlier to change his status from tourist to student so they let him in, despite long-standing policy that once you leave the country, you're considered to have abandoned your change of status request.

What this bill is about is stopping dangerous aliens from entering our country at their point-of-origin and their point of entry by giving those Federal agencies charged with that responsibility the tools necessary to do the job. Now, some say the tools we need are better technologies, some say better information, some say better coordination. The beauty of this bill is that it stands on all three legs, because I can tell you if there's one thing I learned from my experience in working on these issues on the House Foreign Affairs International Operations Subcommittee it's that we're only going to get to the root of the problem with a comprehensive approach.

This was clear from the aftermath of our investigation of the comings and goings of the mastermind of the 1993 World Trade Center bombing, the radical Egyptian cleric Sheikh Rahman. We found that the Sheikh had entered and exited the country five times totally unimpeded, even after the State Department formally revoked his visa and even after the INS granted him permanent resident status. In fact, in March of 1992, the INS rescinded that status which was granted in Newark, New Jersey about a year before.

But then, unbelievably, the Sheikh requested asylum in a hearing before an immigration judge in the very same city, got a second hearing, and continued to remain in the country even after the bombing, with the Justice Department rejecting holding Rahman in custody pending the outcome of deportation proceedings and the asylum application, stating that "in the absence of concrete evidence that Rahman is participating in or involved in planning acts of terrorism, the assumption of that burden, upon the U.S. Government, is considered unwarranted."

To address the trail of errors, I introduced legislation to modernize the State Department's antiquated microfiche lookout system, but as we've painfully learned in the interim, such a system is only as good as the information they can access. That's why we fought tooth and nail to require information sharing between the FBI and the State Department, but even then it was only a watered-down provision that eventually passed into law in 1994, with even that sunsetting in 1997 with a brief extension lapsing in 1998.

So I'm pleased that the terrorism bill we just passed does require information sharing between the State Department and the FBI, but we can and must do more, we must also require information sharing among all agencies like the CIA, DEA, INS, and Customs.

And that's what this bill does, along with my measure that's included to establish "Terrorist Lookout Committees" at every embassy, which are required to meet on a monthly basis and report on their knowledge or lack of knowledge of anyone who should be excluded from the U.S. Ultimately, each Deputy Chief of Mission would be responsible for this information, because to paraphrase Admiral Rickover, unless you can identify the person who's responsible when something goes wrong, then you have never had anyone really responsible.

We should also know who and what is in our waters and be pro-active in preventing potential threats from reaching our shores. As I mentioned at a recent Oceans and Fisheries Subcommittee hearing, a terrorist act involving chemical, biological, radiological, or nuclear weapons at one of our seaports could result in the extensive loss of lives. In that light, I'm pleased this bill also includes a measure I developed that requires incoming vessels to submit to the Coast Guard crew and passenger manifests as background on the vessel 96 hours before arrival.

And finally, we ought to ensure that the person standing in front of the INS agent at the border is the same person who applied for that visa. It does no good to do every background check in the world overseas, only to have someone else actually show up at our doorstep. The fact is, we have the so-called "biometric technology" available to close this gap, and I'm pleased that my measure requiring fingerprinting for visa applicants both abroad and at the border has been included.

As the President said just the other day, "We're going to start asking a lot of questions that heretofore have not been asked." By giving the Director of Homeland Security the responsibility of developing a centralized "lookout" database for all of this information.

along with instituting tighter application and screening procedures and increased oversight for student visas, we will close the loopholes and help bring all our Nation's resources to bear in securing our nation.

This is a crucial bill in our war on terrorism and I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—RELATING TO EXPENDITURES FOR OFFICIAL OFFICE EXPENSES

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 176

Resolved,

SECTION 1. AMENDMENT TO SENATE RESOLUTION 294.

Section 2(3) of Senate Resolution 294, Ninety-sixth Congress, agreed to April 29, 1980, is amended—

(1) by striking "and" after "copies of the book 'We, the People'," and inserting a comma; and

(2) by inserting before the semicolon at the end the following: ", copies of the book 'A Young Person's Guide to the United States Capitol' published by the United States Capitol Historical Society, and copies of the book 'Exploring Capitol Hill: A Kid's Guide to the U.S. Capitol and Congress' published by the United States Capitol Historical Society".

SEC. 2. COPIES DEEMED TO BE FEDERAL PUBLICATIONS.

Copies of the book 'A Young Person's Guide to the United States Capitol' published by the United States Capitol Historical Society, and copies of the book 'Exploring Capitol Hill: A Kid's Guide to the U.S. Capitol and Congress' published by the United States Capitol Historical Society shall be deemed to be Federal publications described in section 6(b)(1)(B)(v) of Public Law 103-283.

SENATE RESOLUTION 175—HONORING PENN STATE FOOTBALL COACH JOE PATERNO

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 175

Whereas Joe Paterno has served Penn State University as a coach for 52 years, a tenure spanning the administrations of 11 United States Presidents;

Whereas Joe Paterno has served as Penn State's 14th head coach for nearly 36 years, since February 19, 1966;

Whereas Joe Paterno has been on the coaching staff for more than half of the football games played by the Nittany Lions since the program began in 1887;

Whereas Joe Paterno always has placed a very strong emphasis on academic achievement and character building, as evidenced by the selection of 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners so far during his tenure;

Whereas Joe Paterno's most recent NCAA 4-year player graduation rate of 76 percent far exceeds the NCAA-wide average of 48 percent for the same period;

Whereas Joe Paterno and his wife, Sue, have personally donated over $4,000,000 to Penn State's student library and academic programs;

Whereas Joe Paterno has led Penn State teams to 5 undefeated seasons;

Whereas Joe Paterno has led Penn State teams to 20 bowl game victories in his career as head coach, more than any other coach in college football history;

Whereas Joe Paterno was the first college football coach to win all of the 4 major New Year's Day bowl games: the Rose, Sugar, Cotton, and Orange Bowls;

Whereas Joe Paterno led 2 teams to National Championship titles, in 1982 and 1986;

Whereas Joe Paterno's coaching efforts have yielded over 250 National Football League players;

Whereas Joe Paterno has been chosen an unprecedented 4 times as American Football Coaches Association Coach of the Year; and

Whereas Joe Paterno, on October 27, 2001, broke the longstanding record for NCAA Division I-A victories, reaching the 324-victory mark, by leading his team to a 29-27 win over Ohio State: Now, therefore, be it

Resolved,

SECTION 1. CONGRATULATION AND COMMENDATION.

The Senate recognizes and honors Joe Paterno—

(1) for his lifetime emphasis on academic achievement;

(2) for his constant integrity, professionalism, and strong focus on character building for amateur athletes;

(3) for the example he sets through philanthropic support for academic programs; and

(4) for becoming the first NCAA Division I-A football coach to achieve 324 career victories, on October 27, 2001.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) Penn State Football Head Coach Joe Paterno; and

(2) Penn State University President Graham Spanier.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2056. Mr. GREGG (for himself, Mr. DEWINE, and Mr. ENZI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 2057. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2058. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, Mr. ENSIGN, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3061, supra.

SA 2059. Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2060. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2061. Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table.

SA 2062. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 2063. Mr. REID (for Mr. SESSIONS (for himself and Mr. HELMS)) proposed an amendment to the bill H.R. 3061, supra.

SA 2064. Mr. REID (for Mr. SESSIONS) proposed an amendment to the bill H.R. 3061, supra.

SA 2065. Mr. REID (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 3061, supra.

SA 2066. Mr. REID (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, supra.

SA 2067. Mr. REID (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3061, supra.

SA 2068. Mr. REID (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3061, supra.

SA 2069. Mr. REID (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 3061, supra.

SA 2070. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2071. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2072. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, supra.

SA 2073. Mr. REID (for Mr. SPECTER) proposed an amendment to the bill H.R. 3061, supra.

SA 2074. Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3061, supra.

SA 2075. Mr. KYL (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. ALLARD, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 3061, supra.

SA 2076. Mr. HARKIN (for Mr. MILLER) proposed an amendment to the bill H.R. 3061, supra.

SA 2077. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

SA 2078. Mr. HARKIN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 3061, supra.

SA 2079. Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill H.R. 3061, supra.

SA 2080. Mr. HARKIN (for Mr. DEWINE) proposed an amendment to the bill H.R. 3061, supra.

SA 2081. Mr. HARKIN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3061, supra.

SA 2082. Mr. HARKIN (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, supra.

SA 2083. Mr. HARKIN (for Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 3061, supra.

SA 2084. Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. KERRY, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3061, supra.

SA 2085. Mr. HARKIN (for Mr. SMITH, of New Hampshire) proposed an amendment to the bill H.R. 3061, supra.

SA 2086. Mr. HARKIN (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 3061, supra.

SA 2087. Mr. HARKIN proposed an amendment to the bill H.R. 3061, supra.

TEXT OF AMENDMENTS

SA 2056. Mr. GREGG (for himself, Mr. DEWINE, and Mr. ENZI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Beginning on page 54, strike line 19 through "and renovation:" on line 14, page 57, and insert the following:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $12,804,900,000, of which $5,029,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $7,398,721,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002: *Provided further*, That $1,437,279,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335).

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964: $7,792,014,000, of which $240,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers:

On page 69, strike lines 14 through "2002".

On line 6, page 73.

SA 2057. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE HUMAN-GERMLINE GENE MODIFICATION

SEC. 01. SHORT TITLE.

This title may be cited as the "Human Germline Gene Modification Prohibition Act of 2001".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) Human Germline gene modification is not needed to save lives, or alleviate suffering, of existing people. Its target population is "prospective people" who have not been conceived.

(2) The cultural impact of treating humans as biologically perfectible artifacts would be entirely negative. People who fall short of some technically achievable ideal would be seen as "damaged goods", while the standards for what is genetically desirable will be those of the society's economically and politically dominant groups. This will only increase prejudices and discrimination in a society where too many such prejudices already exist.

(3) There is no way to be accountable to those in future generations who are harmed or stigmatized by wrongful or unsuccessful human germline modifications of themselves or their ancestors.

(4) The negative effects of human germline manipulation would not be fully known for generations, if ever, meaning that countless people will have been exposed to harm probably often fatal as the result of only a few instances of germline manipulations.

(5) All people have the right to have been conceived, gestated, and born without genetic manipulation.

SEC. 03. PROHIBITION ON HUMAN GERMLINE GENE MODIFICATION

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—GERMLINE GENE MODIFICATION

"Sec.
"301. Definitions
"302. Prohibition on germline gene modification.

"§ 301. Definitions

"In this chapter:

(1) HUMAN GERMLINE GENE MODIFICATION.—The term 'human germline gene modification' means the intentional modification of DNA in any human cell (including human eggs, sperm, fertilized eggs, zygotes, blastocysts, embryos, or any precursor cells that will differentiate into gametes or can be manipulated to so do) for the purpose of producing a genetic change which can be passed on to future individuals, including inserting, deleting or altering DNA from any source, and in any form, such as nuclei, chromosomes, nuclear, mitochondrial, and synthetic DNA. The term does not include any modification of cells that are not a part of and will not be used to create human embryos. Nor does it include the change of DNA involved in the normal process of sexual reproduction.

"(2) HUMAN HAPLOID CELL.—The term 'haploid cell' means a cell that contains only a single copy of each of the human chromosomes, such as eggs, sperm, and their precursors.

"(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having two sets of the chromosomes of almost all body cells) obtained or derived from a living or deceased human body at any stage of development. Somatic cells are diploid cells that are not precursors of either eggs or sperm. A genetic modification of somatic cells is therefore not germline genetic modification.

Rule of Construction: Nothing in this Act is intended to limit somatic cell gene therapy, or to effect research involving human pluripotent stem cells.

"§ 302. Prohibition on germline gene modification

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

"(1) to perform or attempt to perform human germline gene modification;

"(2) to intentionally participate in an attempt to perform human germline gene modification; or

"(3) to ship or receive the product of human germline gene modification for any purpose.

"(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human germline gene modification for any purpose.

"(c) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Germline Gene Modification .... 301".

SA 2058. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. BENNETT, Mr. HATCH, Mr. ENSIGN, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 55, line 6, strike "$8,568,000,000" and insert "$7,172,690,000".

On page 55, line 11, strike "$1,632,000,000" and insert "$1,365,031,000".

On page 55, line 12, after "section 1124A:" insert the following: "*Provided further*, That $1,000,000,000 shall be available for targeted grants under section 1125: *Provided further*, That $649,979,000 shall be available for education finance incentive grants under section 1125A:".

On page 55, strike line 15 and all that follows "H.R. 1" on page 55, line 22, and insert "95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001".

SA 2059. Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC.   . For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a–9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which $1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SA 2060. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike everything after line 1 and insert the following.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Response Tax Exemption Act".

SEC. 2. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 112 the following new section:

"SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

"(a) IN GENERAL.—Gross income does not include compensation received by a civilian uniformed employee for any month during any part of which such employee provides security, safety, fire management, or medical services in a terrorist attack zone.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term 'civilian uniformed employee' means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to medical emergencies.

"(2) TERRORIST ATTACK ZONE.—The term 'terrorist attack zone' means any area designated by the President or any applicable State or local authority (as determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term 'compensation' does not include pensions and retirement pay.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3401(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "or section 112A (relating to certain terrorist attack zone compensation of civilian uniformed personnel)" after "United States)".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 112 the following new item:

"Sec. 112A. Certain terrorist attack zone compensation of civilian uniformed personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 2061. Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, before line 1, strike the items relating to sections 109 through 126, and insert the following:

Sec. 109. International port security.
Sec. 110. Security standards at foreign seaports.
Sec. 111. Counter-terrorism and incident contingency plans.
Sec. 112. Maritime security professional training.
Sec. 113. Port security infrastructure improvement.
Sec. 114. Screening and detection equipment.
Sec. 115. Revision of port security planning guide.
Sec. 116. Attorney General to coordinate port-related crime data collection.
Sec. 117. Shared dockside inspection facilities.
Sec. 118. Mandatory advanced electronic information for cargo and passengers and other improved customs reporting procedures.
Sec. 119. Prearrival messages from vessels destined to United States ports.
Sec. 120. Coast Guard domestic maritime safety and security teams.
Sec. 121. Sea marshal program.
Sec. 122. Research and development for crime and terrorism prevention and detection technology.
Sec. 123. Extension of seaward jurisdiction.
Sec. 124. Suspension of limitation on strength of Coast Guard.
Sec. 125. Additional reports.
Sec. 126. Civil penalties.
Sec. 127. 4-year reauthorization of tonnage duties.
Sec. 128. Foreign port assessment fees.
Sec. 129. Definitions.

On page 13, line 7, strike "125(b)" and insert "127(b)".

On page 16, line 7, strike "125(b)" and insert "127(b)".

On page 19, line 15, strike "125(b)" and insert "127(b)".

On page 32, between lines 3 and 4, insert the following:

(2) evaluates the potential for increasing the capabilities of sea pilots to provide information on maritime domain awareness, including specifically necessary improvements to both reporting procedures and equipment that could allow pilots to be integrated more effectively in a maritime domain awareness program;

On page 32, line 4, strike "(2)" and insert "(3)".

On page 32; line 11, strike "(3)" and insert "(4)".

On page 32, line 15, strike "(4)" and insert "(5)".

On page 32, line 20, strike "(5)" and insert "(6)".

On page 32, line 22, strike "(6)" and insert "(7)".

On page 34, line 6, strike "section 116" and insert "section 117".

On page 34, line 15, strike "section 116" and insert "section 117".

On page 35, line 23, strike "125(b)" and insert "127(b)".

On page 36, between lines 9 and 10, insert the following:

SEC. 110. SECURITY STANDARDS AT FOREIGN SEAPORTS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall assess the effectiveness of the security measures maintained at—

(A) each foreign seaport—

(i) served by United States vessels;

(ii) from which foreign vessels serve the United States; or

(iii) that poses a high risk of introducing danger to international sea travel; and

(B) other foreign seaports the Secretary considers appropriate.

(2) INTERNATIONAL COOPERATION AND STANDARDS.—The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate port authorities of the government of a foreign country concerned and United States vessel operators serving the foreign seaport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign seaport effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the seaport based at least on the standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(3) Report.—Each report to Congress required under section 120(b) shall contain a summary of the assessments conducted under this subsection.

(b) Interval.—The Secretary of Transportation shall conduct assessments under subsection (a) of this section of at least 25 foreign seaports annually until all seaports identified in subsection (a)(1) are completed. The first 25 of these assessments shall be conducted within 18 months after the date of enactment of this Act.

(c) Consultation.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign seaports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international sea travel.

(d) Qualified Assessment Entities.—In carrying out subsection (a) of this section, the Secretary of Transportation may utilize entities determined by the Secretary of Transportation and the Secretary of State to be qualified to conduct such assessments.

(e) Notifying Foreign Authorities.—If the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, determines that a seaport does not maintain and carry out effective security measures, the Secretary, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the seaport up to the standard used by the Secretary in making the assessment.

(f) Actions When Seaports Not Maintaining and Carrying Out Effective Security Measures.—

(1) In general.—If the Secretary of Transportation makes a determination under subsection (e) that a seaport foes not maintain and carry out effective security measures, the Secretary—

(A) shall publish the identity of the seaport in the Federal Register;

(B) shall require the identity of the seaport to be posted and displayed prominently at all United States seaports at which scheduled passenger carriage is provided regularly;

(C) shall notify the news media of the identity of the seaport;

(D) shall require each United States and foreign vessel providing transportation between the United States and the seaport to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the seaport; and

(E) may, after consulting with the appropriate port authorities of the foreign country concerned and United States and foreign vessel operators serving the seaport and with the approval of the Secretary of State, withhold, revoke, or prescribe conditions on the operating authority of a United States or foreign vessel that uses that seaport to provide foreign sea transportation.

(2) Presidential action.—If the Secretary makes such a determination under subsection (e) about a seaport, the President may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign seaport that is served by vessels navigating to or from the seaport with respect to which a decision is made under this section.

(3) When action to be taken.—

(A) In general.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport—

(i) 90 days after the government of a foreign country is notified of the Secretary's determination under subsection (e) of this section unless the Secretary of Transportation finds that the government has brought the security measures at the seaport up to the standard the Secretary used in making an assessment under subsection (a) of this section before the end of that 90-day period; or

(ii) on the date on which the Secretary makes that determination if the Secretary of Transportation determines, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the seaport.

(B) Travel advisory notification.—The Secretary of Transportation immediately shall notify the Secretary of State of a determination under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 908 of the International Maritime and Port Security Act (46 U.S.C. App. 1804).

(4) Congressional notification.—The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the seaport under subsection (a) of this section.

(5) Cancellation of public requirements.—If the Secretary of Transportation, in consultation with the Secretary of State, determines that effective security measures are maintained and carried out at the seaport against which the Secretary took action under paragraph (1), then the Secretary shall—

(A) terminate action under paragraph (1) against that seaport; and

(B) notify the Congress of the Secretary's determination.

(g) Suspensions.—The Secretary of Transportation, with the approval of the Secretary of State and without notice of a hearing, shall suspend the right of any United States vessel to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign seaport if the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that seaport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that seaport.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002 and each fiscal year thereafter to carry out this section.

On page 36, line 10, strike "**SEC. 110.**" and insert "**SEC. 111.**"

On page 36, Line 19, strike "section 114" and insert "section 115".

On page 37, line 8, strike "**SEC. 111.**" and insert "**SEC. 112.**"

On page 41, line 14, strike "125(b)" and insert "127(b)".

On page 43, line 10, strike "**SEC. 112.**" and insert "**SEC. 113.**"

On page 48, line 5, strike "125(b)" and insert "127(b)."

On page 49, line 15, strike "**SEC. 113.**" and insert "**SEC. 114.**"

On page 49, line 17, strike "125(b)" and insert "127(b)".

On page 50, line 18, strike "**SEC. 114.**" and insert "**SEC. 115.**"

On page 50, line 24, strike "section 116" and insert "section 117".

On page 51, line 3, strike "**SEC. 115.**" and insert "**SEC. 116.**"

On page 54, line 20, strike "125(b)" and insert "127(b)".

On page 55, line 3, strike "**SEC. 116.**" and insert "**SEC. 117.**"

On page 55, line 12, strike "125(b)" and "127(b)".

On page 55, line 20, strike "**SEC. 117.**" and insert "**SEC. 118.**"

On page 65, line 10, strike "**SEC. 118.**" and insert "**SEC. 119.**"

On page 65, line 12, insert "(a) In General.—" before "The".

On page 65, line 24, strike "require".

On page 66, line 4, strike "require".

On page 66, between lines 19 and 20, insert the following:

(b) Improved Reporting on Foreign-flag Vessels Entering United States Ports.—Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary of Transportation, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of Senate, and Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be insufficient or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats

posed by flag vessels of nations named in paragraph (2).

On page 66, line 20, strike "**SEC. 119.**" and insert "**SEC. 120.**"

On page 67, between lines 14 and 15, insert the following:

SEC. 121. SEA MARSHAL PROGRAM.

(a) ESTABLISHMENT.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to place sea marshals on vessels entering United States Ports identified in subsection (c).

(b) CONSULTATION.—In establishing this program, the Secretary shall consult with representatives from the port security task force and local port security committees.

(c) SEA MARSHAL PORTS.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The presence of port facilities that handle materials that are hazardous or flammable in quantities that make them potential targets of attack.

(2) The proximity of these facilities to residential or other densely populated areas.

(3) The proximity of sea lanes or navigational channels to hazardous areas that would pose a danger to citizens in the event of a loss of navigational control by the ship's master.

(4) Any other criterion deemed necessary by the Secretary.

(d) SEA MARSHAL QUALIFICATIONS.—The Secretary shall establish appropriate qualifications or standards for sea marshals. The Secretary may use, or require use of, Federal, State, or local personnel as sea marshals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the requirements of this section for each of the fiscal years 2002 through 2006.

(f) REPORT.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the success of the program in protecting the ports listed under (c), and submit any recommendations.

On page 67, line 15, strike "**SEC. 120.**" and insert "**SEC. 122.**"

On page 69, line 5, strike "**SEC. 121.**" and insert "**SEC. 123.**"

On page 69, line 16, strike "**SEC. 122.**" and insert "**SEC. 124.**"

On page 70, line 14, strike "**SEC. 123.**" and insert "**SEC. 125.**"

On page 72, line 4, strike "section 111" and insert "section 112."

On page 72, line 9, strike "section 115" and insert "section 116".

On page 72, line 19, strike "section 113" and insert "section 114".

On page 72, line 21, strike "**SEC. 124.**" and insert "**SEC. 126.**"

On page 73, line 19, strike "**SEC. 125.**" and insert "**SEC. 127.**"

On page 74, beginning in line 12, strike "110(e), 111(f), 112(e), 113(a), 115(c), and 116(b)." and insert "111(e), 112(f), 113(e), 114(a), 116(c), and 117(b)."

On page 74, between lines 13 and 14, insert the following:

SEC. 128. FOREIGN PORT ASSESSMENT FEES.

(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from cruise vessel lines upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing foreign port vulnerability assessments under section 110.

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit $0.50 for each passenger embarkment on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing foreign port vulnerability assessments and may be used only to the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than 179 days after the date of enactment of this Act.

On page 74, line 14, strike "**SEC. 126.**" and insert "**SEC. 129.**".

SA 2062. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 519. (a) DEFINITION.—In this section the term "qualified magistrate judge" means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SA 2063. Mr. REID (for Mr. SESSIONS (for himself and Mr. HELMS)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, after line 15, insert the following:

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease;

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease;

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their finding.

SA 2064. Mr. REID (for Mr. SESSIONS) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 73, after line 4, add the following:

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SA 2065. Mr. REID (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 3061, making applications for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 93, after line 12, insert:

SEC. 520. Nothing in Section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir. 2001), or to permit gaming under the Indian Gaming Regulatory Act on lands described in Section 123 of Public Law 106-291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

SA 2066. Mr. REID (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 57, line 24, insert before the following: ": *Provided further*, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 19, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather".

SA 2067. Mr. REID (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 22, after the period on line 3, insert the following:

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including group transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

SA 2068. Mr. REID (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

SA 2069. Mr. REID (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated federal workers that have been exposed to anthrax and continue to test and treat, federal workers that have been determined by the Centers for Disease Control and Prevention as to risk for exposure to anthrax.

SA 2070. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2071. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 223. It is the sense of the Senate that States should be authorized to use funds, provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2072. Mr. REID (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined:

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SA 2073. Mr. REID (for Mr. SPECTER) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 91, strike lines 13 through 18.

SA 2074. Mr. HUTCHINSON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 22, between lines 3 and 4, insert the following:

SEC. . None of the funds made available under this Act shall be used under the National Labor Relations Act to make a finding of an unfair labor practice relating to a published, written, or posted no-solicitation or no-access rule that permits solicitation or access only for charitable, eleemosynary, or other beneficent purposes.

SA 2075. Mr. KYL (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. ALLARD, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place add the following:

"Notwithstanding any other provision of this Act, no appropriation contained in this Act for the purposes of school repair or renovation of state and local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such assistance available to other schools: Provided further, notwithstanding any other provision of this Act, the Secretary of Education is not authorized to expend or transfer unexpended balances of prior appropriations appropriated for the purposes of school repair or renovation of state and local schools to accounts corresponding to current appropriations provided in this Act: Provided, however, that such balances may be expended and so transferred if the unexpended balances are used for the purpose of providing assistance to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such repair or renovation assistance available to other schools.".

SA 2076. Mr. HARKIN (for Mr. MILLER) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 2, line 19 after "of such Act;" insert "of which $3,500,000 is available for obligation October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994;".

On page 2, beginning on line 24, strike out ", and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994".

SA 2077. Mr. HARKIN proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 93, after line 12, insert the following:

SEC. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $98,500,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

SA 2078. Mr. HARKIN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 22, line 18 after "Awareness Act," strike "$5,488,843,000" and insert in its place "$5,496,343,000".

On page 24, line 8 before the period insert the following: ": *Provided further*, That of the moment provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities".

SA 2079. Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 34, line 13, strike "$3,073,446,000" and insert "$3,088,456,000: *Provided*, that $10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)".

SA 2080. Mr. HARKIN (for Mr. DEWINE) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 43, line 23, after the period, add the following:

"In addition, for such purposes, $70,000,000 to carry out such section."

SA 2081. Mr. HARKIN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 57, line 24, before the period, add the following: ";*Provided further*, That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part."

SA 2082. Mr. HARKIN (for Mrs. CLINTON) proposed an amendment to the bill H.R. 3061, making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 34, line 13, before the period insert: ": *Provided further*, That $5,000,000 shall be made available for mental health providers serving public safety workers affected by disasters of national significance".

SA 2083. Mr. HARKIN (for Mr. HATCH (for himself, Mr. REID, and Mr. DOMENICI)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. 225. For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a-9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which $1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SA 2084. Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. KERRY, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 40, line 16, strike "5.9" and insert "5.7".

On page 54, between lines 15 and 16, insert the following:

SEC. 522. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

On page 54, line 25, strike "$11,879,900,000, of which $4,104,200,000" and insert "$11,912,900,000, of which $4,129,200,000".

On page 56, line 25, strike "$8,717,014,000" and insert "$8,723,014,000".

On page 57, line 18, strike "$10,000,000" and insert "$15,000,000".

On page 58, line 11, strike "$516,000,000" and insert "$616,000,000".

On page 64, line 16, strike "$1,764,223,000" and insert "$1,826,223,000".

SA 2085. Mr. HARKIN (for Mr. SMITH of New Hampshire) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 226. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the "Institute"), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as "post-abortion conditions");

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

(4)(A) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

SA 2086. Mr. HARKIN (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; and follows:

At the appropriate place, insert the following:

SEC. 227. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1(f) is amended by adding at the end the following:

"(g) SHORT TITLE.—This section may be cited as the 'Donald J. Cohen National Child Traumatic Stress Initiative'.".

SA 2087. Mr. HARKIN proposed an amendment to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 73, between lines 4 and 5, insert the following:

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(8)) shall not apply to a State program during fiscal year 2001 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it—

(1) allocated all of the funds that the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a) in fiscal year 2001.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "Review of INS Policy on Releasing Illegal Aliens Pending Deportation Hearing." The upcoming subcommittee hearing will examine how the Immigration and Naturalization Service, INS, processes persons arrested for illegal entry into the United States outside ports of entry, as well as the difference between procedures used at ports of entry and procedures used outside ports of entry for persons seeking or obtaining illegal entry into the United States. The hearing will ask the question whether current procedures makes sense in light of the September 11 terrorist attack and our ongoing effort to defeat terrorism.

The hearing will take place on Tuesday, November 13, 2001, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Linda J. Gustitus of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 1 at 9:30 a.m., on S. 1530, the Railroad Advancement and Infrastructure Law of the 21st Century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, November 1, at 2:30, to consider the nominations of R. David Paulison to be Administrator of the United States Fire Administration, Federal Emergency Management Agency and Arden Bement, Jr., to be Director of the National Institute of Standards and Technology, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 1, 2001, at 9:30 a.m., to conduct a hearing on how S. 556 would affect the environment, the economy, energy supply, achievement of regulatory and statutory goals including the National Ambient Air Quality Standards, relevant costs and benefits, and any improvements or amendments that should be made to the legislation. The hearing will be held in the rm. SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 1, 2001, at 2 p.m., to conduct a hearing on infrastructure security, chemical site security, and economic recovery. The hearing will be held in the rm. SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 1, 2001, immediately following the first vote on the Senate Floor, to consider favorably reporting the following nomination: JoAnne Barnhart to be Commissioner of the Social Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, November 1, 2001, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 1, 2001, at 10 a.m., in SD226.

Agenda

I. Nominations: Edith Brown Clement to be U.S. Circuit Court Judge for the 5th Circuit; M. Christina Armijo to be U.S. District Court Judge for the District of New Mexico; Karon O. Bowdre to be U.S. District Court Judge for the Northern District of Alabama; Stephen P. Friot to be U.S. District Court Judge for the Western District of Oklahoma; Larry R. Hicks to be U.S. District Court Judge for the District of Nevada; Terry L. Wooten to be U.S.

District Court Judge for the District of South Carolina; Juan Carlos Benitez to be Special Counsel for Immigration-Related Unfair Employment Practices; Sharee Freeman to be Director of the Community Relations Service; and John P. Walters to be Director of the Office of National Drug Control Policy.

To Be United States Attorney: Leura Garrett Canary, Middle District of Alabama; Paul K. Charlton, District of Arizona; Jeffrey G. Collins, Eastern District of Michigan; William S. Duffey, Jr., Northern District of Georgia; Dunn Lampton, Southern District of Mississippi; Alice Howze Martin, Northern District of Alabama; William Walter Mercer, District of Montana; Thomas E. Moss, District of Idaho; J. Strom Thurmond, Jr., District of South Carolina; Maxwell Wood, Middle District of Georgia; and Drew H. Wrigley, District of North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Thursday, November 1, 2001, at 2:30 p.m., in room S–407 in the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, November 1, 2001, to conduct an oversight hearing on "Protecting Retirement Savings: Federal Deposit Insurance Coverage for Retirement Accounts."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent Matt King, a legislative detailee from the Customs Service, be permitted floor privileges during consideration of H.R. 2590.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2647), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, having met, after full and fair conference, have agreed that the House recede from its disagreement to certain amendments of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 30, 2001.)

Mr. DURBIN. Mr. President, as chairman of the Legislative Branch Subcommittee, I bring to the attention of the Senate the highlights of the conference report on the Legislative Branch Appropriations Act for fiscal year 2002, H.R. 2647.

The conference report totals $2.97 billion, and parallels closely the bill which passed the Senate in July with very broad support. Total funding is $10 million below the amount requested by the Legislative Branch.

Funding included in this bill includes $607 million for the Senate, and $878 million for the House of Representatives.

Funding for the rest of the legislative branch totals $1.49 billion. These agencies perform critical functions enabling Congress to operate effectively and safely—particularly the Capitol Police.

For the Library of Congress and the Congressional Research Service, the bill includes $452 million. The decrease of $60 million below the enacted level is attributable to last year's one-time appropriation for the digital preservation project.

The recommendation for the Library will enable the Congressional Research Service to hire staff in some critical areas, particularly technology policy. Also in the Library's budget is additional funding to reduce the Law Library arrearage, funding for the newly-authorized Veterans Oral History Project, and funds to support the preservation of and access to the American Folklife Center's collection.

For the General Accounting Office, a total of $422 million is included. This level will enable GAO to hire staff in some critical areas.

A total of $126 million is included for the U.S. Capitol Police, who have been performing heroically these past several weeks and to whom we all owe a debt of gratitude. The amount provided represents an increase of $3.9 million over the budget request, which will provide for 79 additional officers, the highest number the Capitol Police believe they can recruit and train next year. It will also provide comparability for the Capitol Police in the pay scales of the Park Police and the Secret Service—Uniformed Division so the Capitol Police are able to retain their officers.

For the Architect of the Capitol, funding would total $320 million. This includes $70 million for the Capitol Visitor Center expansion space which is absolutely critical for heightened security needs. It also includes sufficient funding to hire necessary worker safety-related and security-related positions.

For the Government Printing Office, a total of $110 million is included, of which $81 million is for Congressional printing and binding. The amount recommended will provide for normal pay and inflation-related increases.

The conference report includes a provision that I feel very strongly about—a Senate employee transit subsidy increase to $65 per month. This increase puts the Senate on par with the House and the Executive Branch. I can think of no better way to encourage the use of mass transit than through raising this benefit. Fewer cars on the Senate side of the Capitol means less traffic congestion, a cleaner environment, and a more secure campus.

I thank the full committee chairman, Senator BYRD, for his support and the high priority he has placed on this bill. In addition, I wish to thank the ranking member of the full committee, Senator STEVENS, who has been actively involved in and very supportive of this bill.

Finally, I am grateful to the subcommittee ranking member, Senator BENNETT, for his critical role in bringing this conference report together. I have enjoyed working with him and am thankful for his leadership on these matters.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for the conference report to H.R. 2647, the Legislative Branch Appropriations Act for Fiscal Year 2002.

The conference report provides $2.974 billion in discretionary budget authority, which will result in new outlays in 2002 of $2.509 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $2.941 billion in 2002. The conference report is at the appropriations subcommittee's Section 302(b) allocation for budget authority and outlays. The conference report does not include any emergency designations.

I commend Senators BYRD and STEVENS, as well as Senators DURBIN and BENNETT, for their bipartisan effort in moving the conference report to the Legislative Branch bill so quickly. It is important that the Senate act as expeditiously in completing the remaining appropriations bills.

I ask for unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the record at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2647, CONFERENCE REPORT TO THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

[Spending comparisons—Conference Report (in million of dollars)]

	General purpose	Mandatory	Total
Conference report:			
Budget Authority	2,974	99	3,073
Outlays	2,941	99	3,040
Senate 302(b) allocation:*			
Budget Authority	2,974	99	3,073
Outlays	2,941	99	3,040
President's request:			
Budget Authority	2,987	99	3,086
Outlays	2,964	99	3,063
House-passed**:			
Budget Authority	2,240	99	2,339
Outlays	2,369	99	2,468
Senate-passed**:			
Budget Authority	1,944	99	2,043
Outlays	2,063	99	2,162
CONFERENCE REPORT COMPARED TO:			
Senate 302(b) allocation:*			
Budget Authority			
Outlays			
President's request:			
Budget Authority	(13)		(13)
Outlays	(23)		(23)
House-passed**:			
Budget Authority	734		734
Outlays	572		572
Senate—passed**:			
Budget Authority	1,030	....	1,030
Outlays	878	....	878

*For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

**The House- and Senate-passed bills did not include items exclusive to the other chamber.

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. Mr. President, I ask unanimous consent that the conference report be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ORDERS FOR THURSDAY, NOVEMBER 2, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m., Friday, November 2; that following the prayer and the pledge, the Journal of the proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day, and there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:09 p.m., recessed until Thursday, November 2, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 2001:

DEPARTMENT OF STATE

KENNETH P. MOOREFIELD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC.

DEPARTMENT OF JUSTICE

FREDERICK R. HEEBE, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE EDDIE J. JORDAN, JR., RESIGNED.

DAVID PRESTON YORK, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE J. DON FOSTER, RESIGNED.

DEPARTMENT OF STATE

JOHN D. ONG, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

RICHARD S. WILLIAMSON, OF ILLINOIS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

RICHARD S. WILLIAMSON, OF ILLINOIS, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

HOUSE OF REPRESENTATIVES—*Thursday, November 1, 2001*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, from the beginning, You know how we are made and how fragile our life. Bring an end to the anthrax threat upon America.

Today we pray for all those who are diagnosed with this biological invasion; and we commend to You all those who are taking medication because they have been exposed to this dreadful disease. Renew them in spirit as You strengthen and restore them in body. Remove anxiety that surrounds their family and friends as powerful medicine now wars within them.

Divine Physician, we praise You and bless You for the doctors, nurses and scientists who assist those now doing battle with anthrax. You have called these professionals to care for their brothers and sisters in a holistic way that reveals Your own holiness and love. Guide and protect them as they serve on the homefront or on the battle lines across land or sea in the war against terrorism.

May medical victory on this frontline of an unseen war not only dissipate exterior anger and blame, but galvanize our determination and patience, as we as Americans battle on to defend life, liberty and the pursuit of daily happiness.

We know You are with us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GRAVES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GRAVES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 one-minutes on each side.

FINDING A CURE FOR AUTISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the pictures that you see here, Mr. Speaker, are of Bonnie and Willis Flick, who were able to go trick-or-treating last night, but only as a result of hard work. Bonnie and Willis dressed up as wizards; but it was really their mother, Patience, who was the true Wizard of Oz in making this night special for them.

You see, Bonnie and Willis have autism, a neurological disorder that affects the development of the brain, especially in the areas of social interaction and communications skills. Autism impacts half a million people in our Nation; and in my home State, 50 percent of autistic children reside within our community.

Autism manifests itself in different ways. Bonnie can read, but Willis is mostly non-verbal and is only able to tell his mother, with whom he has a strong bond, when he is hungry or sleepy or sick. Others would not understand Willis.

Life through the eyes of an autistic child may be a puzzle; but autistic children, as this T-shirt says, are part of our world, not a world apart.

I congratulate the National Alliance for Autism Research for hosting Walk FAR for NAAR this Saturday in Key Biscayne. With continued support, we will soon find a cure for autism and the much-needed help for Bonnie and Willis Flick.

MAY GOD BLESS JERRY SOLOMON

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, yesterday you led a delegation to upstate New York to attend the funeral services of Congressman Jerry Solomon; and today our hearts go out to his wonderful wife, Freda, and their children and grandchildren on this tremendous loss for their family and for our country.

Jerry Solomon was a friend of mine for 30 years, and I served with him in this House for the past 10 years. He will be most remembered as a friend to veterans everywhere, and I am so happy that he lived to see the day when the United States won the Cold War, to be around to witness the collapse of communism in Eastern Europe, the tearing down of the Berlin Wall and the breakup of the Soviet Union into individual democratic republics.

He is someone who always remembered that freedom is not free, we paid a tremendous price for it; and he tried to always express his gratitude to all of the men and woman who wore the uniform of the United States military, because he understood had it not been for them, their efforts and their sacrifice, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on the face of the Earth.

It is so fitting that he was buried in Saratoga National Cemetery, which he worked 15 years to produce for the people of upstate New York.

Mr. Speaker, Jerry Solomon was famous for constantly saying "God bless America"; and today, I say may God bless Jerry Solomon.

SUPPORT YOUNG-MICA AIRPORT SECURITY BILL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today we are dealing with airport security, an issue vitally important to the travel and tourism industry and to every American. I want to take a moment to reflect on this chart of the House aviation security plan, backed by the Secretary of Transportation, the former chairman of the Committee on Transportation for the Democratic Party, on this floor, a plan that he supports, President Bush supports, and I think every traveler will find comfort in.

My colleague, the gentleman from Indiana (Mr. PENCE), in a moment will talk a little bit about another bill that exists on the other side of the aisle, or

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the other Chamber, but let me show you exactly what is involved in our plan.

It covers everything in airport security, from drop-off to transportation to terminal security to tarmac security, and it does so to ensure the American public that they are safe when they board aircraft.

There is going to be a fight and debate today about who should they be, Federal employees or law enforcement employees. My view is this: let us make it safe. In Palm Beach County, the sheriff department's deputized law enforcement officers are well-equipped to, in fact, be the persons to intervene in the baggage screening area. I would welcome that. I would be delighted to have that.

I wish their side would recognize that local flexibility is vitally important in securing our air space. Support President Bush today in his call for aviation security. Support the Young-Mica bill. You will be pleased with the results of passage of that legislation.

PROVIDING FEDERAL AVIATION SECURITY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, those who oppose the aviation security bill which the other body passed 100 to 0 are arguing that the bill would create yet another public employee union. Those who preach the evils of public employees unions ought to remember one thing: the heroes of the World Trade Center disaster, the policemen, the firefighters, were union members, and about 400 of them lost their lives rescuing others.

Public employees do a great job protecting us here in the Capitol, and they can do a great job protecting our constituents at airports. We are at war. Polarizing a debate by criticizing working men and women who devote their lives to serving the public is exactly what we do not need to do. Terrorists look for weak spots. They do not care about unions either.

We cannot wait any longer for airport aviation security. Pass the Senate bill.

MAKING AIRPORTS SAFER

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, simply making an airport baggage and passenger screener a Federal employee will not make airports safer. Tougher standards and strict Federal oversight will make airports safer; and that is exactly what this act does, the one we have up today.

The American public needs to regain its confidence in flying. How will they do that if we do not have the ability to discipline or remove screeners who are not performing? How will they regain confidence if we cannot equip personnel with superior technology? And how will they regain that confidence if qualified retired Federal workers, such as Federal marshals, are unable to be hired because they will have to sacrifice their retirement benefits and their health care benefits?

The answer is they will not.

The Secure Transportation for America Act gives the administration the flexibility that they need to have the best possible employees screening passengers and baggage. The American people deserve no less.

CHINA AND PAKISTAN HELP TALIBAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Taliban commander said, "China is secretly helping, our Taliban government." China has united.

In addition, news reports say that Pakistan is giving weapons to the Taliban. Pakistan has united.

Unbelievable here. China gets $100 billion a year in trade surplus from Uncle Sam, and Pakistan is now asking for foreign aid.

Beam me up.

I say it is time for China and Pakistan to stop their tricks and cheating here. I yield back the forked tongues of the lies coming out of China and Pakistan, who are subverting our mission against these terrorists.

SUPPORT SECURE TRANSPORTATION ACT FOR AMERICA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in strong support of the Secure Transportation for America Act. The Good Book tells us if we owe debts, pay debts; if honor, then honor; if respect, then respect.

□ 1015

I rise today to honor the President of the United States of America and his vision for airport security. As the gentleman from Florida indicated, it is a vision supported by his Transportation Secretary, who chaired the Committee on Transportation and Infrastructure as a Democrat in this very institution, and the President's vision is the right vision.

As Robert Poole of the Public Policy Institute wrote recently, while all parts of airports need improving, the biggest hole is to secure areas. The truth is that the Senate bill does absolutely nothing, Mr. Speaker, to control access to secure areas of airport. Caterers, cleaners, refuelers and others who lack security background checks at the Nation's airports are not addressed in the substitute bill.

Mr. Speaker, I urge all of my colleagues to honor the President of the United States, respect his vision for airport security and vote yes on H.R. 3150.

OVERHAULING THE AVIATION SECURITY BILL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, it has been 7 weeks and 2 days since the terrorist attacks, 2 weeks since the Senate passed the aviation security bill 100 to 0. Finally, we can overhaul this failed system. There are three private foreign-owned firms that provide security at most U.S. airports. Their performance is miserable. One is under indictment for having violated its parole from its last criminal conviction.

Now we are going to have a choice today. We could pass the Senate bill and have a bill on the President's desk tonight and begin an overhaul, a major change, put those people out of business, or we can adopt the Republican manager's amendments, which will not only continue these failed private firms and convicted felons in business, it will reward them amazingly with an exemption from liability for past actions.

Yesterday was Halloween, but today the Republican leaders are trying one last trick and treat on the American public. Reject the private firms that have failed us so miserably. Put Federal law enforcement in the airports and make the traveling public safe.

FEDERALIZING AIRPORT EMPLOYEES

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, as we discuss the characteristics of an aviation security bill we must not lose focus of our responsibility to the flying public. Airline passengers must feel safe before they return en masse to the skies. Nothing will guarantee their safety until all items placed on an aircraft are thoroughly screened by skilled professionals using the best available technology. As we implement new changes to be aviation security, we must ensure that all baggage entering the plane is properly screened.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their untiring efforts to draft the most comprehensive, sensible transportation security legislation possible. Enforcing strict Federal supervision on the Nation's screening programs makes sense. Furthermore, it is a method proven to work. Simply federalizing 28,000 employees will not change the quality of our screening process.

Now is the not the time to implement a one-size-fits-all cure. Rather, the security needs of each airport should determine what screening measures work best for their particular situation. It is absurd to think that mere federalization is the answer to such severe structural problems that presently exist.

Mr. Speaker, I adamantly believe that the Federal role is to set the standard and enforce it. Then each situation must be met as it dictates. I urge my colleagues to vote for H.R. 3150, the Transportation Act of 2001.

IMMUNIZATION FOR AMERICANS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I would like to speak today about something that is very important to our country, adult immunization. Immunizations have helped prevent many illnesses and possible complications due to illness. Unfortunately, there is a misconception that immunization is only for children and for childhood diseases. The fact is that adults benefit from immunizations also. Hepatitis B, chicken pox, pneumonia are just a few examples of vaccine preventable illnesses affecting adults.

Data for the year 2000 show an increase in the number of deaths due to influenza and pneumonia, now over 67,000 deaths. This is the seventh leading cause of death in the United States. Although the flu vaccine may not prevent the flu, it greatly reduces the severity of the illness and the risk of complications, especially in adults over 50 years of age and those who suffer chronic health conditions.

Immunization is a cost-effective way of preventing disease and at a time when our Nation is faced with the possibility of unlikely yet very threatening infections, we must take the opportunity to be proactive against illnesses that we can prevent.

EXTENDING CONDOLENCES TO FAMILIES OF MURDERED PAKISTANIS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to offer condolences to the families of the 16 Pakistanis brutally murdered on Sunday as they worshipped in their church in Pakistan. Barbaric criminals burst into the church, locked the doors behind them and started firing guns into the worshippers. These twisted terrorists then continued to pump bullets into toddlers and women who lay wounded and dying in a pile on the floor of the church.

To the families of those killed, please know that our hearts and prayers are with you in this time of suffering and mourning.

In the midst of the important battles against terrorists and the Taliban, our Nation must also continue to stand with those around the world whose fundamental rights are violated at the hands of extremists in their communities. The danger faced by Christians and other religious and ethnic minorities in Pakistan cannot be overestimated, particularly in this time.

I commend President Musharraf for his unequivocal condemnation of this tragedy and his pursuit of the murderers, and urge him to do all in his power to ensure that this does not happen again and that they bring these criminals to justice.

BIPARTISAN SUPPORT FOR FEDERALIZING AIRPORT EMPLOYEES

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, aviation security is a national security. Protecting our skies is a matter of national defense and we should not leave national security to the private companies that contract to the lowest bidder. We would not expect the President to be protected by the lowest bidder. We do not do that. We do not expect our leadership here in the House to get protected by the lowest bidder contract.

The current system is broken and needs to be corrected. Contracting to the lowest bidder has created a workforce that suffers from high turnover, and we have seen the turnover over 400 percent, low pay and low morale. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline of this Nation's national defense. There is a broad bipartisan support for federalizing the workers.

The Washington Post just came out with a report that 82 percent of Americans support this effort. We need to make sure that every American feels secure when they go to the airport, and making them feel secure is by making sure that those people are well-trained and well-educated. The Air Pilots Association has endorsed it, and I ask your support.

FAITH IN THE AIRLINE INDUSTRY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise in strong support for the Senate version of the airline security bill. The plan presented by the majority is simply just flawed. It does nothing to ensure that screening routines in this country are uniform, where screening in La Guardia Airport in my district is the same as screening in Des Moines, Iowa, where the screening in LAX is the same as in Butte, Montana. That is what the Democratic substitute does and the majority bill simply does not.

The Senate bill passed 100 to 0 with 49 members of the Republican Party supporting that bill. Can they all be wrong? We need to give the American people full faith and confidence in the airline industry. The majority bill simply does not do that. The Senate bipartisan bill begins to do just that.

AMERICA'S FEAR OF FLYING

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, while America is afflicted by a fear of flying, this House, or certain Members are afflicted by a fear of federalization and I have to ask, what are you all afraid of? What is wrong with a Federal workforce? Is it the same thing that is wrong with a Federal workforce at the FBI that is now investigating terrorist incidents? Do you criticize the so-called Federal bureaucracy at NASA that won us the race to the Moon? Are you afraid of government influence, such as the government issue GI's who went ashore on D-Day and won us World War II? Would you privatize the military now fighting in the Middle East? Of course not.

These are all good government employees who did their jobs well in the service to this country. And I might just say one more thing. If you are so afraid of Federal influence, I dare you, I just dare you to submit a bill to privatize the Capitol Police that protects this building.

Now, this building does not take off and go anywhere. It does not fly, and Americans who do fly deserve just as good protection as the Members in this Chamber with a Federal force outside.

CREATING SAFE AIRLINES

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, it is time for us to end the rhetoric and do what is right for American people. We say that business must move on and we must continue as we did before. But we cannot do that unless we fix the problem of airline security. And clearly, as the Senate has said in a unanimous voice, the way we fix security in the airline industry is by federalizing it.

We must make sure that our airports are like our borders. We would not privatize the border line with individuals to monitor the borders, nor can we do that with our airlines.

If we want to go back to normal, if we want our business community to resume itself, we must make it safe for them to fly, because that is what is going to help stimulate our economy so we can get back to normal and we can begin to focus on the things that are important to all Americans. We cannot do it until people feel safe flying, and the only way we can do that is by federalizing.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 272 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 272

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 272 provides for consideration of the conference report to accompany H.R. 2311, the Energy and Water Development Appropriations Act of 2002. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, this is a noncontroversial conference report, and I am asking for us to support this rule and the underlying legislation.

I want to congratulate the conferees on their hard work and urge passage of the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge Members to support this rule and this conference report. Both the House and the Senate passed this bill on a bipartisan basis, and this conference report also represents a bipartisan, bicameral compromise.

Additionally, this conference report contains provisions that are very important to the people that I represent in north Texas. It provides $5.5 million in critical funding for a flood control project along Johnson Creek in Arlington, Texas. It provides $10 million for the Dallas Floodway Extension, and it provides $1.2 for the Trinity River Basin. The final funding that each of us will receive meets the needs identified by the Army Corps of Engineers and local authorities.

The conference report also provides $1 million for a state of the art annex to the Science Center at Texas Wesleyan University, which serves neighborhood children as well as students in a historic inner-city neighborhood on the east side of Fort Worth, Texas.

□ 1030

I also want to thank the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Texas (Mr. EDWARDS) for working with me to fund these critical provisions for north Texas.

This is a good bill, Mr. Speaker, and the conferees should be commended for doing the best they could under the circumstances. But as many of them will tell us, they were hamstrung by the fact that the Senate originally passed these bills before September 11.

Since that infamous date, Mr. Speaker, all of us have become acutely aware of the massive security needs facing America. This bill does not reflect many of the priorities of today's new war against terrorism.

For instance, the conference report provides no additional funds to address terrorist threats related to nuclear weapons plants or Department of Energy labs. The gentleman from Texas (Mr. EDWARDS) offered an amendment to beef up the Nation's nonproliferation activities that prevent terrorists from getting Russian nuclear materials. Indeed, the administration had proposed cutting $98 million from this critical program.

Fortunately, this conference report restores $81 million to this vital program, but that is still $17 million below last year's level.

Overall, the Federal agencies funded by this bill have identified about $1.2 billion in additional security needs, but this conference report funds only $287 million of that, leaving us about $900 million short.

Since September 11, Mr. Speaker, America's security needs have increased, not decreased. The safety of every American depends on whether this Congress and this President will invest more, not less, in meeting them.

So after we pass this conference report today, it is crucial that all of us work together to immediately ensure all of our homeland security needs are fully funded. There is no higher priority.

Mr. Speaker, I yield 7 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to commend the gentleman from Alabama (Chairman CALLAHAN) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for putting together this energy and water appropriation bill on a genuine bipartisan basis. This bill, because of their leadership, funds vital flood control and water projects for communities throughout the Nation. It funds important energy and research programs.

I also commend the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) for working hard to plus up about $85 million in the administration's ill-advised and dangerous budget proposal that would have cut $100 million from our programs designed to keep nuclear material and weapons out of the hands of terrorists.

I know this bill will pass by a strong margin on a bipartisan basis because of all the good things in it. However, Mr. Speaker, in good conscience I cannot remain silent about some decisions that have been made by this Congress, some of which go beyond the authority of the Subcommittee on Energy and Water Development.

I find it unbelievable, Mr. Speaker, unbelievable that just 1 week ago this House said that we could afford to give $7.4 billion in unearned corporate rebate checks to just 16 Fortune 500 corporations. Yet, this Congress to date will have cut programs designed to keep nuclear weapons and materials away from terrorists.

I find it irresponsible and dangerous that even in light of the September 11 terrorist attacks, this House has said, in effect, by our votes that giving special huge tax breaks to corporations like General Motors, they got nearly $1 billion, IBM got $1.4 billion, General Electric a little under $1 billion, that those tax rebate checks to those corporations are more important than protecting 281 million Americans and their families from the threat of nuclear terrorists.

Mr. Speaker, a recent report from a committee co-chaired by Republican former Senator Howard Baker and former Senator Sam Nunn, a Democrat, said that the threat of nuclear terrorism against the United States is the single most important national security concern facing this Nation.

I do not question anyone's intentions in this House. I believe genuinely that every one of us in this House shares the belief that protecting Americans' lives and security is the first responsibility of our government. But in government, good intentions do not count if our budget decisions undermine the principles we preach.

We can talk about homeland defense all we want, but may God help us in our war on terrorism if this Congress decides corporate tax rebate checks are more important than keeping nuclear weapons out of the hands of terrorists.

Mr. Speaker, I would like to mention five facts about the possibility of nuclear terrorism against American citizens:

Fact No. 1, had the September 11 terrorists been able to use a nuclear bomb built with a Coke can size of plutonium and placed it in a car in Lower Manhattan, over 2 million American citizens, not 5,000, would have been killed;

Fact No. 2, there are over 600 metric tons, enough for 41,000 nuclear devices, of weapons-usable material in Russia that is in urgent need, urgent need of additional security improvements, according to our own U.S. Department of Energy;

Fact No. 3, we know of 14 separate seizures of highly-enriched, bomb-grade uranium that had been stolen from Russian nuclear sites since 1992. Frighteningly, in eight of those 14 cases the uranium was not seized until it had escaped out of Russia, and was found in Germany, the Czech Republic, and Bulgaria;

Fact No. 4, we know that since 1993 Osama bin Laden and his al-Qaeda organization have made attempts to obtain nuclear material from Russia;

Fact No. 5, because of an agreement just signed on September 26 of this year, just last month, between the United States and Russia, we have a window of opportunity to put in place antiterrorist safeguards at numerous Russian nuclear sites, some of which we have never been able to visit prior to this agreement.

Mr. Speaker, no one knows when that window of opportunity might close. I believe it would be dangerous for this Congress not to take advantage of such a chance and carry out our responsibility to get better control of Russian nuclear material so it will not some day, God forbid, end up in a major American city as part of a terrorist bomb.

Based on these known five facts and the devastating potential of nuclear terrorist attacks, I believe strongly that Congress should act immediately, not next month, not the month after that, not next year, but we should act immediately to work with Russia in providing adequate safeguards at their numerous nuclear sites.

I find it hard to believe, frankly, that in this energy and water appropriation bill we are adding $400 million to improve the U.S. offensive nuclear arsenal, which everyone would agree in all nations is by far the most powerful nuclear force in the world; yet, in my opinion, we are cutting what is generally considered the single most effective program in keeping nuclear materials out of the hands of terrorists: a materials prevention and control accounting program.

Mr. Speaker, I know every single Member of this House would do almost anything, personally or publicly, to prevent a nuclear terrorist attack on the United States. Sadly, though, sadly, though, our spending and tax decisions in this Congress are not consistent with that commitment.

I believe the gentleman from Alabama (Chairman CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY), who already worked hard to support these programs, are genuine in their efforts to convince this House and the other body that we in this Congress have a moral obligation to the American people to do everything possible to prevent terrorists from using nuclear weapons against the American family.

If the decisionmakers beyond the scope of this appropriations subcommittee's jurisdiction do not this year either expand the budget allocation for nuclear nonproliferation programs or add significant funding in the supplemental appropriations bill, if we fail to do that, then we will have failed the American people in our sworn oath to protect and defend them.

We know terrorists are at war with us. If we Americans are truly at war with them, then this Congress must make homeland defense our top priority, not just our favorite rhetoric.

The clock is ticking and our children's future is at risk. I intend to work with the gentleman from Alabama (Chairman CALLAHAN), the gentleman from Indiana (Mr. VISCLOSKY), and other Members of this Congress who agree that we must act now, immediately, to ensure that our families and children never have to witness an American holocaust perpetrated by nuclear terrorists.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

In response to the remarks of the gentleman from Texas about the shortages that are apparent in our bill for the nuclear nonproliferation account, certainly he is correct. However, we have assured him, and we discussed this at great length in conference, that we are going to correct that in some supplemental bill somewhere before the end of the year.

He is absolutely right, the commission that President Clinton put together, including former Senator Sam Nunn and Susan Eisenhower, have come to us and they have told us of the serious need for additional funds. We are going to find those funds. There were just no more additional funds available in this bill.

I assure the gentleman from Texas and assure this Congress that we are going to provide adequate resources to this administration to ensure that the nonproliferation agreement works.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, very briefly, I would just like to thank the gentleman from Alabama (Chairman CALLAHAN), who just spoke, for his leadership to date on this effort. I am convinced had it not been for his work, along with that of the gentleman from Indiana (Mr. VISCLOSKY), we would be looking at this administration's proposed $100 million cut in nonproliferation nuclear programs.

I would have been much more comfortable had I been able to say to my colleagues and the American people that we are taking care of this problem today in this energy and water appropriation bill, but I failed in my effort to add an amendment which would have given $131 million extra to these programs.

But I appreciate the leadership of the chairman to date, what he has already done, and I am especially deeply grateful for his commitment to this Congress to continue those efforts and see that we adequately fund this budget, in light of what has happened September 11. I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, a number of years ago, right after the Soviet Union collapsed, I was at a bipartisan conference in Budapest and we met with a series of Soviet and Russian officials. Among those in attendance was the then Foreign Minister Andrei Kozyrov and the Deputy Defense Minister Andre Kokoshin.

Also present at that meeting were a number of Members of this House and the other body, such as Senators Nunn, LUGAR, Congressman Aspin, who later went on to become Secretary of Defense, Senator LEVIN, myself, and a number of others.

We were asked by two Russian officials if we could come into a private hotel room to discuss a very serious situation, so we gathered. They described to us their terror at the lack of security relative to the kind of nuclear material which the gentleman from Texas just discussed.

As a result of those discussions, the Nunn-Lugar program was born. This country then began an effort to try to slowly but surely pull nuclear weapons from the various Soviet provinces into Russia itself so there would be better control over those weapons. And in addition, this country began, at the urging of the Russians, who were most concerned about it, we began a variety of programs to try to help not only secure nuclear material from warheads, but we also began to think about what we were going to do about the fact that we had many, many Russian and Soviet scientists who were out of work, who had very little income, and who were very easy pickings for terrorist groups all around the world who might want to find a way to get knowledge they did not have or to obtain nuclear material that they did not have.

□ 1045

Our efforts to fund those programs have been sporadic at best since that time; and in my view, that is leading ever more inexorably to a serious, serious problem and perhaps even at some point a crisis.

The gentleman from Texas (Mr. EDWARDS) has pointed out to you that, even with the meager funds we have put into these programs, on eight occasions authorities have seized nuclear materiel that was in the wrong hands and had already been secreted out of Russia itself. Four of those recoveries took place in Germany; three took place in the Czech Republic; one in Bulgaria. In addition, there were six other incidences during which materiel was recovered within Russia itself that had fallen into the wrong hands, and we do not know how many other examples there are of this materiel falling into the wrong hands.

Now, under those circumstances, one would think that we would make as our number one priority securing that threat. We have not done so. We have had a lot of sporadic effort, but we have not accomplished what we needed to accomplish.

The Department of Defense has responsibilities in this area; so does the Department of Energy. This bill corrects to a large extent the budget reductions made by the administration in the program that the gentleman from Texas (Mr. EDWARDS) just described; but in my view, we have an obligation to go far beyond what was merely provided last year in order to really get a handle on this problem.

Now, the problem that we have in addition to this is that DOE has told us that they have at least $1.2 billion of additional needs, and they have been funded only to a very small extent in this bill because of funding limitations imposed on it by the allocation.

In addition to that, we have been told that there are at least half a billion dollars' worth of defense funding requirements relating to nuclear materiel that we ought to be providing for recovery programs here or for security programs within our own country, and very little of that is being responded to.

Those requirements are far beyond what was included in the fiscal 2002 budget or the House or the Senate bill. It just seems to me that a Congress that can provide $25 billion in tax gifts to General Electric, to AT&T and to other truly needy people in this society like that, and I am being sarcastic, Mr. Speaker, when I say that, it seems to me that if Congress can find the money to provide that kind of gift to the nonneedy, we certainly ought to have enough common sense to find enough room in our budget to deal with one of the most serious security problems that faces this country and this planet.

I regard the lack of funding across DOE for a number of programs not even mentioned here today, including one that I brought to the attention of the committee in a private session, I regard the neglect of those vulnerabilities to be almost criminal negligence, not on the part of this committee but on the part of people in the Government who know the serious problems and vulnerabilities that exist out there that are not being dealt with.

Now, I love to give tax cuts as much as the next man; but our first obligation in this instance is to secure the home front. We are not doing it sufficiently with this bill. We are not doing it sufficiently with other bills that will be before this Congress; and until we do, we are failing our principal obligation to protect the public safety of each and every citizen that we represent.

That is why, despite many of the good things in this bill, I will be voting against this bill to try to indicate my extreme concern about the lack of attention and the lack of follow-through on these problems.

I appreciate the consideration of the gentleman from Alabama (Mr. CALLAHAN) when he says we will try to deal with this in a future bill. My suggestion to the House is that I think, if this is a high priority, it ought to be dealt with immediately. It is not, and that is why I am going to be voting against this bill.

This is not due to any negligence on the part of the subcommittee chairman or the ranking member, any of the subcommittee members; but in my view the priorities of this Congress, given this problem, I think these priorities are misbegotten.

Mr. SESSIONS. Mr. Speaker, the majority wishes to reserve its time.

Mr. FROST. Mr. Speaker, I would advise the majority that we have no further speakers, and I yield back the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Texas (Mr. FROST) for that.

Mr. Speaker, I urge adoption of this rule, which will allow us to consider this important conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 9, as follows:

[Roll No. 415]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe

Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Berkley
Stark

NOT VOTING—9

Brown (FL)
Cubin
Dunn
Hall (OH)
Herger
McCrery
Thompson (MS)
Wexler
Young (AK)

□ 1116

Messrs. STEARNS, SHAYS and ABERCROMBIE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 2311, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN. Mr. Speaker, pursuant to House Resolution 272, I call up the conference report on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 272, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 30, 2001, at page H7418.)

The SPEAKER pro tempore. The gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the conference report on H.R. 2311, the fiscal year 2002 Energy and Water Development Appropriations Act.

At the outset, I would like to state how pleased I am that the conference committee was able to work out the dramatic differences between the House and Senate bills so amicably and to such a positive effect. Given the great divide over the House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences, we did so in such a way that the critical priorities of the House and Senate were carefully protected.

I am proud of the agreement struck between the House and Senate on energy and water development programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water programs is $24.6 billion. This is $891 million over the amount included in the House-passed bill and about $2.1 billion over the budget request.

I am especially pleased with the level of funding we have recommended for the civil works program of the U.S. Army Corps of Engineers. At $4.5 billion, the recommended funding is $586 million higher than the administration's inadequate budget request. The majority of this increase, about $391 million, is in the Corps' construction program. While that may sound like a large increase, the amount we have recommended is about the same as the amount the Corps spent in fiscal year 2001 on construction. If we had funded the construction program at the level requested by the administration, the result would have been schedule delays, increased project costs, and the loss of project benefits.

For the Bureau of Reclamation, we have provided $914 million, which is $95 million above the budget request.

For the nondefense programs of the Department of Energy, we were able to provide modest increases over the last year for several programs. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will even be more important as we move into the 21st century.

I am pleased to report that the additional allocation we received has enabled us to fund these programs slightly above the levels requested by the administration. For renewable energy programs, we were able to provide about $19 million over the House-passed level.

For the Atomic Energy Defense Programs of the Department of Energy, the conference agreement includes $14.7 billion, a significant increase of almost $1.2 billion over the budget request. These funds will ensure that we have a reliable and safe nuclear weapons stockpile, continue to fund important nuclear nonproliferation programs to secure nuclear materiels in Russia, and meet our commitments to communities throughout the United States to clean up the damage done to the environment over the past 40 years.

I want to thank my Senate counterpart, Chairman HARRY REID, and his ranking minority member, Senator PETE DOMENICI, for their cooperation and hard work. Moreover, I would like to expression my sincere appreciation to my colleagues on the House Subcommittee on Energy and Water Development, whose devoted efforts made this conference report possible.

I am especially grateful to my good friend and ranking member, the gentleman from Indiana (Mr. VISCLOSKY). I want to thank our full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) for their cooperation in enabling us to bring this conference report before the House today.

Finally, I would like to express my deep appreciation and sincere gratitude to the House Appropriations staff for the Subcommittee for Energy and

Water Development: Bob Schmidt, Jeanne Wilson, Kevin Cook, Paul Tuminello, Tracey LaTurner, Dave Killian, Rich Kaelin, Jennifer Watkins, and my personal staff, Mike Sharp and Nancy Tippins.

Their expertise, knowledge, and negotiating skills have helped produce the bipartisan product that we present for Members' consideration today, and each is to be commended for their fine effort. Additionally, I would like to thank each of them for making my first session as chairman of this subcommittee an extremely pleasurable experience.

I believe the conference agreement is balanced and fair, and I would urge a unanimous support of the House for its adoption. I would hope that we could quickly conclude action on this conference report so that we can get this bill to the White House for the President's signature.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311)

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	160,584	130,000	163,260	152,402	154,350	-6,234
Construction, general	1,716,165	1,324,000	1,671,854	1,570,798	1,715,951	-214
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	350,458	280,000	347,656	328,011	345,992	-4,466
Supplemental appropriations (P.L. 107-20)	9,000					-9,000
Operation and maintenance, general	1,897,775	1,745,000	1,864,464	1,833,263	1,874,803	-22,972
Supplemental appropriations (P.L. 107-20)	86,500					-86,500
Regulatory program	124,725	128,000	128,000	128,000	127,000	+2,275
FUSRAP	139,692	140,000	140,000	140,000	140,000	+308
Flood control and coastal emergencies (supplemental appropriations) (P.L. 107-20)	50,000					-50,000
Rescission					-25,000	-25,000
General expenses	151,666	153,000	153,000	153,000	153,000	+1,334
Total, title I, Department of Defense - Civil	4,686,565	3,900,000	4,468,233	4,305,474	4,486,096	-200,469
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	19,524	24,169	24,169	24,169	24,169	+4,645
Fish, wildlife, and recreation mitigation and conservation	14,136	10,749	10,749	10,749	10,749	-3,387
Utah reclamation mitigation and conservation account	4,989					-4,989
Subtotal	38,649	34,918	34,918	34,918	34,918	-3,731
Program oversight and administration	1,213	1,310	1,310	1,310	1,310	+97
Total, Central Utah project completion account	39,862	36,228	36,228	36,228	36,228	-3,634
Bureau of Reclamation						
Water and related resources	678,953	647,997	691,160	732,496	762,531	+83,578
Loan program	9,348	7,495	7,495	7,495	7,495	-1,853
(Limitation on direct loans)	(26,941)	(26,000)	(26,000)	(26,000)	(26,000)	.(-941)
Central Valley project restoration fund	38,360	55,039	55,039	55,039	55,039	+16,679
California Bay-Delta restoration		20,000				
Policy and administration	50,114	52,968	52,968	52,968	52,968	+2,854
Total, Bureau of Reclamation	776,775	783,499	806,662	847,998	878,033	+101,258
Total, title II, Department of the Interior	816,637	819,727	842,890	884,226	914,261	+97,624
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	659,918	544,245	639,317	736,139	666,726	+6,808
Non-defense environmental management	277,200	228,553	227,872	228,553	236,372	-40,828
Supplemental appropriations (P.L. 107-20)	11,950					-11,950
Uranium facilities maintenance and remediation	392,502	363,425	393,425	408,725	418,425	+25,923
Supplemental appropriations (P.L. 107-20)	30,000					-30,000
Science	3,180,341	3,159,890	3,166,395	3,268,816	3,233,100	+52,759
Nuclear Waste Disposal	190,654	134,978	133,000	25,000	95,000	-95,654
Departmental administration	225,942	221,618	209,611	208,948	210,853	-15,089
Miscellaneous revenues	-151,000	-137,810	-137,810	-137,810	-137,810	+13,190
Net appropriation	74,942	83,808	71,801	71,138	73,043	-1,899
Office of the Inspector General	31,430	31,430	32,430	30,000	32,430	+1,000
Environmental restoration and waste management:						
Defense function	(6,254,464)	(5,740,783)	(6,410,625)	(6,627,943)	(6,480,991)	(+226,527)
Non-defense function	(711,652)	(591,978)	(621,297)	(637,278)	(654,797)	(-56,855)
Total	(6,966,116)	(6,332,761)	(7,031,922)	(7,265,221)	(7,135,788)	(+169,672)
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	5,006,153	5,300,025	5,123,888	6,062,891	5,429,238	+423,085
Supplemental appropriations (P.L. 107-20)	126,625					-126,625
Defense nuclear nonproliferation	872,273	773,700	845,341	880,500	803,586	-68,687
Naval reactors	688,645	688,045	688,045	688,045	688,045	-600
Office of the Administrator	9,978	15,000	10,000	15,000	312,596	+302,618
Subtotal, National Nuclear Security Administration	6,703,674	6,776,770	6,667,274	7,646,436	7,233,465	+529,791
Defense environmental restoration and waste management	4,963,533	4,548,708	5,174,539	5,389,868	5,234,576	+271,043
Supplemental appropriations (P.L. 107-20)	95,000					-95,000
Defense facilities closure projects	1,080,331	1,050,538	1,092,878	1,080,538	1,092,878	+12,547
Supplemental appropriations (P.L. 107-20)	21,000					-21,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2002 (H.R. 2311) — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Defense environmental management privatization	65,000	141,537	143,206	157,537	153,537	+88,537
Supplemental appropriations (P.L. 107-20)	29,600					-29,600
Subtotal, Defense environmental management	6,254,464	5,740,783	6,410,825	6,627,943	6,480,981	+226,527
Other defense activities	582,466	527,614	487,464	564,168	544,044	-38,422
Supplemental appropriations (P.L. 107-20)	5,000					-5,000
Defense nuclear waste disposal	199,725	310,000	310,000	250,000	280,000	+80,275
Total, Atomic Energy Defense Activities	13,745,329	13,355,167	13,875,383	15,088,547	14,538,500	+793,171
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	3,891	4,891	4,891	4,891	4,891	+1,000
Operation and maintenance, Southwestern Power Administration	28,038	28,038	28,038	28,038	28,038	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	165,465	169,465	172,165	169,465	171,938	+6,473
Supplemental appropriations (P.L. 107-20)	1,578					-1,578
Falcon and Amistad operating and maintenance fund	2,663	2,663	2,663	2,663	2,663	
Total, Power Marketing Administrations	201,635	205,057	207,757	205,057	207,530	+5,895
Federal Energy Regulatory Commission						
Salaries and expenses	175,200	181,155	181,155	187,155	184,155	+8,955
Revenues applied	-175,200	-181,155	-181,155	-187,155	-184,155	-8,955
Defense nuclear waste disposal (rescission)	-75,000					+75,000
Defense environmental privatization (rescission)	-97,000					+97,000
Total, title III, Department of Energy	18,623,901	18,106,554	18,747,360	20,061,975	19,501,126	+877,225
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,254	66,290	71,290	66,290	71,290	+5,036
Defense Nuclear Facilities Safety Board	18,459	18,500	18,500	18,500	18,500	+41
Delta Regional Authority	19,956	19,992		20,000	10,000	-9,956
Denali Commission	29,934	29,939		40,000	38,000	+8,066
Nuclear Regulatory Commission:						
Salaries and expenses	481,825	506,900	516,900	516,900	516,900	+35,075
Revenues	-447,958	-463,248	-473,520	-468,248	-473,520	-25,562
Subtotal	33,867	43,652	43,380	48,652	43,380	+9,513
Office of Inspector General	5,500	6,180	6,180	5,500	6,180	+680
Revenues	-5,390	-5,932	-5,933	-5,280	-5,933	-543
Subtotal	110	248	247	220	247	+137
Total	33,977	43,900	43,627	48,872	43,627	+9,650
Nuclear Waste Technical Review Board	2,894	3,100	3,100	3,500	3,100	+206
Total, title IV, Independent agencies	171,474	181,721	136,517	197,162	184,517	+13,043
TITLE V - EMERGENCY SUPPLEMENTAL						
DEPARTMENT OF ENERGY						
Atomic Energy Defense Activities						
Cerro Grande fire activities (contingent emergency appropriations)	203,012					-203,012
Appalachian Regional Commission (contingent emergency appropriations).	10,976					-10,976
Total, title V, Emergency Supplemental	213,988					-213,988
Grand total:						
New budget (obligational) authority	24,512,565	23,008,002	24,195,000	25,448,837	25,086,000	+573,435
Appropriations	(24,470,577)	(23,008,002)	(24,195,000)	(25,448,837)	(25,111,000)	(+640,423)
Contingent emergency appropriations	(213,988)					(-213,988)
Rescissions	(-172,000)				(-25,000)	(+147,000)

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Alabama (Mr. CALLAHAN) and congratulate him on the work product that the subcommittee has brought before the House today. The gentleman from Alabama (Mr. CALLAHAN) is the chairman, but he is also my classmate from the class of 1984 and also my good friend. He has been a delight to work with. He is very serious about the work product, but not serious about himself. He is very deliberate, and he is very conscientious. He has done a very good job.

The gentleman from Alabama (Mr. CALLAHAN) also enumerated by name each member of the staff on both sides of the aisle, and I would like to add my own personal gratitude for the work that the staff has done. We would not be here today without them.

Mr. Speaker, this is a very good solid work product. It is good for the American economy. It is good for the national security. I would hope that all Members of this body do support this bill.

I do, however, want to make two comments. One is that I would hope as the administration looks at its budget request for 2003, that it send a realistic budget for our investment in our economic infrastructure and our national security.

On the economic front, I would point out that while we did the absolute best that we could with the resources possible, in constant dollars in fiscal year 2002, the appropriations for the Army Corps of Engineers civil works has drastically declined. In fiscal year 2002, we appropriated $4.486 billion compared to $7 billion in constant dollars for 1967.

Additionally, a similar ratio would exist for the general construction dollars. I would point out that backlog for the Army Corps of Engineers totals about $40 billion, and backlog for operation and maintenance for this year alone is estimated to be about $835 million. I hope as the administration and as the Congress looks ahead to the next year, that we recognize a greater investment in our economic infrastructure is going to be necessary.

There has also been a lot of debate on the House floor in the last several days as far as nuclear nonproliferation; and within our financial limitations, we tried to do the best job possible, but there remains problems.

As we look towards a supplement for the coming year and again in investment in ensuring that these weapons of mass destruction cannot be proliferated world-wide, we will have to make a greater investment, and again would call upon the administration. I would call upon the Congress to do a better job in a comparative fashion in fiscal year 2003.

At this time, however, the chairman has covered the elements of the bill. He has done it well. It is a good bill, and I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, regarding the comment the gentleman made about the submission this year by the administration for these very important projects that are included in this bill, the gentleman is exactly right. In defense of the administration, they only had a couple of weeks to prepare for the submission of the budget that they sent to the House. In subsequent discussions with both the director of OMB and the President, I recognize that they had to submit something. But along with the gentleman from Indiana, I would like to invite him to come with me to the White House between now and the end of the year so we can have a discussion with the President and with the director of OMB to submit to this body a more realistic proposal for the energy and water needs of this Nation.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I have served on this subcommittee for 10 or 12 years at least. I know how difficult it is to balance the needs of the Members of this body and the needs of the Nation, frankly, and these vital programs that this bill covers.

I have to tell Members that the maiden voyage that the captain has steered us on this bill has been masterfully done.

☐ 1130

This is the first bill that Chairman CALLAHAN has had the opportunity to work on. This is a tough bill. You have got the nuclear weapons program, of course, in this bill; all of the energy issues of such vital importance to the Nation at this time. The security issues, of course, this year are very important; and also the work of the Corps of Engineers and all of the programs that Members are so vitally interested in. It is a tough bill to try to weigh all of those interests and find enough funds with which to do the necessary work. I want to compliment the chairman and the ranking member for working together as they do, and have, and working with all the Members in such a nice spirit.

I was hopeful in this bill that we could have had some more money for those Krispy Kreme doughnuts, but I do not guess we are going to get that this time. But I want to compliment Chairman CALLAHAN and Ranking Member VISCLOSKY for a great job, salute them on the work that they have done, and wish them well.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I want to thank my colleague and dear friend the gentleman from Indiana (Mr. VISCLOSKY) for recognizing me and supporting our efforts to ban oil drilling in the Great Lakes.

I might say, Mr. Speaker, together this is a bipartisan effort. When we passed the amendment in the House of Representatives, we garnered, I think, somewhere in the neighborhood of 70 Republican votes on this issue and we have worked hard and long on this issue. Today we will have achieved an important bipartisan victory for both the House and the Senate. Today, that work that we have devoted over a period of years has paid off.

I want to particularly thank the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Michigan (Mr. HOEKSTRA) and others on the other side of the aisle who have worked to make this amendment happen. I want to thank all of my friends who came together on this issue. In the other body, Senators DEBBIE STABENOW and PETER FITZGERALD were very helpful in their efforts as well.

This legislation is a terrific victory for the people of Michigan and all of the Great Lakes States. Elementary school science will teach you that oil and water do not mix. One quart of oil could contaminate 2 million gallons of drinking water. The Great Lakes contain nearly a quarter of the world's fresh water and 95 percent of all the fresh water in the United States. An accident in a contained system would indeed be catastrophic. We cannot afford the risk of drilling.

Michigan, my home State, is a land of breathtaking beauty. The Great Lakes define our communities, our recreation, our tourism, our landscape, our commerce. It is an integral part of who we are and what we are about in our history. Michigan lakes are not oil fields. Our shorelines are not pipelines. Michigan families deserve clean water and beaches free from oil rigs. We have an enormous amount of people who come into our State, Mr. Speaker, every year who visit, who come and camp. They do not come to see oil wells. They do not come to see oil derricks. They come to use our beaches, to use our sand dunes, they come to swim in our beautiful lakes. This crucial environmental protection will keep big oil and reckless drilling out of our lakes.

This is a victory for Michigan, a victory for the environment, and a victory for future generations who deserve clean drinking water and an unspoiled landscape. I thank my colleagues for their help on this issue. I urge the House to pass the conference report.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), who is a member of our subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding time. I rise in support of our energy and water appropriations bill.

Let me first thank Chairman CALLAHAN for his forceful leadership of our committee's work and also the ranking member's leadership on this bill, and my thanks to the very forceful leadership, and to thank our subcommittee staff for their tireless efforts to put this bill together.

While much public attention is rightly focused on the war abroad, our committee continues to do its part to protect our Nation's security at home. The issue of energy security is now clearly before us. Our energy facilities must be safe and secure and we must continue the critical work of the Department of Energy to research and develop domestic sources of energy of all types and to protect our nuclear stockpile.

On another front, Chairman CALLAHAN has produced a bill, insisted on a bill, in fact, that continues the Federal commitment to work in partnership with our States and local communities to address such vital needs as flood control, shore protection, environmental restoration and improving our Nation's waterways.

I especially want to thank the chairman for his support of top priorities in my home State of New Jersey. Keeping our ports open for business is critical to our regional economy and the nearly 230,000 jobs related to port activity in both New York and New Jersey. Protecting and restoring our shoreline is also vital. This bill continues to protect communities from natural disasters such as flooding and continues New Jersey's special role to provide a future energy source that is clean and unlimited. That is the special work of the Princeton Plasma Physics Lab.

I also thank the chairman for working with me to consolidate the port dredging projects within the New York and New Jersey commercial waterways into one single project to expedite dredging to the recommended 50-foot depth. Combining these projects and expediting this critical work is a huge victory for our regional economy and for the environment and for the taxpayer at a time when our people are suffering and thousands of jobs have been lost in our area.

Finally, I want to pay special tribute to the Army Corps of Engineers for their response to the September 11 attack in Lower Manhattan and at the Pentagon. While we know the Army Corps does fantastic and important, essential work during war and in peacetime with flood control and dredging and other projects, many are not aware that the Army Corps acts in very important ways during times of disaster and national crisis. Since the day of these tragedies, the Corps has assisted in the Federal national response both in Lower Manhattan and at the Pentagon. They have worked tirelessly to do emergency dredging, debris removal and to address complex engineering and structural security issues in Lower Manhattan besides looking after thousands of people who needed transportation.

After visiting ground zero, Army Secretary White commented on the Corps effort and said, "While your history is impressive, given the current situation your finest hour is a chapter yet to be written." I am sure we would agree with him.

I want to personally thank the Army Corps for all their work to meet the needs of our citizens and our communities when we needed it the most. I know our committee also shares my pride in their professionalism. Mr. Speaker, I wholeheartedly support the bill.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL) for purposes of a colloquy.

Mr. UDALL of Colorado. I thank my good friend from Indiana for yielding time.

Mr. Speaker, regarding the Corps of Engineers small flood control projects, also called section 205 projects, am I right in understanding that the conference report directs the Corps to proceed with all the projects listed in both the House and Senate reports?

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. The gentleman is correct.

Mr. UDALL of Colorado. So that would mean the conferees intend for the Corps to proceed with the Van Bibber-Arvada Plaza drainage project in Colorado as specified in the House report?

Mr. VISCLOSKY. The gentleman is correct.

Mr. UDALL of Colorado. I thank the gentleman.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, few people ever get to witness a conference committee meeting. Generally it is in a late-night session, either in the basement of the House or the Capitol. That is where all of the serious negotiations take place rather than on the floor or even in a committee meeting. I wish the American people could have seen the professionalism and the dedication that the gentleman from Iowa (Mr. LATHAM) had in trying to correct and trying to preserve some concerns that he had over the Missouri River project. He along with the gentlewoman from Missouri (Mrs. EMERSON), who is also a member of our subcommittee, should have made the people of Missouri and Iowa proud.

I am proud to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of our subcommittee.

Mr. LATHAM. Mr. Speaker, I thank the chairman for those kind words and also want to certainly thank the chairman for doing a fabulous job leading our subcommittee on these very, very important issues and the ranking member and the cooperation that we have on this subcommittee, and certainly the staff did an outstanding job and we really appreciate all of their efforts.

Mr. Speaker, this bill has a very broad jurisdiction but extraordinarily important when we talk about our nuclear arsenal, when we talk about research, trying to make America independent in its energy needs. This is the place where that type of research is done, and I am very pleased with the funding levels. We could always find more uses for more money, obviously, but the chairman and ranking member did an outstanding job.

I would also like to say that this bill does a lot for Iowa. We have flood control projects in Sioux City, the Perry Creek ongoing project; in Denison, Iowa, where the floods were so devastating in 1993, the levee project there is funded to our request; and a couple of very, very important projects in Fort Dodge, Iowa, the river enhancement, in trying to make sure that that community can handle not only flood control but also have enhancement of the livelihood in Fort Dodge itself; and Webster County with their flood control concerns they have downriver on the Des Moines River.

The chairman brought up the issue of the Missouri River. I was somewhat disappointed in the results in this bill. Obviously the special interests upstream, upriver had a major influence, especially in the other body, but I think working in a cooperative basis that we can be successful in the future if we all use some common sense to bring this issue finally to closure so that we can all proceed and not destroy the livelihood and endanger the lives of the people downstream.

I again thank the chairman very much for the opportunity and for his great work.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding time. Let me thank the chairman and the ranking member of the subcommittee for the work that they have done on this bill. I also want to thank my fellow Texan and our colleague the gentleman from Texas (Mr. EDWARDS) for the help that he has provided.

Once again this bill provides necessary funds for a number of water projects in the Greater Houston Area. In particular, it provides $4 million for the Brays Bayou project which is a precursor to a large Federal-local flood control project that borders up against the Texas Medical Center, which is the largest medical center in the world; and it includes $9 million for the Sims Bayou project, which is a Federal-local project that is halfway through construction.

Last summer, as Members know, all of southeast Texas but in particular in the Greater Houston Area, we suffered a very catastrophic flood event through Tropical Storm Allison. In fact, this was somewhat of a 100-year event. We had over 70,000 homes which had water damage. We had floodwaters come out of the banks of most of the bayous and watersheds in the area. The total cost of the storm is estimated to be in excess of $5 billion, close to $2 billion of that occurring in the Texas Medical Center with the 45 institutions that are included within that center. The four major hospitals in the Houston area were closed down for some period of time as a result of that storm as well. The funding that is in this bill will go a long way in helping to try and address and alleviate that situation for future storms.

While we would like to get more money, obviously that is true for every Member, I believe we were treated fairly in this. We also have to do this in a fiscally responsible way. I know that the chairman and the ranking member are committed to these projects for the long haul.

I would also just add that I appreciate the fact that the committee provided about $34 million for the ongoing Houston ship channel project, the deepening and widening project which will allow the Port of Houston to maintain its status as one of the powerful economic engines in the Greater Houston Area. I appreciate the work of the committee.

Mr. CALLAHAN. Mr. Speaker, putting together a bill such as this is not something one man can do. I thanked the staff earlier for their tremendous professionalism. But it also requires a lot of dedicated time and effort on the part of the subcommittee members as well as the full committee members.

With that, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), who has dedicated untold hours and tons of professionalism towards the drafting of this bill.

□ 1145

Mr. WICKER. Mr. Speaker, I thank my chairman for those kind remarks. I rise in strong support of this bill. It is a pleasure to be on this subcommittee.

Mr. Speaker, I want to make three points about this legislation which, of course, will pass overwhelmingly in just a few moments.

First of all, the chairman and the ranking member mentioned the Corps of Engineers construction account. My chairman mentioned that the administration's request was, frankly, inadequate when it came to us. Certainly there may be reasons for that, the lack of time the administration had in being able to put the budget together. My friend from Indiana, the ranking member, called on Members to speak to the administration about the fact that, frankly, the request was unrealistic, and perhaps we can do a better job of communicating with the administration in the future about this.

But this has happened year in and year out, Mr. Speaker. It is not just the Bush administration, and it was not just the Clinton administration. Year in and year out, Democrat and Republican administrations have cut needed funds from the Corps' budget request, knowing full well that this House of Representatives and the other body would have to restore those funds in order to meet the needs.

There is a simple principle that applies to everyone's home, or if you are in a business it applies to the businesses, and it is so simple it almost goes without saying. That principle, Mr. Speaker, is that oftentimes you can spend a little money today in order to save the expense of a whole lot of money tomorrow.

If there is a problem with the seal around your front door, if you just spend a little money and it keeps the water from coming in, you are saving yourself from having to replace a whole bunch of carpet and a whole bunch of things inside the building later on. If you own a business and that roof needs to be repaired, I think all of my colleagues would agree you better go ahead and spend the little money now to repair the roof, rather than to spend all the money that it will take to correct the situation once it gets out of hand.

That is why we needed the plus-up; and that is why I commend the leadership of the committee, both in the House and in the Senate, for putting the adequate money in there and addressing the need, so we could save money tomorrow.

Now, let me just also mention a second point. Waterways are national issues. Our Nation's waterways do not recognize State lines. For example, over 40 percent of our Nation's water flows by the borders of my home State of Mississippi. So flood control and maintaining navigable waterways is a national issue, and I am pleased that this subcommittee and this bill makes the needed infrastructure investments for those activities.

Finally, I would join the rest of my colleagues, Mr. Speaker, in commending the leadership of this committee, my chairman and my ranking member, for working on a bipartisan basis. This is a bipartisan effort, and this is the sort of way in which our House of Representatives should conduct itself.

I urge overwhelming support for this legislation.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I recognize the next gentleman, I would want to agree with the points that the previous speaker, my good friend the gentleman from Mississippi (Mr. WICKER), made and particularly the point that this was not just a failure of the current administration, whatever the circumstances, as far as timing, or the Clinton administration, and would reiterate in my opening remarks I mentioned in constant dollars since 1967 we have seen the Corps budget drop from $7 billion to $4.48 billion, so that clearly is a generational failure by administrations and Congresses of both parties.

It is time we all collectively come together to come to grips with this and make a solid investment in the United States of America. So I appreciate the gentleman's comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my ranking member and also our Chair of the committee.

Mr. Speaker, I rise in support of the energy and water conference report, and particularly appreciate the hard work of my friend and colleague, the gentleman from my home State of Texas (Mr. EDWARDS), and appreciate his advice during the process. I also appreciate the chairman of the committee and our ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. Speaker, I am pleased that the conferees saw fit to boost funding for the Houston-Galveston Navigation Channel and the Port of Houston by $3 million, to $33,785 million. The Houston Ship Channel and the Port of Houston are vital not just to the economy of Houston but to our national economy. It is the second largest port in America and the largest in the Nation in foreign tonnage. It is also critical to our Nation's energy industry.

In addition to this channel project, I appreciate the conferees' efforts on the flood control projects in my districts. The importance of flood control to Houston was highlighted by the disastrous flooding caused by Tropical Storm Allison in June 2001. Total damages from this storm are estimated to be $5 billion.

One of these projects is Greens Bayou, which I wish I could say was named after me, but was there long before I came around, which the committee saw fit to fund at $377,000; and I appreciate the work of the committee to provide this continuing funding. Greens Bayou alone was responsible for nearly half of the nearly 30,000 homes that were flooded by Tropical Storm Allison's heavy rains.

The other major project in my district is Hunting Bayou, which was unfortunately not included in the conference report; and I will take a minute later to clear up some confusion. Hunting Bayou was mistakenly listed by the Corps as a new start, and thus would have been funded out of the fiscal 2002 construction general account. What the Corps should have requested was the project continue to be funded under general investigation as it had been over the last 3 years.

While Hunting Bayou is progressing at a reasonable pace, it is not ready for a new start designation until fiscal year 2003, and I want to make sure this point is clear because of the critical public safety implications that we have for East Harris County.

Hunting Bayou, which flows through East Harris County, was again hit hard by Tropical Storm Allison. Approximately 7,500 homes were flooded, with damage estimated at $250 million. This total does not count the millions of dollars that were lost to businesses in the area through the loss of sales and cost of repairs.

Currently, the Hunting Bayou project is 80 percent through its general evaluation phase; and when the construction on this project is finished, it will reduce the number of structures subject to the 100-year flooding from 7,300 to 1,000. According to the estimates, this project could deliver $8.2 million per year in flood protection, and the minimum estimated life of this project would be at least 50 years, so it makes good sense.

I would like to engage in a brief colloquy with the chairman and ranking member to clear up any of the further issues with the project and seek commitment next year that we will continue to work on this important project.

Mr. Speaker, I want to begin by expressing my deep gratitude for the hard work you and your ranking member and staffs put on this legislation. I know you each had difficult decisions to make, and the bill we have before us today is a fair compromise for all concerned.

I just want to take the opportunity to clean up some confusion about the Hunting Bayou project created through the Corps of Engineers and maybe even our own problems.

In my earlier statement, I mentioned the Corps mistakenly classified the project as a new start under the construction account, when in fact it should have been listed as continuing investigation. Is that your understanding, Mr. Chairman?

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Texas, and want to say his understanding is identical to mine.

Mr. GREEN of Texas. Mr. Speaker, reclaiming my time, I would like to thank the chairman and my ranking member, and know that we will be back next year seeking a new start for Hunting Bayou, and with the cost-benefit analysis. I certainly will appreciate your support at that time.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, I will be happy to continue to work with the gentleman on the matter.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I want to commend the chairman of this committee for a fine, fine bill and for working with me on several issues, and the ranking member as well.

I regrettably stand here today and tell you that I will have to vote "no." There is a provision in this bill that I think is extremely dangerous. The gentleman from Michigan, a previous speaker, spoke very eloquently about protecting the Great Lakes and all that are right with our precious resources and that 20 percent of the fresh water of the whole world that resides there. I could not agree more with his intent. I could not agree more with his heart. I could not disagree more with the policy, as I think it is extremely dangerous.

In this bill, there is a section that was not added by the Members of this body, but came out of that conference committee, that has the single largest encroachment over control of the Great Lakes that I have ever seen. It says to the Great Lakes Governors and the Great Lakes legislators that we know better in the United States Congress how to protect your resources, a place of previous jurisdiction that they had themselves.

As a matter of fact, the last time Congress tried this, they exempted in navigable waterways ballast water. Now do you know what the number one threat is in our Great Lakes? It is non-native species that came to us because of that ballast water that the great wisdom in the halls of Washington, D.C. gave us.

Mr. Speaker, this is very, very dangerous stuff. What we have done now is we have taken control of the Great Lakes and given it to the majority of the southwest States that are thirsty, that see the Great Lakes as a great opportunity to water their lawns, to make their golf courses green. We have given the control of the Great Lakes to the oil-producing States that outnumber us in the Great Lakes; and believe me, there have been attempts in the past to drill on our Great Lakes. Something that started out I think pure of heart, is extremely dangerous.

The Governor, who I happen to disagree with on his position on angle drilling in the Great Lakes, is working on this issue. But both bodies of the legislature are acting, and acting now to stop angle drilling in the Great Lakes, a place, Mr. Speaker, where it ought to be debated.

We are telling the people who are debating now, the Speaker of the House of the State of Michigan in a bipartisan way is working to stop angle drilling in Michigan; but we are going to stand here today and say Mr. Speaker, back there in Michigan, you do not know what you are doing. You cannot protect your Great Lakes. We are the Federal Government. Trust us.

We did that before, Mr. Speaker; and we have the greatest threat, and I am going to say it again, to the Great Lakes, an act given to us by the United States Congress by not regulating ballast water, that gave us non-native species that are damaging and harming our Great Lakes today.

People who do not live there, people who do not work there, people who do not raise their children there, people who do not live there in February, and, believe me, Mr. Speaker, that is a trick, ought not to be making decisions about how to best protect our Great Lakes. This is the wrong direction. I think their intent is pure, but I think the results are disastrous.

I would urge those who believe that the States, our Great Lakes Governors, and Great Lakes legislators ought to control this issue, to vote "no" on the bill. I again regrettably, because there are a lot of good things in this bill, Mr. Speaker, will be voting "no" for that very specific reason.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this energy and water appropriations conference report. I want to begin by extending my sincere gratitude to the chairman, the gentleman from Alabama (Mr. CALLAHAN), for all of his work and for the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his great work in drafting a solid bipartisan piece of legislation, a bill that will meet many of the needs pertaining to important energy and infrastructure needs throughout our entire Nation.

Particularly, I want to thank both gentlemen for including in this bill $4.4 million for the cleanup of Flushing Bay and Creek in my congressional district. For those of you who may not be familiar where Flushing Bay is, when you land at LaGuardia Airport, between Shea Stadium and LaGuardia airport, that is Flushing Bay.

It is a gaping wound within the estuary of the Long Island Sound. For many, many years it has been in need of cleanup. The funding that will be provided here will be used to dredge parts of this water body, to clean up old sediment and other debris built up in the bay and creek for many years. The pollution built up in Flushing Bay has resulted in foul odors and water discoloration, making this a blight on the Borough of Queens. But this investment by the committee in the cleanup effort, as well as other infrastructure investments in the area, surrounding this water body, will make this portion of Flushing Sound and Creek what I believe will be the pride of Queens County.

There is a great deal of work that needs to be done. They are finishing the study stage, and we are grateful to the work of the Army Corps of Engineers; but we need to move beyond the study stage. We believe that will happen very soon, and a large portion of this $4.4 million will go towards actually dredging and cleaning up this bay, which is in desperate need of it, to bring it back to life for the people not only of my Borough of Queens County, but for all the city and all those people who visit our city on a daily basis and fly over Flushing Bay and wonder what that exactly is.

☐ 1200

Mr. CALLAHAN. Mr. Speaker, we have no further speakers, so I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, there is much that is good in this bill, and I would commend the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. Visclosky) for a good bipartisan effort. But I would like to draw attention to a serious shortcoming in the bill.

This bill provides $69 million less than in fiscal year 2001 for nonproliferation programs to stop the development of nuclear weapons and to stop the spread of nuclear materials around the world. Is there a person in America who thinks we should be doing less this next year than this year to keep nuclear materials out of the hands of terrorists? There are at least 14 documented instances over recent years of diversion of nuclear materials from the Soviet Union. We think we have caught most of them.

On the front page of the New York Times on September 11 was an article about attempts to smuggle nuclear materials out of the Soviet Union. This is a real threat. Right now, because of new access and good agreements with the Soviet Union, we have a particularly good window of opportunity to put in place antiterrorist safeguards at numerous nuclear sites in Russia and the former Soviet Union. I do not see how we can look Americans in the face and say that we are going to shortchange this important program.

I would like to see the bill returned to committee so that we could make these very important changes.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS), a very valuable member of the subcommittee.

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for his time and for his leadership, along with the gentleman from Alabama (Mr. Callahan). The primary statement I would like to make, Mr. Speaker, at this moment is that I deeply appreciate the very bipartisan, fair, conscientious leadership of this subcommittee through the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY). The work of this subcommittee, Mr. Speaker, is often passed over by members of the press in Washington, D.C., but to the communities who are affected by floods, devastated by floods, this bill is as important as any that will ever be considered in this House. To communities that benefit from the infrastructure commitments of that bill, this legislation, is terribly, terribly important.

This bill deals with important university research across our country; it provides Department of Energy funding to protect American citizens from the threat of nuclear attack, terrorists; it deals with a whole range of issues that have a direct impact on the quality of life of American citizens. It is a pleasure as a member of this subcommittee to see its leadership work in a totally fair, totally nonpartisan manner.

I also want to compliment the staff for their work on dealing with unlimited numbers of very legitimate requests from flood control to energy projects, to research, yet making logical, carefully drawn out, fair decisions on how to allocate our limited resources.

A lot of people do not understand, Mr. Speaker, that this subcommittee, as a part of the Committee on Appropriations, does not make the decision on how big the pie is we spend under which committee's jurisdiction; the Committee on the Budget and other decisionmakers give us a size of the pie and the committee then has to decide how to divide it up. I think they have done excellent work.

The chairman and others know of my great concern about the overall lack of commitment of actual funds in this Congress to nuclear nonproliferation, and I frankly do wish we had been successful in convincing our colleagues in the other body in this bill that we should have spent somewhat less on strengthening the finest offensive nuclear arsenal in the world and spent significantly more using those dollars on protecting American citizens from the threat of terrorists getting their hands on nuclear material. But we did the best we could, and the leadership of this committee by the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY) deserve great credit for stopping a proposed reduction of $100 million in nuclear nonproliferation programs.

I look forward to joining with them in their efforts to convince others in this body and in the other body in the Capitol that we have an obligation to the American people to put homeland defense as our first priority, not as our second, third or last priority. I am confident that will happen in the days ahead with the leadership of the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Indiana (Mr. VISCLOSKY). I again want to thank them and their staff for their tremendous effort in putting together this very important piece of legislation.

Mr. VISCLOSKY. Mr. Speaker, I have no further speakers, and I simply would conclude by again thanking the gentleman for a terrific work product, and that it is very pleasing to me that the Alabama-Indiana connection has been reestablished on this subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume to make just a couple of comments before I yield back my time, and that is we mentioned the work of the subcommittee members and the staff people and all of that, but also the individual Members of Congress who have come to us as members of this subcommittee throughout the year explaining their projects and doing it very well, of protecting their home districts.

There are some in this country, mostly neophytes; George Wallace, when he was governor of Alabama, used to talk about those people that cannot park their bicycles straight in pointed-toe shoes, but we have some people in this country that think a great deal of this bill has to do with pork, and that is just not the fact. Actually, less than one-fifth of this bill even has to do with the Corps of Engineers. I mean this issue, this measure today is the protection for the American people for all of our nuclear programs, the safeguarding of our nuclear missiles, the safeguarding of nuclear disposal needs, the nonproliferation programs, reclamation, all of these things are always overlooked by these prognosticators of the news, and they are the ones who complain about this bill containing so much pork.

But that, in this country, is what we are all about. They have that right for their viewers. But I do wish once in a while they would take the time to look at the important issues that we address here.

Also, I mentioned the fact that many Members call on us about their issues, and one of these Members was the gentleman from New York (Mr. HOUGHTON), who is very disrupted because his office is in the Longworth Building and he does not even have an office in this Capitol, yet he has made numerous trips back to this Capitol to talk with me and others, and it is solely because of the gentleman's efforts that we have corrected a portion of the bill that some people in New York were concerned about. Had it not been for the gentleman's efforts on the West Valley project, the measure would have been right where it was when it left the House, but because of his efforts, we reinstated his requested language. One of those reporters wrote that he had nothing to do with it and gave the Members of the Senate credit for it from New York. Well, I never even heard from the Members of the Senate, I only heard from the gentleman from New York (Mr. HOUGHTON) and, as a result, we corrected the bill, as per his request.

So with that, Mr. Speaker, I thank all of those involved.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of H.R. 2311, the Energy and Water Development Appropriations Bill for Fiscal Year 2002.

As a new member of the Energy and Water Subcommittee this year, I enjoyed working with Chairman SONNY CALLAHAN, ranking Member PETER VISCLOSKY and the other subcommittee members in support of projects and activities that are important to California and the nation.

Although more than two-thirds of the spending in our bill is for the Department of Energy, the important work done by the U.S. Army Corps of Engineers and Department of the Interior's Bureau of Reclamation demands much of our attention as our constituents request funding that will help our ports, waterways and communities.

In Los Angeles, a project to deepen the main channel of Los Angeles Harbor is key to economic activity throughout southern California. The Ports of Los Angeles and Long Beach have increased container traffic by 40 percent in just one year, and it is expected to double again in the next 10 years. I am pleased that our bill contains $2.825 million to complete the pre-construction, engineering and design for this important project and immediately move forward to the construction phase.

The Energy and Water Appropriations Bill has also provided a mechanism for solving a severe problem affecting the drinking water supply for millions of southern Californians. Last year, the San Gabriel Restoration Fund was established in order to assist the San Gabriel Water Control Authority and the Central Basin Municipal Water District with cleaning up contamination in the groundwater basins they administer. Unfortunately, $23 million sat in the fund all year while contamination seeped into the Central Basin from the San Gabriel Basin at a rate of nearly three feet per day.

Working with Congressman DAVID DREIER, we included statutory language that will permit clean-up of the San Gabriel and Central Basins to get underway almost immediately. We will accomplish this by transferring administration of the San Gabriel Restoration Fund to the Bureau of Reclamation, which is better suited to administer grants for these clean-up activities. Clean drinking water is far too important to my constituents and other southern Californians to let bureaucratic hang-ups get in the way, so I am pleased that this project can now begin to move forward.

The Title XVI projects administered by the Bureau of Reclamation are also very important to southern Californians. These projects, where costs are borne primarily by the local water authorities, have been one of the keys to enabling southern California to grow over the past 15 years without requiring any additional supplies of water. By taking water that has already been used by residences or businesses and treating it again, this water can then be used for any industrial or municipal use that doesn't require drinking grade quality. Although the treatment costs can be considerable, this still saves businesses money when they use the recycled water for industrial purposes, and they enjoy the water supply reliability that results from this process. Many municipalities are also investing in recycled water to cut their costs by using reclaimed water to keep parks and golf courses green. Nearly one-third of Los Angeles County's water is recycled now, and with sufficient investment, that percentage can grow further, providing significant help with our water supply needs. I am pleased that $740,000 is included for the Los Angeles Area Water Reclamation/Reuse Project, and a number of other southern California projects are also going forward with funds in this bill.

Another key to clean drinking water for southern Californians is a clean Colorado River, which is a major source of drinking water for the entire southern California region. Within the Department of Energy, $2 million has been included to begin clean-up of a uranium mine tailings site in Moab, Utah that is perilously close to the Colorado River. This project is long overdue. Fortunately, no contamination has been detected in the Colorado River, but if it was to occur, the clean-up would be far more costly than removing the pile of tailings.

The impact of commercial marine activity, flooding, and dispersal of pollutants from contaminated coastal sites upon the southern California shoreline is of enormous importance. The Corps of Engineers has been given $400,000 to complete a study of the Los Angeles County shoreline and to determine any needs for beach nourishment based on erosion and other factors.

The scope of the bill's funding for programs of the Department of Energy is very wide and include activities vital to our national defense such as uranium facilities maintenance, nuclear waste disposal and funding for the new National Nuclear Security Administration which works to keep our nuclear stockpile safe. We also provide funding for important energy supply activities such as research into renewable energy technologies including biomass, biofuels, solar energy and wind energy. These energy sources will play a significant role in meeting the nation's energy needs of tomorrow.

I also want to take particular note of the extensive research that is conducted by our national energy laboratories, including the Lawrence Livermore and Lawrence Berkeley Laboratories in California. Whether it is high-energy physics, nuclear physics or basic energy sciences such as materials, chemical, engineering and geosciences, these laboratories are on the cutting edge of scientific breakthroughs. Our national laboratories are a valuable national resource.

My only regret in the bill is that we didn't do more for non-proliferation activities. I supported the effort made by Congressman CHET EDWARDS at the House-Senate conference committee to provide additional resources for our non-proliferation program. The report issued by Howard Baker, Lloyd Cutler, and Sam Nunn on the DOE's nonproliferation programs with Russia said:

> The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction of weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

Unfortunately, the conference amendment to transfer funds from some of our nuclear maintenance programs to this non-proliferation effort was unsuccessful. However, I am glad that House and Senate leaders of the Energy and Water Subcommittee gave their commitment to pursuing significant funds in a supplemental appropriations bill to address this continuing threat to the security of the U.S. and the world.

It has been a delightful and satisfying year working with Chairman CALLAHAN and Ranking Democrat VISCLOSKY, and I look forward to years of service on this subcommittee and to working with these important agencies as they carry out their missions in service to our nation.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of H.R. 2311, the Energy & Water Appropriations Conference Report. The bill contains important funding for America's waterways, irrigation infrastructure, flood control and programs administered by the Department of the Energy.

While I will support the conference report, I am disappointed that the conferees chose not to include an increase in borrowing authority for the Bonneville Power Administration (BPA) to fund critical transmission improvements. The Northwest is still experiencing an electricity crisis caused by a shortage of new development, the failed attempt by California to achieve deregulation and a severe drought. Additional generation is under construction and on the drawing board. More than 3,000 megawatts of generation is now fully permitted in the Northwest with 20,000 more megawatts in the regulatory pipeline. BPA will need increased Treasury borrowing authority to assist the agency in upgrading and building transmission lines. Without additional transmission capacity in the Northwest, additional generation coming online may not be able to reliably reach consumers.

BPA's transmission investments will easily pay for themselves in the long run and are essential in order to improve wholesale electricity markets in the Western United States, and to maintain the basic reliability of our region's electrical system. The increase is supported by the Northwest Energy Caucus, consisting of every House Member from Oregon, Washington, Idaho and Montana. We will continue to pursue an increase in BPA's borrowing authority through other venues.

I am pleased that the Conference Report continues funding for the Inland Northwest Natural Resources Research Center at Gonzaga University, albeit at a substantially lower level of funding than was provided by the Energy and Water Appropriations Conferees for fiscal year 2001. I will work to ensure that funding is provided in future years to allow for the smooth continuation of this project.

$1 million was provided at my request for the Walla Walla River feasibility study, the same level as was included in the House bill. The Walla Walla basin has established a successful broad-based watershed planning/HCP process. This formal process includes participation by federal, state, and local governments and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). It also includes participation by local and regional environmental groups and stakeholders representing local businesses, agri-business, recreational, and cultural interests. At its core, the watershed planning/HCP effort focuses on restoring adequate flows for listed species.

To insure that the federal funding provided does not create a parallel process to the existing process underway, it is the intent of Congress that the Crops shall integrate its activities into the framework of the existing watershed planning/HCP process already established in the basin. In addition, to maintain the success of the efforts underway, it is the intent of Congress that the Corps shall not develop an instream flow target that is inconsistent with flow targets set through the Watershed Planning/HCP process.

Mr. CALLAHAN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the consideration of the conference report on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 273, I call up the conference report on the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 273, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 30, 2001 at page H7512.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I rise today to present the Legislative Branch Appropriations Conference Report for Fiscal Year 2002 to the House for consideration. I would like to thank the ranking member, the gentleman from Virginia (Mr. MORAN) and all of the members of the subcommittee, for their support in crafting this legislation. I would like to also say thank you to the staff for all of their hard work during these times, especially to Chuck Turner, Manny Crupi, Ed Lombard, Liz Dawson, Mark Murray and Tim Aiken. All Members owe them a special thanks for their work.

I would like to say a special thank you to the Capitol police who are listed under this bill. We have gone through unusual times in the last almost 60 days, and we owe them a special thanks for their undying efforts to maintain protection for the Members of the House, our staff, and our guests who come to the Capitol.

Mr. Speaker, we have a non-controversial, bipartisan bill. With respect to the items that were sent to the Senate in the House passed bill, we have held the increase over the 2001 bill to 4.6 percent. Now, that is an increase which is well below the President's request for 2002 appropriations.

And the committee bill meets our 302(b) allocations for budget authority and is $15 million below our outlay target.

Mr. Speaker, the House has approved the rule for this report. The committee has done its job and it has done its job well, I believe, and this bill deserves the overwhelming support of the House. I do not intend to extend the debate, and I will include a summary of comparison of accounts in the RECORD.

Mr. Speaker, this bill does contain the funds and language to implement the tuition loan reimbursement plan for our agencies, for the Congressional Budget Office and the Senate, and the bill contains funds from committee and members' representational allowances accounts to fund the program for House employees. We are awaiting the Committee on House Administration to respond to our call for rules and regulations in this area, and we feel that will be forthcoming.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I rise today to present the Legislative Branch Appropriations Conference Report for Fiscal Year 2002 to the House for consideration.

I'd like to thank the ranking member, Mr. MORAN, and all the members of the subcommittee for their support in crafting this legislation.

I would like also to say a thank you to the staff for all their hard work during these times. Especially to Chuck Turner, Manny Crupi, Ed Lombard, Liz Dawson, Mark Murray, and Tim Siken—all members owe them special thanks.

And, Mr. Speaker a special thanks to the Capitol police who risk their lives daily, and have been doing so diligently, since the September 11 attacks, to protect House members and staff, and our visitors. They are heroes to all of us.

Mr. Speaker, we have a non-controversial, bipartisan bill. With respect to the items that were sent to the Senate in the House passed bill, we have held the increase over FY2001 to 4.6 percent. That's an increase which is well below the President's request for 2002 appropriations.

And the Committee bill meets our 302(b) allocation in budget authority and is $15 million below our outlay target.

We have had some questions about a student loan repayment program for House staff. The Committee has no objection to including the appropriate legislation in the Legislative bill. But it is a complicated technical matter that involves internal House policy and must be integrated into the legislative authority for allowable uses of members' allowances and committee funding. Under the rules, those mattes are within the jurisdiction of the Administration Committee.

We have received no requests from the Administration Committee to include such authority. Therefore, the joint statement of the managers that accompanies this conference report encourages the House Administration Committee to develop and recommend guidelines and appropriate legislative language to establish a student loan repayment program. The funds to carry this out are included in the bill. The Appropriations Committee will be happy to carry such authorizing language in the appropriations bill. That is in accord with long standing practice of the Appropriations Committee to assist House Administration and the Leadership in achieving administrative improvements in the operations of the House.

Mr. Speaker, the House has approved the rule for this conference report by unanimous vote.

The Committee has done its job; it has done a good job. This bill deserves the overwhelming support of the House. I do not intend to extend the debate and will include a summary of the comparisons of accounts in the record.

I urge my colleagues to support the bill.

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	141	....	....	....	....	-141
Expense Allowances						
Expense allowances:						
Vice President	10	10	....	10	10	....
President Pro Tempore of the Senate	10	10	....	10	10	....
Majority Leader of the Senate	10	10	....	10	10	....
Minority Leader of the Senate	10	10	....	10	10	....
Majority Whip of the Senate	5	5	....	5	5	....
Minority Whip of the Senate	5	5	....	5	5	....
Chairman of the Majority Conference Committee	3	3	....	3	3	....
Chairman of the Minority Conference Committee	3	3	....	3	3	....
Chairman of the Majority Policy Committee	3	3	....	3	3	....
Chairman of the Minority Policy Committee	3	3	....	3	3	....
Subtotal, expense allowances	62	62	....	62	62	....
Representation allowances for the Majority and Minority Leaders	30	30	....	30	30	....
Total, Expense allowances and representation	92	92	....	92	92	....
Salaries, Officers and Employees						
Office of the Vice President	1,785	1,867	....	1,867	1,867	+82
Office of the President Pro Tempore	453	473	....	473	473	+20
Offices of the Majority and Minority Leaders	2,742	2,868	....	2,868	2,868	+126
Offices of the Majority and Minority Whips	1,722	1,912	....	1,912	1,912	+190
Committee on Appropriations	8,747	9,875	....	9,875	9,875	+1,128
Conference committees	2,304	2,500	....	2,500	2,500	+196
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	590	618	....	618	618	+28
Policy Committees	2,342	2,550	....	2,550	2,550	+208
Office of the Chaplain	288	301	....	301	301	+13
Office of the Secretary	14,738	15,424	....	15,424	15,424	+686
Office of the Sergeant at Arms and Doorkeeper	34,811	39,082	....	39,082	39,082	+4,271
Offices of the Secretaries for the Majority and Minority	1,292	1,350	....	1,350	1,350	+58
Agency contributions and related expenses	20,507	25,219	....	25,219	25,219	+4,712
Total, salaries, officers and employees	92,321	104,039	....	104,039	104,039	+11,718
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,046	4,306	....	4,306	4,306	+260
Office of Senate Legal Counsel						
Salaries and expenses	1,069	1,109	....	1,109	1,109	+40
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate						
Expenses allowances	12	12	....	12	12	....
Contingent Expenses of the Senate						
Inquiries and investigations	83,000	107,264	....	107,264	107,264	+24,264
Expenses of United States Senate Caucus on International Narcotics Control	370	370	....	370	520	+150
Secretary of the Senate	2,077	3,511	....	8,571	8,571	+6,494
Sergeant at Arms and Doorkeeper of the Senate	71,511	95,904	....	95,904	95,904	+24,393
Miscellaneous items	8,655	10,274	....	11,274	14,274	+5,619
Miscellaneous appropriations (P.L. 106-554)	6,500	....	....	....	....	-6,500
Senators' Official Personnel and Office Expense Account	251,929	285,494	....	270,494	270,494	+18,565
Town Meeting notices	....	....	....	3,000	....	....
Official Mail Costs						
Expenses	300	300	....	300	300	....
Total, contingent expenses of the Senate	424,342	503,117	....	497,177	497,327	+72,985
Total, Senate	522,023	612,675	....	606,735	606,885	+84,862

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	714	....	....	....	145	-569
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,759	1,866	1,866	1,866	1,866	+107
Office of the Majority Floor Leader	1,726	1,830	1,830	1,830	1,830	+104
Office of the Minority Floor Leader	2,096	2,224	2,224	2,224	2,224	+128
Office of the Majority Whip	1,466	1,562	1,562	1,562	1,562	+96
Office of the Minority Whip	1,096	1,168	1,168	1,168	1,168	+72
Speaker's Office for Legislative Floor Activities	410	431	431	431	431	+21
Republican Steering Committee	765	806	806	806	806	+41
Republican Conference	1,255	1,342	1,342	1,342	1,342	+87
Democratic Steering and Policy Committee	1,352	1,435	1,435	1,435	1,435	+83
Democratic Caucus	668	713	713	713	713	+45
Nine minority employees	1,229	1,293	1,293	1,293	1,293	+64
Training and Development Program:						
Majority	278	290	290	290	290	+12
Minority	278	290	290	290	290	+12
Cloakroom Personnel:						
Majority	....	....	330	330	330	+330
Minority	....	....	330	330	330	+330
Subtotal, House Leadership Offices	14,378	15,250	15,910	15,910	15,910	+1,532
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	430,877	479,339	479,472	479,472	479,472	+48,595
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	100,272	104,492	104,514	104,514	104,514	+4,242
Committee on Appropriations (including studies and investigations)	22,328	23,000	23,002	23,002	23,002	+674
Subtotal, Committee employees	122,600	127,492	127,516	127,516	127,516	+4,916
Salaries, Officers and Employees						
Office of the Clerk	17,740	16,025	15,408	15,408	15,408	-2,332
Office of the Sergeant at Arms	3,692	4,083	4,139	4,139	4,139	+447
Office of the Chief Administrative Officer	72,848	67,480	67,495	67,495	67,495	-5,353
Office of Inspector General	3,249	3,754	3,756	3,756	3,756	+507
Office of General Counsel	806	892	894	894	894	+88
Office of the Chaplain	140	144	144	144	144	+4
Office of the Parliamentarian	1,201	1,344	1,344	1,344	1,344	+143
Office of the Parliamentarian	(1,035)	(1,168)	(1,168)	(1,168)	(1,168)	(+133)
Compilation of precedents of the House of Representatives	(166)	(176)	(176)	(176)	(176)	(+10)
Office of the Law Revision Counsel of the House	2,045	2,104	2,107	2,107	2,107	+62
Office of the Legislative Counsel of the House	5,085	5,454	5,456	5,456	5,456	+371
Corrections Calendar Office	832	883	883	883	883	+51
Other authorized employees	213	230	140	140	140	-73
Technical Assistants, Office of the Attending Physician	(213)	(230)	(140)	(140)	(140)	(-73)
Subtotal, Salaries, Officers and Employees	107,851	102,393	101,786	101,786	101,786	-6,065
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,235	3,359	3,379	3,379	3,379	+1,144
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	....
Government contributions	150,776	153,167	152,957	152,957	152,957	+2,181
Miscellaneous items	393	690	690	690	690	+297
Special education needs	215	....	....	....	....	-215
Subtotal, Allowances and expenses	154,029	157,626	157,436	157,436	157,436	+3,407
Total, salaries and expenses	829,735	882,100	882,100	882,100	882,100	+52,365
Undistributed reduction	....	....	....	....	-4,050	-4,050
Total, House of Representatives	830,449	882,100	882,100	882,100	878,195	+47,746

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies of 2001	1,000					-1,000
Joint Economic Committee	3,315	3,424	3,424	3,424	3,424	+109
Joint Committee on Taxation	6,416	6,733	6,733	6,733	6,733	+317
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,831	1,765	1,865	1,765	1,865	+34
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	47,206	54,946	55,013	55,296	55,239	+8,033
Sergeant at Arms and Doorkeeper of the Senate	50,346	56,976	57,579	57,626	57,805	+7,459
Subtotal, salaries	97,552	111,922	112,592	112,922	113,044	+15,492
Security enhancements (emergency funding)	2,102					-2,102
General expenses	7,243	10,394	11,081	12,394	13,146	+5,903
Subtotal, Capitol Police	106,897	122,316	123,673	125,316	126,190	+19,293
Capitol Guide Service and Special Services Office	2,371	2,512	2,512	2,512	2,512	+141
Statements of Appropriations	30	30	30	30	30	
Total, Joint Items	121,860	136,780	138,237	139,780	140,754	+18,894
OFFICE OF COMPLIANCE						
Salaries and expenses	1,851	2,059	2,059	2,059	2,059	+208
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	28,430	30,680	30,780	30,680	30,780	+2,350
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General and administration, salaries and expenses			46,705		51,371	+51,371
Minor construction			9,482			
Capitol buildings	44,624	111,835	17,674	54,000	15,194	-29,430
Capitol grounds	5,350	7,754	6,904	6,000	6,009	+659
Senate office buildings	63,833	53,551		47,500	42,126	-21,707
House office buildings	41,678	51,187	49,006	49,006	54,006	+12,328
Capitol Power Plant	43,728	51,499	49,724	51,803	56,983	+13,255
Offsetting collections	-4,400	-4,400	-4,400	-4,400	-4,400	
Net subtotal, Capitol Power Plant	39,328	47,099	45,324	47,403	52,583	+13,255
Total, Architect of the Capitol	194,813	271,426	175,095	203,909	221,289	+26,476
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	73,430	81,139	81,454	81,139	81,454	+8,024
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,205	90,900	81,000	81,000	81,000	-205
Total, title I, Congressional Operations	1,854,061	2,107,759	1,390,725	2,027,402	2,042,416	+188,355
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,321	6,129	5,946	5,829	5,646	+2,325
LIBRARY OF CONGRESS						
Salaries and expenses	382,596	297,275	304,692	297,775	306,692	-75,904
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	
Subtotal, Salaries and expenses	375,746	290,425	297,842	290,925	299,842	-75,904
Copyright Office, salaries and expenses	38,438	43,322	40,896	40,701	40,896	+2,458
Authority to spend receipts	-29,270	-28,964	-27,864	-27,864	-27,864	+1,406
Subtotal, Copyright Office	9,168	14,358	13,032	12,837	13,032	+3,864
Books for the blind and physically handicapped, salaries and expenses	48,502	49,765	49,788	49,765	49,788	+1,286
Furniture and furnishings	4,881	8,599	7,932	8,532	7,932	+3,051
Total, Library of Congress (except CRS)	438,297	363,147	368,594	362,059	370,594	-67,703

H.R. 2647 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
ARCHITECT OF THE CAPITOL						
Capitol Visitors Center						
Capitol Visitors Center	....	....	....	1,000	70,000	+70,000
Congressional Cemetery						
Congressional Cemetery	....	....	....	2,500	1,250	+1,250
Library Buildings and Grounds						
Structural and mechanical care	15,935	21,402	22,252	18,753	21,753	+5,818
Total, Architect of the Capitol	15,935	21,402	22,252	22,253	93,003	+77,068
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	27,893	29,639	29,636	28,728	29,639	+1,746
Government Printing Office Revolving Fund						
GPO revolving fund	6,000	6,000	....	....	....	-6,000
Total, Government Printing Office	33,893	35,639	29,639	28,728	29,639	-4,254
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	387,020	430,295	424,345	420,344	424,345	+37,325
Offsetting collections	-3,000	-2,501	-2,501	-2,501	-2,501	+499
Total, General Accounting Office	384,020	427,794	421,844	417,843	421,844	+37,824
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT						
Payment to Russian Leadership development trust funds	....	....	....	10,000	8,000	+8,000
Total, title II, Other agencies	875,466	854,111	848,275	846,712	928,726	+53,260
Grand total	2,729,527	2,961,870	2,239,000	2,874,114	2,971,142	+241,615
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	522,023	612,675	....	606,735	606,885	+84,862
House of Representatives	830,449	882,100	882,100	882,100	878,195	+47,746
Joint Items	121,860	136,780	138,237	139,780	140,754	+18,894
Office of Compliance	1,851	2,059	2,059	2,059	2,059	+208
Congressional Budget Office	28,430	30,680	30,780	30,680	30,780	+2,350
Architect of the Capitol	194,813	271,426	175,085	203,909	221,289	+26,476
Library of Congress: Congressional Research Service	73,430	81,139	81,454	81,139	81,454	+8,024
Congressional printing and binding, Government Printing Office	81,205	90,900	81,000	81,000	81,000	-205
Total, title I, Congressional operations	1,854,061	2,107,759	1,390,725	2,027,402	2,042,416	+188,355
TITLE II - OTHER AGENCIES						
Botanic Garden	3,321	6,129	5,946	5,629	5,646	+2,325
Library of Congress (except CRS)	438,297	363,147	368,594	362,059	370,594	-67,703
Architect of the Capitol	15,935	21,402	22,252	22,253	93,003	+77,068
Government Printing Office (except congressional printing and binding)	33,893	35,639	29,639	28,726	29,639	-4,254
General Accounting Office	384,020	427,794	421,844	417,843	421,844	+37,824
Center for Russian Leadership Development	....	....	....	10,000	8,000	+8,000
Total, title II, Other agencies	875,466	854,111	848,275	846,712	928,726	+53,260
Grand total	2,729,527	2,961,870	2,239,000	2,874,114	2,971,142	+241,615

NOTE: FY 2001 enacted includes 0.22% rescissions.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, who is doing such an outstanding job as the ranking member, and I thank the gentleman from North Carolina (Mr. TAYLOR), and I thank Ed and Liz for the outstanding job they are doing. We are glad to have Liz Dawson with us. She is doing an outstanding job, and now doing an outstanding job with the security of our Capitol. I appreciate our former Staff Director's assistance as well.

Mr. Speaker, I am not going to take a long time, but I want to talk about just a couple of things, actually three things that are in this bill with which I am very pleased.

First of all, we are moving ahead on enhancing security in this complex. That is absolutely essential. I have been talking about that for some years. I appreciate the fact that the committee has now provided the Capitol police with all of the officers that they can train within the next year to fully fund the security requirements and the Capitol police in terms of their safety as well as the safety of this complex, both from a physical standpoint and from an individual personal standpoint. I do not mean us personally, but the individuals in the Capitol.

□ 1215

It also restores pay parity of the Capitol Police with the Park Police and Secret Service. I think that is important, because we do not want to spend a lot of money training people simply to have them go off to other agencies. So I thank the committee for their efforts in that regard.

Let me mention two additional provisions, and then I will cease. Both of these provisions are related to legislative branch workers.

First, section 133 of the bill will finally end the practice of employing temporary workers for long periods without providing them access to the same valuable Federal benefits that permanent employees enjoy from the first days on the job. I think that is important as a personnel policy, and I think it is important, from a fairness point of view, to our personnel.

The Architect now employs more than 300 such workers, mostly on construction projects. Many have been employed almost continually for years, and in some cases over 15 years, and still have not had benefits: no retirement, no health care. That is obviously, when one is 25 years of age, thought to be not of much consequence; when one gets to be 50 years of age and one looks back, it is of great consequence. These workers will now have access to benefits, and no new hires can work more than 1 year without getting them.

Secondly, section 310 will ensure that the House telephone operators, who have played a key role in assuring continuity of operations during the instant crisis, will always receive the same annual wage adjustment ordered by House administration for all classified House employees.

We found a discrepancy existed. I will not go into the reasons that discrepancy existed, but it is now resolved.

There are a lot of other excellent provisions in this bill. I agree with the chairman and with the ranking member, this is not a controversial bill. It is a good bill.

Again, I thank both the chairman and the ranking member and our staffs for working so hard to make it so.

Mr. Speaker, this is an excellent bill that every member should support.

It fully funds a number of accounts, including the Government Printing Office, the Congressional Budget Office, and the Congressional Research Service, key agencies that directly support the Congress.

It fully funds the American Folklife Center in the Library, including the veterans' oral history project. It funds the new sound-recording preservation program. It provides needed funds to improve services in the law library.

To enhance security in the complex, it funds all the extra Capitol Police officers that the department can hire and train during fiscal 2002. I've fought for over two years for enough police manpower to assure adequate security. A key measure of adequate security is deployment of a minimum of two officers on every door.

We're not there yet, but this bill moves us in that direction and I hope we will move still further next year.

The bill does restore pay parity for the Capitol Police with the Park Police and Secret Service Uniformed officers.

The bill extends GPO's early-out/buy-out authority for 3 years, and funds a 4.6 percent COLA.

The bill otherwise provides sufficient funds for the operation of member offices, committees, and the officers of the House.

Mr. Speaker, there are two provisions that I want to mention in particular, both related to legislative-branch workers.

It funds the same $65 transit benefit available in the executive branch for every legislative-branch agency. I especially want to compliment my friend from Virginia for making this a priority. I will work with Chairman NEY in House Administration to authorize the increased benefit promptly for House employees.

First, section 133 will finally end the Architect of the Capitol's practice of employing temporary workers for long periods without providing them access to the same valuable Federal benefits that permanent employees enjoy from their first days on the job.

The Architect now employs more than 300 such workers, mostly on construction projects. Many have been employed almost continuously for years, as "temporary" workers. Under my provision, these workers will have access to benefits, and no new hires can work more than 1 year without benefits.

Second, section 310 will ensure that the house telephone operators, who have played a key role in assuring continuity of operations during the instant crisis, will always receive the same annual wage adjustment ordered by House Administration for all classified House employees. That initially didn't happen this year.

Mr. Speaker, there are many other excellent provisions in this bill, far too many to list in the time allotted. Suffice it to say that it has been a joy to work this year with the gentlemen from North Carolina and Virginia, and with the able new subcommittee clerk, Elizabeth Dawson, all of whom I sincerely thank.

I also want to thank Mark Murray, the minority subcommittee clerk, Tim Aiken of Mr. MORAN'S staff, and Roger Szemraj ["Shemrye"] and Julie Little of Ms. KAPTUR'S staff, for their fine work. I urge an "aye" vote.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his cogent, concise, and very substantive statement.

Mr. Speaker, this is a good bill. I thank the gentleman for his statement. It is largely the same bill that got 380 votes in the House last time. I am going to thank the appropriate people, after I just say a few words or make a few points about the bill.

Mr. Speaker, it is important to make it clear that the Library of Congress, the General Accounting Office, the Government Printing Office, the Congressional Budget Office, all largely received whatever they requested; the joint committees and leadership accounts, as well.

There are a number of provisions that will enable us to be better prepared to counter this new terrorist threat. Security and the need to preserve the ability of this institution to continue to function have been our paramount concern in putting this bill together.

Mr. Speaker, this does provide funds to hire an additional 79 Capitol Police officers. It will bring the total force up to 1,481 full-time equivalents, and it will fund all their benefit increases.

Several long-standing problems were resolved. The gentleman from Maryland (Mr. HOYER) had raised the issue of temporary workers being involved in long-term projects. These temporary workers have been working an average of 4½ years, but they were not getting health and pension benefits because they were still given that classification. That has been resolved.

The gentlewoman from Ohio (Ms. KAPTUR) was concerned about the contract cafeteria employees. They have been without pay since the closure of the Ford and Longworth cafeterias, so this bill would enable them to be compensated for their lost wages. We did not want them to find other jobs; we wanted them to be available when these office buildings reopen. But these people are not getting paid a whole lot, and so they were really suffering.

There is a provision here that provides $65 per month for an employee transit benefit for the employees of the legislative branch if they use public transportation. They can get $65 a month tax-free. By next year, it goes up to $100 a month.

The executive branch has provided this to their employees; we felt it was the appropriate thing to do it here. We have done that.

There are provisions that will help us implement a teleworking policy, telecommuting. That is something the gentleman from Virginia (Mr. WOLF) has been pushing. And particularly during this period of time when the House offices were closed, we realized that we have to figure out ways to be able to continue functioning, albeit sometimes from remote locations. We will try to do that with home laptop computers, in some cases.

Mr. Speaker, I think those are most of the issues. There was an issue with regard to student loans. We hope that the Committee on House Administration can provide the same kind of student loan payback incentive that the Senate has, where we may be losing some well-qualified people to the Senate, of all places, because we do not provide the same kind of incentive they do. So we would hope that the authorizing committee would take care of that.

Having said all of this, let me first of all thank the gentleman from North Carolina (Mr. TAYLOR), the chairman. He has been very good to work with. As I say, this is a good bill. Every request that was even remotely reasonable has been met.

I want to recognize Mark Murray, Liz Dawson, and certainly Ed Lombard, who has been brought into service. He is the repository of all institutional knowledge on the legislative branch appropriations bill. I remember when Vic Fazio was the Chair and I was on the committee, and Ed had been a senior pro even then, so we appreciate him.

I know Liz, as the gentleman from Maryland (Mr. HOYER), said, has been very much involved in all of the security functions that are going on. We thank Liz for doing that.

As well, Mike Harrison of the office of the gentleman from Maryland (Mr. HOYER), Roger France of the office of the gentleman from North Carolina (Mr. TAYLOR), we thank them for his help. Manny Crupi and Chuck Turner, and of course Tim Aiken of my staff, they all deserve credit for their assistance.

Mr. Speaker, this is a good bill. There is no good reason not to support it. It ought to be supported unanimously.

Ms. KAPTUR. Mr. Speaker, I rise in strong support of this Legislative Branch Appropriations Conference Report and as a new member of the subcommittee this year, I wish to thank Chairman TAYLOR, Ranking Member JIM MORAN, my esteemed colleague STENY HOYER, and the entire subcommittee for welcoming me so warmly and for their hard work in crafting this outstanding bill.

I also rise to highlight a provision in the bill that I worked to have placed in the conference report and wish to thank the Majority for their assistance in this effort, along with Chief Administrative Officer Jay Eagen.

This provision permits the women and men who provide food service in our House office buildings to be paid for the time they were unable to come to work. It allows them to collect at least some of the wages they lost—through no fault of their own—during recent shutdowns of House office buildings.

The genesis of this provision is particularly interesting—the result of one of my staff asking cafeteria workers how the shutdowns had affected them. The reply was: it hit home and it hit hard.

Food service workers in the Ford building have not been paid since October 17. Food service workers in the other House buildings were paid for the first three days of the shutdown, but after that were forced to take leave or assume leave without pay status. We are all acutely aware that not only the Ford building but also the Longworth building and therefore the Longworth Food Court remain closed today.

These women and men are neither salaried employees, nor federal employees like their counterparts in the Senate. Thanks to the great wave of privatization in 1995, these women and men instead earn hourly wages and many rely on and are challenged to stretch every penny of their paychecks to support themselves and their families. Quite literally, every dime counts.

Many of us through the years have come to know these women and men quite well. We know them by name and have come to rely not only on their service, but also their smiles.

Whether it be a cup of coffee, lunch, or just a mid afternoon snack people like Betty, Pat, Maria, and Doris play a meaningful and consistent role in our lives.

They work hard. They help keep us going. They deserve compensation for the days they were unable to work, just like any member of our salaried staffs and I am very pleased that as a result of this provision and bill they will indeed receive at least some of it.

Once again, I wish to thank my colleagues on the subcommittee for their work in bringing the conference report before us today and would once again encourage all my colleagues to join me in supporting its passage.

Mr. MORAN of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

conference report on H.R. 2311, by the yeas and nays;

conference report on H.R. 2647, by the yeas and nays:

agreeing to the Speaker's approval of the Journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first vote in this series.

CONFERENCE REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2311, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 29, not voting 4, as follows:

[Roll No. 416]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel

English
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—29

Andrews
Berkley
Brown (OH)
Conyers
DeFazio
Doggett
Etheridge
Flake
Gibbons
Holt
Hostettler
Inslee
Kerns
Kucinich
McDermott
Obey
Owens
Paul
Payne
Pitts
Rogers (MI)
Royce
Schaffer
Sensenbrenner
Shays
Stearns
Tancredo
Walden
Wu

NOT VOTING—4

Cubin
Dunn
McKinney
Thompson (MS)

□ 1253

Messrs. CONYERS, BROWN of Ohio, and WU changed their vote from "yea" to "nay."

Ms. SÁNCHEZ and Mr. TIBERI changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2647, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 52, not voting 6, as follows:

[Roll No. 417]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stump
Stupak
Sununu
Sweeney
Tanner

Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Barr
Barrett
Berry
Brady (TX)
Brown (OH)
Chabot
Costello
Crane
Deutsch
Doggett
Flake
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Hefley
Herger
Holt
Hulshof
Inslee
Israel
Jones (NC)
Keller
Kerns
Kind (WI)
Kucinich
Lucas (KY)
Luther
McInnis
Menendez
Moran (KS)
Paul
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stearns
Strickland
Tancredo
Thune
Toomey
Udall (CO)
Udall (NM)
Weldon (FL)

NOT VOTING—6

Cubin
Dunn
Gekas
McKinney
Taylor (MS)
Thompson (MS)

□ 1304

Mr. DEUTSCH and Mr. BARR of Georgia changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TAYLOR of Mississippi. Mr. Speaker, on rollcall 417, which I missed, had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRENSHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 33, answered "present" 1, not voting 18, as follows:

[Roll No. 418]

AYES—380

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—33

Aderholt
Baird
Borski
Brown (OH)
Capuano
Costello
Crane
DeFazio
English
Filner
Hastings (FL)
Hefley
Hill
Kingston
Larsen (WA)
LoBiondo
McDermott
McGovern
Oberstar
Peterson (MN)
Ramstad
Sabo
Sánchez
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Udall (NM)
Visclosky
Waters
Weller
Whitfield

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—18

Bartlett
Cubin
Dunn
Edwards
Graham
Jefferson
Larson (CT)
Lofgren
Lynch
McCarthy (NY)
McKinney
Nadler
Olver
Payne
Pryce (OH)
Thompson (MS)
Walsh
Young (FL)

□ 1313

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

□ 1315

PROVIDING FOR CONSIDERATION OF H.R. 3150, SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 274 is a structured rule that provides for the consideration of H.R. 3150, the Secure Transportation for America Act. This is a fair rule, allowing ample time for free-flowing discussion on both the base text and the Democratic substitute. The rule provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure. The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. These amendments may be offered only in the order printed in the report and may be offered only by a Member designated in the report. They shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Further, the rule waives all points of order against such amendments. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, at this point I would like to announce that at the conclusion of the debate on this resolution, it is my intention to offer an amendment to the rule that simply replaces the manager's amendment currently made in order under the rule with a new manager's amendment. This manager's amendment eliminates a provision dealing with preferred compensation for airline employees and adds airport parking lots to a provision that requires airports receiving financial aid to work with airport restaurants, shops and other concessionaires on rent adjustments to account for their loss of revenue. The new manager's amendment also adds language that establishes a preference for the hiring of laid-off airline workers as screeners and a provision that states that, where possible, airline security companies should be American companies.

Mr. Speaker, as our Nation searches for answers in the wake of the September 11 tragedy, we find ourselves in unfamiliar territory. Our personal freedoms and liberties are so rooted in the fabric of American society that we almost take them for granted. But now that those freedoms have been attacked in the most despicable and cowardly manner, we are all keenly aware of just how precious they are. As we strive to maintain a sense of normalcy and familiarity, we also struggle to reconcile our fears and apprehensions in a new and uncertain global atmosphere. Enhancing our Nation's air travel by making it as safe and secure as possible is critical in easing those fears among our citizens.

The comprehensive legislation before us today focuses on our Nation's aviation security system. This security plan establishes a new transportation security administration within the Department of Transportation that will be responsible for the security of all forms of transportation, not just air travel. This legislation not only expands law enforcement on aircraft by placing Federal marshals on commercial airlines, but it also positions law enforcement personnel at every airport screening location, because safety must include defenses on both the ground and in the air.

Additional ground safety measures incorporate strict new standards for screening, including certification and uniformed personnel. Federal supervision will oversee the screening process, background checks and testing. Baggage screeners will have to undergo more extensive training, adhere to tougher performance requirements, be U.S. citizens, and be deputized with law enforcement powers.

As the holiday season fast approaches, it is more important than ever that Americans are free to spend time with their families and their loved ones and it is incumbent upon us to do everything in our power to make sure that their travel, by any means, but especially by air, is as safe and as secure as possible. A stronger infrastructure means a stronger economy, and a stronger economy means a stronger America. By passing this rule and its underlying legislation, we can move quickly move forward with the important business of making our airports and airplanes safe and secure for the American people.

Mr. Speaker, as I conclude, I would like to commend the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, for his hard work and the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, for his hard work.

I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First, Mr. Speaker, let me thank the gentleman from New York for yielding me the time.

After September 11, it is patently clear that we need to make travel on our airlines as safe as possible. Leaving aside for the time being the fact that we have not done anything for the safety of passengers on our buses, trains or ships, what we are trying to do for the flying public is as important as anything we can do to help this economy.

First, Mr. Speaker, let me speak to the rule itself.

Mr. Speaker, there were 20 Members of the House that asked that the Committee on Rules allow their amendments to be made in order. These were Members of both parties who have some thoughtful and substantive suggestions as to how to make this legislation stronger. Of those 20 Members, exactly two of them will have their amendments heard and debated by the House. The gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, is permitted to offer an amendment, and, of course, the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will be allowed to offer his amendment. Other than the two most senior members of the Committee on Transportation and Infrastructure, not one other Member of the House of Representatives is permitted to offer an amendment.

Candidly, Mr. Speaker, I am very disappointed. While I very much appreciate the fact that this rule makes in order the gentleman from Minnesota's substitute, the Committee on Rules spent hours this week listening to Members testify on behalf of their amendments. Unfortunately, the House at large will not have this same opportunity.

What I heard at the Committee on Rules this week was interesting, provocative, insightful and worthy of consideration by this House. The gentleman from Ohio (Mr. LATOURETTE) made excellent points at the Committee on Rules which we will not consider today because of this closed rule. The gentleman from Iowa (Mr. GANSKE), the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from California (Ms. SOLIS), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Illinois (Mr. JACKSON), the gentleman from Vermont (Mr. SANDERS) and the gentleman from Arizona (Mr. SHADEGG) are all some of the other Members who will not have their amendments heard under this closed rule.

Why is the majority limiting debate on such an important issue? I have yet to hear one Member satisfactorily explain that to me. Worse, Mr. Speaker, the lengthy amendment from the Committee on Transportation and Infrastructure chairman constantly being amended, even here in the last 30 minutes, will only be debated for 20 minutes. This is a 16-page amendment which makes significant changes to the underlying bill. So each side will have 10 minutes to debate this. I find that incredible.

Moving beyond this restrictive rule, Mr. Speaker, I would like to touch briefly on the serious deficiencies of the underlying bill. During the minimal time allowed to debate this bill, we will hear much about who and what is screening the people and baggage on our airlines. The seminal question in my view is this: Will we have Federal law enforcement personnel screen passengers and luggage before entering airplanes or will this be left to private sector contract employees?

Before answering that question, let me ask my colleagues related questions about public safety and security, their own safety and security and their constituents'. My colleagues, do we not feel safer every morning that we enter the Capitol because we are protected by the United States Capitol Police? Do we not feel safer that our borders are protected by the United States Border Patrol and United States Customs Service? Do we not feel safer that our brave men and women in uniform and members of the United States Armed Services presently pursuing our interests in Afghanistan and elsewhere are members of the Armed Forces?

So what is my point? The point is we do not contract out our own security in the Capitol building, we do not contract out our security at our borders, and we certainly do not contract out for our military. However, the leadership of this House is comfortable contracting out the security of the flying public. Again I say, incredible.

Mr. Speaker, I remember several weeks ago after my leader the gentleman from Missouri (Mr. GEPHARDT) came out of a White House meeting with the President and said, "This is a unity government now." It seems that all 100 United States Senators understood what that meant. That means we should stop dickering around and pass a serious bill. The bill must include federalized passenger screeners at our airports. And in case it was not just made clear, the other Chamber passed their bill with federalized screeners by a recorded vote of 100-to-nothing. Certainly if the United States Senate can pass such a bill with unanimity, the House should do no less.

Another issue that really incenses me, Mr. Speaker, is the fact that our checked baggage is not screened as it should be. According to an article that appeared in yesterday's Fort Lauderdale Sun-Sentinel, only 5 to 10 percent of checked bags are examined for explosives. The underlying bill would require examination of all checked bags by December 2003. Are we clear on this? So in 2 years and 2 months, our bags will be adequately screened.

Mr. Speaker, this is unacceptable, irresponsible and inexcusable. There is simply no reason why Congress cannot mandate the Department of Transportation and the Federal Aviation Administration to issue regulations immediately to require screening of checked baggage. I need not remind my colleagues that as the holiday season approaches, it is more critical than ever that our flying public not only feels safe but that they are safe.

□ 1330

That is the critical difference between the House bill and the unanimously passed Senate bill.

Mr. Speaker, if I had more time, I would discuss the fact that while this House has already bailed out the airline industry, provided enormous tax breaks to the largest corporations in America, and is now set to attempt to make our skies safer, we still have not lifted a single finger to help displaced workers.

I introduced a bill more than 5 weeks ago to help those hardworking Americans who have lost their jobs because of the tragedy on September 11. My bill, cosponsored by the gentlewoman from Pennsylvania (Ms. HART) and 140 other bipartisan cosponsors, needs to be considered forthwith.

Finally, Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule; and that amendment would provide that immediately after the House passes the airline safety bill it will take up H.R. 2955, the Displaced Workers Assistance Act introduced by the gentleman from Missouri (Mr. GEPHARDT) and myself and others. My amendment provides that the bill will be considered under an open amendment process so that all Members will be able to fully express their views and offer amendments that they think are important to this critical bill.

Mr. Speaker, more than 7 weeks have passed since the tragic events of September 11. Since that time, thousands and thousands of workers in the airline and related industries have lost their jobs. These people need relief immediately. When we passed the airline bailout the week after the terrorist attacks, promises were made at that time by the Republican leadership that a worker-relief package would soon follow. I do not have to say again that it has not happened yet, and I do not see any indication that it is on the schedule in the immediate future. It is time for the House to do its work and pass legislation to help these people.

Let me make clear that a "no" vote on the previous question will not stop consideration of the airline safety bill. A "no" vote will allow the House to get on with the much-delayed airline industry worker-aid bill. However, a "yes" vote on the previous question will prevent the House from taking up the airline worker relief bill.

I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, over the past 2 months, this Congress has been working with unusual dispatch with an unusual degree of bipartisanship. The consideration of this bill could have been another example of this. I am disappointed, as are many Members, that the leadership chose instead to have a closed, restrictive rule this afternoon and not allow Members to offer legitimate substantive and meaningful amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my good friend, the gentleman from Florida (Mr. HASTINGS), commented on the length of debate, it is apparent that we will also add 60 minutes for the rule for additional debate on this subject as we continue through the time.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I would only advise my distinguished colleague and friend that last night we asked for more time on the manager's amendment so we could have more time on this matter.

Mr. REYNOLDS. Mr. Speaker, reclaiming my time, I remind the gentleman that the all-powerful Committee on Rules had the tremendous opportunity to have an hour and a half on the witness stand of the inquiries that were made by both Democrat and Republican Members as to the legislation, the manager's amendment opinions expressed by the members of the Committee on Rules on various aspects of that legislation.

Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, first I want to say that this is an abundantly fair rule. It does give the minority two shots at the proposal. It does give them the opportunity to bring up in toto the Senate-passed language, as they requested.

The legislation that we have proposed on the House side, the majority side, in comments that were made by the previous speaker on the other side that it is important that we protect trains and planes and other modes of transportation, in fact the legislation that we are presenting here today is the most comprehensive security package, not only giving responsibility, which is so important, but, unlike the Senate proposal, it also gives the authority to deal with some of the problems.

In fact, today's newspaper points out one of the problems we have had in the past with security or even dealing with defects of aviation, and this is in today's Washington Post. This talks about the Value Jet crash which took place in 1996. It says: "In fact, Federal regulations were later strengthened to crack down on passenger flights carrying hazardous waste."

Why am I pointing this out? Because the Senate bill, the bill proposed by the other side, does nothing to deal with giving authority to deal with regulations relating to security. That is the major flaw in this proposed piece of legislation.

The other side has said some 20 Members presented before the Committee on Rules. I participated in the Committee on Rules procedures. I will say many of the proposals from the other side have been incorporated into the manager's amendment. We have tried to accommodate those requests, including probably one of the strongest provisions for checked baggage, which was also pointed out by the other side that baggage is not checked.

The gentleman from Washington (Mr. INSLEE) on the other side, who has done such a good job in promoting this strong provision, certainly would prefer our legislative proposal, which is the strongest ever proposed anywhere in Congress and contained in our manager's amendment, and we modeled it partly after his recommendation.

So, no, good ideas have not been left out. This process has not been a partisan issue. I have worked with the gentleman from Minnesota (Mr. OBERSTAR), the gentleman on the other side, the ranking member, and the gentleman from Illinois (Mr. LIPINSKI). We have worked together in a bipartisan fashion; and they know in their heart of hearts that the bill proposed by the majority, they agree with 100 percent, with the exception of one part, and that is, shall all of the employees who are baggage screeners be Federal employees.

What is sad about the proposal on the other side is, not only will this create a disjointed and dysfunctional security mechanism for airports, a lack of authority to deal specifically with other modes of transportation, which is so important in this time of crisis, but I have a letter from the Department of Justice, and the legislation from the other side actually will inhibit their ability to function.

The Department of Justice, let me read from their letter to the gentleman from Alaska (Mr. YOUNG), our chairman: "Unlike the Department of Justice, DOT has both the broad transportation-related statutory mandate and nearly 35 years of significant operational experience with transportation regulation, infrastructure, security and enforcement. Further, DOT's two components of law enforcement authority, the United States Coast Guard and the Federal Aviation Administration, possess a unique infrastructure of law enforcement personnel and expertise with broad domestic enforcement authority upon which the Congress can build and enhance DOT's law enforcement authority and responsibility."

Listen to this. They say: "In light of DOT's strong capabilities and DOJ's many responsibilities in fighting the war on terrorism, we feel that our resources would be better spent in carrying out our current mission than developing a new transportation infrastructure and expertise."

So here we have the proposal from the other side, which actually will impede the Department of Justice mission which they have, and it will not do it in a small way, it will do it in an incredible way.

The Congressional Budget Office submitted to me today the proposal that it is not 28,000 additional employees; it is some 31,000 additional Federal employees. So you can go home and tell your constituents what we did is created the biggest bureaucracy in the history of a generation, the biggest bureaucracy, 31,000 Federal employees, as a cure-all, and the Department of Justice has said in fact that you are interfering with our mission and they have no expertise to deal with this. We have created a two-tier system, which is the most disjointed approach to security that we could possibly have to guarantee the safety of the flying public.

So I urge my colleagues to pass the rule and to consider very carefully what legislation is before them. When all else fails, my colleagues, read the bill. This is one of the worst pieces of legislation I have seen in 20 years in working on Capitol Hill. It was sent here in a hurry, almost immediately, so we could correct it. Now we need to do that. We cannot pass this failed piece of legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just remind my distinguished colleague from Florida that the Senate bill has been at the desk for an entire week, and I would also remind the gentleman that the vote in the United States Senate was 100 to nothing, and that included TRENT LOTT and JOHN MCCAIN and all of the other Republican Senators who still stand by their bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that it is inappropriate to state how specific Senators voted on a particular measure.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we will hear a lot of rhetoric today; but the issue before this House is a very simple one: Do you support the current system in which low-bid private security companies are responsible for airline safety? If so, then vote for the Republican leadership's bill. Or do you feel that the current system has failed the American people and should be replaced with Federal law enforcement professionals protecting our airports, just as they protect the Capitol, the White House, and America's borders? If so, then vote for the bipartisan substitute.

Mr. Speaker, I think it is an easy choice. Replacing the current failed system is simple. The White House said today that the President is eager to sign an aviation security bill into law. Three weeks ago, the Senate unanimously passed on a vote of 100 to zero a strong bipartisan aviation security bill that we will offer as a substitute today.

This House can send that bipartisan bill to the President's desk tonight. Then we can immediately start putting more sky marshals on planes, strengthen more cockpit doors, and start protecting our airports with Federal law enforcement professionals.

On the other hand, the Republican leaders today are offering the flying public nothing more than a fig leaf that will protect the same old failed private airport security system. Even worse, Mr. Speaker, Republican leaders are offering a manager's amendment that would not just keep private security companies in charge of airport security, it would virtually exonerate them from the September 11 failures. The Republican manager's amendment would provide the private security companies with liability protection, preventing the victims of September 11 from holding them accountable for allowing terrorists to get on planes with box cutters. This is nothing less than shameful, Mr. Speaker; and I am stunned that Republican leaders are trying to slip it through the House.

Mr. Speaker, while the rest of this country pulls together to win the war on terrorism, the Republican leadership is playing politics as usual. I urge my colleagues to reject partisanship and special interest politics and to pass the bipartisan substitute so the President can immediately sign this aviation security bill.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, bipartisanship comes from bringing two points of view together. That is going to happen if this rule is passed when the debate will go on the merit of the legislation of the underlying bill. It will happen when a vote occurs on the manager's amendment, whether it occurs or not with passage; and it will happen with the complete Democratic substitute written by Democrats in a partisan fashion to be brought before the House in a bipartisan vote, up or down.

So we are going to have a lot of bipartisanship or nonpartisanship today, once this rule is passed. It is going to be the opportunity for those who support the President's plan to have that vote. For those who want to look at liability provisions and other aspects contained in the manager's amendment, that will be an opportunity for a vote as well. Finally, a Democratic substitute written by the Democratic minority of this House will have an up or down vote as well.

So we are going to have a lot of bipartisanship, led by the leadership in this House, let alone rank and file Members, as we pass this rule and move toward consideration of those prospects within the bill that will be before the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa.

Mr. GANSKE. Mr. Speaker, about a week after September 11, I stood at ground zero with my colleague from New Jersey looking at that six-story pile of rubble and smoke rising from it that was a mass grave of 5,000 of our American citizens, and I could see superimposed over that the handwriting from a victim's relief center of a little girl, written on the wall underneath the picture of her daddy, and it said, "Daddy, I miss you. I will love you always."

□ 1345

We need to get past partisanship.

There will be those on the floor today who will rant and rail against putting airport safety in the hands of government employees, as if that were an evil thing. Well, here is the real story. All those brave firefighters and policemen in New York City who lost their lives were government employees. All those courageous Capitol Hill policemen who lost their lives defending our offices 2 years ago were government employees. All those men and women in the armed services who are fighting in Afghanistan right at this moment are government employees. And the FBI agents who put their lives on the line are government employees. Those postal workers who lost their lives are government employees.

Mr. Speaker, the Oberstar-Ganske substitute is the bipartisan bill. It passed the Senate 100 to zero. Such well-known conservatives as TRENT LOTT, DON NICKLES, CHUCK GRASSLEY, all voted for that bill. They all voted for that bill.

The Senate bill puts the safety of our citizens ahead of special interests. The companies who are bankrolling the effort to kill the Senate bill are foreign-owned corporations.

So that is the question: Are we going to take common sense, practical steps to improve the safety, or are we going to entrust our lives to foreign corporations who pay minimum wage and are already threatening to sue the Government? The Ganske-Oberstar amendment empowers Attorney General John Ashcroft to set the terms and conditions of hiring and firing of those screeners, and there could be no strikes. The House leadership bill will produce gridlock. The manager's amendment is even worse. The voters have elected us to solve problems, not just to talk about them. Let us put this bill where it belongs: on the President's desk. He has already said he would sign it, and the sooner the better.

Mr. Speaker, I do not want to see again a message like another one I saw at that Victims' Family Relief Center written by a mother. Underneath the picture of her husband, it said, "Dan we will love you always," signed, "Christan and your son, Justin."

It is time to pass the true bipartisan bill, get it to the President's desk, and get it signed into law before hundreds of thousands of our citizens are flying on Thanksgiving.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I really wish to remind the gentleman from New York that when he said that this Oberstar measure that we will undertake was written in a partisan fashion, that the Oberstar substitute is the Senate bill that was passed 100 to nothing.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I rise to oppose the previous question, and I do so for a very simple reason that was eloquently brought to us on the floor by the gentleman from Florida (Mr. HASTINGS).

Airline workers have been laid off across this country by the tens of thousands; and so far, we have done absolutely nothing. We were told when this Congress bailed out the airline industry to the tune of $15 billion a few weeks ago that the workers would be next. On top of that, today they have something called uncapped compensation for some of these executives that would give them additional millions of dollars that was in the manager's amendment. I do not know if they are going to go forward with it and try to get it out of here today, but I tell my colleagues one thing, they had it in there originally. They are taking care of certain people and letting the others go.

We decided that we were in this together as a country, workers, executives, Democrats, Republicans. Well, that has not been the case. After they did this bailout of the airline industry, the House passed this corporate welfare package under the guise of economic stimulus. Multinational corporations received tax breaks to the tune of billions of dollars, individual companies, $2 billion, $1.5 billion. Airline workers were given the pink slip.

Mr. Speaker, 150,000 airline workers, baggage handlers, machinists, flight attendants, pilots, mechanics, are out of work. They need unemployment compensation. About 40 percent of people get it today if you are thrown out of work in this country. That is an outrage. They are not getting it. They need health care benefits to make sure that their families have health care, that they can feed their families, pay their mortgage with unemployment compensation benefits. All of that has run out or will run out without any help from this Congress.

Mr. Speaker, it is time to lend these workers a hand. How much time needs to go by? How many more bailouts and tax breaks will we need to consider before we help these 150,000 airline workers whose livelihoods have been most affected, and all of the other tens of thousands, if not hundreds of thousands who have been laid off as a result of their layoffs?

Mr. Speaker, we need to pass an airline security bill identical to the Senate and send it to the President tonight. The American people have waited too long for airline security, and then come back and do the Hastings-Gephardt-Bonior bill that we need to deal with on unemployment compensation and health care.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH), one of the newer Members of the House of Representatives, who replaced the ranking member, our dear departed friend Joe Moakley.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS) for yielding me this time. I also want to thank the gentleman from Minnesota (Mr. OBERSTAR) for his solid work on the substitute bill.

Mr. Speaker, the privilege of my new office allows me the great honor of representing many of the neighborhoods and towns that surround Logan Airport in Boston. It just so happens that today I have the sad duty of meeting with many of the families from my district who lost loved ones aboard the flights which departed Logan Airport on September 11.

Mr. Speaker, today is not the day to exempt security screening companies who failed to protect the public on September 11. I am heartsick that these families are families that we were charged and sworn to protect. They should not be overlooked by foreign security companies. We can fulfill our public duty by professionalizing and federalizing airport security personnel and by supporting the substitute bill.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today in support of a fair rule that will allow the people's representatives to consider federalizing the screeners in our Nation's airports. We cannot shortchange the public by continuing to contract out low-wage jobs and less-trained personnel. We need to federalize our airport security. We do not contract out our security for people who work for the INS or the military. Why then would we contract out for airline security?

We have learned the hard way that an airplane can hit anywhere. Federalization means less employee turnover, more experience and accountability. According to GAO, in 1999, turnover averaged 126 percent among screeners at 19 airports. No wonder, since the average pay that they receive is anywhere between $6 and $6.75 an hour.

The Republican bill would eliminate the salary cap that we have placed on executive pay. These people earn hundreds of thousands of dollars. Why in the world would we eliminate the cap instead of providing support for those who are on the frontline, those screeners?

Since screening personnel check more than 2 million pieces of luggage and go through and see millions of people a day, we should upgrade their salaries and their skills.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. FILNER), my good friend.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time.

When I fly to Washington from Lindberg Field in San Diego and I check in my bags, I see hardworking people trying to do their best for the American public. But they are paid the minimum wage. They get 2 days of training, and there is almost a 200 percent turnover per year at our airport in San Diego.

Mr. Speaker, it is time to professionalize, it is time to stabilize, it is time to federalize that first line of defense for the traveling public. We would not contract out the defense of our border to the private sector. We are not going to contract out our national security. Let us not contract out the airline public safety.

Mr. Speaker, it is time stabilize, it is time to professionalize, it is time to federalize our airline security workforce. Let us pass the Oberstar-Ganske substitute.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from California (Ms. ESHOO), my good friend.

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague from Florida for the work that he has done on this and how he is handling it, which is always, his work always bears the mark of excellence.

Mr. Speaker, I have long thought that our Nation's airports are part of our Nation's security. That was debated in the Congress for many years. September 11 changed that attitude in the country. I do not think there is a citizen in our Nation today that would question that our national airports are and should be part of our national security. That is why I rise in support of the Oberstar-Lipinski-DeFazio bill.

Now, the Senate passed it 100 to nothing. For those that say this is partisan, it does not have to be. The Senate showed the way. They very seldom do. We know that our firefighters are part of public service. We do not go to the ABC Corporation to hire them. We do not hire our police officers that way.

Today, we need Federal standards, Federal training, baggage checks; and our Nation's airports must, indeed, be part of our national security. We need to pass the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would also remind all Members that it is improper to characterize the action or inaction of the Senate.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Florida. Is it inappropriate to characterize that the Senate voted 100 to nothing on a specific measure?

The SPEAKER pro tempore. The Chair would respond to the gentleman that it is appropriate to state the collective facts of a Senate vote. It is inappropriate to characterize an action or inaction of the Senate.

Mr. HASTINGS of Florida. We could not even call it overwhelming. Okay.

Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my good friend.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in strong opposition to the rule for H.R. 3150, because this bill does not address some of the critical issues raised by millions across this country, port authorities, aviation authority and rail authorities and emergency preparedness personnel, some of them which are the first-line responders.

□ 1400

There were 20 amendments that were presented to the Committee on Rules, in an attempt to try to fix a flawed bill that does not address anything that has to do with constituents in my district. I have laid-off workers, many of whom are single women, flight attendants. We have not talked about real anti-hijacking training for flight attendants.

I offered a noncontroversial and relevant amendment to H.R. 3150. It would require the Secretary of Transportation, in consultation with Federal departments and agencies, to conduct a threat assessment on all forms of public transportation, public facilities, and gathering places. No such provision is reflected in any of the language in this bill.

I will say to all of my colleagues, vote no on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, when all else fails, why do we not consult the facts?

We have heard Members stand up and say that we would not contract out security responsibilities. Mr. Speaker, I will submit that 26 Federal agencies, including the Department of Defense, Department of Justice, Department of State, Army, Air Force, Navy, Coast Guard, Nuclear Regulatory Commission, our nuclear plants, all contracted out 26 Federal agencies. The list goes on.

Mr. Speaker, this deals with facts. In fact, we do contract this out. We are not asking for any different level.

Mr. Speaker, I ask Members to please not come before the Congress and the American people and tell them that we are protecting those private screening companies that are now doing their job. We take this responsibility away from the airlines, we make it a Federal responsibility. It is federally managed, it is federally supervised. There are Federal background checks. There is Federal testing. Most importantly, there is Federal oversight.

The Israelis, the Europeans, tried the federalize-all-public-employees method, and what did they do? They eventually evolved into a public-private partnership where the government sets the high standards, and that is what we have proposed.

Mr. Speaker, let us deal with the facts. The facts are, this piece of legislation proposed and hastily passed by the Senate creates a two-tier disastrous system, part in the Department of Justice, part in the Department of Transportation. It creates two tiers of law enforcement and leaves law enforcement in the Department of Transportation. It is a disaster.

Mr. Speaker, if we want to pass something in a hurry, yes, we can run up here and tell people we have created 31,000 Federal positions. Yet, they do not have any authority to deal with the problem.

Mr. Speaker, what is even more amazing, Mr. Speaker, I ask Members to read again today's Washington Post. See what is being proposed in the Senate. They are already trying to correct the mess that they passed here.

If we look at one of the provisions of this legislation, and again, I defy the Members, read the bill, they set up an information-sharing for the intelligence system, but they do not share it with the airlines. Who has the passengers list? The airlines. There is no provision in their bill for that.

There is no provision to require all airlines who have passenger lists, for international flights coming into the United States to provide that. That is in our bill. So their bill is a weak, hastily-prepared piece of legislation that would cause untold turmoil and not do the job.

The American people want us to do it right, even if it takes a little longer. We passed legislation in 1996 on airline security and blew it. We passed legislation in 2000, and we still do not have rules in place. There were no rules in place for box cutters.

The biggest flaw, and do not talk about Federal employment, the biggest flaw with the bill proposed by the Senate and the other side is that it has no ability to execute on an immediate basis putting in place rules and regulations. There were no rules September 11 by Federal employees or Federal agencies to prohibit box cutters. There were no rules to get standards in place for baggage screeners.

For 6 years we have been waiting, and this bill will do nothing after this if they pass that bill. It is a shame. It is a sham. Read the bill.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, is it not characterizing the Senate's actions to call it a sham, a mess, hastily made, disastrous, and weak?

The SPEAKER pro tempore. The Chair would respond that it is inappropriate to characterize the actions of the Senate. It may be possible to characterize particular pieces of legislation or bills in ways in which it is inappropriate to characterize the action.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the Speaker.

The SPEAKER pro tempore. If the gentleman will suspend, it is appropriate during debate for Members to characterize the content of legislation or address the content. It is inappropriate to characterize the actions of the other body.

Mr. HASTINGS of Florida. So continuing my parliamentary inquiry, "hastily" is not an action? I just want equal admonitions, Mr. Speaker.

The SPEAKER pro tempore. If the gentleman will suspend, the Chair is simply trying to uphold the rules and precedents of the House.

Mr. HASTINGS of Florida. I appreciate it.

The SPEAKER pro tempore. It becomes a delicate matter with some of the words that are being used.

The Chair would recommend that if any Member has any question about language they intend to offer, if they would check with the Parliamentarian, it would certainly be appreciated.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's yielding time to me.

I rise in support of the Democrat substitute to H.R. 3150.

Mr. Speaker, I rise today in support of the Democratic substitute to H.R. 3150, the Secure Transportation for American Act. This substitute measure would federalize all airport security-screening personnel and restore the feeling of personal security the airline industry lost in the wake of the September 11th terrorist attacks. This is a serious safety issue, one that directly concerns the life and death of innocent Americans, and as such, the solution to this problem should not be politicized.

It has become abundantly clear in recent weeks that the current system of security checks performed by private firms in our nation's airports do not work, and simply giving the Federal Government oversight over this flawed system will not satisfy the safety standards we, as Americans, should require in air travel. Since September 11th, the news media has presented countless accounts of security breaches at airports by both employees and customers. On a flight from New Orleans to Phoenix a passenger alerted the flight crew to a loaded weapon he had unknowingly brought onboard the airplane, a weapon which was not detected by airport security prior to his boarding the flight. We have also seen evidence of criminals and non-U.S citizens employed by these private firms, overseeing the passenger and luggage screening on both our domestic and international flights. We need to look no further than right here at Dulles International Airport where Argenbright Security Inc., a foreign corporation, recently agreed to settle Justice Department allegations that the company violated a court order by, among other things, continuing to hire screeners with criminal records. Argenbright got a second chance. Airline passengers will not. As the old adage goes, fool me once, shame on you, fool me twice, shame on me.

Statistics have shown that the national turnover rule for airport screeners is around 120 percent annually. This should not come as a surprise to anyone, as a majority of the screeners receive little training and are often paid less than most the food services employees located within the same airport. With federal law enforcement personnel manning the security operations, we would develop a highly professional security operation, with the proper compensation and benefit programs to attract the right people. This solution would greatly improve the safety of not only airline passengers, but as the events of September 11th have shown, all Americans.

For the first time in our nation's aviation history, parents are struggling with the question of not only whether it is safe for them to fly, but specifically whether it is safe to bring their children along on a commercial airliner. As the father of two young sons, I can sympathize with this difficult dilemma. I want to be able to return to my district and assure all mothers and fathers that I am committed to doing what is necessary so they can safely take their children on family vacations or visits to their grandparents, without the lingering safety doubts we now face.

Airplanes are the primary mode for long distance transportation in this country, and will be for the foreseeable future. It is our duty as federal legislators to restore the confidence of the American people in the safety of air travel. That is why I urge my colleagues to support the Democratic substitute and ensure the safety of the airline industry.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I heard the parliamentary inquiry from the gentleman from Florida. The gentleman from Florida (Mr. MICA) was discussing the contents of the bill. I believe under the rules of the House the gentleman has the freedom to express what he felt was in the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the distinguished gentleman from Oregon (Mr. DeFazio).

Mr. DeFAZIO. Mr. Speaker, the gentleman who preceded me in the well talked about a sham. Let us talk about a sham. They are renaming this bill as the Airport Security Federalization Act. They are going to take the private security employees, the same ones who are failing us today, some of them are even convicted felons, some are illegal aliens, but they are going to put Federal uniforms on them. They are even going to deputize them. But guess what, they are not going to be Federal law enforcement.

They are trying to fool the American public. It is too bad that the United States Congress does not have a rule of the House that requires truth in labeling. The private security firms are failing, and in Europe the large Securicor is a dismal failure at Heathrow. They just had a huge security lapse. They own Argenbright in the United States, who is under criminal indictment for the second time in 1 year for hiring and maintaining known felons on staff, falsifying documents, all under the supervision of probation, and somehow they tell us they are going to supervise these firms better.

No, the people at the door of the House of Representatives are sworn, uniformed Federal law enforcement officers. If that is necessary for us, it is necessary for the traveling public.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. Shays).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are at war. We are at war with terrorists that annihilated 6,000 Americans. We have a responsibility to work together to solve this problem.

For me it is not an issue of whether they are Federal employees or non-Federal employees. Under the bill being presented on this side of the aisle, they can be either. We can have Federal employees in some instances, and non-Federal employees in others.

The argument that suggests we are going to hire the same people that failed in the past is simply not true. The new employees will have to meet requirements that some of the people who now do this work cannot meet.

Mr. Speaker, I weep for what we have gone through in the last few weeks, but this is not about Federal employees. It is about airport security.

What I particularly like about the Young-Mica bill is that for the first time, we are going to require that the baggage that goes in the belly of an aircraft be inspected by a date certain. By the year 2003, all baggage in the belly of a plane will be inspected for explosives and weapons. That is an issue of safety that is not covered in the bill that is being presented by the Senate.

When I hear that all Senators voted for it, in the end they all voted for the bill they had. I have some sense that if our bill passes, there will be some on the other side who will support it. It may not have been their first choice, but they are not going to vote against it because in the end it is about airport security.

I hope we are able to have a sensible debate that treats both sides fairly and does not make these wild claims.

In terms of Federal employees, terrorists would not have gotten into this country unless somebody allowed them to get here. They happened to have been Federal employees. They just were not Federal employees who were doing their job well enough.

We want professionals, whether they are Federal employees or not.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from Illinois, (Mr. Lipinski), a gentleman that has a great deal of knowledge about the subject we are discussing.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much for yielding time to me.

First of all, I would like to thank the Committee on Rules and the Speaker for giving us an opportunity to actually have an up-or-down vote on this particular issue we are all debating at the present time, the Federal screening of individuals.

I also would like to compliment the gentleman from Alaska (Chairman Young) and the gentleman from Florida (Chairman Mica) for the great deal of work they have put into this bill. They have done an outstanding job. It would have been nice if we could have come to an agreement, but unfortunately, we could not have done so.

I also want to thank the ranking member, the gentleman from Minnesota (Mr. Oberstar), and my very good friend, the gentleman from Oregon (Mr. DeFazio), for all the great work they have done on this bill.

I would simply like to make mention at the present time, the gentleman from Florida (Chairman Mica) has talked about the failure of the FAA and the Department of Transportation to put rules in place over the course of the last 5 to 10 years.

I certainly agree with him on that. That is why I am happy to see that a portion of this legislation is going to be in the Justice Department so we will have other individuals working on this, and I am quite sure that those individuals and the new Deputy Secretary for Security in the Department of Transportation will be able to put everything in place as quickly as possible.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the gentleman from Michigan (Mr. Conyers), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank my brother and friend on the Committee on Rules for yielding time to me.

Mr. Speaker, the manager's amendment should be opposed and we should support the Democratic substitute, because the limits on legal liability here are a little bit amazing. Legislation designed to enhance airport security would end up harming victims and rewarding the very firms whose negligence has contributed to the September 11 terrorist attacks.

Mr. Speaker, the amendment does this by providing liability relief to any person liable for any damages arising out of the September 11 hijacking. What does that mean? The baggage screening firms would be protected from liability if they hired incompetent employees or deliberately failed to check for weapons. Where is the justice in that?

I urge Members to consider liability provisions that go far beyond the protections included in the airline bailout bill we passed.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to my good friend, the gentlewoman from Texas (Ms. Jackson-Lee), representing Houston and other areas of the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me and for his great work.

Mr. Speaker, the Committee on Transportation and Infrastructure and the Rules Committee should be thanked for allowing the Senate bill which federalizes airline security to be worked on.

I also thank the gentleman from Minnesota (Mr. Oberstar) for his work, and the gentleman from Alaska (Mr. Young), and all of the ranking members of that committee.

Mr. Speaker, on Monday this past week a high alert was issued to the United States of America. It is well known that we are in a crisis. On September 11, the airline security system of our Nation failed the thousands that died. Those who worked there really did not fail, it was the contract system that did not train them and did not pay them.

That is why today, Mr. Speaker, I rise for a singular reason: to support the Oberstar substitute to the underlying aviation security bill. The substitute bill is the exact same bill that the bipartisan Senate voted on 100 to 1.

That bill, if we pass it today, at 8:05 can be on the President's desk and he can sign it, more than 1½ months after the day of the terrorist attack against America. We must say to the American people that the Federal Government will provide for their security on our airliners.

It makes a difference to have every checked bag screened, to have airfield security, and to include the provision for Federal air marshals on our airplanes.

However, Mr. Speaker, we need also to insure that this legislation allows for the opportunity for those existing contract screening employees to apply for these new federal jobs. Many of these employees desire to offer their services to the new system and they should be allowed to do so.

□ 1415

I thank the gentleman from Florida (Mr. HASTINGS) because this is an important issue. We will for the first time in the United States of America be checking every bag that goes on the airplane, checking all checked bags. We will have Federal air marshals. We will have a reinforced cockpit. But what will be most important is the flight crew will have air hijacking training; give those frontline people, the flight attendants, the pilots, who we hope will not have to come out of the cockpit, that kind of safety training.

This is an important piece of legislation. If Members only knew the Calderon family and the children, ages 4 years and 20 months old, that lost their mother in the World Trade crash, they would know that we have to pass this bill. I ask my colleagues to support this legislation. I am disappointed that we have yet to provide for the laid off workers impacted by Sept. 11, therefore I will vote to defeat the previous question.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the very thoughtful gentlewoman from California (Mrs. CAPPS), who has distinguished herself in this body.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me time. I rise in strong support of the Oberstar substitute to make our skies safe.

September 11 demonstrated that aviation security must be part of the frontline of our national defense. As such, it must be the responsibility of Federal Government. This means putting professional law enforcement agents in charge of securing our airports and our airplanes. This is essential to protect American citizens.

Mr. Speaker, those of us who fly across the country back and forth each week have come to know the flight attendants, the pilots and the gate attendants very well. They are passionate as they tell us that today's system simply does not work. The present system has not worked in the past as we have seen, and it will not work in the future.

The Oberstar substitute makes substantive and fundamental changes in our airport security. It will give the public confidence to fly again. We need professional law enforcement in charge, and this includes a process by which every piece of baggage can be screened. I urge my colleagues to support the Oberstar substitute.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank my friend for yielding me time. I had not planned to discuss this bill, but I felt obliged to come over here and join the fray.

This airline security proposal is a much-needed piece of legislation. The Young-Mica bill federalizes the process and the process should indeed be federalized. But should we bring 25,000 to 28,000 additional Federal employees on the payroll to be subsidized by taxpayers where the Government will be virtually inflexible as far as getting them on board, getting them on-line? Lord only knows how long that would take. And once they are on-line, in the event of abuse of employment, to terminate them would be virtually impossible.

I do not suggest, Mr. Speaker, that we need to emulate other countries, but I do think we can learn from other countries. The United Kingdom, Belgium, Israel, the Netherlands, perhaps others tried federalizing screeners and baggage employees initially, and I am told that each of those four scrapped the plans and perhaps other countries have done so as well.

I think to federalize the process is a course that we need to pursue to give the Federal Government to give the Congress, in fact, this body and the other body, much oversight to see that it is done properly, but not to have these additional thousands of employees on the Federal payroll to do a job that I think can better be done, provided the standards are properly enhanced; and I am confident they will be. Provided that is addressed, the way to do it is as laid out in Young-Mica, Mr. Speaker.

I urge my colleagues to support the Young-Mica bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON), my very good friend.

Ms. CARSON of Indiana. Mr. Speaker, I thank my dear friend, the gentleman from Florida (Mr. HASTINGS), who is certainly a superhero on behalf of the citizens of this country and across this Nation.

Mr. Speaker, when Thomas Edison was attempting to invent the light bulb, history suggested he tried thousands and thousands of ways, maybe 8,000, maybe 10,000. Nobody said that Thomas Edison failed to invent the light bulb. They said he simply discovered 10,000 ways that it would not work. So I am here because I know I have to be very careful about the words that I use about the manager's amendment, so I cannot call it shameless or callous or indifferent or dispassionate because that may intrude upon House rules.

So let me simply say that it will not work. I am here to represent people that are out of work and who need to work. I am here to represent people who ride the airplanes on a daily basis and are waiting for Congress to provide some common sense to protect those riders who have to fly across America, from sea to shining sea as we would wave our flag. I support the Oberstar substitute amendment because it will work.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I know that the debate has already begun on this issue, and I would like to take just a couple of moments to say what this bill is not.

I have been following the media coverage and many people say that this measure, the package that the gentleman from Alaska (Mr. YOUNG) is going to be managing here, will block the federalization of those who are screeners at airports. It does not do that at all.

Basically, what we are saying is rather than having the United States Congress micromanage the process of determining what the very best system is to ensure the safety and security of travelers is to allow some kind of flexibility.

We know that under this bill there would be a new Secretary who would handle this, but frankly the Secretary of Transportation is the former chairman of the Committee on Transportation and Infrastructure in this place, one of the predecessors to the gentleman from Alaska (Mr. YOUNG). He was a Democratic Member of this House. He is still a Democrat as far as I know, and he is our former colleague, Norm Mineta; and he is the Secretary of Transportation.

What we want to do, Mr. Speaker, is to ensure that they have the flexibility, the tools so that they can go forward and decide how to best implement a system that will ensure the safety of our travelers here in the United States. So I think that that needs to be understood as we proceed with this debate.

The rule is very fair. It does provide, in fact, an opportunity for not only a manager's amendment, which the gentleman from Alaska (Mr. YOUNG) will be offering, addressing a wide range of concerns, and we worked very carefully to make modifications in his manager's amendment so we could address some of the concerns of Members who came forward over the last few days; and at the same time we do provide the

Democratic substitute, which the gentleman from Minnesota (Mr. OBERSTAR) will be offering.

I think that at the end of the day we clearly should pass this rule, and I think there should be strong bipartisan support for that; but understand that we are not preempting any kind of decision that this administration might make. It is just that we entrust with them the power and the authority to make what we believe will be an appropriate decision to ensure the safety of all travelers.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER), my good friend.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Florida's (Mr. HASTINGS) courtesy in allowing me to speak on this rule and this issue.

I take rare exception with my friend from California who just spoke. The notion somehow that we are going to establish a system that is going to deal with the problems of an already failed, decentralized, privatized system for hundreds of airports is not micromanagement. Being able to step forward with a Federal program similar to what we had with the Customs Service, what we have benefiting people here in the Capitol, as my good friend from Florida has pointed out, is not micromanagement.

What we are doing is acknowledging that the American public deserves our best. The Senate has already ratified by a hundred votes a program that steps up. We are not Europe where we have one or two airports in a small country. We have more airports in a small portion of the United States than they have in the entire European Union.

The only way we are going to get the training, the professionalism and the uniform protection around the country is to vote for the Oberstar proposal. I strongly urge my colleagues to do so.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me the time, and I commend him on fashioning a rule that I think is fair and allows for a spirited debate on this subject.

I would simply say to my colleagues in the House that the bottom line here is how do we make air travel as safe and secure as we possibly can. It is not about whether it is Federal employees or it is not Federal employees. The President of the United States, President Bush, has asked for the House proposal and the House approach which gives him the discretion and the latitude to say whether or not we ought to have Federal employees; and perhaps in some cases, particularly at the bigger airports, that will make sense.

The problem with the Senate bill is it treats airports across this country differently. There are the bigger airports that will have one level of safety and security; and the smaller ones, like many that I represent in South Dakota, will have an entirely different set of safety and security standards.

Secondly, it charges people who fly from remote locations, airports like those that I represent, a higher fee. That is inherently unfair.

We need a system that provides safety and security and treats air travelers the same, irrespective of where they originate. That is what we ought to get. That is what this bill does, and I hope that we can adopt it today.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to ask my distinguished colleague from New York how many more speakers he has.

Mr. REYNOLDS. Mr. Speaker, I have just a couple of speakers; and once the gentleman yields back his time, I will close out with a summary.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. THORNBERRY). I would say to the gentleman from Florida (Mr. HASTINGS) that both sides have 3 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time, the very distinguished gentleman from Florida (Mr. HASTINGS), who has so ably led the debate on our side on this rule; and I do appreciate that the rule makes in order the Oberstar-Ganske substitute without playing any parliamentary games with it.

In a moment, the manager on the Republican side for the rule will be offering an amendment to substitute a new manager's amendment for the manager's amendment made in order last night, and I call this the weight-and-balance amendment. It is an aviation term used on board small commuter aircraft when they need to shift people and baggage around to make sure the plane does not tilt one way or another or crash. They have so much ballast on board this bill that it is about to sink.

So now they are coming in adding parking lots for financial aid with other airport restaurants, shops, concessionaries. They are taking out something which is very embarrassing, preferred, in the gentleman's language, I think it means deferred, compensation for airline employees. That is the well-known Delta amendment, Delta Airlines, and then adds language for hiring airline workers to screeners, and where possible, security companies should be American companies.

That is really going to be a fun thing to do. They are going to do an awful lot of negotiating and renegotiating of contracts. They are going to have a fun time with that; but then my good friend, the chairman of the Subcommittee on Aviation, characterized the Senate bill as sloppily drawn, hastily drawn, but there is a lot of haste in the provisions here in this new manager's amendment that are internally contradictory.

I just think that it is ditch a little here, add a little there and again it is hastily drawn.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would inquire of my distinguished colleague, we have one speaker remaining, and if the gentleman would utilize at least one of his speakers.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague, and I yield myself the remaining time.

I have heard an alarming amount of discussion on this floor of the House today, suggesting that there may be something wrong with federalizing employees who have the responsibility to check luggage and screen passengers.

□ 1430

I have been a Federal employee three times in my life, and each of those three times I felt a whole whale of a lot more secure than I did when I was a minimum-wage worker stripping celery. What federalization does is provide worker security, it provides better wages, it provides better health care, the same kind of health care that we have, and it enhances morale.

All of us go through those checkpoints at airports and all of us are confronted with the same persons that had the responsibility on September 11 who, in many instances, are poorly trained, poorly paid, and their morale is at its lowest ebb on a continuing basis. At the very least we need to ensure that they are trained.

I urge a "no" vote on the previous question so we can take up the Airline Industry Worker Benefits bill immediately after passage of the Insecure Airline Security bill.

Mr. REYNOLDS. Mr. Speaker, do I understand the Democrat minority time has expired?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman is correct.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, let me just again try to set the record straight. We heard speakers say that these screeners, and they continue to pick on sort of the lowest end of the feeding chain here, the lowest paid, were at fault on September 11.

My fellow colleagues, our intelligence system and Federal employees involved in intelligence failed. We did not know who the hijackers were. Our Federal employees who issued visas failed, because most of the hijackers came into this country with visas issued by Federal Government employees. Our FAA failed because we had no rules in place for box cutters.

We have no provision for expedited rulemaking in the Senate bill, and that is the biggest flaw. It takes, on average, 3.8 years to pass a rule through the Department of Transportation. Look at the bill. They leave technology with the Department of Transportation; 3.8 years to get in place technology that will do the job. It will not work.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

The comprehensive legislation before us today focuses on our Nation's security system. The security plan establishes a new transportation security administration within the Department of Transportation that will be responsible for security of all forms of transportation, not just air travel.

As the holiday season fast approaches, it is more important than ever that Americans are free to spend time with their families and loved ones. It is incumbent upon us to do everything in our power to make sure their travel by any means, but especially by air, is as safe and secure as possible. By passing this rule and its underlying legislation, we can quickly move forward with the important business of making our airports safe and secure for the American people.

AMENDMENT OFFERED BY MR. REYNOLDS

Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered by Mr. REYNOLDS:

At the end of the resolution add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3 of this resolution shall be in order in lieu of the amendment printed in House Report 107–264 and numbered 1.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3150

OFFERED BY MR. YOUNG OF ALASKA

Page 1, line 6, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

In the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively.

Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike "(1) in subsection (a) by striking" and inserting the following:

(1) in subsection (a)—

(A) by striking "a cabin of"; and

(B) by striking

Page 14, line 2, strike "The responsibility" and insert the following:

"(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

"(2) ADDITIONAL SCREENING AUTHORITY.—The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

"(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.".

Page 15, after line 24, insert the following:

"(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

Page 16, line 1, strike "(7)" and insert "(8)".

Page 16, line 2, strike "and".

Page 16, line 3, strike "(8)" and insert "(9)".

Page 16, line 7, strike both periods and the closing quotation marks and insert "; and" and the following:

"(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.".

Page 16, lines 11 and 12, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 16, line 20, strike "pursuant" and insert "pursuant to".

Page 19, line 22, strike "and".

Page 20, line 2, strike the period and insert "; and" and the following:

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike "and".

Page 21, line 20, strike the period and insert a semicolon and the following:

"(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

"(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after "consultation with" insert "and concurrence of".

Page 22, before line 10, insert the following:

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

"(E) availability pay—

"(i) received by a criminal investigator under section 5545a of this title; or

"(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;".

Page 24, line 1, strike "Provide" and insert "Establish performance goals for individuals described in paragraph (6), provide".

Page 24, lines 2 and 3, strike "individuals described in paragraph (6)" and insert "such individuals,".

Page 26, after line 2, insert the following:

"(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

"(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

"(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

"(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

"(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 26, strike line 19 and all that follows through line 7 on page 27 and insert the following:

"(d) PROPERTY SECURITY PROGRAM.—

"(1) CHECKED BAGGAGE.—

"(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

"(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

"(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

"(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

"(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

Page 29, line 10, strike "and" and insert the following:

(2) by adding at the end of paragraph (1) the following:

"(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations."; and

Page 29, line 11, strike "(2)" and insert "(3)".

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

"(c) AIRPORT SECURITY.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

"(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

"(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

"(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.".

Page 36, line 9, strike "subsection (b)" and insert "paragraph (2)".

Page 39, lines 16 and 17, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 43, line 22, after "sponsor" insert "or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor".

Page 44, beginning on line 25, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 45, after line 15, insert the following:

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

"(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

"(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

"(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.".

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§41722. Requirement to honor passenger tickets of other carriers

"Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.".

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41722. Requirement to honor passenger tickets of other carriers.".

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

"SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.";

(2) by amending subsection (a) to read as follows:

"(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.";

(3) in subsection (b), by adding at the end the following new paragraphs:

"(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

"(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

"(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

"(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

"(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.";

(4) by amending subsection (c) to read as follows:

"(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

"(1) hijacks any aircraft or commits any terrorist act; or

"(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act."; and

(5) by adding at the end the following new subsections:

"(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

"(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern

Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.".

Mr. REYNOLDS (during the reading). Mr. Speaker, I ask unanimous consent the amendment be considered as read, printed in the RECORD, and shall not be deemed as a precedent, although the Reading Clerk has done an outstanding job thus far.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COLLINS. Objection, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the amendment.

□ 1445

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Reading Clerk for his outstanding job of reading the amendment that I brought before the House. This simply substitutes the manager's amendment made in order last night by the Committee on Rules with a new manager's amendment that eliminates a provision dealing with preferred compensation for airline employees, and adds airport parking lots to a provision that requires airports receiving financial aid to work with airport restaurants, shops and other concessionaires on rent adjustments to account for their loss of revenue.

The new manager's amendment also adds language that establishes a preference for the hiring of laid-off airline workers as screeners, and a provision that states where possible, airline security companies should be American companies. I urge its adoption.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on both the amendment and the resolution.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR RULE ON H.R. 3150, SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

At the end of the resolution add the following new sections:

SEC. . Notwithstanding any other provision in this resolution, immediately after disposition of H.R. 3150, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2955) to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures. The first reading of the bill shall be dispensed with. All points of order against considerations of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . If the Committee of the Whole rises and reports that it has come to no resolution on H.R. 3150 or H.R. 2955, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of agreeing to the amendment and on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 207, not voting 7, as follows:

[Roll No. 419]

YEAS—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin

Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Conyers
Dunn
Green (TX)
Greenwood
Johnson (CT)
Rangel
Thompson (MS)

□ 1519

Ms. McCOLLUM changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New York (Mr. REYNOLDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 379, noes 50, not voting 3, as follows:

[Roll No. 420]

AYES—379

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—50

Andrews
Berry
Bishop
Blumenauer
Borski
Boucher
Brady (PA)
Carson (IN)
Conyers
Coyne
Cramer
Cummings
DeFazio
Deutsch
Dingell
Edwards
Evans
Fattah
Filner
Flake
Frost
Green (TX)
Hastings (FL)
Hinchey
Jackson (IL)
Kilpatrick
Lampson
Lee
McCollum
McIntyre
Miller, George
Mink
Oberstar
Olver
Owens
Pastor
Paul
Pelosi
Sabo
Sánchez
Scott
Smith (WA)
Stark
Strickland
Stupak
Tauscher
Towns
Visclosky
Watson (CA)
Woolsey

NOT VOTING—3

Dunn
Gephardt
Thompson (MS)

□ 1530

Messrs. FLAKE, DEUTSCH, BISHOP, and CUMMINGS changed their vote from "aye" to "no."

Messrs. MORAN of Virginia, CLEMENT, RUSH, Mrs. CLAYTON, Messrs. ABERCROMBIE, HONDA, DICKS, and Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Ms. McCARTHY of Missouri, and Ms. MILLENDER-McDONALD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. GOODE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. LaHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3150.

☐ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. Chairman, I yield myself such time as I may consume.

Mr. YOUNG of Alaska. Mr. Chairman, I have a long prepared statement which I will submit for the RECORD, but I would ask my colleagues today to think about this legislation very strongly. I have talked privately with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), and they say that the bill that they are proposing does not do the job. That tells me one thing: the bill that they are promoting does not do the job, and this bill does.

We worked very closely to get a bill and came very nearly to having a bill. Some people did not see it that way. But my main goal was to have the best security bill for our people. I believe my bill does that. It is not perfect, but I can tell my colleagues the Senate bill is nowhere as near as my bill.

If my colleagues vote for the substitute, which some of my colleagues are planning on doing, they are not going to have a conference. That has already been decided. It will be on the President's desk, and the American people will be told by certain people that they will be secure in their airports, but we will have the exact same system that is in place right now, which has failed miserably. All of my colleagues know that.

This has become a political football, and I stayed out of that, because I want the best security for the people of America.

I want to thank the gentleman from Florida (Mr. MICA), who has done an outstanding job, and the staff has done a good job on this issue and, yes, the President of the United States. All he is asking us to do and what my bill does is give him some flexibility. My bill does not federalize, it does not nationalize, it is not a total requirement. But it is a brand new era, a time where we need good security. In all good conscience, there is no way that a substitute is going to be offered that I could even vote for that legislation, because we are kidding the American public.

The Senate keeps referring to a 100 to zero vote. I have had Senate Democrats and Republicans come to me and say, my God, we have to go to conference. And I have had a few people say to me, we will have to straighten this out later on. That is not good legislation. This is the House of the people, not the Senate. To have to accept a Senate bill to me is deplorable. It is beneath us. It is the wrong thing to do.

I do not believe there is a fairer person in this Congress than myself working with each individual. My heart is very deeply in the idea of security. If we do not pass this bill today of mine and the gentleman from Florida (Mr. MICA), we are doing a great disservice to the American people, because they will go to the airport and say, oh, my God, we are now safe because we have passed a bill, and in reality there is no safety in the substitute.

Mr. Chairman, it disturbs me how this thing got so far out of hand that we cannot solve the problem correctly. We must go to conference. We can solve it in conference where the problems are different, but if we do not go to conference, we have nothing and we have kidded the public. I am not about to, and I was accused today of not being a statesman because I said I probably will not review this issue again because my colleagues have made the decision if I lose that they have a safe bill and the people of America are safe. I can tell my colleagues from the bottom of my heart, my colleagues know they are not, and I will not be a part of kidding the American public about how secure they will be if we adopt the substitute. We have to accept the Young-Mica bill for the best for the people of America.

Mr. Chairman, I rise today in support of H.R. 3150, the Secure Transportation for America Act of 2001.

H.R. 3150 is the result of a great deal of hard work by our aviation subcommittee and its chairman, JOHN MICA.

I want to take this opportunity to express my appreciation for his efforts and the hard work of the aviation subcommittee on this issue.

Chairman MICA and the members of the aviation subcommittee held hearings and conducted extensive research to find out which system of security would work best for our aviation transportation needs.

The American people have every right to be concerned and worried about the inadequate level of security provided at our airports.

This bill will dramatically increase the level of security and will dramatically change the way the system has operated at our airports.

Under the current system, the airlines hire the security screeners at the airports using low cost, low bid security companies.

The airlines in the past have worked to reduce their costs by driving down the cost of airline security. Unfortunately, this has resulted in a low paid, poorly trained and poorly motivated workforce.

I want to make it abundantly clear. This bill changes all of that.

Low paid, poorly trained and poorly motivated screeners in charge of our nation's air security is simply unacceptable.

Under our bill, H.R. 3150, the federal government will take over the job of screening passengers and their baggage at our airports.

It will become a federal government responsibility.

Where we differ with some of our colleagues is how do we best achieve the goal of a truly secure federally controlled aviation screening process.

We do it by insuring that it is the federal government that will set the compensation for the screeners.

It is the federal government that mandates the level of competency and training for the screeners.

It is the government that runs the background checks and works with other agencies to insure that these screeners have a clean record.

And if the screeners don't do their job and perform well, under our bill they can be removed, their certificates can be revoked, and the entire company can be fired and fined for any violations of the rules or regulations.

Our bill gives the President the tools he needs to insure the best possible security for our country.

H.R. 3150 however, does more than just improve airport screening.

It establishes broad authority to deal with threats to all transportation modes, by setting up a new Transportation Security Administration within the Department of Transportation.

The new administration will be headed by an undersecretary whose only job will be to protect our transportation system from terrorists threats.

H.R. 3150 requires the undersecretary of the Transportation Security Administration to assume all responsibility for aviation security within 3 months of final passage of the bill.

Under our bill the undersecretary could assume responsibility even earlier if the transition can be worked out with the airlines.

Unlike the Senate bill and the amendment to be offered, H.R. 3150 does not tie the President's hands by requiring that airport security screeners be 100 percent federal employees.

However, let me make it clear.

Our bill federalizes the screening process.

However, the issue is not federal versus non-federal employees conducting the screening of passengers and their bags.

The real issue is how to achieve the highest level of security for the traveling public, particularly within the next few months while we are at war against the terrorists who used our air transportation system to attack us.

Locking in a system that prohibits the use of any private contract workers at all leaves the air transportation system vulnerable to disruption and reduced security.

There is no guarantee that federal employees will do a better job than private employees, but that is not the real issue.

The real issue is giving the President the flexibility and the money to get the job done.

I also want to make it clear that this issue is not about whether screeners will be unionized.

They are unionized now and under my bill can continue to be members of union and to bargain collectively. However, they cannot go on strike under my bill.

H.R. 3150, the Secure Transportation for America Act, addresses all these security issues to achieve a workable system that provides for real security as quickly as possible.

I urge support of H.R. 3150, which is to bring real security to the traveling public in as short a period of time as possible.

SECTION-BY-SECTION SUMMARY—SECURE TRANSPORTATION FOR AMERICA ACT OF 2001—H.R. 3150

Section 1 is the short title.

SECTION 2—TRANSPORTATION SECURITY ADMINISTRATION

Subsection (a) adds a new section 114 to Chapter 1 of title 49 of the U.S. Code creating the new Transportation Security Administration (TSA).

Subsection (a) of this new section 114 states that the new TSA shall be an Administration in the Department of Transportation (DOT).

Subsection (b) creates the new position of Under Secretary to head this new Administration.

Paragraph (1) states that this Under Secretary shall be appointed by the President with the advice and consent of the Senate.

Paragraph (2) states that the Under Secretary must be a U.S. citizen and have had prior experience in transportation or security.

Paragraph (3) gives the Under Secretary a 5-year term.

Subsection (c) prohibits the Under Secretary from having an interest in a transportation or a security company or a company that makes security equipment.

Subsection (d) describes the functions of the Under Secretary.

Paragraph (1) states that the Under Secretary will be responsible for security in all modes of transportation. This involves the assumption of the powers now exercised by the Associate FAA Administrator of Civil Aviation Security and the DOT Director of Intelligence and Security as well as the security functions of other Administrations within DOT. It does not involve the Coast Guard. The bill does not explicitly assign the hazmat function leaving that up to DOT to decide whether to move that into the new Administration or keep it in FAA.

Paragraph (2) requires a schedule to be developed for the transfer of the security functions in consultation with the affected carriers.

Paragraph (3), in the meantime, allows airlines to assign their contracts with private security companies to the Under Secretary.

Subsection (e) lists in more detail the duties and powers of the Under Secretary. These duties and powers are—

(1) Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

(2) Assessing threats to transportation.

(3) Developing policies to deal with these threats.

(4) Coordinating with other agencies.

(5) Serve as the liaison with the intelligence community.

(6) Supervising airport security using Federal uniformed personnel.

(7) Manage the Federal security personnel in the field.

(8) Enforce security regulations.

(9) Undertake research to improve security.

(10) Inspect, maintain, and test security equipment.

(11) Ensure that adequate security is provided for the transportation of cargo, including cargo as defined in section 40102(a)(12).

(12) Oversee the security at airports and other transportation facilities.

(13) Perform background checks on screeners and those who work at airports.

(14) Develop standards for the hiring and firing of screeners.

(15) Train and test screeners.

(16) Carry out other duties and powers authorized by law.

Subsection (f) gives the Under Secretary the same powers to acquire and maintain property as the FAA.

Subsection (g) allows the Under Secretary to accept transfers of funds.

Subsection (h) allows the Under Secretary, if the situation warrants, to issue a security rule on an expedited basis without Secretarial or OMB review and without notice and comment as would otherwise be required by the Administrative Procedure Act. Such a rule would be in effect for 30 days and would remain in effect unless disapproved by the Oversight Board established in section 13.

Subsection (i) gives the Under Secretary the same authority over personnel and services as the FAA. This includes the authority to contract for services such as the screening service.

Subsection (j) allows the new Transportation Security Administration (TSA) to set up its own personnel system.

Subsection (k) allows the new TSA to set up its own procurement system.

Subsection (l) makes clear that the DOT Inspector General can investigate the TSA in the same way that he can investigate other Administrations within DOT.

Subsection (c) establishes the compensation for the Under Secretary.

Subsection (d) allows other agencies to provide personnel, such as sky marshals, to the FAA and the TSA.

Subsection (e) transfers responsibility for security research from the FAA to the TSA.

Subsection (f) changes statutory references from the FAA and the Administrator to the TSA and the Under Secretary to reflect the transfer of functions.

SECTION 3—SCREENING OF PASSENGERS AND PROPERTY

This section requires the Federal government to take over responsibility for the screening of passengers and property (both checked and carry-on baggage) on passenger aircraft in the United States. The Federal government could do this either by hiring Federal employees to do the screening or by contracting with a security company to perform this task with Federal oversight. All screening must be supervised by uniformed Federal employees of the TSA. A supervisor can order the dismissal of a screener who is not performing adequately. Screeners are prohibited from striking.

SECTION 4—SECURITY PROGRAMS

This section requires that there be a law enforcement or military presence at each screening checkpoint, not merely at each airport. The law enforcement presence could be either Federal, State, or local officials.

SECTION 5—EMPLOYMENT STANDARDS AND TRAINING

Strengthens the employment and training standards for those who screen passengers and property.

Subsection (a) requires that screeners be U.S. citizens. It permits the Under Secretary to establish minimum pay levels. Veterans should be given preference in the hiring of screeners. The veterans preference was a suggestion of Congressman Duncan.

Subsection (b) requires the final rule of the certification of screening companies to be issued within 6 months of the date of enactment of this Act.

Subsection (c) establishes the training standards for screeners and requires all screeners to be in uniform.

Subsection (d) establishes the minimum employment standards for screeners (which were taken largely from the FAA's proposed rule at 65 FR 560, January 5, 2000). These shall remain in effect until the final rule for the certification of screening companies is issued as required by subsection (b).

SECTION 6—DEPLOYMENT OF FEDERAL AIR MARSHALS

Requires the deployment, at no cost to the government, of sky marshals on flights of U.S. airlines. This section is based on H.R. 2906 introduced by Congressman Baker.

SECTION 7—ENHANCED SECURITY MEASURES

Subsection (a) requires the Under Secretary to address the following issues:

(1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers;

(2) After consultation with the FAA; find ways to—

(A) limit access to the cockpit;

(B) strengthen cockpit doors;

(C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;

(D) ensure that the aircraft transponder cannot be turned off in flight.

(3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports;

(4) Require airlines to provide emergency call capability from aircraft and trains (This was suggested by Congressman Kirk);

(5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane;

(6) Develop certification standards for individual screeners;

(7) Use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those standards;

(8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes;

(9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage;

(10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be;

(11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem;

(12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th;

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal. (This was suggested by Congressman Cooksey).

(15) Perform more thorough background checks of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport. This should include more than merely a fingerprint check. It should also include examination of other agency databases to determine whether the individual may be a terrorist or a threat to civil aviation.

Subsection (b) prohibits the Under Secretary from taking one of the actions listed above if the FAA believes it might adversely affect the safety of the aircraft unless the Secretary approves the action.

Subsection (c) requires the Under Secretary to consult with the NTSB on safety issues.

Subsection (d) requires the Under Secretary to do bag matching, screen 100% of checked bags, or take some other action to minimize the risk of explosives in checked luggage. Paragraph (2) requires the Under Secretary to ensure that explosive detection equipment already at airports is fully utilized.

Subseciton (e) requires the Secretary to permit pilots to carry guns in the cockpit if the airline permits its pilots to carry guns and the pilot has completed an appropriate training program.

Subsceton (f) requires the Under Secretary to report 6 months after the date of enactment on the progress being made in implementing the above items. A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected. An existing security report is repealed.

SECTION 8—CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS

Authorizes airports to begin fingerprint checks before the deadline now in the law.

SECTION 9—PASSENGER AND BAGGAGE SCREENING FEE

Requires the imposition of a security fee on passengers to pay up to 100 percent of the cost of the screening passengers. These costs include the salaries and training costs of screeners and the cost of the equipment they use. The fee could not be used to defray the general operating costs of the Transportation Security Administration (TSA): The per passenger fee must be based on the cost of providing the screening service but could not be more than $2.50 per passenger. The fee that is set would be based on the total costs of screening passengers and property, not on the specific costs associated with each airport, and therefore the fee would be the same for every passenger. The fee would be assessed on a one-way flight rather than on an enplanement as the one-way trip most closely related to the way screening services are provided to passengers. Full year revenue for fiscal year 2002 is estimated to amount to about $900 million for domestic departures and about $100 million for international departures. Future year revenue could be higher when air travel reverts to the levels prior to September 11, 2001. Any additional money required to pay the costs of screening not covered by the passenger fee may be raised by a fee assessed directly on the airlines or could be appropriated under the authority provided by section 10(a). Passengers using airports in Alaska where screening is not required could be exempted from the fee.

It is Congress' intent that the Undersecretary be able to impose this fee as expeditiously as possible to begin to recover the costs of the functions assumed by the Federal government. To ensure that the Undersecretary is able to begin collecting the fee within 60 days, the Undersecretary is exempted from section 9701 of title 31, United States Code, related to general requirements related to fees and from section 553 of title 5, United States Code, related to rulemaking. The Undersecretary is authorized to publish a notice in the Federal Register to set and impose the fee. The calculation of costs of the functions and the fees to be imposed is left to be determined at the discretion of the Undersecretary.

SECTION 10—AUTHORIZATIONS OF APPROPRIATIONS

Subsection (a) authorizes appropriations to operate the new TSA and to pay for any screening costs not covered by the fee.

Subsection (b) authorizes the Secretary to utilize $500 million of the emergency supplemental (Public Law 107–38) to make grants to U.S. airlines to help them strengthen their cockpit doors, install video monitors, or modify their aircraft transponders so that they cannot be turned off in flight.

Subsection (c) authorizes $1.5 billion to help airports defray the cost of new security requirements imposed after September 11, 2001.

SECTION 11—LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY

Protects passengers and crew from liability for any injury they cause a person who they, in good faith, believe is hijacking or about to hijack an aircraft.

SECTION 12—PASSENGER MANIFESTS

Requires U.S. and foreign airlines to provide information to the U.S. government about their passengers and crew on international flights before they land in the U.S.

SECTION 13—TRANSPORTATION SECURITY OVERSIGHT BOARD

Creates the new Transportation Security Oversight Board. It will be composed of the Secretaries of Transportation, Treasury, and Defense (or their designees), the Attorney General (or his designee), and a person appointed by the President from either the National Security Council or the new Office of Homeland Security. The DOT Secretary or his designee will be the Chairman. The Board's duties include reviewing the Under Secretary's emergency regulations and other actions of the TSA. This section also creates an advisory council composed of industry representatives to advise the Under Secretary on transportation security issues.

SECTION 14—AIRPORT IMPROVEMENT PROGRAM

Section 12 makes changes to the airport improvement program (AIP) and the passenger facility charge (PFC) related to security.

Subsection (a) excuses an airport from having to submit a competition plan in fiscal year 2002 for AIP grants or PFC approvals that will be used to improve security.

Subsection (b) allows AIP or PFC money to be used at small airports to pay the cost of law enforcement personnel required by section 4. It also allows AIP money to be used to pay for any expense in fiscal year 2002 at a general aviation airport that was effectively shut down as a result of the restrictions on VFR flight in enhanced Class B airspace. It also allows AIP and PFC money to be used for debt service in order to prevent the airport from defaulting on a bond.

Subsection (c) allows AIP money to be used for the costs described in subsection (b) even if that cost was incurred before the grant was issued.

Subsection (d) waives the local share for the costs described in subsection (b).

SECTION 15—TECHNICAL CORRECTION

Subsection (a) changes the due date of a report from February 1 of this year to February 1 of next year.

Subsection (b) makes a change in the war risk improvement program.

Subsection (c) corrects a misspelled word.

SECTION 16—ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Transfers responsibility for drug and alcohol testing of security personnel from the FAA to the new Transportation Security Administration.

SECTION 17—CONFORMING AMENDMENTS TO SUBTITLE VII

This section makes technical changes.

Subsection (a) retains responsibility for the Pilot Records Improvements Act in the FAA.

Subsection (b) moves certain civil penalty responsibilities to the new Administration.

Subsection (c) and (d) make similar administrative changes.

SECTION 18—SAVINGS PROVISION

This section ensures that there is a seamless transition of responsibilities from the FAA to the new Transportation Security Administration (TSA).

SECTION 19—BUDGET SUBMISSIONS

Requires budget submissions to list the budget of the TSA separately.

SECTION 20—AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE

Lists the restrictions on general aviation flights in Enhanced Class B airspace (the airspace near major cities) unless a notice is published in the Federal Register explaining the rationale for those restrictions.

SECTION 21—WAIVERS FOR CERTAIN ISOLATED COMMUNITIES

Subsection (a) allows the Under Secretary to grant waivers for certain essential flights to communities in Alaska, Hawaii, and others far from a big city.

Subsection (b) allows the Transportation Security Oversight Board to rescind these waivers.

Subsection (c) allows the Board to impose limitations on the waivers.

SECTION 22—ASSESSMENTS OF THREATS TO AIRPORTS

This section allows airports to rescind the current restriction that prohibits cars from parking within 300 feet of an airport terminal if the airport and local law enforcement certify that there are safeguards in place to sufficiently protect public safety.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, October 31, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of October 31, 2001, regarding H.R. 3150, the "Secure Transportation for America Act of 2001" and for your willingness to waive consideration of provisions in the bill under your Committee's jurisdiction. Regarding provisions in the bill that are referenced in your letter, the bill essentially ensures the orderly transfer of certain existing functions within the Department of Transportation and assures continuity of operations. However, I acknowledge the Science Committee's jurisdiction under the House Rules over provisions that may affect "civil aviation research and development."

I agree that your waiving consideration of relevant provisions of H.R. 3150 does not waive the Science Committee's jurisdiction over those provisions. I also acknowledge your right to seek conferees on any provisions that are within the Science Committee's jurisdiction during any House-Senate conference on H.R. 3150 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON SCIENCE,
RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, October 30, 2001.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: On October 17, 2001, you introduced H.R. 3150, the "Secure Transportation for America Act of 2001." Section 2(e)(9) of H.R. 3150 requires the newly created Under Secretary of Transportation for Security to "identify and undertake research and development activities necessary to enhance transportation security." Additionally, secs. 2(f)(1)(D) authorizes the Under Secretary "to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and (E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey." These three provisions contain subject matter that has traditionally fallen under the jurisdiction of the Committee on Science pursuant to House Rule X(n)(3), which grants the Committee on Science jurisdiction over "Civil aviation and research." I ask for your assurance that the creation of the new Under Secretary position and that the duties and functions of his position do not alter in any way the traditional jurisdiction of the Science Committee granted pursuant to House Rule X(n)(3).

In deference to your desire to bring this legislation before the House in an expeditious manner I will not exercise this Committee's right to consider H.R. 3150. Despite waiving its consideration of H.R. 3150, the Science Committee does not waive its jurisdiction over H.R. 3150. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any request by the Science Committee for conferees on H.R. 3150 as well as any similar or related legislation.

I request that you include this letter as part of the RECORD during consideration of the legislation on the House floor. Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), if I may have their attention, for the good faith efforts that were made in our committee to reach a truly bipartisan bill. The gentleman spoke with some feeling in the well just a moment ago, and I speak with no less feeling. As the chairman knows and the chairman of the subcommittee knows and many of the Members know, I served on the Pan Am 103 Commission while I was chair of the Subcommittee on Aviation. I wrote with our good friend Mr. Hammerschmidt, former ranking member of the Committee on Transportation and Infrastructure, then the Committee on Public Works, the Aviation Security Act of 1990. We worked on a totally bipartisan basis with the House and the Senate to write that legislation and subsequent amendments to it. We know that aviation security is a revolving issue that we have to continually revisit to update and strengthen.

We were at the point of reaching a good bipartisan agreement, but it kept getting sidetracked, let me just say it bluntly, by the political leadership in the gentleman's party. I just want to express my great appreciation for the good faith and the good effort and the goodwill that was extended and the regret that we could not come to an agreement.

But the Achilles heel of aviation security is the screener checkpoint at our airports, and the issue of whether this should be private or public, as this chart shows, private security companies have not provided good security. A man boards a plane with a pistol after September 11. Airport security firm lied. Hired felons, Argenbright fined $1,550,000 last year. And their parent corporation in Europe, which has been held up as a paragon of good work in aviation security privatization, the Sunday Telegraph in England: Shocking lapses in security at British airports. The London Times: Security failures put Heathrow at risk. The British Department of Transportation is investigating Securicor, the parent corporation for Argenbright, the premier domestic private security provider.

That is not the way we want to do security. We need to have the badge of the Federal Government, persons sworn to uphold the Constitution and the laws of the United States, trained to the highest possible level of skill, paid a decent level, put in a security force separate from the Federal Civil Service, to give assurance to the American public that the bar on security has been raised.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this bill by the gentleman from Alaska (Chairman YOUNG), and I want to commend him and the gentleman from Florida (Chairman MICA) for their work on this legislation.

This bill, the Airport Security Federalization Act, will do more to enhance and improve aviation security than any bill in the history of this Nation.

We need to tell the American people the true situation as it stands today; that is, it is safer to fly now than ever before. This bill, the bill of the gentleman from Alaska (Chairman YOUNG), will make it even safer.

This bill provides the legal framework and funding for strengthening cockpit doors; providing air marshals on flights where they might be needed; cameras, so pilots can see what is going on in the cabin; expanded background checks for all key personnel; and most importantly, improve standards and training for airport screeners.

I had the privilege, Mr. Chairman, of chairing the Subcommittee on Aviation for the past 6 years, and remain active on the subcommittee today. Three years ago, I suggested establishing a school for screeners, but there was almost no interest at the FAA in this proposal.

In 1996, and again last year in FAA bills, we put in requirements for certifying screeners and improving their training and other security measures. As of September 11, the FAA still had not completed the work required under these bills. This is another reason why we are so concerned about turning this situation totally and completely over to the Federal Government.

We did expand the list of crimes which would disqualify people from jobs as screeners. To be fair, no one ever dreamed that anyone would be mentally sick and warped and evil enough to use our commercial airliners in kamikaze missions killing thousands. But now we know, and this bill is the best response we can give to the situation we find ourselves in.

The most controversial part of this legislation is whether to make the screeners Federal employees. I suggest that the former chief of security for El Al, the Israeli airline, was quoted in yesterday's Washington Times as saying this would be a big mistake.

Unfortunately, we have a civil service system that does almost nothing for good, dedicated employees, but it provides great and undeserved protection for the worst employees. Everyone knows it is almost impossible to fire a Federal civil servant and extremely hard even to transfer one.

We need to increase the pay and training of screeners. We need to have the best possible people in these positions. We can accomplish this much faster and continue to improve this work force much easier by having strict Federal oversight and requirements, but leaving these employees in the much more efficient private sector. This is the European model. Skyjackings in Europe went way down in the 1990s after screeners were largely privatized.

The Wall Street Journal reported yesterday that 85 to 90 percent of the screeners around the world are private employees. Most of these are at airports formerly totally government run until they found out that the private free enterprise system works better.

Mr. Chairman, about three years ago, I was the guest of the British Aviation Authority. They wanted to show me their airports and their whole operation, but what they were most proud of was their security provided by a private workforce. Their airport security and Israel's are considered the best in the world.

I am especially pleased about a provision in this bill relieving persons who assist in fighting air piracy from any potential liability and also a provision I requested to give preference in hiring to retired military personnel.

I urge all my colleagues to support Chairman YOUNG's outstanding aviation security bill.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, 6 weeks ago tomorrow the House passed, with the speed of a rocket-boosted jet engine, the American aviation financial bailout bill, a bill I voted against because it did nothing for the laid-off aviation workers, and it did nothing to upgrade aviation security.

I said at the time that we can give the airlines all the money they want and even more, but if we do not upgrade aviation security and show the American flying public that our skies are once again safe and secure, then the American aviation industry will continue to flounder and shrink, because the American public will not go back to flying until they believe that American aviation is as secure as possible.

In the past 6 weeks, we in the House have done nothing to upgrade aviation security. Unless we pass the bipartisan substitute and it goes directly to the President to be signed, and he will sign it, as he has said on numerous occasions, we will pass H.R. 3150 and be forced to go to conference.

The forces opposed to hiring fully-trained, well-paid, federally-supervised professional Federal screeners to protect the American flying public will delay the conference until long after Thanksgiving, the Nation's greatest flying weekend.

Mr. Chairman, this is what has happened to American aviation since we passed the bailout bill but did not strengthen security: There are more than 2,000 fewer domestic and international flight departures each day than last year at the same time, a reduction of over 20 percent. At the same time, passenger emplanements are down 25 percent.

Since September 11 until now, scheduled domestic flights have dropped by the following percentages at the following airports: Newark, Reagan National, Houston, down over 35 percent; Kennedy, down 34 percent; Seattle, Boston, LaGuardia, Portland, San Francisco, down over 25 percent. The Nation's top 31 airports are all down. Since September 11, America West has dropped 12 percent of its scheduled flights; Delta, 15 percent; Northwest, 15 percent; United and American, 22 percent; US Airways, 25 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

Why? I believe because we have not passed an upgraded aviation security bill into law to protect the American public. That is why we must pass today a bill that the President will sign into law tomorrow.

American aviation is a matter of national security. Public safety is threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the Federal Government's job to protect our country during time of war. Security at our Nation's airports is no longer a private sector matter; it is the last line of defense at our airports, and it is part of the front line of our national defense.

Congress needs to treat this as a question of national security, and put in place an effective Federal law enforcement system.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is to clarify an aspect of the legislation. One idea to increase airplane safety would be to create separate entrances for pilots on aircraft and eliminate access between the cabin and the cockpit. This would make it impossible to take over an aircraft from the cabin, reducing the risk of terrorism and the need for air marshals and other precautions.

I would like to make sure there is nothing in this bill which prevents the FAA from studying this idea or airlines pursuing this implementation, should it prove feasible and effective.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, there are no provisions in this bill that prevent the FAA from taking up the idea of separate entrances for pilots in airliners. That idea could be a solution to some of our air security problems, and deserves serious consideration and study at the FAA.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), newly elected, and I hope he will be reelected.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 3150. It is a superior piece of legislation. What we do is federalize the airport security system, which creates strict standards, control, and enforcement by the Federal Government, and it is based on proven systems.

One thing I want to mention about H.R. 3150 is it specifically helps small and rural airports. First, it allows the AIP funds to be used to upgrade security, and waive rent for tenants, for those small businesses to get through this tough time.

Additionally, the substitute bill has a two-tiered security approach, and H.R. 3150 does not have that. One of the things it allows for is the 30-foot distance you must stay away the terminal, to have the safeguards put in place sufficiently to protect the public.

The problems with the substitute are many. One of the things I want to point out specifically are the $2.50 security fee emplanement charge. This is entirely unfair to rural travelers, for it doubles and sometimes triples their fees.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), who has played a courageous role in advocating this legislation.

Mr. GANSKE. Mr. Chairman, let us get into the nitty-gritty of comparing some of the aspects of these bills.

Mr. Chairman, I would make a strong argument that the Senate bill has stronger provisions in terms of requirements for screeners than the Young bill. The Young bill requires that those screeners be citizens, just citizens, period. That would mean that somebody could come here from a foreign country, marry somebody, and then be qualified to be a screener.

Our bill, the Senate bill, the bipartisan bill, requires that one be a citizen for 5 years. That is a significant difference. I think our bill, the Senate bill, is better on that point.

We will hear some charges about how the Young bill has a stronger screening provision for bag supervision. Let me read from the Senate bill. The Senate bill says: "The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including the United States mail, cargo, carry-on, and checked baggage, and other articles that will be carried aboard the airplane in air transportation."

Mr. Chairman, I do not know how 100 percent can be improved on. When we say "all" in legislative language, that is 100 percent.

Furthermore, we will hear from the proponents of the Young amendment that our bill, the bipartisan Senate bill, could take longer to implement. The only way the Young bill can be implemented quicker than our bill is if they simply hire all of the screeners that are already currently employed by those three foreign corporations.

For goodness sakes, we have heard from the Inspector General, we have seen in newspaper reports, we have seen million dollar fines. We see, as was demonstrated over here, reports that this is not just in the United States, but these three foreign corporations are not getting the job done overseas, either.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, we just heard the gentleman from Iowa talk about one phase of the bill that is being proposed today on the floor. That is the passenger carry-on and baggage screening, as Members can see on this chart. He totally ignored the rest of the chart because it is not in the version that the Senate passed and that is being proposed here.

They do have a study, and they ask six different government agencies to start to study all of the other stuff, like perimeter security, like bomb-sniffing dogs, camera surveillance, the employee screening. They are going to study that. But what we are going to do is put it into action.

If Members want to ignore all the rest of this airport security and just focus on this one little phase right down here, then I suggest Members support the Senate version. But we cannot go to conference, we cannot fix the problem. We just have an inadequate bill that will not solve the problem. We will end up with, maybe 5 years from now when the studies come back, the potential for doing the right thing.

If Members vote for the Senate version, they are ignoring bomb-sniffing dogs, they are ignoring terminal security, they are ignoring tarmac security, ignoring it.

Why not do something to help the people in America know that they are safe when they are traveling on airplanes? Why not put into action these items on airport security that are covered in this complete chart, instead of just focusing on a very little narrow part here in the corner?

That is why the gentleman from Iowa focused right down here on passenger and baggage screening. We are going to do something today. We have the opportunity to do something for airport aviation security that goes well beyond what the Senate did in their version of rushing through legislation, inadequate legislation. Instead, we are going to do the right thing to make people safe when they travel.

So I urge my colleagues to not vote for the Ganske bill, the Democrat version, the Senate-passed version. Instead, do the right thing for airport security, for aviation security, for airport travel, and vote for the Young bill. Vote for the Secure Transportation for America Act. It is the right thing to do.

□ 1600

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that in their remarks they should not characterize the actions of the other body.

Mr. OBERSTAR. Mr. Chairman, I appreciate the Chair's admonition.

Mr. Chairman, I yield myself 15 seconds.

In the interest of accuracy, the bill that we advocate here provides for screening of passengers and baggage, checked baggage, perimeter security, Federal air marshals, cockpit security, anti-hijack training for flight crew, flight school training background checks and funding.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, first I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Iowa (Mr. GANSKE), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Illinois (Mr. LIPINSKI) and others on both sides of the aisle who have worked so hard to bring this bill to the floor and to do the right thing for the American people.

Mr. Chairman, the horror of September 11 is forever imprinted in all of our minds. Nineteen hijackers filled with hatred breached airport security. They carried box cutters and knives in their bags. They forced themselves into four cockpits. They rammed these planes into the heart of America. They attacked the greatest military, and they attacked the greatest commercial buildings in the history of the world; and they killed thousands of people in the blink of an eye.

The system that allowed that to happen is still failing us today, 7 weeks after that happened. We hear stories about a man who just last week boarded a plane with a gun in his bag. Screeners failed to stop him. We hear stories about people who stuff box cutters into seats and leave them in seats. Screeners fail to stop them. We hear stories about people trying to bring pocketknives on planes and succeeding still today because screeners fail to stop them. Two weeks ago the Federal Aviation Administration gave 20 screeners in one airport a surprise test. Seven failed the test last week.

This is police work. The companies that have been doing this have failed the American people. They must, and I repeat, must be accountable for their failure. It is time for them to be accountable. It is time for them to be replaced.

The Young bill perpetuates the status quo. The Oberstar-Ganske bill creates a better improved security system. We must put security in the hands of the law enforcement officers. The American people, the brave, decent, wonderful people of this country deserve law enforcement in the airports. Federal law enforcement patrols the shores of the United States. They guard our borders. They track terrorists down. They are standing right now outside this Chamber protecting us and the people in this building. They protect the symbol of democracy.

I ask all of you, do you want to contract out the Capitol Police? Do you want to contract out the U.S. Marines? Do you want to contract out the FBI and the Customs Service? I do not think so. If it is good enough for us, it is good enough for the American people. And today is the day to take that stand.

We have a bill that passed the Senate 100 to nothing. Every Senator, Republican and Democrat, voted for that bill; and we can pass that bill tonight. We can put it on the President's desk later tonight. It can be the law of the United States of America by tomorrow morning. We do not have to have a conference on whether tubas should be considered carry-on luggage. That is in the manager's amendment. We do not have to start worrying about whether to end the liability on the companies that failed us. We do not have to worry about whether the airline executives can have increases in their compensation.

We can start buying machines tomorrow to check every bag, to start reinforcing the cockpit doors, putting more marshals on the airplanes. We can increase the competence of our X-ray scanners. This is a night to act in the people's interest. This is not a time for politics as usual. It is a time to do what is simply, obviously right for the American people.

A lot of people have said to me, what is going on? Why can you not get the bill done? Well, I think yesterday's Wall Street Journal tells us what is happening. The companies that have the contracts, the lowest bidders do not want to give up the contracts. So they have hired Washington lobbyists to come and lobby the administration and lobby the Congress to try to hold on to their contracts. I do not mind them wanting to hold on to their contracts. But in the name of God, it is time to end those contracts and to do what is right to make people safe.

Finally, I urge Members to consider the people who are on the frontlines. I have here a note, every time I have get on an airplane now I get a note from the pilots. This is the note I got 2 weeks ago. And the pilots said, Why can you not get something done to increase our security? Why can you not get these simple, obvious provisions done so that flight attendants and passengers and pilots are not responsible for security?

This is the time to act in a totally bipartisan way.

I have been inspired by the American people in this crisis. I read a story the other night in the New York Times, the city of Middletown, New Jersey, where 250 or 300 people had been lost in September 11, in the World Trade Center.

They quoted a woman who had lost her husband. She had three little kids and she said, before this happened I did not even know my neighbors' names; and she said in the last days, neighbors from all over this region who I had never met and never knew came and brought flowers and brought food and brought notes of sympathy and came and hugged her and held her so she could get through the horror of what she was facing. She said what most helped her was the sense that she, in the end, was not alone.

This is a great country. We have great people, and we have to act in their name tonight. We have to do what is right for them. Forget politics, forget the lobbyists, forget contracts and simply stand tonight in a bipartisan way to do what is right for the American people. This is a great country. Let us make it safer than it has ever been. Let us pass the bipartisan Senate bill. Let us make it the law of this great country tonight.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

If I thought the gentleman's words were true in the sense that that would happen, I would probably support the substitute. In the bottom of my heart, I do not believe that will happen. We will be back here and our people will not be safe. That is not the correct thing to do to the American people. Let us not kid the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I stand in strong support of the Young-Mica bill, and it is for a very simple reason, because I get on an airplane twice a week and my wife and my kids fly and friends and loved ones and family fly all the time; and in my judgment, which is the best judgment I have to determine my vote, I think this bill is the strongest security measure available. So I just want to make that clear to all of the Members, including the minority leader. It is not because I had some meeting with a lobbyist. It is because I want to protect my family, my friends, my loved ones, and my country.

Let me give my colleagues one specific example which I think is a crucial security question that has not been focused on enough in this debate and that is checked baggage. I was, quite frankly, shocked to learn that the FAA, even after September 11, does not demand that baggage of a passenger who does not show up at his gate and board his airplane is removed before the plane takes off. That is the rule for international flights. It is not the mandatory rule for domestic flights, and I find that inexcusable after September 11.

Under the Democratic bill, it would still not be the rule. It would not happen. It would never have to happen in every instance at all. That is simply inexcusable.

Under the Young-Mica bill and under the manager's amendment, that provision would go into effect the day after the bill was signed into law, and every checked bag of a passenger who did not board his flight would be pulled before the plane took off, and that could only change after a 100 percent screening policy of the luggage was actually implemented; and by the way, that is an absolutely crucial issue that we must address forcefully.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), my very distinguished colleague.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding the time.

Aviation security should be a law enforcement function, not a lowest-bid function. That is the bottom line. When we cut to the chase, that is really what this debate is all about. Baggage and passenger screening is a matter of national security, and national security should not be left to the lowest bidder.

How much more evidence than September 11 do we need that this critical police work should be done by a highly trained Federal airport security force?

Mr. Chairman, since September 11 I have talked with countless Minneapolis-St. Paul airport police, Northwest Airlines pilots, flight attendants, machinists, baggage handlers, gate agents, as well as many other constituents who are frequent flyers; and to a person they have all told me that baggage and passenger screeners should be law enforcement agents, not private security guards. They want screening done by law enforcement agents, not private security guards.

Mr. Chairman, the people I represent want us to move quickly to protect air passengers and restore a sense of confidence. If we pass the Oberstar-Ganske bill, we could have it on the President's desk tonight and make flying safer tomorrow. The Oberstar-Ganske bill will ensure the safety of air travel with armed sky marshals, secure cockpits, and screening of all baggage and passengers by highly trained, professional, law enforcement agents. Nothing less than law enforcement professionals will provide the long-term security of our aviation system that the American people want and deserve.

Mr. Chairman, I do not want the safety of the people of Minnesota put out for bids. We should not compromise the safety of any of our citizens. Let us do the right thing. Let us pass the substitute without further delay.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I wish the gentleman would stay for a moment to understand one thing. He is talking about yesterday, not today. Our bill changes all those things, and by the way, the International Brotherhood of Police Officers supports my bill. The best law force group in the country, they support my bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, we have today, as we speak, more government workers than factory workers in America. The House is referred to as the microwave, quick and impulsive; the other body, crock pot, slow, deliberative and wise. Quite frankly, I think it is really reversed here.

I did not support the bill in its original form because of foreign ownership of these screening companies. I want to thank the leadership for including the Traficant language that requires American ownership of these companies.

☐ 1615

And there will have to be developed companies that will bid for those services.

But, my colleagues, the Marines in Beirut had no civilian security. Terrorists are not easy to stop, and we are beating up on every screening party in the country. Quite frankly, a free enterprise system cannot survive with more and more employees. We right now have 50,000 American troops in Germany, and our borders are wide open. Is not the Border Patrol Federal employees? Do we not have 300,000 illegal immigrants in this country a year? Cannot a guerilla force of terrorists come through here with a nuclear device?

I support the Young-Mica bill. More and more government? Bigger and bigger government? That is not the answer. The Young-Mica bill federalizes standards and supervision. And, by God, those companies that bid should be owned by American citizens, and this requires it. Right now there are not enough companies that do this. Under this bill, it will encourage the American companies to do the screening.

My colleagues, we cannot micromanage all of it. And when our borders are wide open, what do we expect? By God, bigger government is not the answer, and the microwave is on the other side of the Capitol.

Mr. OBERSTAR. Mr. Chairman, I yield myself 20 seconds to point out to the gentleman from Ohio, who is leaving the floor, that the manager's amendment does not require. It says a preference for hiring former employees. A requirement it be owned and controlled. It says to the extent that the President determines that there are firms owned and controlled by such citizens. They are all now owned, the major ones, by a foreign company.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there is one point of agreement, and that is that the existing privatized airport security system is failing the American traveling public.

Now, we have a choice. We can overhaul that system or we can continue the status quo. Unfortunately, the Republican leadership has chosen to rename and dress up the existing failing system. They call it the Airport Security Federalization Act. They are going to require the private security firms to dress up their employees in Federal-looking uniforms with Federal-looking badges. They even say that they will be deputized, but given no law enforcement powers.

Now, how is that a change? The same companies that are failing us today, and have failed us for 30 years, will still be running airport security. Securicor in the United States is under indictment, criminal indictment, for the second time in a year for hiring and maintaining known felons on staff and lying to the Federal regulators. They are going to have Federal regulators. What is a better Federal regulator than parole? These people violated their parole. Do my colleagues think the FAA bureaucrats can do better? I do not think so.

Their parent company is failing in Britain. In fact, one of the employees of that company, senior employee, said he would not let his family get on an airplane out of Heathrow Airport because he was so worried about their lapse in security.

So we have a choice here. We can dress up and make us feel better to have private security firms instead of armed Federal law enforcement agents providing the security of the traveling public needs, or we can have armed Federal law enforcement agents providing for the security of the traveling public needs. I think the choice is clear.

This system has failed for 30 years, and passing this bill is going to make it no better. There is only one option and one option that can go into effect tomorrow, and that is to pass the Senate version of the bill, which passed the Senate 100 to 0, and give the American traveling public the peace of mind and the security they deserve.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the distinguished chairman for yielding me this time and thank him and Chairman MICA, Members on both sides, for their hard work in bringing this legislation to the floor.

Mr. Chairman, this debate really is about public safety. That is after all why we are here, is to make sure we are doing everything we can to make sure that the traveling public in this country, those people who board airplanes, are safe and secure.

Now, what is happening here on the floor is they are talking a lot about the means. We are talking about the end. The bottom line is public safety. The President of the United States has asked for the authority to decide whether or not at various airports that end, public safety, is better achieved by the use of Federal employees or by the use of private contractors.

There is nothing in this legislation that excludes Federal employees from being used to accomplish the objective of safety. All we are simply saying is that the President of the United States and his Secretary, Mr. Mineta, who was the chairman of the Committee on Transportation and Infrastructure when he represented his State here in the Congress, have asked for the discretion to make that decision based upon what they view to be in the best interest of protecting safety and providing security at airports across this country.

Now, Mr. Chairman, I represent a State that under the Democrat substitute would be considered a second class State, because six out of the seven airports in South Dakota would have different levels of safety and security applied than would the 142 largest airports in this country. We do not think in South Dakota that we are second class citizens. We think we should have the same level of safety and security that is applied to people boarding planes in Chicago, Boston, Philadelphia, New York, and L.A.

And, secondly, we do not think we ought to be charged more for it. The Democrat substitute charges people who originate in smaller airports a higher fee because they connect.

So, Mr. Chairman, I would simply say that we need a system in place, and this legislation prescribes a system which puts safeguards in place, not just baggage screeners but every aspect of airport and airline security and addresses it in a way that treats everybody equally. We want to make sure that people who get on planes in places like Pierre, South Dakota, have the same safety and security and the same fares as those who board planes in other parts of this country.

Mr. Chairman, this legislation moves us in the direction of safety and it puts a system in place across this country that will keep people safe and secure when they fly. Let us adopt it.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to make it very clear that there is a single standard of safety in the Senate bill that the gentleman from Iowa (Mr. GANSKE) and I offer in which the Secretary has authority to apply one standard to the whole country but to contract out as appropriate.

Mr. Chairman, I yield 15 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time. I just wanted to state, since it was mentioned earlier that a police union supports the Young-Mica bill, that the American Federation of State, County and Municipal Employees, AFL-CIO, is a strong supporter of the bipartisan substitute, and this union would wind up losing employees if our substitute is passed.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, today we will finally address aviation security, given 7 weeks after the tragic events of September 11. Today, public safety is threatened by an unprecedented event. War has been declared on the American people. Therefore, it is the Federal Government's job to protect our country during times of war and from threats to our national security.

Security at the Nation's airports should no longer be a private sector matter. Security must be a part of the front line of our national security. Therefore, to pass H.R. 3150 gives Americans the same old status quo and in no way provides the aviation security necessary to reassure the traveling public that it is safe to use our aviation system.

Simply put, the private contractors who currently have the responsibility for screening passengers and baggage failed on September 11 and, for that matter, for the past 3 decades. The bill that we have before us, 3150, does nothing but ensure the same old status quo. The private contractors that we entrust through H.R. 3150 will make the aviation system the same, with the same companies, who pay very low salaries, have turnover rates of over 400 percent, and have failed to detect dangerous objects recently planted by the GAO and the Department of Transportation.

I say to my colleagues that Congress owes a duty to the American public to ensure the strongest level of security possible at our Nation's airports. Let us listen to the American people. Let us listen to the mayors across this country. Let us listen to the port authorities. Let us listen to the American people. Pass this Oberstar-Ganske substitute bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), who is a pilot, by the way, and flies here and yonder.

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time.

An awful lot of work, a lot of time, a lot of hearings, a lot of studies have gone into this very crucial and important issue, and the first and last point in this debate is the security, the safety of the American flying public. I am a pilot. I have been to every hearing. I have listened to every hour of testimony. The Young-Mica bill, the President's position, provides the best security, the best safety for the American public as they fly.

Think with me for a moment. The gentleman or the gentlewoman in the left seat in the front of that airliner has a piece of paper called a license. That license certifies that they have met the recent competency requirements, they have met very stringent physical standards, they have gone through testing, and they are competent to perform the job that is required of them. That pilot does not work for the Federal Government.

The mechanic, the man or the woman who is at the maintenance facility, who keeps these aircraft maintained and flying safely, has a license. They are supervised by the Federal Government, but they are not a Federal employee.

The men and women who guard Federal courthouses, who do an excellent job under extremely trying circumstances, are not Federal employees.

The best system, based on history and present conditions, is a partnership using the authority, the experience, and the law enforcement ability of the Federal Government to set standards, ensure accountability, and then follow up and enforce those standards.

The end result is the safest possible condition for the flying public because of the training and the enforcement for the pilots, the mechanics, and the law enforcement officials. That is the issue here.

As we look at it, we all agree federalizing the standards is absolutely the correct thing to do. The system that we have now is not sufficient. It is broken, and we are going to fix it. The best way to fix it is with the Young-Mica and the President's position.

If we want to look a little further, the folks who did these horrible, unimaginably horrible acts came through a system that was controlled by Federal employees. Having everyone on the Federal payroll does not give us the insurance or assurance that we need.

Looking even a little bit further, under the bill of the gentleman from Minnesota (Mr. OBERSTAR), a good friend, and he has worked very hard and listened very carefully as well, there is a division of authority under that bill. Enforcement goes under DOT and screening goes under DOJ. Accountability comes from a firm, clear head. The supervision that we need, the standards that are required and the enforcement that comes from that gives us the safety and the security for the American public.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the Chair the time remaining on each side.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 11-3/4 minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 10 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong support of the Democratic substitute, the Oberstar-Ganske bill. It deals with airport security at a time when this Nation is looking to restore its confidence.

Requiring airport screeners to be Federal employees is needed in order to establish an effective, uniform system of screening across the Nation.

□ 1630

This is essential to restoring the flying public's confidence in the safety of our air transportation system. The aviation security proposals of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) are commendable, but they do not go far enough. Allowing the continued private contracting of screening services perpetuates the current system under which screeners are paid near-minimum wage resulting in an average employee turnover rate of more than 120 percent nationally and more than 400 percent at some airports.

Mr. Chairman, we would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the Capitol Police; and it makes no sense to do so with airport screeners. These screeners serve as America's first line of defense in aviation security. If federalized, screeners should be paid salaries commensurate with the law enforcement responsibilities of screening, which involves not only the ability to read X-rays, but the ability to interrogate individuals and conduct more thorough inspections in many different circumstances. Only through a uniform national system with professional Federal screeners can U.S. travelers be secure and be sure that they are being protected.

Mr. Chairman, there is a great deal at stake today in this legislation. This legislation is important to each and every one of us that gets on an aircraft once or twice a week. Every week as I go back to my district, people are asking why is it taking so long for the House to pass a bill that gives us confidence to get back on planes flying across this country. I urge my colleagues to support this legislation. It is important. It is imperative. It is the right thing to do.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 9 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I came over to this side of the aisle to respond to the last speaker's comments of why this bill has taken so long. I will tell Members why: because I served in the minority, and some people when I was in the minority on the majority side treated me fairly, like the gentleman from New York (Mr. TOWNS), who I still respect to this day. Others treated me unfairly and never let me be heard. I made a determination if I ever had any position of authority in this House, I would treat everybody in a bipartisan, fair manner and hear all of the individuals, regardless of when they came to Congress or what their stand was; and I did that.

Mr. Chairman, we held extensive hearings day after day, week after week; and we stayed there and heard from every expert throughout the country so we could develop the very best bipartisan bill possible; and we came within one word of doing that, and I acted in a bipartisan fashion. I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for working with me. That is why the bill took so long. We did make every effort, and we tried to be fair and open and develop the best security measure for the House of Representatives.

Mr. Chairman, I return to this side of the aisle, and not returning to a partisan side, I want to return to the factual side. First we heard the minority leader give an eloquent speech, and I have the greatest respect for the gentleman from Missouri; but he said the people failed, the screeners failed, and he talked about pocketknives.

Mr. Chairman, FAA set the standards. Up to 4-inch pocketknives were allowed. The screeners who were in place, in fact, were dealing with laws which had been passed by Federal employees by the FAA. Box cutters, there were no FAA restrictions on box cutters on September 11. We heard the minority speaker say we can get about buying machines. Let me show one of the flaws. Read the bill. I beg Members to read the bill. This bill on page 23, line 7, leaves the technology with the approval of the administrator of FAA.

Part of the problem we had on September 11 is we could not get the best technology possible in place. In fact, this language prohibits this type of technology because it says nonintrusive. This is the kind of technology that is available. We have 1970s and 1980s X-ray equipment. That is what we will have tomorrow if we pass the substitute that is proposed. This equipment can detect plastics, and we know plastic knives were something smuggled on board. This bill on the Senate side gives us a worse position than we were in on September 10, and it leaves technology in a terrible position.

We have heard if it is good enough for Congress, it should be good enough for the American people. I tell Members the ads that are being put on television by various groups are unfair. What we are proposing, every Member of Congress, their families, my children, my wife, will all be required to go through the same type of security. Read the bill on the other side. It creates a two-tier system. Look at page 17 and look at who is responsible. A two-tier system.

Look at page 22. There are 141 levels of security at some airports and law enforcement, and 319 small airports are relegated to possible Barney Fife-type enforcement. What is ironic about their bill, and read the bill, I am not kidding. It leaves law enforcement in the Department of Transportation, just the opposite of what the other side intended to do.

Technology remains with FAA, read the bill; law enforcement remains with the Department of Transportation. We can hire Ph.D.s to do screening. They are only as good as the equipment. They are only as good as the rules put in place. I defy anyone, come up here and show me one place where there is the ability to pass a rule that needs to be passed.

The problem with airline security is that we cannot get a rule in place. We cannot get a rule to buy the latest technology. There is no provision in the Senate bill, so Members are worse off than they were on September 10 because there is no ability to get the best technology in place.

Look at the provisions for the Under Secretary of Security and Transportation. We deal with all of these things, and we delineate them with a clear line of authority. This bifurcates it. The Department of Justice says they cannot handle it. In fact, they issued a letter and said it will interfere with their main responsibility right now, which is to deal with terrorism. This is their letter. This is what they said. The bill from the Senate side will actually deter their efforts to deal with terrorism.

Mr. Chairman, I defy anyone in the House to take this bill and diagram this bill as to how it will work. We tried to do this. It is not only bifurcated with different levels of responsibility between different agencies and different levels between big airports and small airports, it would create a maze.

The argument that we do not use private contractors, this is a list of 20-some agencies, including Department of Defense, all of our nuclear facilities and on and on, we use contract security personnel with high standards and high qualifications, as we propose in our bill.

When Members go back, I want them to tell their constituents what they did if Members pass the Senate bill. It is no longer 28,000; it is 31,000 according to Congressional Budget Office, who has looked at the bill from the other side.

Other protective services, Federal protective services, 442 employees. What failed was not the baggage screeners which we can all pick on because they are lowly paid now, and our bill changes that system. We have Federal oversight of the entire program. We have Federal management and Federal supervision and Federal testing and Federal background checks. And most importantly, we have Federal oversight of the whole program.

If we want to put Federal employees someplace, there are only 4,087 United States marshals. I called the visa section and asked how many people are there issuing visas. Mr. Atta got a visa from a Federal employee. We can put people with Ph.D.s, and Mr. Atta, if he was given a visa and passport approval to come into the United States, would get in under the Senate measure.

Border patrol, we only have 323 border patrol people in Canada. This is where we should be putting our Federal employees and resources. I chaired the Subcommittee on Civil Service and Agency Organization for 4 years. I tried to get performance standards for Federal employees. We passed it in the House, and it failed in the Senate. If we want high standards, it is impossible to do it in the Congress; but it is possible to have the best possible people with a private-public partnership with high standards, high qualifications and put those provisions in place. The choice is clear, my colleagues; and I hope Members put politics aside and put security for all traveling Americans in the forefront.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I want to go on record as saying that the gentleman from Florida (Mr. MICA) has done an outstanding job trying to bring everybody into this process. He put a tremendous amount of time into it. I certainly appreciate that, and I know everybody on this side appreciates it very much.

We do not know where the 31,000 figure comes from. I know that it comes from the Congressional Budget Office, but it is really up to the President to determine how many there will be. Members have to remember that we do enplane over 600 million passengers in this country every year.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the bill and in strong support of the bipartisan substitute. I support the substitute offered today as it has already passed the United States Senate and will be sent directly to the President if passed by this body today.

The substitute contains many of the provisions that I and other Democrats on the Subcommittee on Aviation introduced on September 14: more sky marshals, limiting carry-on luggage, putting the Federal Government in charge of security at our Nation's airports, and having professional, career law enforcement officials in charge of baggage screening and security in general.

It is the last point that some Members of this body cannot accept, despite the overwhelming approval of the American people in passing the United States Senate by 100 to zero. Currently, privately contracted baggage screeners earn about $6 an hour, and receive little to no training. At Lambert International Airport in St. Louis, the turnover rate has been as high as 400 percent. Many of these screeners are not U.S. citizens, which contributes to language barriers; and it makes it difficult for us to perform background checks on them. It simply makes sense to make sure these positions are filled with career law enforcement professionals.

How can we expect the FBI, CIA, and other career law enforcement professionals to share sensitive information about potential terrorists with noncareer contract employees who will only be on the job a few weeks? The substitute bill makes the Federal Government responsible for hiring, training, and ensuring that we have a functional, properly trained workforce.

Federal law enforcement professionals, career professionals at the Secret Service protect the President, the Vice President, the White House. Federal law enforcement career professionals protect Members of Congress and the U.S. Capitol. Federal law enforcement career professionals protect the Supreme Court Justices and the Supreme Court, and Federal law enforcement career professionals should be responsible for security at our Nation's airports and protecting the flying public and the American people. I urge passage of the substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

☐ 1645

Mr. NADLER. Mr. Chairman, in the 2 months since September 11, we have not passed an aviation security bill because of one issue: Should Congress sit back and allow private security companies to continue to provide the so-called security at our airports? Or should we mandate that security be handled by professional Federal law enforcement personnel? These private security companies, despite what people say about Federal supervision, would not work. They have committed thousands of screening violations. They have been charged millions of dollars in fines by the supervisors, and yet they are even now failing to conduct proper background checks, hiring convicted felons and lying about it.

The Democratic substitute will make our airports secure by entrusting security to professional law enforcement officials. It is not an unreasonable request. The Senate voted for it 100-to-nothing. Unfortunately, the House Republican leadership is putting the lives of millions of Americans at risk by opposing Federal airport security on the ideological grounds that we should not increase the number of Federal employees. I do not recall anyone objecting in 1942 to plans to hire 10 million new government employees in order to enlarge the Army and the Navy to create additional divisions and air wings to fight World War II. The argument is just that absurd.

All security functions are, and should be, handled by the Federal Government, the FBI, the CIA, the Coast Guard, the Border Patrol, the INS, the Armed Forces, all except our airport security. Nobody advocates hiring mercenary soldiers or sailors or private police to replace the FBI. The results of making an exception for airline security are now all too evident.

The American people demand airline safety. The American people demand a Federal enforcement force. And they will not stand for petty political considerations blocking proper law enforcement and proper safety to protect our lives when we fly.

I urge my colleagues to vote for law and order. I urge my colleagues to vote for airline safety. I urge my colleagues to vote for the Democratic substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, the passengers want it overwhelmingly, the pilots want it unanimously, the Senate wants it unanimously. What happened to us? We must know something they do not know. Where are we on this issue, anyway? Let us take a look at the RECORD.

Airport fast food restaurants are paying higher than those folks that have been hired to screen. What are we going to get? We are going to get what we pay for. It is no wonder that the number of people that are turning over in every airport is astronomical. In Atlanta, the airport in Atlanta, Georgia, over 400 percent turnover in a 2-year period of time. You get what you pay for.

You are simply painting an old system to make it look differently. You are camouflaging it and you are putting my family at risk and I do not like it. Americans do not like it. They have made it very, very clear. This is a national security issue. We better stand up for our own families.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for yielding time and for his leadership on this issue.

Mr. Chairman, 7 weeks ago, terrorists used our own commercial airliners as deadly weapons against us. For years transportation experts have blown the whistle on airline security and today we have an opportunity, indeed a responsibility, to make the change necessary to make America's skies safe for Thanksgiving.

Mr. Chairman, for too long the airline industries and their private screeners have not only neglected public safety, they have made a decision against it. Today, we should not support the dangerous status quo. Instead, we should vote a public indictment against a system which has failed to train screeners, which has failed to invest in human resources and has failed the American people.

That is why 100 percent of the United States Senate voted for a proposal that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) are presenting to us today. I urge my colleagues to support that amendment. Ensuring our personal security is a bedrock responsibility of government. Support the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, it is incredible to me that 7 weeks have passed since September 11 and this is the first security bill that we have brought to the floor, although we immediately brought up the $15 billion bailout for the airline industry as they were laying off 100,000 workers and not one dime for the workers.

On October 11, the Senate passed a bipartisan aviation safety bill 100–0. I keep hearing over and over again from my colleagues that this is not a perfect bill. I have been here 9 years and I have not seen a perfect bill, but this bill the Senate passed is a perfect start. It is a perfect start and we have much more work to do.

As we speak today, there are schools that are training people from terrorist countries, paying them $25,000 in cash, and we have not done anything about that. The Bible says to whom much is given, much is expected. The people of this country are expecting much from the people of this House. Let us pass the Senate bill.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the time remaining in general debate?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2¼ minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. I would like to propound a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OBERSTAR. Mr. Chairman, is it correct that under the rule, the manager's amendment is not subject to change except for unanimous consent?

The CHAIRMAN. Under the rule, the amendment cannot be amended. However, the offerer of the amendment by unanimous consent could modify the amendment while it is pending.

Mr. OBERSTAR. I raise the issue because there are questions moving on the floor from Members that promises have been made regarding the manager's amendment, and as the Chair just indicated, the manager's amendment is not subject to change unless unanimous consent is asked and obtained.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, yesterday may have been Halloween, but we are scaring the American public today. They know that we have a failed system of privatization. They know that hundreds of airports across the country deserve a unified system. They know that the FAA has powers that it has failed to put into effect. They know that time after time, private contractors have missed the mark. Putting costumes on private rent-a-cops, calling them Federal officials, naming the bill federalization does not give the level of confidence the public wants. It may be a treat for the private contractors but it is a sad trick on the public.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the well-known definition of insanity holds that when we repeatedly do the same things that we have done before without any meaningful change but somehow expect the result to be different this time, that is insanity.

Our experience tells us when we do only that which we have done before, we can expect the same outcome, the same result. We cannot allow these failures to continue. We must support the Oberstar-Ganske substitute bill. It makes sense. It is not insanity. The rest of the verbiage I have heard today is insanity.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 30 seconds.

Mr. OBERSTAR. Mr. Chairman, I just want to point out that there were references made earlier in debate to the complex way in which security would be organized under the bipartisan bill. In fact, it is not complex at all. The bill provides very clear lines of responsibility. The bipartisan substitute outlines who is responsible for what. The Justice Department is responsible for four aviation security areas: Passenger and baggage screening, including training of personnel; guidelines for Federal air marshals; background checks of aliens; and notifying critical persons about who may pose a risk to aviation security.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

The bipartisan bill was very close, up to one word, and I got derailed. The bill that is being suggested as a substitute is a bipartisan bill in only some people's minds and it does not give us the security, as I have mentioned before. We do change the system. I have heard people say it is the same old system. We do federalize. We do supervise. And we do, in fact, nationalize in some cases. We give the latitude to the President, do what is best for the best security for our flying passengers. That is what my bill does.

The Senate bill does nothing. I will not be part of that which kids the public. I want to go to conference. I have committed, the President has committed to going to conference. We will write a bill with the help of the gentleman from Minnesota (Mr. OBERSTAR) very similar to what our bill is, which he agreed to, and he knows that.

I am certainly chagrined at the fact that we are letting the Senate, and since when has the Senate become the gurus of transportation, I ask the gentleman from Minnesota? They are not. I believe we are.

I am going to suggest that we vote for the Young-Mica bill, make it the right bill, go to conference and do the job correctly.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask Members of the House one more time, not to characterize Members of the other body.

PARLIAMENTARY INQUIRIES

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, we are discussing the Senate bill, it has been brought up numerous times, and I think we have a right to speak of the Senate bill. I will continue to speak of the Senate bill. It is the Senate bill.

Now you can answer my parliamentary inquiry if you would like to. The parliamentary inquiry is why could I not?

The CHAIRMAN. The Chair would remind Members that they are free to discuss the contents of a pending bill that comes out of the Senate. However, the Chair would just remind Members to try not to characterize Senators.

Mr. OBERSTAR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota will state it.

Mr. OBERSTAR. The measure pending is the substitute that I have offered in my name and on behalf of the gentleman from Iowa (Mr. GANSKE). Is that not correct?

The CHAIRMAN. The measure pending is H.R. 3150.

Mr. OBERSTAR. Yes. But the substitute, which has been referred to, that is provided for in the rule, which I will offer for myself and for the gentleman from Iowa (Mr. GANSKE), is the measure, it is the substitute, is a House provision, is a House measure. Is that not right?

The CHAIRMAN. What it would be is an amendment to be offered by the gentleman from Minnesota.

Mr. OBERSTAR. So the Chair's admonition about reference to measures from the other body is appropriate.

The CHAIRMAN. The Chair was addressing references to the Senate bill.

Mr. OBERSTAR. I thank the Chair for the clarification.

Mr. NETHERCUTT. Mr. Chairman, I rise to speak today in favor of H.R. 3150 and its provisions relating to assistance for small airports. Though disagreements remain how to permanently improve security screening at all airports, it is heartening to see a bipartisan effort to solve the current problems with airline security. I am encouraged by the bill's content in all areas and hope this important piece of legislation is passed.

Mr. Chairman, two small commercial airports in my district, Pullman-Moscow Regional Airport and the Walla Walla Regional Airport, have been severely affected by the enhanced security directives and the regulations imposed on parking and "loop roads" instituted after the tragic events of September 11th. The restrictions placed on passenger vehicle access to the terminal and parking were prudent in the immediate aftermath of the attacks, but their prolonged presence has resulted in the closure of many small businesses across the country. Two small businesses located in the Walla Walla Regional Airport either directly, or indirectly, were forced to close due to these restrictions. I know many of my colleagues have small airports and aviation-related businesses in their districts facing similar hardships.

Many airports in rural areas act as a vital link between the economies of small communities and large cities. I commend the Chairman's foresight to preserve the viability of these airports by allowing Airport Improvement Program funds to be used to hire, train, compensate or reimburse law enforcement personnel.

Some security measures, such as the screening of baggage and a law enforcement presence at checkpoints, must be applied uniformly to all airports in order to fulfill America's larger mission of securing our National Airspace System; however, state and local officials can better assess the threat to the terminal itself based on the unique characteristics of each airport. For instance, terrorists thrive on maximizing carnage and destruction with the few resources in their possession. Though the horrible crimes perpetrated on September 11th can easily be painted as irrational, terrorists tend to be very rationale in their target selection. Using this analysis, small, rural airport terminals are less attractive targets because of the limited number of people using them and their geographical distance away from major populations.

I am pleased the FAA has come to realize that the financial hardship incurred by smaller airports is largely disproportionate to their level by rescinding the ban on parking last week at Class IV airports. However, slightly larger Category III airports continue to face these hardships. Without flexibility in certain areas, the economic burdens placed on small airports and regional airlines to cover these enhancements will result in a severe contraction of our air transportation system.

I am pleased that Section 22 of this bill recognizes the need for flexibility in this area by allowing local airport operators, in consultation with appropriate state and local law enforcement authorities, to conduct a threat assessment of the airport facility to determine the necessity of the 300-foot parking restriction at all airports. I have the utmost confidence in local officials to decide how best to mitigate the threat to smaller, low-risk airport terminals.

I strongly urge my colleagues to pass H.R. 3150. This bill is flexible and will enhance the security of our transportation infrastructure while limiting the financial mandates on vulnerable airports like those in my district.

Mr. KIND. Mr. Chairman, aviation security is a matter of national security. In the wake of the September 11th attacks, when the terrorists were able to take weapons on board four separate flights with ease, it is vital that the Congress act now to pass comprehensive legislation to prevent future assaults. We must take this opportunity to make our nation's skies safe for all Americans.

Mr. Chairman, we must act now to plug the holes in our aviation security network. We need to invest in technologies that can screen all luggage that is checked onto a plane, and not settle for the low percent that is x-rayed now. We must pay and train our passenger screeners more so that they will have the tools they need to perform their jobs effectively. We must also invest in security measures at airports to ensure that the people who work in and around grounded planes are authorized to do so. And finally, we must invest in technologies that will make our planes safer, including stronger cockpit doors and other security measures so passengers and crew are protected during flight.

Mr. Chairman, experts agree that our current airline security system is broken. We need to invest in technology and people to make sure that both our airplanes and airports are symbols of safety and freedom, not outlets for attacks on America. For this reason I support the bipartisan Ganske/Oberstar substitute.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 3150, the secure transportation for America act of 2001 which addresses a variety of important security issues within our nation's air transportation system. Airline security is arguably the most pressing national security matter facing our nation today and it is high time for Congress to move forward on this issue. In contrast to the competing legislation on this issue, H.R. 3150 will allow our nation's federal authorities to make quick and effective changes to the inadequate airport security system currently in place. Within three months of implementation, this bill will establish the transportation security administration (TSA), an independent agency in the Department of Transportation that will be responsible for overseeing our nation's airline security. This new agency will move quickly to place uniformed federal law enforcement officers at passenger and baggage check-in points to supervise the screening process. It further mandates that the Federal Government will conduct background checks on passenger and baggage screening personnel who will also be subject to much stricter employment requirements. Moreover, H.R. 3150 not only authorizes $500 million for cockpit reinforcements but it also dramatically expands the Federal Air Marshall Program. Mr. Speaker this is a balance and pragmatic approach to reforming and enhancing our Nation's airline security system. I join President Bush, Governor Pataki, Mayor Giuliani, and the Fraternal Order of Police in supporting this measure and I urge my colleagues to vote "yes" on the measure.

Mr. JONES of North Carolina. Mr. Chairman. In the days and weeks since September 11 it has become evident that the United States has a long way to go in order to improve aviation security. There is a critical need to develop a security system that far surpasses anything that exists in Europe or Israel as well as rigorous Federal oversight of security measures that strike a balance to ensure that civil liberties are not endangered while protecting the safety of passengers and crew.

HR 3150, the Secure Transportation for America Act of 2001, overhauls the antiquated security systems that failed the American public. It requires the Administration to adopt tight standards for screening passengers and baggage and makes all screening processes, background checks and testing subject to strict federal oversight. HR 3150 also expedites the deployment of more Federal Air Marshals and directs the Federal Aviation Administration to take steps to strengthen cockpit doors.

There has been a great deal of talk about federalizing almost 30,000 security screeners at our nation's airports. In the wake of September 11 that sounds on the surface to be positive, but Mr. Speaker, it is not the long-term solution the American people need because it will not automatically improve security.

Previous experiences with various federal workforces, in particular the Immigration and Naturalization Service, is an example of a federal workforce that faces difficulties performing at acceptable levels of accountability. Time and again taxpayer dollars are spent to fund agencies that talk a good game while training through a difficult learning curve and providing very little in the way of actual services.

Another problem with federalization of airport security would be how to best transition from private screeners to federal screeners. It is unclear how quickly a federal workforce could be assembled, possibly putting security improvements on hold, thereby inadvertently increasing the vulnerability of air travelers and cargo.

The bill before us today replaces the current failed system. It requires the federal government to take over responsibility for the screening of passengers and property on passenger aircraft. The federal government can do this by contracting with a security company to perform this task with rigorous Congressional oversight. This is the necessary tool to ensure both a safe and secure aviation system.

There is an old saying that the most permanent thing in Washington is a temporary federal program. Our friends on the other side of the aisle want you to believe that a federal aviation security force will be the answer to our problem of airline security simply because the Senate passed the same version 100–0. I would respectfully submit that just because the Senate unanimously supports their plan does not mean that this House will serve as a rubber stamp for bad legislation.

The American people deserve to feel safe when they fly. They also deserve and demand an accountable federal government. I believe strongly in the free enterprise system and I further believe that the least economical and least efficient way that you can do anything is to give the federal government more power.

Lastly, I want to touch on the issue of arming flight crews. Many of our civilian pilots served in the armed forces as soldiers and airmen and thus have extensive previous experience with firearms. I believe this proposal has merit. As long as the program is voluntary and not compulsory and the cockpit crew has the necessary training in firearms, I believe it is more than appropriate for firearms to be present in the cockpits on commercial flights.

The cockpit must be defended and every man and woman on the flight crew has a role in that defense. In fact, according to a recent public opinion poll conducted by the Winston Group, 77 percent of Americans who favor gun control also favor arming flight crews.

We have the critical task before us to pass an aviation safety bill that will reassure the travelling public that it is again safe to fly. From bolstering airport security to authorizing Federal Air Marshals to reinforcing cockpit doors, HR 3150 is the first step in ensuring secure commercial aviation.

Mr. DELAHUNT. Mr. Chairman, I will address separately the deficiencies of this bill in regard to airline security. But there are parts of the manager's amendment that have nothing whatsoever to do with airline security.

In September, we passed legislation that limited the liability of air carriers to the victims of the September 11 attacks. This amendment would expand that limitation to other parties yet unnamed and unknown, who face potential liability.

Some of the parties covered by this sweeping provision may well be entitled to relief. But the language would limit liability, grant immunity from punitive damages and waive prejudgment interest even for private airport security contractors who wantonly, recklessly or maliciously hired convicted felons or failed to check for weapons.

Nobody is seeking to hold responsible those who bear no blame for what occurred. But this amendment lets companies off the hook even if they knowingly engaged in conduct that put Americans at risk on that fateful day.

It caps plaintiffs' attorneys fees, making it even harder for victims to pursue meritorious claims in court. And it stacks the deck still further by placing no comparable limit on the amounts that corporate defendants can pay their lawyers.

These measures come barely a week after the House voted for a so-called "economic stimulus" package that gives away billions of dollars in tax rebates to U.S. corporations free-and-clear. Including $1.4 billion to IBM and $833 million to General Motors. All-in-all, $3.3 billion to seven blue-chip corporations, none of whom—none of whom—suffered specific harm as a result of the terrorist attacks.

At least that giveaway did not reward wrongdoers at the expense of their victims. The giveaways in this bill do.

I urge support for the bipartisan substitute and defeat of the amendment.

Mrs. MINK of Hawaii. Mr. Chairman, America's confidence has been severely weakened by the tragic events of September 11, 2001. People will not fly until they feel safe! Hawaii's hotels and beaches are empty while people wait for Congress to assure us that it is safe to fly. We gave the airline industry their money ten days after the terrorist attacks but our Republican leadership has delayed for two weeks after the Senate passed its version by a vote of 100 to zero.

I believe airport screeners should be federal employees. 80 percent of the American public supports federalizing airport baggage screeners. The Association of Flight Attendants and the Air Line Pilots Association, our front line employees, support federalizing the screeners. The current system does not work. The workers are poorly paid and poorly trained, with a turnover rate of more than 120 percent nationally and more than 400 percent at some airports. Safety of our airplanes requires upgrading these important employees who are our first line of defense.

Airport Screening personnel should have the same benefits of federal law enforcement officials. These workers must be able to work with sophisticated machinery, be adequately trained, and will be responsible for ensuring nothing hazardous gets on our airplanes. These extremely important workers deserve to have pay and benefits commensurate with other federal law enforcement officers.

Opponents contend that the hiring of federal employees will create a bureaucracy that will not allow the government to fire employees for poor performance. This is simply not true. There are specific provisions that allow the government to fire workers who do not perform.

Despite the intense media attention on airports and airport screeners, we continue to have serious breaches in security. A man carried a loaded gun onto an airplane, one-third of airport screeners at Dulles airport failed a "pop quiz" on their fundamental duties, and undercover agents have continued to slip through security checkpoints with knives and box-cutters. If these private companies cannot adequately secure our airplanes when the pressure is on them to shape-up, how can we trust them in the future when the publicity fades?

The Democratic substitute is not a perfect bill but it is a more effective bill than the underlying bill. It will reinforce the cockpit door and make it impenetrable to intruders. It will expand the air marshal program to hire, train, and deploy more air marshals and require airlines to seat them. It will require flight crews to be better trained in hijack prevention and require the Department of Justice to conduct a study on giving flight attendants non-lethal weapons to protect themselves.

The substitute also leaves open the possibility for the implementation of various technologies to deter terrorist attacks, both on the airplane and in the airports. I am hopeful it will include cameras that look into the cabin so the pilots can see what is happening and in addition provide radios that let flight attendants communicate with the pilots. I am also hopeful that devices that allow pilots to land the plane safely in the event of smoke in the cockpit become standard equipment on all commercial planes.

The bottom line is people will not fly until they feel safe. They will not feel safe until the federal government regains their confidence by giving our passengers the best security possible; a professional, federal screening security workforce. The Republican bill continues the status quo; using low-bid private contractors that will continue to suppress salaries and benefits and leave the workers wanting to leave their jobs for higher paying jobs in the airport, such as the coffee-shop.

I am disappointed that this bill allows guns in the cockpit. If we are going to seal off the cockpit and not allow anyone in or out, what is the point of having a gun in the cockpit. I would favor having a gun in the cockpit to be used only if someone gains access to the cockpit, but not to allow a pilot to ever leave the cockpit to confront anyone. The pilots only job should be to fly the plane. They should never leave the cockpit, risk losing control of the plane, and hazard all the lives of the passengers.

I am also disappointed that this bill still does not include provisions that provide much needed assistance for the hundreds of thousands of laid-off workers. I remain hopeful that after we have established a federal screening workforce, the House will immediately move to give workers relief by extending unemployment compensation for 26 additional weeks, raising the unemployment benefits, and paying for a full 72 weeks of COBRA or Medicaid health insurance.

Mr. CLEMENT. Mr. Chairman, all of us gathered today know that aviation security must be radically improved. The current system is clearly broken. And fixing it is of dire importance to the American traveler, and to the nation at large. For we are a country built on travel. The freedom of mobility is not a convenience for Americans, but a way of life.

That is why I support the bill that our colleagues in the Senate passed 100–0, as I have supported other plans that address the need for drastic improvements in aviation security. The Senate unanimously adopted this plan because it knows that federal screeners at our nation's biggest airports will restore public confidence, and pubic confidence will restore ailing airlines and our desire to travel. With a recent Washington Post poll showing that 82% of all passengers support federal screeners, our path is clear. All we need to do now is follow it.

The bipartisan substitute before us recognizes that airport security is the first line of defense against terrorism. And, that national security is the foremost responsibility of the federal government. We don't contract out the military, the FBI, the CIA or for that matter, the Capitol Police, Federal workers guard our borders through INS and Customs. We should not expect less for those protecting the safety of our skies.

But, perhaps most importantly, I believe that federal screeners at the large airports and local law enforcement at smaller airports is the best way to address the need for greater security right now. By passing this substitute, we can quickly present a bill to the President for the signature which he has pledged. I recognize the need to build a bipartisan solution to this pressing problem and that is what this substitute offers. It addresses the main issues that both sides agree must be changed and takes a measured approach to the federalization of the screener workforce. I believe that this is the kind of common ground we must build in order to make the improvements to aviation security that the American public demands.

This bipartisan substitute is the best choice for the nation. We must act now to secure our aviation system and get people traveling once again. I urge my colleagues to vote for the measure before us.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to the Manager's amendment and in support of the Democratic substitute.

Airport security is a legitimate federal responsibility. Just as we protect our borders, guard against smuggling, and protect against illegal drugs, we must also protect our citizens against terrorists who board our planes and travel our skies with guns, knives, and bombs.

However, the Manager's amendment does not accomplish this. Instead, this amendment expands the provision that we already passed, limiting liability for airlines that were used by terrorists on September 11, 2001 and applies that provision to "any person liable for any damages arising out of the hijacking." This would limit the liability of everyone, including an airport security company that allowed terrorists to get on a plane with box cutters.

Even worse, the liability provisions go far beyond the protections included in the airline bailout bill we passed in September. This is because the amendment totally bans punitive damages, eliminates prejudgment interest, mandates collateral source, and limits victims' attorneys' fees. All of this was done without the benefit of a single hearing or any consideration by the Judiciary Committee. And all of this harms the victims.

Members should know that these provisions are far more extreme that the liability relief requested by the supposed beneficiaries of the provisions—the owners of the World Trade Center and the airplane manufacturers. This amendment is too broad, benefits the wrongdoers, and would have a number of harmful and unintended consequences for victims of terrorism. Please vote no on the manager's amendment and support the Democratic Substitute. Passing this manager's amendment constitutes special interest legislating at its worst. It is wrong and I urge the Members to reject it.

Attached is a section-by-section description of the liability limitation provision in Managers amendment:

On September 22, 2001, the "Air Transportation Safety and System Stabilization Act" was signed into law by the President. In addition to providing federal assistance to the airline industry, it provided for a two track liability system. The first track creates a victim compensation fund, which provides victims of the September 11, 2001 terrorist-related aircraft crashes at the World Trade Center, the Pentagon, or site of the aircraft crash in Shanksville, Pennsylvania, with compensation. Specifically, the legislation authorizes a Special Master, appointed by the Attorney General, to review claims, within 120 days, submitted by claimants. Negligence is not required to be established to obtain compensation under this track. Funds for this victim compensation fund are taken derived from authorized funds from the federal government.

The second track is available to persons who elect not to pursue the victim compensation fund. These individuals can pursue a more traditional tort claim based on negligence. But if the claim is against American or United Airlines, it must be brought in the District Court of the Southern District of New York, where all the cases are to be consolidated. In these cases, liability is limited to the amount of available insurance.

The Manager's amendment does not disturb the Victim's Compensation Fund. However, it does amend the second track to expand the number of companies eligible to benefit from the liability limitations available described above and to add new limitations, namely eliminating punitive damages, eliminating prejudgment interest, mandating collateral source and capping victims attorneys fees. The following is a more detailed summary of the Section 201 of the Manager's Amendment.

Limiting liability for unnamed and unknowable parties (section 408 (a))

The amendment would expand current law from limiting the liability of air carriers to limiting the liability of "any person" liable for any damages arising out of the September 11, 2001 hijacking and crashes. Under this new provision, the Federal government is asked to go far beyond the two named defendants that it currently protects in the Air

System Stabilization Act (United Airlines and American Airlines). In fact, this provision requires the government to assume liability for "unnamed parties" including possible bad actors. Although this new amendment would provide coverage for those who have asked for and may well warrant relief (such as the owner of the World Trade Center and the Boeing Corporation), it would also limit the liability of the screening companies whose negligence may have allowed the hijackers to enter the aircrafts with weapons. This expansion of the legislation would allow hundreds of unknown parties to have protection against liability whether the protection is warranted or not. At a minimum, those eligible for limited liability should be identified, their insurance coverage ascertained, and the need for this protection substantiated. As a result, this bill shifts untold amounts of liability to the federal government with no substantiation.

LIMITS ON DAMAGES (SECTION 4088 (B)(4))

The amendment would impose a new limitation on damages injured victims can recover by stating that a party of the action is not liable beyond the amount of its insurance. The bill also specifically provides that any responsible defendant shall not be held responsible for (1) punitive damages or (2) interest prior to the judgment. It also limits the amount of recovery an injured plaintiff can receive by subtracting from the award any amounts the plaintiff may have received from other wrongdoers (collateral source).

(1) Punitive damages are monetary damages awarded to plaintiffs in civil actions when a defendant's conduct has been found to flagrantly violate a plaintiff's rights. The standard for awarding punitive damages is set at the state level, but is generally allowed only in cases of wanton, willful, reckless or malicious conduct. These damages are used to deter and punish particularly egregious conduct.

Eliminating punitive damages totally undermines the deterrent and punishment function of the tort law. The threat of meaningful punitive damages is a major deterrent to wrongdoing, and eliminating punitive damages would severely undercut their deterrent value since reckless or malicious defendants could find it more cost effective to continue their callous behavior and risk paying small punitive damage awards. If a baggage screening company hired a felon, the company could normally be held liable for punitive damages. However, this proposed provision could remove the ability of a victim to make such a claim.

(2) Interest payments are an added incentive to move the judicial process along because a delay would result in a penalty of added interest to the judgment. Without the threat of added interest payments defendant attorneys may be prone to delay proceedings because the real dollar value of a judgment amount would be reduced, making the judgment the same no matter how long the process. Both Virginia and New York law allow for pre-judgment interest in certain cases. Limiting interest would unfairly affect the judgment award collected by the victims and leave them vulnerable to a delayed judicial process.

(3) Collateral source reduction would mandate the reduction of the amount of the victims' award by collateral source compensation received by the claimant or that the claimant may be entitled to, such as health or disability insurance. Neither New York nor Virginia require the court to reduce an award by collateral source compensation. There are two problems with this change:

First, a reduction of a victims award due to collateral source compensation would result in wrongdoers escaping their responsibility. This amendment subtracts any other potential sources of recovery the victim may have from any damages the wrongdoer should pay. Losses caused by negligence or wrongdoing would be shifted from liable defendants to the government or private insurers who made the "collateral source" payment.

Second, the amendment does not require that the victim is actually able to collect from the insurance policy or other collateral source for the wrongdoer to escape responsibility. The amendment only requires that the victim be entitled to recovery from some other source.

Caps on attorneys' fees (section 408(b)(5))

This provision limits victims attorneys' fees by making them subject to court discretion and by limiting the amount charged to 20 percent of the damages ordered by the court or the settlement. An attorney who violates this limitation will be fined up to $2000, imprisoned for a year, or both. Neither New York nor Virginia allow attorneys' fee caps. Instead, those states require a lawyer's fee to be reasonable.

Fee caps result in less access to justice for lower income populations. A payment ceiling or fee cap limits the economic incentive for attorneys to take on complex or difficult-to-prove claims under the contingency fee system. In turn, this would make it much more difficult for lower income populations to secure good representation.

Further, this proposal is one-sided because it only applies to plaintiffs' attorneys. It is blatantly unfair to allow defendants to spend unlimited amounts of money on representation while plaintiffs, even when dealing with the same legal issues, are severely limited in how much they can spend.

One way disclaimer (section 408(d))

This amendment provides a disclaimer which states that nothing in the section implies that a person is liable for damages arising out of the hijacking and crashes of September 11, 2001. The language in the amendment as written is one-sided. If it was neutral, it would provide that nothing in the section implies that a person is liable or not liable for damages arising out of the September 11, 2001 hijacking and crashes. This is illustrative of the overall problem with the amendment—it is written from a totally one-sided perspective to benefit defendants with little regard for victims.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the bill, H.R. 3150 to improve the security of air travel.

This bill establishes a clear federal responsibility to ensure airport safety. It creates a new Under Secretary in the Department of Transportation to set and implement the tough new security standards.

One major question has been whether or not every screener will be a federal employee. Instead of worrying about whether the person screening your luggage is a federal employee or an employee of a federal contractor, we should be focusing on results and accountability.

Under this bill, screeners would have to undergo rigorous background and fingerprint checks performed by the federal government and would be trained by the federal government with strict requirements. Moreover, their performance would be monitored and assessed by federal employees. Those who do not meet the high standards set by the federal government would be dismissed. Further, the bill mandates a federal or state law enforcement presence at each screening location.

Moreover, the bill allows for the flexibility that will be needed to hire and fire employees, test new ideas, procedures, and technology. Wedding ourselves to a less flexible, rigid federal system will make it more difficult to assure safety. It is also important that we do not impose a one-size-fits-all system on all airports. DOT should be given the different options for different situations at different airports. This bill would provide such flexibility while at the same time requiring adherence to strict standards.

Unlike the Senate bill, this bill gives the President through one agency, DOT, primary responsibility. It seems to me that one of the weaknesses in our security that the September 11 terrorists were able to exploit was the lack of inter-agency communication. We are beginning to address that weakness. I believe it is better to have these functions in one agency not only to reduce costs, but to ensure proper co-ordination.

Mr. Chairman, this bill provides a comprehensive new approach to airline security. I urge Members to support it.

Mrs. McCARTHY of New York. Mr. Chairman, I rise in opposition to H.R. 3150, the Aviation Security Act, a bill that does not fix America's aviation security problems. I do, however, support the Democratic substitute, which passed the Senate unanimously.

I stand fast to my belief that aviation security is a matter of national security. Congress needs to treat this as a question of national security and put in place an effective, federal law enforcement system. Public safety is threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the federal government's job to protect our country. Security at the nation's airports is no longer a private sector matter. It is part of the front line of our national defense.

We would never consider contracting out the duties of our police departments, and it makes no sense to do so with airport screeners—the very people who are on the front lines of aviation security. Screeners are often paid less than fast-food workers, resulting in an average employee turnover rate of more than fast-food workers, resulting in an average employee turnover rate of more than 120% nationally and more than 400% at some airports. Instead, baggage screeners should be a professional, skilled trained law enforcement workforce.

Unfortunately, the Republican bill keeps things as they are with the same private contractors submitting the same low bids, the same private screeners, the same high turnover rate, the same low pay, and the same insecure aviation system. It fails to fundamentally reform the air safety system.

There's a clear way to make sure our families are safe and restore their faith in America's airline security. Making airline security workers professional will ensure our families are safer, boost confidence in air travel and help restore our economy.

Mrs. CHRISTENSEN. Mr. Chairman, as the representative of a district whose economy is almost completely dependent of the safety of air travel, I rise in strong support of the Senate version of the airline security bill.

Like all of my colleagues, I have received countless letters, calls and e-mails from pilots and flight attendants. I heard from my local airline staff, including my cousin, Colette who has Worked with American for over 15 years, and I have had discussions with my own Port Authority. Without dissent, all have asked for a strong bill now, one which federalizes the security at our nations airports, and one which gives the airports the resources needed to implement the measures that will have to be put into place.

I salute our pilots, the crew and attendants, for being willing to serve those of us who have to fly or are willing to despite the events of September 11th. They will be the first to tell you that they do so, knowing that despite the searches, and armed National Guards at the terminals, there is not much more security than on September 10th, 2001.

We now have an office of Homeland Security. As we bring this office into full operation, it is clear from the recent and historical use of airplanes as agents of political statement, escape or terror, that airline security must be a part of its purview.

We are long overdue in doing something definitive to make our skies safe again. This is no time for arguing the small points, this is time for prompt action. As we are now on a heightened watch for further acts of terrorism, I do not want the responsibility of not having saved innocent lives should the airlines once again be the instrument of destruction.

I remember what happened to another important bill that would have saved lives—the patient bill of rights—when it went to conference it died there. We cannot let this happen with this critical measure. Lets pass the same bill the Senate did and lets send it to the President for his signature.

Mr. RAHALL. Mr. Chairman, both Democrats and Republicans in this House agree that we must overhaul our aviation security system after the terrorist attacks against America on September 11, 2001. But sadly this House is divided over one key aspect of this debate—whether or not we should make airport security screeners federal employees. I believe they must become federal employees, for many glaring reasons. It is the only way to solve the problem.

Security screeners stand at their posts at airports because they are paid to watch the x-ray machines as people and carry-on luggage pass the metal detectors. The screeners are paid to look for hidden bombs, guns, knives, or any potentially lethal weapon, before innocent passengers board the planes.

Yet, as James E. Casto, Associate Editor of the Herald-Dispatch of Huntington, West Virginia pointed out, the standards for security screeners across the nation are inconsistent.

Mr. Casto noted two of his personal experiences while traveling: in one case at an airport out West, he encountered a screener who was really on her toes. She spotted a letter opener he had in his toiletry kit, that he was using as a makeshift screwdriver to fix his eyeglasses. She sternly made him fill out a form to leave the letter opener behind as "abandoned property."

But at another major airport in the Midwest, Mr. Casto noted he encountered "a gaggle of screeners who were laughing and apparently having a great time. I doubt they would have noticed if I'd had an A–K 47 under my arm."

The problem is that until now, security screeners have been hired privately by the airlines and the lowest bidder always gets the contract. Security has been secondary to the airlines. The airlines' mission is not the security business. It is the passenger service business. As a result of this private system, there are no government standards to ensure consistency in training, supervision, wages and benefits, background checks, and continued security training once screeners are on the job.

That is why Mr. Casto, and millions of passengers, experience various levels of scrutiny from security screeners based at different airports, and hired by different airlines.

We know of cases where convicted felons were hired to be security screeners. Why? Because private security companies do not conduct thorough background checks of the people they employ. This is absolutely unacceptable.

The American people expect the federal government to act to protect them in times of national security. Perhaps before September 11th, domestic air travel was not considered to be a national security issue. But today, we must accept the harsh reality that international terrorists may attack us at any time. Our domestic flights have become a new tool for their terrorism.

Therefore, domestic aviation is a national security issue. National security means federal law enforcement. Federal law enforcement can only be conducted by federal employees, just as it is for Customs, immigration and agricultural inspections of crops coming in from other nations.

In order to regain the American people's confidence in flying, the federal government must demonstrate to them that we have taken all necessary steps to ensure their safety. The best starting point is to make the security screeners federal employees.

As the Herald-Dispatch noted in an editorial on October 31, 2001:

"Many House Republicans . . . favor continuing to contract security operations to private companies, under new federal standards."

"But reports by both the General Accounting Office and the Department of Transportation have shown that the workers who now staff airport security checkpoints are generally paid little more than those who work at fast-food restaurants and have little or no training for their all-important jobs. Little wonder that turnover in security at many airports is said to be more than 100 percent a year."

"House Republicans would simply continue this failed approach, merely grafting on an overlay of new federal regulations."

Mr. Chairman, we must federalize our airport security workforce to ensure consistent, high standards for their training, supervision and job performance. The more professional they are, the safer American passengers will be in the skies.

Ms. ROYBAL-ALLARD. Mr. Chairman, the House of Representatives prides itself on being "the people's House" and on doing "the people's work".

Since the attacks of September 11, the American people have made it abundantly clear that they want their federal government to take the lead in making our country safe. We have a bi-partisan bill that passed the Senate 100–0 that is critical to our reaching that goal.

Unfortunately, this bill has been held hostage for three weeks by a handful of members of the Republican leadership who, until today, have blocked a vote on this critical legislation.

The Democratic bi-partisan substitute will among other things put the federal government in charge of airport security including the federalization of security screeners.

This bill has the endorsement of my Los Angeles mayor, Jim Hahn, as well as the endorsement of the entire U.S. Conference of Mayors.

It's time for Congress to listen to the American people and make our skies safe again by passing the Democratic Substitute.

Mr. WELLER. Mr. Chairman, I rise today in full support of efforts to increase the safety of the flying public and airline workers. America has been the world's aviation leader from first flight in Kitty Hawk to the development of the Space Shuttle. Today, we have the opportunity to make historic advances in airline safety. I strongly support H.R. 3150 to increase security at airports in operation today and I strongly support the development of the proposed Chicago South Suburban Third Airport—an airport which has the opportunity to be the safest in the world.

We have all been stunned and saddened by the recent terrorist attacks. The goal of the terrorists was to make our nation fear, to force us to shrink from new challenges, and to scare our economy into a recession. I cannot emphasize enough how important both symbolically and practically building a new South Suburban Airport is to respond to these heinous acts. This airport can be built as the safest and most secure airport the world has ever seen.

Building a new airport will signify our strong commitment to continuing safe air travel, to building a strong economy, and to boldly step forward to solve new challenges and again lead the world in our national aviation system. Airline demand is already returning to high levels, and it is our job to make sure that we are prepared for that challenge.

We must take every step possible not only to prevent further terrorist attacks, but to also ensure the peace-of-mind of the traveling public. It is three weeks away until Thanksgiving and the busy travel holiday season. We must act to thwart terrorist evil deeds and to make sure that our loved ones, family and friends can travel without fear. The immediate answer to this is H.R. 3150, and the long term answer is the development of new secure airports such as the proposed South Suburban Airport in Chicago.

H.R. 3150 federalizes airline security screening and requires federal supervision of the screening process, background checks, testing and strict oversight. Further, the legislation requires the deployment of Federal Air Marshals and the immediate strengthening of cockpit doors. These requirements will ensure that through screening of passengers and baggage will take place by people who are trained and qualified to take proper screenings. Federal Air Marshals will provide an additional deterrent to anyone attempting to hijack an airliners.

As the public continues to resume air travel, the capacity crisis that has plagued our air system will again be upon us. It is then our duty to build the safest new airports to handle the capacity crisis.

There is no question that Chicago's aviation capacity is at its limits; this fact is not in dispute. There is no doubt that the capacity crisis is hurting regional and nationwide transportation networks, as well as the economy. Now is the time for bold and decisive action to finish the 15 years of research and work that have brought us to this point by completing all environmental impact statements and beginning construction on the third airport.

Land is available and can be obtained if the State of Illinois is allowed to continue land acquisition. Construction could begin soon after land acquisition, creating an inaugural airport site that would be operational in four to five years. This is the key to alleviating the coming capacity crisis as it is the fastest viable alternative proposed to date. It also happens to be the least expensive—an inaugural airport can be built for $560 million.

Some have asked, "why this site, why Will County?" Will County continues to be a fast-growing, dynamic county that is underserved in air transportation capacity, 2.3 million people live within 45 minutes of the proposed site, but must travel much greater distances to O'Hare or Midway, creating creating increasing traffic congestion. Will County and the region will continue to experience significant population growth. The proposed total acreage of the Peotone site will encompass enough land for the airport to continue to grow with demand and still keep green, open space around it.

There is no doubt that Chicago will continue to move south; the question is do we plan for the growth that is coming by taking the necessary steps today to ensure land is available for this airport while we still can. In addition to the air travel benefits for Illinois and Indiana residents, the region will also experience tremendous economic growth and job creation from the development of this airport. And, from a national perspective, the delays at O'Hare that have a domino effect across the nation, will be eliminated, keeping commerce and people moving efficiently and safely.

Mr. Chairman, I urge my colleagues to support H.R. 3150 and to support the development of the proposed South Suburban Chicago Airport to solve not only the capacity crisis, but also the safety crisis.

Mr. STARK. Mr. Chairman, it is unconscionable that more than seven weeks after this country lost more innocent lives than were lost in the American Revolution—and the means of attack was through sabotage of our aviation system—that we are only today debating this very urgent matter. The Senate unanimously passed a comprehensive aviation security bill three weeks ago. Meanwhile, the House of Representatives has been devising ways to provide tax relief to corporations and liability relief to the airlines—and ignoring airline safety altogether.

We continue to hear stories of passengers who board airplanes with everything from knives to loaded guns. Two weeks ago, seven baggage screeners at Dulles International Airport failed a pop quiz that tested their skills. Currently, airlines are responsible for the screening of airline passengers and baggage. Airlines pass this responsibility on to the lowest-bid screening contractors who pay their employees minimum wage and have widely varying employment standards. The result, as documented by the General Accounting Office and the Department of Transportation's Investigator General, is high turnover in the screener workforce and a failure of the screening process to work effectively—as witnessed by the attacks of September 11 and subsequent weapons allowed aboard aircraft across the U.S.

We have given the airlines and private contractors plenty of opportunity to remedy the egregious problems with the baggage screening process and they have failed to do so. Now, it is time for the federal government to step in and ensure safety of our airports and skyways. The Democratic substitute will do just that and that's why I support its passage today. It is not a perfect bill either. If I had the opportunity, there are changes I would make. But, passing the Democratic substitute today will get this overdue airline security bill to the President for his signature today. That is of the utmost importance.

Let's be clear. Baggage screeners are enforcement officers just like our Customs officers who are already federal employees. It simply makes sense to make them federal employees and ensure uniform employment standards are in place for all of them. That's what we've done with Customs Officers and no one is asking us to turn that duty over to private companies! This is an issue of national security and it requires a role for government to assure that our citizens are protected.

This concept should not be controversial when we are talking about risking U.S. lives. It is incumbent upon the U.S. government to provide protection for all of its citizens from harm at airports and on airplanes—if the best way to do that is to federalize passenger and baggage screeners, let's do it and do it now. This very same bill was passed by the U.S. Senate by 100–0. Last time I looked, there were a significant number of conservative Republican Senators. If they were able to recognize this as an issue of national security, so should their colleagues in the House.

It is obvious that the quality of the screening process will improve with federal employees doing the job. Government can pay salaries commensurate with the law enforcement responsibilities of screening. This job involves not only the ability to read x-rays, but also the ability to size up individuals and situations which require more thorough inspection in certain circumstances. These are skills required of Customs and Immigration inspectors and for which they are more appropriately paid than current baggage screeners in our nation's airports.

The GOP bill allows the same inept agencies to train screeners. The only change is that all these poorly trained screeners would be wearing a uniform supplied by the U.S. Government. Slapping a U.S. badge and uniform on our baggage screeners isn't going to deter further terrorist attacks, nor will it improve the training and attrition of our baggage screeners. We need real reforms in the entire screening pay structure and process. The Democratic Substitute bill does that.

Finally, the GOP bill includes further unwarranted liability protections. The bill expands liability relief to other unnamed parties beyond the two airlines protected from liability under the Airline Stabilization Act enacted last month. Under the Managers Amendment, with no showing of justifiable cause—indeed, with no showing of any cause at all—every potential defendant to a September 11-related action, whether that defendant is presently known or unknown, would be completely immunized from punitive damages regardless of its conduct. That means that Congress might even be protecting a private security company that knowingly hired a convicted felon or an illegal alien, or that deliberately failed to check for weapons. This provision is as ludicrous as the discussion of whether or not to federalize the baggage screening workforce.

The evidence is clear. We must not waste another day in quarrelsome debate when security has been breached prior to, and subsequent to, the September 11 attacks at airports across the U.S.

I urge my colleagues to vote no on the Manager's amendment and vote yes on the Democratic substitute bill.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3150, the Security Transportation for America Act of 2001, and in support of the substitute bill that the Senate passed unanimously.

The American public's confidence in our national aviation system has eroded greatly since the tragic attacks of September 11. The public rightly demands quick federal action to enhance security at our nation's airports, and Congress must act now to ensure the safety of millions of travelers.

The federal government has a legitimate and necessary role to play in providing aviation security for the American public. In the wake of the September 11 attacks, many Americans have realized that aviation security needs to be viewed and treated as a matter of national security. Private security companies have repeatedly failed to provide adequate security at our nation's airports, and the American public should not be forced to tolerate the status quo any longer. Passenger and baggage screening should be treated as law enforcement functions, undertaken by trained federal employees subject to annual review and the threat of immediate dismissal in the event of inadequate job performance.

The bipartisan substitute, which the Senate passed by a vote of 100–0 on October 11, would shift responsibility for aviation security from the airline companies to the federal government. Our nation's borders, shores and seaports are protected by federal agents of the U.S. Customs Service, Border Patrol, Drug Enforcement Agency and Coast Guard. Our nation's airports deserve the same assurance of protection.

As well, both aviation security bills under consideration today seek to expand, not privatize, the Federal Air Marshal program. These measures acknowledge the important role that federal agents play in ensuring and enhancing the safety and confidence of American air travelers. Air passengers deserve the same assurances of safety before they enter commercial aircraft that they enjoy after they take their seats.

Mr. Chairman, I believe that the federal government needs to take immediate, reasonable actions to enhance the safety of American air travelers. Aviation security needs to be treated as a law enforcement function, and as such should be provided by federal agents subject to congressional oversight and accountable to the American people.

Mr. LEVIN. Mr. Chairman, a basic function of government is to ensure the safety of the flying public. For many years now, there have been ominous signs that the security procedures developed by airports and airlines were broken.

Four years ago, in testimony presented to the House Aviation Subcommittee, the General Accounting Office stated, "The threat of terrorism against the United States has increased. Aviation is, and will remain, an attractive target for terrorists, so protecting civil aviation continues to be an urgent national issue. Since the 1988 bombing of Pan Am Flight 103, security reviews by FAA, audits conducted by GAO and the Department of Transportation's Inspector General, and the work of a presidential commission have shown that the system continues to be flawed. In fact, nearly every major aspect of the system—ranging from screening passengers, checked and carry-on baggage, mail, and cargo to controlling the access to secured areas within an airport environment—has weaknesses that could be exploited."

In March of 2000, the General Accounting Office again raised red flags about passenger screening checkpoints, the effectiveness of screeners and the need to improve their performance: The GAO noted that "turnover of screeners exceeds 100 percent a year at most large airports and at one airport has topped 400 percent, leaving few screeners with much experience at the checkpoints. We found that some of the screening companies at 14 of the nation's 19 largest airports paid screeners a starting salary of $6.00 an hour or less and, at 5 of these airports, the starting salary was the minimum wage—$5.15 an hour. It is common for the starting wages at airport fast-food restaurants to be higher than the wages screeners receive." The GAO further noted that the Federal Aviation Administration's efforts to establish performance standards that all screening companies have to meet in order to earn and retain certification is years behind schedule.

Even after the horrendous destruction caused on September 11 when four airlines were hijacked, the current aviation security system continues to fail us. On September 23, a man in Atlanta was able to successfully pass through a security checkpoint with a handgun in his pocket. On October 13, a man with a knife hidden in his shoe was able to pass through security at Dulles Airport without setting off the metal detector. On October 23, a man with a loaded gun in his briefcase was able to board a plane in New Orleans.

We have tried for 30 years to make the current airline security system work. The American people need to have confidence that they can fly safely, and this will only occur when we pass legislation overhauling the baggage- and passenger-screening systems. We can no longer afford to contract this critical responsibility out to the lowest bidder.

The Oberstar substitute correctly addresses the longstanding flaws in our country's aviation security system through the use of specially-trained federal employees to perform the screening of passengers and baggage at airports. The Oberstar substitute is identical to the bipartisan aviation safety bill approved by the Senate three weeks ago by a vote of 100 to 0.

Like the Capitol Hill police that protect Members of Congress and the Secret Service that protects the President, the airport screeners charged with protecting the flying public should be qualified professionals, and the Oberstar substitute ensures that they will be. Our substitute also increases the use of federal marshals on domestic and international flights, reinforces cockpit doors, strengthens the security of the flight deck, and enhances the security of secured areas of airports.

Mr. Chairman, there is an old saying that holds that the definition of insanity is doing the same thing over and over again and expecting different result. Green everything that has happened, the last thing we should do is to perpetuate an aviation security system that has failed as badly as our current system has. I urge all my colleagues to vote for the Oberstar substitute.

Mrs. LOWEY. Mr. Chairman, it's been 50 days since the terrorist attacks of September 11 and Americans are still unsafe on our nation's airlines. While I am pleased that the House is finally debating airline security, I rise in support of the bipartisan bill that passed the Senate 100–0.

My colleagues, aviation security is now a matter of national security. That became clear on September 11, when four commercial plains were used as weaponry in the terrorist attack on America.

The first obligation of our government is to protect our citizens and public safety is currently threatened by an unprecedented war. It is the federal government's job to protect our country during these times, and as President Bush has stated, we are fighting a two-front war—one here and one abroad. While we've committed troops and billions of dollars to the war overseas, it's sadly taken us seven weeks to even begin debate on how to make air travel safe.

My colleagues, now is not the time for partisan politics. And shame on those trying to make this a partisan issue. The Senate didn't. They unanimously passed—100 to 0—a bill to hold the federal government responsible for the safety of our nation's airlines. Quite frankly, the Senate-passed bill should have been immediately placed on the House suspension calendar and fast tracked to the President.

Instead, we are considering a bill that maintains the status quo. It will keep the same screeners who are undertrained and underpaid. And a workforce with a more than 120 percent turnover rate. Do we want someone with less incentive than fast-food workers screening the people and bags that are on our planes—or do we want a well-trained, capable force of federal law enforcement ensuring our safety?

The Republican leadership cannot in good conscience ask Americans to resume life as normal, without first making sweeping changes to our airline security system. One of my constituents wrote that until the flying public is put first, "My family will not be flying . . . We will not be flying any airplane until Air Marshals are on every flight, every piece of luggage is x-rayed, and the workers that screen flyers are federalized."

Federalization is the key to professionalizing security. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the local police department, and it makes no sense to do so with airport screeners—the front line in aviation security.

The bipartisan democratic substitute is clearly the right bill for airline security: 100 Senators voted for it; 82 percent of Americans want to federalize airline security; and flight attendants, pilots, and baggage handlers have made clear that their security is at risk at work everyday, and they support federalizing airline security.

Let's vote down the Republican airline security bill, and enact the bill everyone can stand behind—the democratic substitute.

Mr. HOYER. Mr. Chairman, when our Nation deploys its Army or Navy on a sensitive mission, we don't supplement their war-fighting capabilities with a privately run air force. So why would we insist that Federal law enforcement agents—who are on the front lines of homeland security—work alongside private airline screeners who are poorly paid, poorly trained and poorly performing? Do we really believe that a terrorist who can elude the greatest fighting force in the world cannot exploit this weakest link in our homeland security?

Every member of this body recognizes—in the wake of September 11—that airline security is an integral part of our national security. Thus, there's broad agreement: Airline cockpits must be more secure. More Federal marshals must be deployed on airplanes. Training and performance of airline security personnel must be improved. Yet, some Members of the majority believe that private companies should conduct security screening of passengers and baggage.

That's a recipe for future disaster. As Secretary Mineta remarked on Tuesday, "An unacceptable number of deficiencies continue to occur" at our Nation's airports.

Just since September 11, seven screeners failed a quiz on their skills at Dulles. Seven other screeners were arrested at Dallas-Forth Worth when they were found to be working illegally in the United States. And, Last week, a passenger flying from New Orleans to Phoenix discovered that he had a gun in his briefcase that had not been detected.

Low salaries contribute to an average turnover rate for private screeners of 126 percent. And the General Accounting Office has documented their poor performance.

Two weeks ago, the Senate recognized that decisive action was required, and passed an airline security bill by a 100–0 vote that would create a well-paid, well-trained force of Federal airline screeners. Federalizing this security function will ensure that we are able to conduct thorough government background checks on screeners, and that our law enforcement efforts are integrated. The traveling public has every right to expect that our airport security personnel will be as professional as our Armed Forces deployed in Afghanistan and Central Asia.

This Democratic alternative, which federalizes all security-screening functions, is our best chance to restore public confidence in airline security. Let me note, though, that Federal screeners cannot be Federal employees in name only. This bill gives the Attorney General broad discretion over pay, health care, whistleblower protection, veterans' preference, workers' compensation, and the right to organize. He must not use it to create a second-class status for these employees.

I will support this legislation to make our air travel system much safer. This objective must be accomplished. But I intend to monitor the implementation of this legislation to ensure that Federal employee protections and benefits are not undermined in the process.

Mr. SENSENBRENNER. Mr. Chairman, in September, the House passed a bill that limited the potential liability of air carriers in any litigation arising out of the terrorist attacks of September 11. We did this because the capital markets could not and would not deal with air carriers as long as they remained under a cloud of potentially infinite liability. At that time, I voted against that legislation because it failed to similarly protect other industries. All businesses, not just air carriers, will be unable to obtain credit, capital, and loans if they are subject to potentially limitless liability awards. Without capital, these businesses will disappear, and the terrorists will have taken down not only the World Trade Center, but also untold numbers of businesses, large and small. And they will have done this with the help of a Congress that failed to act. Finally, today, in the manager's amendment, Congress is acting.

Far beyond companies like Boeing, this bill protects any business that creative trial lawyers could implicate in the tragic events of September 11. Some or many of these business may be in our own districts. Surely it is the terrorists, and not American companies, that started this war on America. So let's remove the cloud of infinite liability that hangs over these businesses and allow them to continue to survive even as they may face litigation. The terrorists put that cloud there. It's up to us to cast away that cloud, and to protect the capital streams upon which New York and the nation thrive and prosper.

This bill does nothing to prevent victims from being compensated by liable defendants. It does nothing to prevent them from taking part in the victims' compensation program we created last month. This legislation does, however, place finite limits on the potential liability of anyone implicated in litigation arising out of the terrorist attacks of September 11. In doing so, this legislation saves those persons and companies from losses of capital that could lead to bankruptcy. This in turn prevents the victims of September 11th from having their compensation decided by a federal bankruptcy court.

This bill also protects the city of New York, its police department, and its fire department—all of which have conducted themselves so valiantly. This measure is supported by elected leaders in New York, as well as New York congressional members from both sides of the aisle (Mr. NADLER excluded).

Mayor Guiliani, in a letter supporting the bill, noted that "The measure that Chairman YOUNG will bring to the floor will contain a manager's amendment that would provide New York with much needed relief from potential liability arising out of the attacks on the World Trade Center on September 11, 2001. Any substitute would fail to provide the City the fiscal protection it needs from potentially limitless lawsuits. . . . Passage of Chairman YOUNG'S bill would solve one large part of the City's potential liability exposure, and help ensure steady progress toward utilizing our resources to address critical fiscal matters."

Governor Pataki has written "I can only underscore the importance of passage for not only the manager's amendment and the bill, but also the defeat of any substitute amendment scheduled to be offered. . . . H.R. 3150 with the manager's amendment will free the city of New York and the Port Authority of under burdens which could seriously slow or even derail those rebuilding efforts."

New York is our nation's center of commerce, and it thrives on the flow of capital. By passing the Manager's Amendment today, we can prevent the prospect of unlimited liability damage awards from turning New York from the nation's financial capital into a business graveyard. Last month, Congress appropriately placed limits on the potential liability of the airlines in order to keep planes in the air. That's current law. Given that there is a finite amount of funds available for victims from any airline found liable, the question becomes: Does the House want more money to go to trial lawyers, or to victims? It's that simple. The more money lawyers get from a limited source of funds, the less victims get. Let's stand solidly behind the victims today and pass the Manager's Amendment.

Mr. PAUL. Mr. Chairman, I must oppose H.R. 3150, the Airport Security Federalization Act. As the short title of the bill suggests, this legislation is a bureaucracy-laden approach. While the approach of this legislation is marginally preferable to the complete federalization of the workforce being offered by the House Minority, the bill is otherwise strikingly similar to the Senate's approach. Regrettably, I think portions of the manager's amendment actually make the legislation worse. For example, the deputization of private security forces is clearly a step in the wrong direction.

I have offered an alternate bill which would accomplish security goals without expanding the federal government. My bill would not create new federal spending nor new federal bureaucracies.

Mr. Chairman, the bill before us, while a slight improvement over the Senate version, is still a step in the wrong direction. By authorizing a new airline ticket tax, by creating new federal mandates and bureaucracies, and by subsidizing the airline industry to the tune of another $3 billion, this bill creates a costly expense that the American people cannot afford. We appropriated $40 billion in the wake of September 11, and I supported that measure as legitimate compensation for individuals and companies harmed by the failure of the federal government to provide national defense. Soon thereafter we made another $15 billion available to the airlines, and now we have a House bill that further victimizes the taxpayers by making them pay for another $3 billion worth of subsidies to the airline industry.

We need to stop this spending spree. I oppose this new taxation and spending, as well as the steps taken in this bill, the substitute, and unfortunately in the manager's amendment as well. Each of these items moves further down the road of nationalizing air travel in this country and, as such, must be rejected.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to the manager's amendment and in support of the Democratic Substitute.

Airport security is a legitimate federal responsibility. Just as we protect our borders, guard against smuggling, and protect against illegal drugs, we must also protect our citizens against terrorists who board our planes and travel our skies with guns, knives, and bombs.

However, the Manager's amendment does not accomplish this. Instead, this amendment expands the provision that we already passed, limiting liability for airlines that were used by terrorists on September 11, 2001 and applies that provision to "any person liable for any damages arising out of the hijacking." This would limit the liability of everyone, including an airport security company that allowed terrorists to get on a plane with box cutters.

Even worse, the liability provisions go far beyond the protections included in the airline bailout bill we passed in September. This is because the amendment totally bans punitive damages, eliminates prejudgment interest, mandates collateral source, and limits victims' attorneys' fees. All of this was done without the benefit of a single hearing or any consideration by the Judiciary Committee. And all of this harms the victims.

Members should know that these provisions are far more extreme than the liability relief requested by the supposed beneficiaries of the provisions—the owners of the World Trade Center and the airplane manufacturers. This amendment is too broad, benefits the wrongdoers, and would have a number of harmful and unintended consequences for victims of terrorism. Please vote no on the manager's amendment and support the Democratic Substitute. Passing this manager's amendment constitutes special interest legislating at its worst. It is wrong and I urge the Members to reject it.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 3150, the Secure Transportation for America Act introduced by Representative DON YOUNG (R–AK). This legislation is an important part of our ongoing efforts in Congress to ensure the safety and well-being of all Americans who travel by air as it makes substantial, long overdue improvements to our nation's aviation security system.

H.R. 3150 ensures maximum safety for passengers and airline crews through a series of comprehensive security measures. First and foremost, this bill puts the Federal Government in complete charge of adopting and implementing strict passenger and baggage screening standards. This responsibility will be given to a new Transportation Security Administration within the Department of Transportation and will be headed by a new Under Secretary. While H.R. 3150 does not strictly call for airport screeners and baggage checkers to be federal employees, it gives the Administration the flexibility to choose either a Federal or private workforce. This discretion ensures that we have a security system that is both professional and efficient.

I am also pleased that at the request of Representative MIKE FERGUSON (R–NJ) and myself, we had included in this legislation two important security provisions. One calls for complete background checks for all airport screeners and employees who have access to restricted areas of our airports. The second establishes a system to screen all passenger baggage. I am thankful to Chairman YOUNG and the House Transportation and Infrastructure Committee for including these two important measures in this bill. In addition, this legislation strengthens cockpit doors and deploys Federal Air Marshals on domestic flights.

Mr. Chairman, as you well know the tragic events of September 11th have forced us to rethink all security in our country like no other time in history. I am pleased that Congress has already acted by giving President Bush $3 billion to address immediate aviation security needs. By passing H.R. 3150, we put the Federal Government in charge of aviation security, thus ensuring that safety both at our airports and in our skies remains paramount. Make no mistake, on this issue there can be no compromise on safety.

Mr. DELAHUNT. Mr. Chairman, from those first tragic moments on September 11, two things were immediately clear.

First, fundamental, systemic changes have to be made in airline security.

And second, Americans responded with enormous heroism. Every Member of this House has noted that this remarkable courage saved lives and reaffirmed our national spirit.

Within hours, we saw Iron Workers clearing tons of rubble at Ground Zero with cranes, bulldozers and by hand. Round-the-clock emergency care from medical professionals. Teamsters trucking in rescue supplies from across the country.

All members of labor unions. Many continue to work up to this very moment to honor the memory of the hundreds of union firefighters, union police officers, union paramedics, and union maintenance workers who died trying to help others. To honor the memory of the 1000 sisters and brothers—representing 24 unions—who perished that day.

From the pilots and flight attendants who lost their lives on September 11, to the postal workers who were the first to fall victim to bioterrorism on our shores. These are genuine American heroes.

They work hard and proud. Each day. For us.

Which is why it is so unthinkable that unions are now under attack in this debate.

We all agree about the urgent need to upgrade airport security. There is consensus about how to do it, and how to pay for it. Nearly 30 years ago, the airlines themselves testified before Congress that the only way to seriously combat hijacking threat was with federalized airport security.

Apparently, the only real dispute today is over the possibility that taking these steps to protect public safety might also require hiring unionized federal labor.

To those whose vision about public safety is blurred by hostility to unions, all I can say is: get over it.

The men and women of organized labor have swept our floors and served our meals. Mined our coal and built our jet fighters. Staffed our emergency rooms and taught our children.

They have made us great and they have made us good. Organized labor gave us the weekend. The middle class. The American dream. The vitality that makes us special among the family of nations.

If we're at war, let's fight it with our best troops. If we want safe skies, the worst thing we can do is scapegoat those who have risked life and limb to keep our homeland secure.

I urge my colleagues to support the bipartisan alternative.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3150 is as follows:

H.R. 3150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Secure Transportation for America Act of 2001”.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.
Sec. 2. Transportation Security Administration.
Sec. 3. Screening of passengers and property.
Sec. 4. Security programs.
Sec. 5. Employment standards and training.
Sec. 6. Deployment of Federal air marshals.
Sec. 7. Enhanced security measures.
Sec. 8. Criminal history record check for screeners and others.
Sec. 9. Passenger and baggage screening fee.
Sec. 10. Authorizations of appropriations.
Sec. 11. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
Sec. 12. Passenger manifests.
Sec. 13. Transportation security oversight board.
Sec. 14. Airport improvement programs.
Sec. 15. Technical correction.
Sec. 16. Alcohol and controlled substance testing.
Sec. 17. Conforming amendments to subtitle VII.
Sec. 18. Savings provision.
Sec. 19. Budget submissions.
Sec. 20. Aircraft operations in enhanced class B airspace.
Sec. 21. Waivers for certain isolated communities.
Sec. 22. Assessments of threats to airports.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“§ 114. Transportation Security Administration

“(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

“(b) UNDER SECRETARY.—

“(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The Under Secretary must—

“(A) be a citizen of the United States; and

“(B) have experience in a field directly related to transportation or security.

“(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

“(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

“(d) FUNCTIONS.—

“(1) IN GENERAL.—The Under Secretary shall be responsible for security in all modes of transportation, including—

“(A) carrying out chapter 449 relating to civil aviation security; and

“(B) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

“(2) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

“(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function [illegible]'er chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

“(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

“(1) receive, assess, and distribute intelligence information related to transportation security;

“(2) assess threats to transportation;

“(3) develop policies, strategies, and plans for dealing with threats to transportation security;

“(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) supervise all airport security and screening services using Federal uniformed personnel;

"(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(8) enforce security-related regulations and requirements;

"(9) identify and undertake research and development activities necessary to enhance transportation security;

"(10) inspect, maintain, and test security facilities, equipment, and systems;

"(11) ensure the adequacy of security measures for the transportation of cargo;

"(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

"(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(14) develop standards for the hiring and retention of security screening personnel;

"(15) train and test security screening personnel; and

"(16) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) ACQUISITIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) REGULATIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) EMERGENCY PROCEDURES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary.

"(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall be subject to disapproval by the Transportation Security Oversight Board established under section 44951. Any regulation or security directive issued under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

"(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

"(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

"(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

"(j) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

"(k) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.

"(l) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

"114. Transportation Security Administration.".

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Transportation for Security".

(d) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by inserting "personnel and" before "supplies and equipment".

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(1) in subsection (a) by striking "Administrator of the Federal Aviation Administration" and inserting "Under Secretary of Transportation for Security"; and

(2) in subsections (b) and (c) by striking "Administrator" each place it appears and inserting "Under Secretary".

(f) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking "the Administration" and inserting "the Transportation Security Administration";

(2) in the second sentence of section 44913(a)(1) by striking "of the Administration" and inserting "of the Transportation Security Administration";

(3) in section 44916(a)—

(A) in the first sentence by striking "Administrator" and inserting "Under Secretary of Transportation for Security"; and

(B) in the second sentence by striking "Administration" and inserting "Transportation Security Administration";

(4) in each of sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "Under Secretary";

(5) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Under Secretary";

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking "Administrator" each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting "Under Secretary";

(8) by striking "Administrator's" each place it appears in such chapter and inserting "Under Secretary's"; and

(9) by striking "of the Federal Aviation Administration" each place it appears in such chapter (except in section 44936(f)) and inserting "of Transportation for Security".

SEC. 3. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a) by striking "a weapon-detecting" and all that follows through the period at the end of the second sentence and inserting "persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary)."; and

(2) by adding at the end the following:

"(d) ASSUMPTION OF SCREENING FUNCTION BY UNDER SECRETARY.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

"(e) SUPERVISION OF SCREENING.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

"(f) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.".

SEC. 4. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "a law enforcement presence" and inserting "a law enforcement or military presence"; and

(B) by inserting after "at each of those airports" the following: "and at each location at those airports where passengers are screened"; and

(2) in paragraph (2)(C)(i) by striking "shall issue an amendment to air carrier security programs to require" and inserting "shall require".

SEC. 5. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting ", personnel who screen passengers and property," after "air carrier personnel";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

"(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

"(7) minimum compensation levels, when appropriate; and

"(8) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.".

(b) FINAL RULES ESTABLISHING TRAINING STANDARDS FOR SCREENERS.—Section 44935(e)(1) is amended by striking "May 31, 2001" and inserting "6 months after the date of enactment of the Secure Transportation for America Act of 2001".

(c) EMPLOYMENT STANDARDS FOR SCREENERS; UNIFORMS.—Section 44935 is amended by adding at the end the following:

"(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

"(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

"(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1) the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo may be loaded aboard aircraft without further inspection.

"(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

"(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.".

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a "screener"):

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo to passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

"(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

"(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;

"(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

"(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey; and

"(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal.

"(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

"(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

"44917. Deployment of Federal air marshals.".

SEC. 7. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§ 44918. Enhanced security measures

"(a) IN GENERAL.—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

"(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

"(2) After consultation with the Administrator, develop and implement methods to—

"(A) restrict the opening of a cockpit door during a flight;

"(B) fortify cockpit doors to deny access from the cabin to the cockpit;

"(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

"(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

"(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

"(4) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

"(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

"(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

"(7) Provide for the use of threat image projection or similar devices to test individuals described in paragraph (6) and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

"(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

"(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

"(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

"(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

"(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

"(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

"(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

"(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

"(b) Airworthiness Objections by FAA.—

"(1) In general.—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

"(2) Review by secretary.—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

"(c) View of NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

"(d) Property Security Program.—

"(1) Establishment.—The Under Secretary shall develop and implement a program to ensure the security of all property carried on passenger aircraft by either mandating that such property is screened, by ensuring that no checked baggage is carried on the aircraft unless the passenger who checks the baggage is aboard the aircraft, or by such other methods that the Under Secretary considers to be effective.

"(2) Use of screening equipment.—The Under Secretary shall ensure that equipment installed at airports to screen checked baggage is used to the maximum extent possible.

"(e) Limitation on Certain Actions.—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

"(f) Report.—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).".

(b) Conforming Amendment.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

"44918. Enhanced security measures.".

(c) Repeal of Existing Reporting Requirement.—

(1) In general.—Section 44938 is amended—

(A) in the section heading by striking "**Reports**" and inserting "**Report**"; and

(B) by striking "(a) Transportation Security.—" and all that follows through "(b) Screening and Foreign Air Carrier and Airport Security.—The Administrator" and inserting "The Under Secretary of Transportation for Security".

(2) Chapter analysis.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

"44938. Report.".

SEC. 8. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting "; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary (or the Administrator of the Federal Aviation Administration before the transfer of civil aviation security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies amend their security programs to conform those programs to the requirements of this subparagraph."; and

(2) in paragraph (2)—

(A) by striking "or airport operator" and inserting "airport operator, or certificated screening company"; and

(B) by adding at the end the following: "In this paragraph, the term 'certificated screening company' means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.".

SEC. 9. PASSENGER AND BAGGAGE SCREENING FEE.

(a) In General.—Subchapter II of chapter 449 is amended by adding at the end the following:

"§ 44939. Passenger and baggage screening fee

"(a) General Authority.—

"(1) Passenger fees.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

"(2) Air carrier fees.—

"(A) Authority.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

"(B) Limitation.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

"(b) Schedule of Fees.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

"(c) Limitation on Fee.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

"(d) Imposition of Fee.—

"(1) In general.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

"(2) Subsequent modification of fee.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

"(3) Limitation on collection.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

"(e) Administration of Fees.—

"(1) Fees payable to under secretary.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

"(2) Fees collected by air carrier.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

"(3) Due date for remittance.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

"(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

"(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.

"(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

"44939. Passenger and baggage screening fee.".

(c) EXEMPTIONS.—Section 44915 is amended by striking "and 44936" and inserting "44936, and 44939".

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

"§ 44940. Authorizations of appropriations

"(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

"(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 for the Secretary of Transportation to make grants to air carriers to—

"(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

"(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

"(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

"(4) provide for the use of other innovative technologies to enhance aircraft security.

"(c) AIRPORT SECURITY.—There is authorized to be appropriated $1,500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

"44940. Authorizations of appropriations.".

SEC. 11. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

"(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.".

SEC. 12. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

"(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

"(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

"(A) The full name of each passenger and crew member.

"(B) The date of birth and citizenship of each passenger and crew member.

"(C) The sex of each passenger and crew member.

"(D) The passport number and country of issuance of each passenger and crew member if required for travel.

"(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

"(F) The passenger name record of each passenger.

"(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

"(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

"(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.".

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"§ 44951. Transportation Security Oversight Board

"(a) IN GENERAL.—There is established a board to be known as a 'Transportation Security Oversight Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

"(A) The Secretary of Transportation (or the Secretary's designee).

"(B) The Attorney General (or the Attorney General's designee).

"(C) The Secretary of the Treasury (or the Secretary's designee).

"(D) The Secretary of Defense (or the Secretary's designee).

"(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

"(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

"(c) DUTIES.—The Board shall—

"(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for Security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

"(2) share intelligence information with the Under Secretary;

"(3) review—

"(A) plans for transportation security;

"(B) standards established for performance of airport security screening personnel;

"(C) compensation being paid to airport security screening personnel;

"(D) procurement of security equipment;

"(E) selection, performance, and compensation of senior executives in the Transportation Security Administration;

"(F) waivers granted by the Under Secretary under section 21 of the Secure Transportation for America Act of 2001 and may ratify or disapprove such waivers; and

"(G) budget requests of the Under Secretary; and

"(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

"(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

"(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

"§ 44952. Advisory council

"(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the 'Transportation Security Advisory Council'.

"(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, screening companies, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

"(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

"(d) ADMINISTRATIVE MATTERS.—

"(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

"(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

"(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"44951. Transportation Security Oversight Board.

"44952. Advisory council.".

SEC. 14. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.".

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

"(J) hiring, training, compensating, or reimbursement for law enforcement personnel at a non-hub or small hub airport (as defined in section 41731).

"(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

"(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.".

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 47110(b)(2) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) "or"; and

(3) by inserting at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.".

(d) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).".

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting "or the Secure Transportation for America Act of 2001" after "21st Century".

SEC. 15. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107–42) is amended by striking "February 1, 2001" and inserting "February 1, 2002".

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting "in the interest of air commerce or national security" before "to carry out foreign policy".

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking "representatives" and inserting "representations".

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking "contract personnel" each place it appears and inserting "personnel";

(2) by striking "contract employee" each place it appears and inserting "employee";

(3) in section 45106(c) by striking "contract employees" and inserting "employees";

(4) by inserting after section 45106 the following:

"§ 45107. Transportation Security Administration

"(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

"(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively."; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

"45107. Transportation Security Administration".

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking "subsection (f)" each place it appears and inserting "subsection (h)".

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "**Secretary of Transportation and Administrator of the Federal Aviation Administration**" and inserting "**Department of Transportation**"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449."; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator" each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator,";

(4) in section 46301(h)(2) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46303(c)(2) by inserting "or the Under Secretary of Transportation for Security" after "Federal Aviation Administration";

(6) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(7) in each of sections 46313 and 46316 by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(8) in section 46505(d)(2) by inserting "or the Under Secretary of Transportation for Security" after "Federal Aviation Administration".

SEC. 18. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term "Act" includes the amendments made by this Act.

SEC. 19. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 20. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 21. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

SEC. 22. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

"(d) PASSENGER VEHICLES.—

"(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

"(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.".

The CHAIRMAN. No amendment is in order except those printed in House Report 107–264 or otherwise specified in House Resolution 274. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 107–264.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

In the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively.

Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike "(1) in subsection (a) by striking" and inserting the following:

(1) in subsection (a)—

(A) by striking "a cabin of"; and

(B) by striking

Page 14, line 2, strike "The responsibility" and insert the following:

"(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

"(2) ADDITIONAL SCREENING AUTHORITY.—The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

"(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.".

Page 15, after line 24, insert the following:

"(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

Page 16, line 1, strike "(7)" and insert "(8)".

Page 16, line 2, strike "and".

Page 16, line 3, strike "(8)" and insert "(9)".

Page 16, line 7, strike both periods and the closing quotation marks and insert "; and" and the following:

"(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.".

Page 16, lines 11 and 12, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 16, line 20, strike "pursuant" and insert "pursuant to".

Page 19, line 22, strike "and".

Page 20, line 2, strike the period and insert "; and" and the following:

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike "and".

Page 21, line 20, strike the period and insert a semicolon and the following:

"(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

"(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after "consultation with" insert "and concurrence of".

Page 22, before line 10, insert the following:

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

"(E) availability pay—

"(i) received by a criminal investigator under section 5545a of this title; or

"(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;".

Page 24, line 1, strike "Provide" and insert "Establish performance goals for individuals described in paragraph (6), provide".

Page 24, lines 2 and 3, strike "individuals described in paragraph (6)" and insert "such individuals,".

Page 26, after line 2, insert the following:

"(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

"(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

"(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

"(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

"(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 26, strike line 19 and all that follows through line 7 on page 27 and insert the following:

"(d) PROPERTY SECURITY PROGRAM.—

"(1) CHECKED BAGGAGE.—

"(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

"(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

"(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

"(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

"(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

Page 29, line 10, strike "and" and insert the following:

(2) by adding at the end of paragraph (1) the following:

"(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations."; and

Page 29, line 11, strike "(2)" and insert "(3)".

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

"(c) AIRPORT SECURITY.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

"(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

"(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

"(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.".

Page 36, line 9, strike "subsection (b)" and insert "paragraph (2)".

Page 39, lines 16 and 17, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 43, line 22, after "sponsor" insert "or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor".

Page 44, beginning on line 25, strike "Secure Transportation for America Act of 2001" and insert "Airport Security Federalization Act of 2001".

Page 45, after line 15, insert the following:

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

"(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

"(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

"(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.".

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§41722. Requirement to honor passenger tickets of other carriers

"Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.".

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41722. Requirement to honor passenger tickets of other carriers.".

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

"SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.";

(2) by amending subsection (a) to read as follows:

"(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.";

(3) in subsection (b), by adding at the end the following new paragraphs:

"(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

"(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

"(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

"(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

"(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.";

(4) by amending subsection (c) to read as follows:

"(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

"(1) hijacks any aircraft or commits any terrorist act; or

"(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act."; and

(5) by adding at the end the following new subsections:

"(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

"(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.".

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not know why I should read this explanation, it was read before, if anybody was listening; but the manager's amendment consists of a number of provisions that Members have requested in order to improve our bill.

Some of these amendments clarify existing language in the bill to ensure that we truly have a better system of security for the traveling public. Others are intended to provide additional assistance to those who suffered substantial increased costs due to Federal security mandates since September 11.

We change the title of the bill to better reflect the fact that this bill federalizes the airport screening process, and want to make that clear.

The new title of this bill is "Airport Security Federalization Act."

The manager's amendment provides much-needed assistance to airports to meet their increased security expenses by authorizing $1.5 billion to cover increased security costs into FY 2003.

The amendment authorizes the Under Secretary to deputize screeners as Federal transportation security agents and ensure that such agents operate under common standards, badges, uniforms, and insignias.

We increase the requirements for retroactive background checks for screeners and airport employees.

The amendment strengthens existing language in the bill on the screeners who check baggage and sets a deadline for screening of all baggage for December 31, 2003.

The amendment addresses compensation for air marshals and ensures that they will be able to travel back to their homes without charge when they leave active duty status.

This is a good amendment. This amendment has been discussed and greatly improves the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to speak very briefly on the victims' compensation portion of the amendment, better titled "Limits on Victims' Compensation." This liability section includes a lot of tort reform provisions not considered by the Committee on the Judiciary, and there are a number of unanswered questions that hopefully would be resolved had it been considered by the Committee on the Judiciary.

For example, to qualify for relief, and that is it limits loss to insurance coverage, to qualify for that kind of relief from liability, the defendant must show the damages arise out of the hijacking and subsequent crashes on September 11. The question, of course, is what does "arise out of" mean?

If you are in a breach-of-contract suit in state court in California and alleging that the goods were not delivered or were slow to deliver and that might have been caused by the September 11 crash and the subsequent failure of people to move, does that count as arising out of the crashes?

Why should we reward people for not having insurance? If two cases are identical and one person has insurance, they can recover. In the next case, the person does not have insurance or is self-insured, no recovery. That is obviously not fair.

How do deductibles work? If you have $1 million coverage and $10,000 deductible, what happens to a $9,000 claim? Do you lose it because it is not covered by insurance? When we had the airline relief bill, we provided specific help to specific defendants, knowing the kinds of cases; and we knew their insurance coverage. That is not the case here.

There are other provisions, like the attorney's fees provision where you assume that the person is charging a contingent percentage fee. They may be charging a flat fee. Also the collateral source rules.

These provisions have not been considered by the Committee on the Judiciary. They have nothing to do with security; and, therefore, the manager's amendment ought to be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I am a bit puzzled hearing my colleague on the Committee on the Judiciary, the gentleman from Virginia (Mr. SCOTT), say that this bill ought to be delayed so that the Committee on the Judiciary can consider contingent liability issues. We have heard from the other side again and again that we ought to send the substitute amendment to the President tonight so that the people can have protection, and yet my colleague from the Committee on the Judiciary wants us to spend some time looking at contingent liability provisions.

The manager's amendment is important to complete the job we failed to do in passing the airline liability bill. That bill capped air carriers' liability at the limit of their insurance, so we have protected United Airlines and American Airlines and the security firms that screened the passengers that got on the planes that were hijacked, which have been included in the definition of air carriers by two Federal Court decisions; but we did not give the same type of contingent liability protection to Boeing, the manufacturer of the plane, to Pratt and Whitney and General Electric, the manufacturers of the engines, the Port Authority of New York and New Jersey, which is a quasi-public corporation, the lessee of the World Trade Center, the fire department and police departments of the City of New York, and anybody else that might have contingent liability.

What the manager's amendment provision does is to close the loop. If we do not close the loop, none of the entities I have talked about, particularly the private sector entities, are going to be able to borrow money. So unless the manager's amendment is passed, you are not going to be able to see Boeing and General Electric and Pratt and Whitney and the wallboard manufacturer of the walls in the 105th floor of the World Trade Center be able to keep themselves in business, because no bank will lend them money because of contingent liability issues.

So if the manager's amendment goes down because of the arguments the gentleman from Virginia (Mr. SCOTT) has advanced, then I guess American airlines, and that is small "a" American airlines, not the corporation, are going to be flying Air Buses with Rolls Royce engines simply because we are not going to have American manufacturers in the international civil aviation market.

This provision of the manager's amendment is strongly endorsed both by Governor Pataki and Mayor Giuliani, who feel it is necessary to protect the State, the city, and the Port Authority from lawsuits; and I think that this is reasonable, to give corporations and entities besides the airlines the same type of protection that we gave air carriers in the airline liability bill.

The manager's amendment should be passed. I thank the gentleman from Alaska for including it in his amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise in opposition to the so-called airport security bill that my Republican colleagues have finally brought to the floor, and support the Oberstar-Ganske bipartisan substitute. This bill is weeks late. In ignoring the bipartisan efforts of our colleagues in the Senate, we are delaying the much-needed restructuring of our Nation's airport security. We are continuing the risk for the American flying public by simply going to conference committee for we do not know how long.

We have seen the results of not taking security at our airports seriously. Since the terrorist attacks of September 11, security has been increased at airports across America; but we need to professionalize it.

We continue to hear reports of passengers carrying weapons on planes, convicted felons serving as security screeners, and unauthorized personnel being allowed access to secure areas. It is time for the Federal Government to step in. We have resources that neither the air carriers nor the current security contractors possess. We need Federal air marshals, expanded anti-hijacking training for flight crews, fortified cockpit doors, X-ray inspection of all carry-on and checked bags.

It is clear that the current system of contracting out this law enforcement function to the lowest bidder has created a workforce that suffers from high turnover, low pay and low morale. Congress should take this opportunity to create a professional, highly skilled, well-trained Federal law enforcement workforce.

We do not want to privatize our Capitol Police, the U.S. Customs, the FBI, or the Border Patrol. They are law enforcement; and that is what law enforcement functions are, and that is what this is.

To close, the comments that the only thing Democrats want to do is use Federal employees so they can be union members, I could not have heard it better yesterday from airline pilot that said the heroes of September 11 were union members: the airline pilots, the flight attendants, the New York police and firefighters. A free and strong union movement is vital to our Nation, if it is a public and police function at our airports.

I urge my colleagues to vote now for the safety of the American public.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the ranking member for yielding me time and also for the leadership he has shown on this very important issue.

As a member of the Subcommittee on Aviation, it became very apparent to all of us that we are lacking in this particular area. This is not a question of more Federal employees or less Federal employees or private contractors. There is a problem in the system.

The argument that was advanced earlier was, well, because there is a problem of communication of Federal law enforcement agencies, we do not want to add to that problem of Federal coordination of law enforcement agencies. I totally reject that. If we are going to be able to make sure that the screeners on the front lines of security have the latest information about terrorists and suspected terrorists, they need to be Federal employees, Federal law enforcement personnel, so they have the information from the Justice Department which this legislation authorizes the Attorney General to be able to promulgate the rules and regulations. They need to be in the Federal loop. The appointment of Tom Ridge as Homeland Security Czar was meant to demand that coordination. We should not accept anything else but coordination of the FBI, the intelligence agencies, and all Federal law enforcement.

The other issue that needs to be federalized is the uniform security. Different airlines in our hearings had different procedures what to look at. One looks at this, one looks at something else. We need uniform Federal standards, and we need to advance and upgrade these positions if we are going to encourage the public to fly again and feel the security of flying again.

This is not a question of more Federal employees or private contractors. It is based on the hearings the subcommittee held, the testimony that was taken. There are gaping holes in the system.

This has been approved overwhelmingly in the Senate, bipartisanly, and bipartisanly in this Congress. I totally reject the arguments that are being made that it can be done better with what we have now in dressing it up.

Mr. Chairman, I ask my colleagues to stand together, to unite around this legislation and to get them into the airports where they belong.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding. I was discussing earlier today that this is not a time to cast any doubt or any suggestion on the honesty and integrity of individuals who have come to this floor with different opinions. But I want to thank, as I said earlier, the leadership of the Committee on Transportation and Infrastructure for allowing us this debate on this very important issue.

I would have preferred standing in this well 3 weeks ago, 4 weeks ago, almost a month ago. I would have preferred not standing at all, or having to deliberate on this legislation and or having to reflect on September 11, 2001. But we are here today because that tragedy occurred. As I mentioned to the distinguished gentleman from Minnesota (Mr. OBERSTAR), we are also here because Pan Am 103 occurred December 1988. A plane full of happy individuals leaving the European continent, coming home for the holidays, flight attendants, pilots, families, students, all looking forward to the Christmas holiday.

□ 1715

And over Lockerbie, Scotland, that plane blew up because of a bomb placed in an unsecured checked bag. If we do anything today, we should pass this bill so that it could be on the President's desk this evening. The reason is, for once in this Nation, for the first time, we will be able to tell the American people that every single bag that gets on the airplane, checked luggage, will be screened and analyzed. We will have Federal air marshals; and rather than a paper-thin cockpit door, we will have an enforced cockpit door. We will also have the ability to say "no room at the inn" for anyone who comes in with a $25,000 check and says, I want to be a pilot in the United States of America, and we do not know their background or why they came here to this country.

There are many tragic things that happened on September 11, 2001. Our borders were not as secure as they should have been. We did not have the tracking ability to track those who came in legally, but over stayed their visas; and then we did not have reenforced cockpit doors. But we must do the right thing today and correct what we can do today—federalize airline security. Do what the American people deserve—provider security for the airlines to provide safe airways for the American people now!

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, lack of experience in times of decision can easily lead to mistakes. I would imagine that the largest number of employees most Members of Congress have ever employed is their staff here in Washington and back in their districts. As employers, Members of Congress are called on to make hiring, firing and fringe benefit decisions for their staffs. They are involved in hiring, firing, evaluating, and eliminating weak or unsatisfactory employees. These decisions can be made without government advice or instructional guidelines.

Now, let us just imagine that we federalize all congressional employees. They would immediately gain all the benefits of civil service, which would then require us to hire, pay, and advance employees according to government regulations; and by the way, we could not fire them without a major just-cause hearing, which we would probably lose. Everything would have to be done according to prescribed rules. In other words, we would no longer control the operation of our offices, good or bad.

In the case of a Member, we are talking about 15 or 20 employees; but suppose we are talking about Federal aviation safety. We are talking about 31,000 employees who deem their jobs by government hiring and would not have to be efficient, polite or qualified. Under the control of the FAA, the Justice Department or whatever agency, can we imagine how long it would take to get such an operation started? Probably a year or two. Does that sound about right?

Stop and think about how efficient any government operation is. Can we replace the FAA or the INS or Internal Revenue Service or even change their operating system when it becomes out of date? We tried, but to no avail. Remember the reduction to government employees under President Clinton? Those reductions were nearly all Armed Forces. He could not touch civilian employees.

By the way, over 40 of the Senators who voted for the Senate version now confess they would never have supported it if their leadership had given them another choice.

Vote to allow private airport security operation overseen by the Federal Government. Vote for President Bush's choice.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Once again, the Chair would remind Members not to speculate on the intent of Members of the other body.

Mr. OBERSTAR. Mr. Chairman, could the Chair enlighten us on the time remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. OBERSTAR. And under the procedure of the House, does our side have the right to close?

The CHAIRMAN. That is correct.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, I thought the one who offers the amendment has the right to close.

The CHAIRMAN. The gentleman normally would be correct; but under this particular amendment, under clause 3(c) of rule XVII, the minority manager has the right to close.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, again, I will try to set the record straight. The gentleman from Maine who spoke earlier talked about the need to establish some type of an exchange of information; and it is true, the Senate bill does establish that. However, it does not provide that the information go to the airlines. The airlines are the only ones that have the passenger list. In their haste to pass this legislation, the other body left out the provision to require a passenger list from foreign carriers; and in today's paper, it looks like those in the other body are trying to correct that deficiency.

The gentlewoman from Texas talked about cockpit doors and air marshals. The President has already ordered that. That is under way; it is in all of the pieces of legislation. In fact, the cockpit doors, Secretary Mineta told me, in all major aircraft will be in by November 7 and air marshals are being put in place every day.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) and his colleague for offering the Senate bill. I rise in support of it.

Unlike some of my colleagues, I have overseen more than 300 employees and many of them were law enforcement officers. Unlike many of my colleagues, my father worked for the airlines, my sister works for the airlines, my niece works for the airlines, my brother-in-law works for the airlines; and this bill is very important to my family and the American public.

I rise because I believe that airline security must be an honorable position, just like police officers, just like fire marshals, just like everyone else who does a law enforcement job. Let us elevate them to the level of honor that they deserve so that the American people will believe that their safety is covered. Let us elevate them to the position of a Federal employee doing a law enforcement job with law enforcement equipment and honored by this Nation's public.

Mr. Chairman, I rise in support of the legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me.

I want to use this time to point out one area of the Senate bill which will soon be offered as a substitute which I feel to be somewhat incredible, and I would doubt that the Members on the other side are really, really aware of its inclusions. One of the provisions in that bill requires that the screener will have to have been a national of the United States as defined in section 1012(22) of the Immigration and Nationality Act contained in U.S.C. 1101(a)(22) for a minimum of 5 consecutive years.

Now, I would ask, has anybody looked up that section to see exactly what that provides?

Mr. Chairman, that provides that in many instances that a citizen is defined as a national in that section, that we may be setting up a system of second-class citizens. This is clearly wrong. It is nowhere in the United States Code, and it should not be tolerated by this House.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members in regard to references to the other body that the Chair previous admonitions are still valid.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

I hope people are listening to what the gentleman from Florida (Mr. SHAW) had to say. We are setting up an unconstitutional thing of two-tiered citizenry. I hope we understand what that does. It means one can be a citizen, but one cannot work unless they have been a citizen for 5 years. They have already gone through the process and held up their hand, but they cannot work under that bill.

Mr. Chairman, I urge the passage of my bill. It is appropriate. It is the right thing to do. It makes the original bill, the base bill, better. It is a bill that, as I say, should be passed.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself the remaining time.

In response to the last commentary about the provision referring to citizenship, there are two types of nationals: citizens of the United States who are both citizens and nationals, and nationals of American Samoa and Swains Island, who owe an allegiance to the United States. The term "national" does not encompass aliens. It is intended to be broad to encompass those I have just mentioned.

Now, our substitute, which the gentleman from Iowa (Mr. GANSKE) and I offered on a bipartisan basis, has been characterized as being disruptive, creates a disruptive transition. But the maximum disruptive transition is right here in the manager's substitute providing that any private security firm be owned and controlled by a citizen of the United States to the extent the President determines that their firm is owned and controlled by such citizens. That is going to create a huge disruption of having to terminate all the contracts that now exist, because they are controlled by a foreign company.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 202, not voting 7, as follows:

[Roll No. 421]

AYES—223

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt

Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Flake
Ford
Frank
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Ballenger
Berkley
Cubin
Dunn
Fattah
Thompson (MS)
Watt (NC)

☐ 1746

Mr. TAYLOR of Mississippi and Ms. HARMAN changed their votes from "no" to "aye."

Mr. ISRAEL changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BALLENGER. Mr. Chairman, on rollcall No. 421, I am not recorded. Had I been present, I would have voted "aye."

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 107-264.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report No. 107-264 offered by Mr. OBERSTAR of Minnesota:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.
Sec. 102. Transportation security function.
Sec. 103. Aviation Security Coordination Council.
Sec. 104. Improved flight deck integrity measures.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Improved airport perimeter access security.
Sec. 107. Enhanced anti-hijacking training for flight crews.
Sec. 108. Passenger and property screening.
Sec. 109. Training and employment of security screening personnel.
Sec. 110. Research and development.
Sec. 111. Flight school security.
Sec. 112. Report to Congress on security.
Sec. 113. General aviation and air charters.
Sec. 114. Increased penalties for interference with security personnel.
Sec. 115. Security-related study by FAA.
Sec. 116. Air transportation arrangements in certain States.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Increased funding flexibility for aviation security.
Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
Sec. 121. Encouraging airline employees to report suspicious activities.
Sec. 122. Less-than-lethal weaponry for flight deck crews.
Sec. 123. Mail and freight waivers.
Sec. 124. Safety and security of on-board supplies.
Sec. 125. Flight deck security
Sec. 126. Amendments to airmen registry authority.
Sec. 127. Results-based management.
Sec. 128. Use of facilities.
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.
Sec. 130. Voluntary provision of emergency services during commercial flights.
Sec. 131. Enhanced security for aircraft.
Sec. 132. Implementation of certain detection technologies.
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.
Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

"(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

“(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

“(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

“(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

“(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

“(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

“(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

“(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

“(C) To establish uniform national standards and practices for transportation during a national emergency.

“(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

“(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

“(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

“(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

“(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).”.

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking “x-ray” in paragraph (4);

(2) by striking “and” at the end of paragraph (4);

(3) by striking “passengers.” in paragraph (5) and inserting “passengers;”; and

(4) by adding at the end the following:

“(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

“(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.”.

(d) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

“(f) AVIATION SECURITY COORDINATION COUNCIL.—

“(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

“(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

“(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

“(4) MEMBERSHIP.—The members of the Council are:

“(A) The Secretary of Transportation, or the Secretary's designee.

“(B) The Attorney General, or the Attorney General's designee.

“(C) The Secretary of Defense, or the Secretary's designee.

“(D) The Secretary of the Treasury, or the Secretary's designee.

“(E) The Director of the Central Intelligence Agency, or the Director's designee.

“(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

“(g) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

“(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

“(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

“(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.”.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking “international”.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking “consider placing” and inserting “place”.

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) DEPLOYMENT.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “With”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

"(2) The Secretary—

"(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

"(B) shall place them on every such flight determined by the Secretary to present high security risks.

"(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.".

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking "supplies and" and inserting "supplies, personnel, services, and".

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

"(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

"(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.".

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

"(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.".

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking "weaknesses by January 31, 2001;" in subparagraph (A) and inserting "weaknesses;";

(2) by striking subparagraph (D) and inserting the following:

"(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;";

(3) by striking "program by January 31, 2001;" in subparagraph (F) and inserting "program;"; and

(4) by striking subparagraph (G) and inserting the following:

"(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.".

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.".

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

"§ 44901. Screening passengers, individuals with access to secure areas, and property

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

"(b) DEPLOYMENT OF ARMED PERSONNEL.—

"(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

"(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

"(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

"(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, . trained State or local law enforcement personnel if—

"(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

"(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

"(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

"(D) the Attorney General has consulted the airport sponsor.

"(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

"(A) the types of aircraft that use the airport;

"(B) seasonal variations in air traffic and types of aircraft that use the airport; or

"(C) other factors that warrant modification of otherwise applicable security requirements.

"(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

"(A) may provide or require additional security measures;

"(B) may conduct random security inspections; and

"(C) may provide assistance to enhance airport security at that airport.

"(d) MANUAL PROCESS.—

"(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for scgeening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

"(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

"(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of understanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.".

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purposes of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

"(e) SECURITY SCREENERS.—

"(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

"(2) HIRING.—

"(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

"(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

"(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

"(iii) to have passed an examination for recent consumption of a controlled substance;

"(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

"(v) to meet such other qualifications as the Attorney General may establish.

"(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

"(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

"(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

"(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

"(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

"(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

"(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

"(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

"(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

"(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

"(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

"(C) The individual shall be able to read, speak, and write English well enough to—

"(i) carry out written and oral instructions regarding the proper performance of screening duties;

"(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

"(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

"(iv) write incident reports and statements and log entries into security records in the English language.

"(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

"(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

"(A) is closely supervised; and

"(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

"(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

"(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

"(A) continues to meet all qualifications and standards required to perform a screening function;

"(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

"(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

"(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

"(g) TRAINING.—

"(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

"(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

"(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

"(B) has completed 60 hours of on-the-job instruction; and

"(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

"(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

"(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.".

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting "as a security screener under section 44935(e) or a position" after "a position".

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting "the Attorney General," after "subsection," in paragraph (1); and

(B) by striking "An" in paragraph (3) and inserting "The Attorney General, an".

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting "is or" before "will" in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking "complete an intensive review of" and inserting "periodically review";

(2) by striking "commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;" in subparagraph (B) and inserting "aircraft in air transportation;"; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

"(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;".

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

"(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.".

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Training to operate jet-propelled aircraft

"(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

"(b) INVESTIGATION.—

"(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

"(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

"(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

"(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

"(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

"(B) A determination of the status of the alien under the immigration laws of the United States.

"(C) A determination of whether the alien or individual presents a national security risk to the United States.

"(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

"(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

"(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

"(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

"(1) each alien to whom such training is provided; and

"(2) every other individual to whom such training is provided as the Secretary may require.

"(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Training to operate jet-propelled aircraft.".

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

"§ 46503. Interference with security screening personnel

"An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

"46503. Interference with security screening personnel".

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification

cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) In General.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) Approval of Secretary.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) Public Interest Requirement.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) Termination.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) Extension.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) In General.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) Report.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) User Fee for Security Services.—

(1) In general.—Chapter 481 is amended by adding at the end thereof the following:

"§ 48114. User fee for security services charge

"(a) In General.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

"(b) Amount of Fee.—Air carriers shall remit $2.50 for each passenger enplanement.

"(c) Use Of Fees.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.".

(2) Clerical amendment.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48114. User fee for security services".

(3) Effective Date.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) Specific Authorization of Appropriations.—

(1) In general.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 483. AVIATION SECURITY FUNDING.

"Sec.
"48301. Aviation security funding

"§ 48301. Aviation security funding

"There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.".

(2) Conforming amendment.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

"483. Aviation Security Funding .... 48301".

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) Limited Use of Airport Improvement Program Funds.—

(1) Blanket authority.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) Airport development funds.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.".

(3) allowable costs.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking "or" in subparagraph (B);

(B) by inserting "or" after "executed;" in subparagraph (C); and

(C) by adding at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;".

(4) Discretionary grants.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

"(i) Considerations for Project under Expanded Security Eligibility.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.".

(5) Federal share.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking "and" in paragraph (3);

(B) by striking "47134." in paragraph (4) and inserting "47134; and"; and

(C) by adding at the end the following:

"(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).".

(b) Apportioned Funds.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) Expedited Processing of Security-related PFC Requests.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) Reimbursable Costs.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) Documentation of Costs; Audit.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) Claim Procedure.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"§ 44940. Immunity for reporting suspicious activities

"(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) APPLICATION.—Subsection (a) shall not apply to—

"(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

"(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

"§ 44941. Sharing security risk information

"The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committe on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"44940. Immunity for reporting suspicious activities.

"44941. Sharing security risk information.".

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

"(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

"(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

"(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

"(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.".

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) SHORT TITLE.—This section may be cited as the "Flight Deck Security Act of 2001".

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United

States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44942. Performance Goals and Objectives

"(a) SHORT TERM TRANSITION.—

"(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

"(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

"(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

"(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

"(1) PERFORMANCE PLAN AND REPORT.—

"(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

"(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

"(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"§ 44943. Performance Management System

"(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

"(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

"(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

"(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

"(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

"(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

"(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.".

SEC. 128. USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44944. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44944. Exemption of volunteers from liability.".

(c) Construction Regarding Possession of Firearms.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) Security for Larger Aircraft.—

(1) Program required.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) Waiver.—

(A) Authority to waive.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) Limitations.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) Program elements.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) Procedures for searches and screening.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) Security for Smaller Aircraft.—

(1) Program required.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) Report on program.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) Background Checks for Aliens Engaged in Certain Transactions Regarding Aircraft.—

(1) Requirement.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) Expiration.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) Alien defined.—In this subsection, the term "alien" has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) In General.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) Technologies Described.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) In General.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) Explosive Detection.—

(1) In general.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) Use of funds.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) Airport development.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking "and" at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting "; and"; and

(C) by inserting after clause (ix) the following new clause:

"(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.".

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

"(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

"(B) review the effectiveness of increased surveillance at access points;

"(C) review the effectiveness of card- or keypad-based access systems;

"(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

"(E) specifically target the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

"(2) 90-DAY REVIEW.—

"(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

"(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

"(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

"(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

"(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.".

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from

Minnesota (Mr. OBERSTAR) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I would like to express my great appreciation and admiration to the Chair for the even-handed manner in which the Chair has conducted the debates, keeping Members aware of the proper decorum and proper procedure. The Chair has endeavored to maintain order.

The Chamber now is assuming a spirit very much akin to that which prevails in most of the airports across this country, a hushed atmosphere, a feeling of apprehension, feeling of uncertainty as passengers move through the airport to the gate. We now move with some sense of apprehension of where the future of aviation lies. Within the hour we will decide.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, the Republican leadership thinks they can dress up the people who work for these private companies in fancy uniforms and put badges on them and that will make people think they are federalized. They think they can change the name of the bill and put federalization in the title and that fixes its flaws.

Listen to what USA Today said, and I quote: "House GOP leaders insist on protecting failed screening firms." That is the bottom line.

We have Federal officers at our national borders. We have Federal officers protecting the President. We have Federal officers protecting us here in the Capitol, and that is the right way to do it.

The most important role of the Federal Government is to protect its people; but the Republican leadership is saying we need Federal officers to protect us here in Washington, but the flying public can have their security sold off to the lowest bidder, and that is outrageous.

The American public deserves the same quality of protection we receive; and I keep hearing these complaints about unionization and government employees, and personally I am sick of it. Who do my colleagues think risked their lives on September 11? Firefighters; police officers, first responders; pilots; flight attendants; government workers, many; union workers, almost all. They were heroes. Heroes. Shame on anyone who says that union workers or government workers cannot be trusted.

I will tell my colleagues who cannot be trusted: the companies who will cut every corner to save a dime so they can come in with the lowest bid.

We need to regain the confidence of the flying public, and there is only one way to do that: get rid of the system we have today, get profit motives out, put safety incentives in, and federalize our airport security. It is what we Democrats propose in the substitute. It is what the American people are demanding. It is what they deserve so we never, ever again have a tragedy like September 11.

The CHAIRMAN. Does the gentleman from Florida (Mr. MICA) seek the time in opposition?

Mr. MICA. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida is recognized for 30 minutes.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I ask my colleagues to reject the Democrat leadership bill, among other reasons because it discriminates against American citizens who are naturalized if they have not been citizens of the United States for 5 years. It creates a category of second-class American citizens, and we should not be creating second-class citizens in this body. We should reject that bill.

They try to do it surreptitiously. They try to hide their discrimination, but it is discrimination nonetheless. If we go to page 29 of their bill, they do not call it citizen. They say one has to be a national of the United States. Then they go to a section of the law, 8 U.S.C. 1101(a)(22), for at least 5 years. Let us go to that law. A person has to either be a citizen of the United States, or they have to be a person who, though not a citizen, owes permanent allegiance.

What does that mean? As clarified by the case that defined that statute: "Status as a national of the United States owing permanent allegiance can be created only by legislative or other action of the Federal Government that is not acquired by mere assertion of allegiance."

□ 1800

So citizenship for 5 years, surreptitiously brought before this House, is what that law does, and they want us to create a second class citizenship tier in this country. Do not discriminate against citizens by nationalization. Reject the Democrat leadership bill and let us get on and vote for a decent piece of legislation this evening.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

My colleagues cannot have it both ways. First our bipartisan bill was criticized because it did not deal with citizenship. Now it is too restrictive on citizenship. In fact, nationals covers citizens of the United States, or citizens and nationals, and nationals of American Samoa and Swains Island under the law.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Minnesota (Mr. OBERSTAR).

I am proud to rise today in support of the Oberstar substitute to the Aviation Security Bill and urge all of my colleagues to support this sensible amendment.

As everyone in this chamber knows, three weeks ago, the other body passed a sensible bill to strengthen airline security by unanimous vote. It is our turn in the House of Representatives to do the same.

The horrific events of September 11th changed our world forever. Today we have a chance to address the aviation security issues that were so tragically brought to our attention that day. We cannot wait any longer to act.

My colleague from Minnesota has crafted a substitute that will address our most critical aviation needs in a thorough and prudent fashion. It places responsibility for aviation security with the Federal Government so that we have guaranteed that professional law enforcement agents are in charge of securing our airplanes. It strengthens baggage screening, background checks, cockpit security, and flight school training checks, as well as several other important provisions.

I strongly support this substitute, and hope that my colleagues will pass this bill, so that we may expeditiously send it to President's desk.

I urge all my colleagues to support the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I rise in strong support of the Oberstar amendment, which is the same text of the bill the Senate passed unanimously over 3 weeks ago.

It has been some 7 weeks since security at three of our major airports was breached, resulting in the hijacking of four planes and the tragic events that unfolded on September 11. Following the attacks, the Committee on Transportation and Infrastructure worked swiftly, in a bipartisan way, to pass a relief package for airlines, which I supported. But I said then and I believe now that no amount of money will stabilize the aviation industry over the long term unless we restore the confidence of the American flying public, and that means getting security right, and that means today.

Families need to feel safe in order to buy tickets to go see grandma for Thanksgiving and business travelers should feel confident to return to the skies to help our slowing economy. Mr. Chairman, restoring confidence means restructuring our current system to establish a seamless network of security that has national standards and national accountability. This amendment does that, and, if passed, would avoid a conference with the Senate and could be signed into law by the President tomorrow.

Recent polls indicate that, like national security, over 80 percent of the American people believe that airport security should be a function of the Federal Government. The Senate, including 49 Republican Senators, have chosen to put the safety of the American flying public above partisan politics. The House leadership should allow their Members to do the same.

Mr. Chairman, I urge my colleagues to vote "yes" on the Oberstar amendment and send the President this bill tomorrow. The American people are waiting.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. SIMPSON), also a member of our Subcommittee on Aviation.

Mr. SIMPSON. Mr. Chairman, it has been said the first casualty of any war is the truth. After listening to some of the rhetoric today on this floor, much of it embarrassingly irresponsible rhetoric, truth truly has been wounded today.

Anyone listening to this debate would think that there are only two options, the Oberstar amendment, which would Federalize the employees and, therefore, we would have a secure airport system; or leaving everything as it existed prior to September 11, as if the underlying bill did nothing to improve security. The fact is the underlying bill improves security.

My colleagues show us statistics about the turnover rate of screeners and about the pay rates of screeners, and so forth, as if that would be the case if we were to use private contractors in appropriate places. I can tell my colleagues that I live next to the Idaho National Engineering Laboratory, the lead nuclear engineering laboratory in the Nation. Guess what? They have private contractors doing the security there, and they do a fantastic job. I would dare anyone to try to get on the grounds of the National Engineering Laboratory.

Let me tell my colleagues what this bill does not do, what the Oberstar amendment does not do. First of all, it slows down the hiring of new screeners and air marshals. It gives 9 months to hire new screeners and air marshals. The Young-Mica bill makes that happen in 3 months. We need security as quickly as possible, not a year from now, not 9 months from now. Hopefully quicker than 3 months from now, but we do it much quicker in our bill.

Oberstar does not give the Under Secretary authority to expedite rulemaking. It takes an average of 3.8 years to write a rule in the Department of Transportation. How quickly do my colleagues think we will have those rules written in order to improve security at our airports if we do not have expedited rulemaking, which the Oberstar amendment does not have?

Lastly, the Oberstar substitute allows the Attorney General to waive all laws applicable to employees. Not just the civil service laws, the substitute waives the veterans preference, labor laws, worker safety laws, civil rights laws, and worker protection laws. The Young-Mica bill takes a more targeted approach by assuring worker performance without waiving all of the employment laws.

I urge my colleagues to vote against the Oberstar substitute and support the underlying bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to simply point out the reality of the pending committee language. Not later than 3 months the Under Secretary shall assume civil aviation security and functions with a schedule to be developed by the Secretary of Transportation. It does not say anything that the gentleman referred to.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of the Oberstar bipartisan substitute.

Mr. Chairman, earlier this year I voted against the airline bailout bill. I voted against it not because I didn't think that we needed to take steps to insure the viability of our airline industry, but because that flawed piece of legislation didn't address the most important concern of all for the airlines—safety. If we want to revitalize the airline industry we have to get people back on the planes. We cannot do this unless we reassure them about the security of the airlines. It is clear that people do not feel safe flying. Just today, we received information that Delta Airlines has lost $295 million and United has lost $1.16 billion. If we really want to help out the airline industry, we have to make sure these losses don't continue. Yet here we are more than 50 days after the events of September 11 and we have just started to discuss the very real concern of aviation security here in the House of Representatives.

To both prevent future attacks, and to restore the public's confidence in flying we must take steps to improve the way security is undertaken at our airports and in our airplanes. We cannot just make suggestions and hope that the same security companies that have committed gross violations of current law do a better job in the future. This is a very real problem and it demands a real solution.

We need to change existing law, and we must take steps to improve cockpit security, to limit access to the cockpit and to strengthen cockpit doors. We need to improve the training of flight crews and pilots to deal with potential hijacking attempts. We need to conduct background checks on all employees with access to secure areas as well as those seeking flying lessons on large aircraft or flight simulators. We need to screen 100 percent of all checked bags at our airports. The technology exists right now to perform this basic task, yet it still isn't being done.

Most importantly, we need to professionalize this industry to make sure the job is done right. The companies responsible for aviation security right now cannot be trusted to obey current laws. They're hiring felons and illegal immigrants and are failing to conduct the background checks required under current law. Current screeners are missing an unacceptable number of threat objects in tests conducted by the FAA. We cannot leave the same failing companies in charge of this important task and expect the results to change. We must professionalize this industry, and to do so we must federalize it.

I urge a "yes" vote on the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes and 20 seconds to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this amendment in the nature of a substitute, and I want to commend both the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) for their bipartisan approach and steadfast leadership on this very important issue.

Now, I must admit that both these bills are constructive. They deal with baggage claims, including baggage check claims being screened, including further security measures for secure areas at airports. I will not go into all of that. They are good. But, clearly, the Oberstar-Ganske bill is far superior when we get to the responsibility of security at the airports, and I want to stress this.

We continue to hear stories and disturbing reports about the inefficiency and ineffective security at our airports, even since September 11. The stories go on and on, including loaded firearms on a plane just this past week. The point is that we have to start thinking outside the box, as this bill does.

The system has serious gaps in it and serious holes and it is time that we do Ganske-Oberstar, the bipartisan bill, because it acknowledges that it is a function of Federal law enforcement that has to be enacted at the airports.

Mr. Chairman, we rely on the Federal Government to guard our borders, the Border Patrol; to police our coasts and coastways, the Coast Guard; national parks, the Park Police; and even for Members and visitors at the U.S. Capitol, the U.S. Capitol Police. So this is not an extraordinary thing that we are doing, as critics of this proposal have said.

We need all of this. We are very late in action, and we cannot let it stall any longer. I might make the point that in the Senate this bill was passed on a bipartisan basis. This is not a partisan thing. It was passed in the Senate with the support of TRENT LOTT and 48 other Republicans. Let us protect our people and our Nation.

Mr. Chairman, I rise in strong support of the amendment in the nature of a substitute offered by the gentleman from Minnesota. I want to thank Mr. OBERSTAR and Mr. GANSKE for their steadfast leadership on this critically important issue. I also would like to commend

Chairman DON YOUNG of the Transportation Committee for his commitment to protecting the American people.

I believe the House is being asked to choose between two constructive proposals that address issues we should have addressed years ago:

Both bills would expand the federal air marshal program;

Both bills require aircraft cockpit doors be strengthened and other cockpit and cabin security measures be implemented;

Both bills would establish further security measures for secure areas of airports;

Both bills require that armed federal law enforcement officers be placed at all screening stations;

Both bills establish strict employment, training and performance standards for screening personnel, with screeners being prohibited from striking and subject to firing for poor work performance.

Both bills require all baggage—including checked baggage—be screened;

Both bills mandate that background checks be performed on foreign nationals and others seeking flying lessons at U.S. flight schools;

However, on the key issue of ultimate responsibility for security, the Ganske-Oberstar amendment is bipartisan and superior.

Mr. Chairman, every Member of this House climbs on an airplane at one of our airports with regularity. Each and every one of us has horror stories about security lapses they witnessed.

Since September 11, we continue to hear and read stories about disturbing reports about the inefficiencies and inffectiveness of the security at our airports. Passengers are still carrying loaded firearms on a plane. Private security firms employing felons. Passengers walking around security checkpoints. Security personnel falling asleep at their posts. The uneven-ness of security procedures from airport to airport. The list goes on and on.

One thing can be said for terrorists—they are resourceful. Not many people thought before September 11 that airliners could do so much damage to America. But the terrorists did.

Not many people thought four flights could be hijacked simultaneously. But the terrorists did.

It's time we started thinking outside of the box. Clearly, the system we have in place today has serious holes. It's time to change the culture at airports. It's time to acknowledge that this is a function of law enforcement—federal law enforcement—with all the weight, experience, and know-how that brings with it. Ganske/Oberstar the bipartisan bill does this.

It's time to upgrade the training, the pay, the working conditions, and the supervision of those who provide this essential security screening.

With all due respect to Secretary Mineta and the hardworking people at the Transportation Department, it's time to turn this function over to a law enforcement arm of the United States government.

Then, if there are failures, we know exactly where to point the finger. And frankly, the American people will look right at us . . . as they should.

Mr. Chairman, we rely on the federal government to guard our borders (Border Patrol), police our coasts and waterways (Coast Guard), to protect our National Parks (Park Police), to ensure the security of this Capitol, our Members and our visitors (U.S. Capitol Police).

Our war-fighting duties fall to the federal government. My Colleagues, we are at war! And we should not fall back on the same old system with the same old people to ensure security of our skies.

Mr. Chairman, as we stand here today, we are very late. The murderous attacks on the World Trade Center, the Pentagon and unknown targets in the Washington area—attacks where the weapons of choice were four fuel-ladened commercial airliners—occurred nearly seven weeks ago. Since that time, we have seen Americans come to consider flying as a travel means of last resort. We have heard the Attorney-General and the FBI issue two warnings of imminent terrorist attack.

We are very late. The American people want action. The American people deserve action.

Passage of the Oberstar amendment means this legislation goes right to the President's desk. This weekend we heard Chief of Staff Andy Card indicate that the President will sign this bill—the same bill that was approved by the Senate 100–0. The same bill that was supported by Trent Lott and 48 other Republicans.

My Colleagues, time is wasting. Pass the Oberstar-Ganske amendment. Send this bill to the President. Protect the American people and protect them now! Protect our Nation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), chairman of the House Subcommittee on Civil Service.

Mr. WELDON of Florida. Mr. Chairman, I had legal counsel review the legislation we are debating right now at the Subcommittee on Civil Service. The way this amendment is drafted it exempts these new Federal employees from the Veterans Preference Act, the civil rights laws, the Rehabilitation Act, the Age Discrimination Act, merit principles, family and medical leave, Federal labor-management relations statutes, the Fair Labor Standards Act, and the whistleblower protections.

If a Republican brought an amendment calling for the creation of a new Federal workforce that is going to be larger than the workforce at the Department of Labor, larger than the workforce at three other Cabinet level agencies and tried to exempt them from all these Federal laws, my Democrat colleagues would be up in arms. The unions would be going berserk. I am amazed that this amendment has been crafted this way.

Now, I assume my colleagues are expecting the Attorney General to voluntarily apply all these protections. I would just like to point out that the debate is not between doing nothing and my colleagues' proposal. The debate is between the Oberstar amendment and I think a very, very good proposal that is modeled on the European experience, where they have tried to federalize their workforce.

Let me just close out by quoting from a Washington Post survey of Federal employees. Only 30 percent of Federal employees, and my father was a retired Federal employee, believe the Federal Government does an effective job disciplining poor performing employees.

I think what the American people want is the most effective protections that we can put forward, and this proposal creates some federalization of the security forces. To federalize all of them, and in this fashion, in this amendment, baffles me. Vote against this thing.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. STRICKLAND. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Chairman, I rise today to engage my distinguished colleague from Minnesota in a colloquy to clarify one section of this bill, section 108, relating to the screening of passengers and property.

Am I correct in my understanding that section 108 only applies to the screening of passengers and property that will be placed aboard passenger aircraft?

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I would advise the gentleman that his understanding is correct.

Mr. STRICKLAND. I thank the gentleman for that clarification, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is a lot of, if my colleagues will forgive me, flying on the vote on the Oberstar substitute. It is as if one wing said passenger safety and the other wing said economic recovery.

On September 11, we paid a very high price in human lives when planes went down. Since then we have been paying the price in jobs and empty airline seats. The planes are up, but 20 percent of the passenger loads is down and 40 percent of the revenue is down. Unless we help people conquer the new fear of flying, more planes will be grounded and more jobs lost.

September 11 taught us that we must not have one standard of personal safety in the air and another standard on the ground. The average American has just one question for us this evening, and that is are we doing everything humanly possible to maximize safe air travel. Sadly, not with the Republican bill.

We cannot make government accountable for the people's safety by cloaking a private employee in red, white and blue. If it quacks like a contractor it cannot walk like a law enforcement officer. There is only one way to have one system of care and accountability coast to coast and that is with one Federal employer.

My good Republican friends are fond of saying that the only indispensable function of government is national security. For heaven's sake, do not cop out on national security in the air for the American people. Support the bipartisan Senate bill and substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of our senior members on the Committee on Transportation and Infrastructure.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I will say to the gentlewoman from the District of Columbia, having spent weeks looking into this issue, not as a Republican, not as a Democrat, but as someone who wants both wings to say passenger safety, someone who truly believes that it is keen that the Federal Government has responsibility for the safety and security of American citizens, that I also truly believe it is the responsibility of the Federal Government to provide security at our Nation's airports.

Now, why are we here today and not 3 weeks ago? Because it took the committee time. It took myself visiting the Port of Baltimore, BWI Airport, our bridges, and all those vulnerable areas in our State, which includes nuclear power plants, which includes Federal buildings, and includes a whole array of other things. So this bill, in my judgment, after talking to the Coast Guard, the CIA, the FBI, Customs, INS, airport security, State police, you name it, it is my considered judgment, after listening to them, that the Federal Government needs to be responsible in this case for airport security.

□ 1815

What does that mean? That means that we want to make sure that behind every screener is a Federal agent. In some cases every screener will be a Federal employee, a Federal agent; and in some cases the baggage handlers will also be in that category. But be sure that every bag is going to be screened. The Federal Government will provide security for this system in the same manner that the Federal marshals provide security for our nuclear power plants.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, both of my older brothers are competent, experienced master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters; another brother is a former aircraft fighter pilot who flew A-7s off the USS Enterprise. Today he is a 757 captain with a major airline. What we do today holds an added personal significance for me and my family.

After the jets and planes went back into the sky following the horrific tragedy of September 11, he and his wife, who is a flight attendant, courageously did their jobs. They, like many other air crews, braved flight despite the fact that serious flaws in aircraft security remained. We can change that today. The pilots and air crews, like the police, fire and emergency "first responders" at ground zero are heroes. We owe them a tremendous debt of gratitude, admiration, and respect.

There is no doubt in my mind whatsoever that on both sides of the aisle and both sides of the approach to ensuring aviation safety, Members are fully committed to protecting every flight crew and passenger in America. To suggest otherwise is demagoguery. I assume goodwill on both sides.

The current aviation security system is broken big time. The private sector system that we have had in the past, and I would submit, even with federal "supervision" going forward is likely to be less than the optimum. The Private Sector may not be up to the challenge of dealing with the new magnitude of terrorist threats that America faces. When it comes to the overriding and paramount interest of protecting American lives and our national security, I believe we can and must count on a professionally trained and maintained workforce. Neither bill is a panacea. Neither bill guarantees success; but highly trained Federal employees give us the best shot. I would point out that at the Department of Defense, at our borders with the Custom Service and with the Border Patrol, we count on them to provide that kind of protection. The job of protecting 96,000 miles of land, sea and air at our borders, and more than 300 ports of entry is entrusted each day to dedicated employees of the U.S. Customs Service.

Mr. Chairman, I support the Oberstar-Ganske Competing Amendment. It is the best of the two proposals.

Mr. Chairman, both of my older brothers are competent, experienced, master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters. Another brother is a former aircraft carrier fighter pilot who flew A–7's off the U.S.S. *Enterprise*. Today, he is a 757 captain with a major airline.

So what we do here today holds an added personal significance and meaning for me and my family.

After jets and planes went back into the sky following the horrific tragedy of September 11th, he—and his wife, who is a flight attendant—courageously did their jobs. They—like many of their air crew colleagues—braved flight despite the fact that serious safety flaws remained. We can change that today. The pilots and aircrews—like the police, fire, and emergency responders at ground zero—are heroes. We owe them a great debt of gratitude, admiration and respect.

There is no doubt in my mind whatsoever that both sides of the aisle, and both sides of the approach to ensuring aviation safety, are fully committed and eager to protect every flight crew and passenger in America.

To suggest otherwise is pure demagoguery. I assume good will on both sides.

The Oberstar-Ganske amendment, which I have cosponsored as H.R. 3165, is a comprehensive attempt to improve out nation's airline security. We cannot allow any of the past deficiencies in the screening of passengers and property to continue. The past problems with unstructured and mostly private aviation security systems now in place at our airports must be scrapped, replaced, and repaired.

The current system is broken. Unfortunately, the private security systems have not in the past, and certainly cannot now be expected to deal with the new magnitude of terrorist threats America faces. Everyday brings news of some new incident where somebody with a box cutter, knife, or gun manages to walk onto an airplane. Last week, a man flying out of New Orleans International Airport boarded a Boeing 737 with a loaded handgun in his briefcase. He went right through airport security undetected. Why can't we just admit that while the private sector does many things well, they are just not up the task of airport security? How many more guns have to get onto aircraft before we face reality?

When it comes to the overriding and paramount interests of protecting American lives and our national security, I believe that we can trust and count on federal workers. They have proven themselves at the Defense Department, and at our borders with the Customs Service and the Border Patrol. We don't contract these jobs out because they are too important to leave in the hands of the private sector. The job of protecting 96,000 miles of U.S. land, air, and sea borders and more than 300 ports of entry is entrusted each day to the 20,000 dedicated employees of the U.S. Customs Service. The job of protecting our own security right here in our offices and on this House floor is performed by the very capable and dedicated federal employees of the Capitol Police Force.

I ask my colleagues this question: if private security firms are so great, why not go with private security firms at the Customs Service or the Capitol Police Force? Maybe we should privatize the Secret Service protection of the President while we are at it. Why should Congress and the President be protected by federal employees, while the rest of the country's security is provided by often poorly paid, poorly trained "rent-a-cop" outfits?

Airport security is a national law enforcement function and cannot be subject to cost-cutting measures that have fostered the poor standards that have contributed to serious security lapses.

The Oberstar-Ganske amendment would do more than just federalize the mission of bag screeners and airline security personnel. It would significantly expand the Federal Air Marshals program and provide for the mandatory training of flight and cabin crews to deal with aircraft threat conditions. It authorizes $50 million annually over the next five years for research in security technologies and $20 million for the FAA to issue research grants. This amendment also allows the Department of Justice to determine whether federal or state and local law enforcement personnel should be employed at our smaller airports. The amendment requires stringent background checks for current employees that have access to secure areas at airports. The bill also would allow the pilot, co-pilot, or flight engineer to carry firearms after the successful completion of a comprehensive training program; it would require the strengthening of cockpit doors and locks; and it includes provisions that would call for criminal history and background checks for students seeking flight training on certain classes of airports.

The public's confidence in air travel, badly shaken by the September 11th attacks and events afterward, must be restored. The Oberstar Amendment will accomplish this goal. It will assist in the stabilization and recovery of our airlines and related industries. This amendment will provide the level of security the American people deserve. Mr. Chairman, we cannot continue with a system that could again put our national security and the lives of Americans at risk.

Mr. MICA. Mr. Chairman, I yield myself 10 seconds just in response.

Mr. Chairman, we have 323 INS inspectors at the Canadian border, but we will have 31,000 Federal screening agents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me quote Ronald Reagan: "Too often character assassination has replaced debate in principle here in Washington. Destroy someone's reputation, and you do not have to talk about what he or she stands for."

I have not heard one Republican on my side of the aisle talk about keeping the status quo. Each and every one of us has family that fly on airplanes, and we are concerned about their safety. But if one listens to the other side of the aisle, we are not interested in employing top-notch people. Indeed, we are.

Mr. Chairman, in Palm Beach County, I would like to be able, with the President's direction, to hire the Palm Beach County Sheriff's Department, uniformed law enforcement agents, FOP and PBA members. I like the union, and I like supporting unionized police and firefighters. They could be on the job in a matter of weeks. They could be given the authority to do that. We are not suggesting to keep these little groups of people who are now working the airports. That is inadequate. That is unacceptable. The Young-Mica bill does not allow for that.

Let us not cloud the debate about one side not being concerned about passenger safety and the other side ramping up. I have heard Members praise the Border Patrol, and they are doing an outstanding job; but somehow there are 7 million illegals in this country that got through our borders.

The terrorist who struck the World Trade Center was here on an overstayed visa, the job of INS. They did not find him and remove him.

I have a pestilence in Florida, citrus canker, that is supposed to be stopped by the USDA inspection teams at our ports; but I have millions of dollars of damage of our crops because we did not stop it, all by Federal employees. I think we can do better. Do not say it is a panacea for safety.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, it is imperative that we pass an aviation security package today that will make the skies safer. If the images of September 11 have taught us anything, it is that aviation security is national security. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. In Las Vegas, hotel occupancy fell to 40 percent, and 240 conventions canceled after the attacks. Nearly 15,000 workers have been laid off from our hospitality industry alone.

The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from our tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

The Senate passed this aviation security bill unanimously, 100 to zero. It is time that the House answers the call of our constituents who are demanding airline security by passing this Democratic substitute.

One role of the federal government that we can all agree on is that the government has a responsibility to ensure our national security. We would never privatize our military or our Border Control agents. Yet we still contract out our aviation security to the lowest bidder.

Airport screeners are the front line of law enforcement in our airports. The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Private companies pay their employees minimum wage, hire employees without conducting background checks and provide their employees minimal training.

What we need are federal officers at baggage screening checkpoints who have the benefit of experience, rigorous training, and access to integrated law enforcement government databases.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, this is not a partisan issue, even though it is divided close to partisan lines. As a matter of fact, one of my most distinguished constituents is a man named Jim Hall, who served for 6 years as the chairman of the National Transportation Safety Board under President Clinton. He actually is the foremost authority on airline security in the country, and earlier this week he wrote an editorial in support of the flexibility to contract out the security in the airports.

Mr. Chairman, I include for the RECORD his editorial, but I also want to read a portion. He says, "While there are persuasive arguments being made on both sides of this issue, I believe that private sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of preemployment screening, ongoing training and, most important, accountability.

"There are many examples of the effective uses of private contractors in high security areas. The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the Nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding.

"The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are Federal employees. Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run."

Mr. Chairman, he knows this issue as well as anybody, and he knows that the best system is the system in Great Britain. He recommends that system.

The referenced article is as follows:

HOW TO IMPROVE U.S. AIR SECURITY

(By Jim Hall)

A very important debate is taking place in Congress on the issue of strengthening commercial aviation security. Unfortunately, much of it is centered on the question of whether pre-board screening organizations at the nation's airports should be completely federalized.

While the sometimes partisan debate over federalizing airport screeners is well-intended, it has in my view focused on the wrong subject. The main focus should not be on whether screeners should be government employees or private contract workers, but rather on what caused the problem in the first place.

The inadequacies of our aviation security screening are the result of a deeply flawed system caused by the collective failure of the government and the airlines to provide a structure that is adequately funded and contains provisions for accountability.

These problems cannot be explained simply by pointing a finger at private-sector screening personnel. Rather, they are the result of the government—at the urging of the airlines—leaving the responsibility up to the individual airports and airlines, which in turn demand private bid packages that force contractors to pay hourly wages barely competitive with fast-food hamburger chains.

As a member of the White House Commission on Aviation Safety and Security during my tenure as chairman of the National Transportation Safety Board, I toured and studied airport-security programs at several domestic and international airports. It was apparent then, as it has become painfully so now, that the American system was woefully inadequate.

A multitude of recommendations were made to begin improving the safety of our air transportation system, including increasing the professionalism of passenger screeners. Although some have been implemented, more work needs to be done.

As part of the multifaceted response to the Sept. 11 tragedies, the Senate has approved legislation that would make preboard-screeners federal employees. The House of Representatives, meanwhile, is preparing to debate the status of screeners as part of its version of aviation-security legislation. Many House conservatives and moderates are opposed to staffing passenger-screening posts with a new cadre of federal workers.

While there are persuasive arguments being made on both sides of this issue, I believe that private-sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of pre-employment screening, ongoing training and, most important, accountability.

There are many examples of the effective uses of private contractors in high security areas: The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding. The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are federal employees. Rather, it should be on which system has the best change of succeeding and guaranteeing security over the long run: Only through a systemwide approach can we ensure the timely implementation of technology and the highest level of security for all Americans.

I believe the solution lies in a public-private partnership that puts together the advantages of both. The best model for this can be found in the United Kingdom. Under the British system, either private-sector contractors or airport personnel perform preboard passenger screening under strict government oversight. They are held to very high standards. The system works.

Regardless of what Congress decides on this particular issue, it ultimately must address the aviation-security system as a whole. The responsibility for implementing this new system and ensuring that new regulatory standards are met should be placed in the new Office of Domestic Security, where clean lines of accountability could be established. It should not be buried within the multilayered bureaucracies found in the departments of justice and transportation. Additionally, I believe an independent board or agency that would function much like the NTSB should be created that would serve as an integral part of a new system of checks and balances. It in essence would be a watchdog on behalf of the American public regarding aviation security.

The U.S. aviation safety system has been a model for the world because of the hard work of FAA regulators and the dedicated employees of the NTSB, who continually monitor the system through investigations of accidents and incidents. The independent safety board has never been afraid to speak out to protect the interest of the traveling public. There needs to be a similar independent voice to ensure that those responsible for aviation security are held accountable.

As it deliberates, Congress needs to remember that the system failed—not individuals. If a new security system, such as the one I have described, is implemented, concerns regarding private-sector passenger screeners will be moot. The time for decisive action is now. It is imperative for Congress to make the systemic changes that are needed, not only to address the problems of the past, but also to create a model of security that is strong enough—and flexible enough—to keep us safe and to rebuild confidence in the future.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, we, the Members of the House, have an opportunity to make a rather easy decision this evening. We must decide to make airline travel safe for the people of the Nation. We must support the Democratic substitute and restore the confidence of our citizens to ride airplanes.

The Aviation Security Act will eliminate the irresponsible private contractors who win the lowest-bid contracts for providing screening services at our airports. These contractors have failed the basic job of keeping our airlines safe for flight.

Further, this bill will ensure all planes are retrofitted to secure the cockpits and to protect the pilots and passengers from hijackers.

In addition, we must purchase the equipment to screen all baggage and all packages that are placed in the belly of each and every airplane. This bill will place more air marshals on our planes. These are simple safety measures that must be enacted.

Mr. Chairman, what is wrong with us? What has taken us so long to make the flying public safe? Members, do not let history record the horrible details of the September 11 disaster, and further record that Members of Congress were not unified enough, not wise enough to pass good public policy.

Mr. MICA. Mr. Chairman, I yield 2¼ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, we owe the American people the most safe and secure air system in the world. We owe them a fair debate. This debate has been focused on the current system, but the Young-Mica bill rejects the current system.

Under the current system, responsibility for security is with airlines and private contractors. Under the Young-Mica bill, it is with the Federal Government.

Under the current system, training is with the airlines and private contractors. Under the Young-Mica bill, it must be done by the Federal Government.

Under the current system, the testing of the competency of screeners probably is not done at all; but when it is done, it is done by the airlines and private contractors. The Young-Mica bill rejects that, and testing must be done by the Federal Government.

The current system says compensation is set by the airlines and the private contractors. Under the Young-Mica bill, it is set by the Federal Government.

Under the current system, the power to fire or discipline employees rests with the airlines and private contractors. Under the Young-Mica bill, that is rejected.

Any Member who debates this issue based on the current system is making a tragic mistake. The Young-Mica bill replaces that.

Mr. Chairman, I have the greatest respect for the gentleman from Minnesota (Mr. OBERSTAR), but the substitute is not his. The substitute is the Senate bill identically; and, although sincere, it is flawed. It is weaker in six ways than the current bill before us, the improved House bill.

First, it treats small and large airports differently. That is one of the very mistakes that was exploited by those who came in on September 11.

Second, it has a weaker baggage screening provision. That is because we revised it later. The simple truth is the House bill improves upon the Senate bill; and, therefore, it improves upon the substitute because the substitute is the Senate bill.

Third, the substitute allows noncitizens to be screeners. Again, the House bill written after that, the Young-Mica bill, improves on that and says no noncitizens can be screeners.

Fourth, it is implemented slower. The substitute is implemented slower than the Young-Mica bill. The substitute is implemented in 9 months. The Young-Mica bill must be implemented in 3 months, and it has expedited rulemaking.

Fifth, the substitute splits the jurisdiction for security between the Department of Justice and the Department of Transportation. We can debate who ought to have this authority, but it should not be split.

Last, the substitute discriminates against people from small towns by making them pay twice the fee. Defeat the substitute. Let us go to conference. We owe the American people and the victims of September 11 the best possible bill and nothing less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I support the Democratic substitute in the interest of the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

☐ 1830

Mr. BOSWELL. Mr. Chairman, as for the comments made about not knowing what is in the bill, the gentleman from Iowa (Mr. GANSKE) came to me about 4 weeks ago. The Senate passed it 3 weeks ago. We know what is in the bill. Let us not say that. My two Senators voted for it. Come to think of it, so did every one of yours here. They voted for it. 100 percent. Let us pass this bill, let us get something to the President and let us get on about the business of providing security. I do not care if you go to Omaha, if you go to Kansas City, if you go to Des Moines, you go to Chicago, places I have been, the American people want security and they are saying do it, do it now, let us not delay any longer. Federalize it.

Let us have confidence. Let us get the job done. Let us have standardization and do the job right. Support the Oberstar-Ganske amendment, please.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, we share the same goal here this evening. The question is how we best improve our aviation security. So let us ask some questions about what will actually make passengers safer. Will airline passengers be safer if the responsibility for airline security is confusingly split between the Department of Transportation and the Department of Justice, meaning Transportation to be responsible for some safety aspects and Justice for others as is the case with the substitute amendment before us? I know this is not the gentleman from Minnesota's approach, but this is what is before us. This is the Senate bill.

This lack of accountability will lead, in my view, to confusion, to finger pointing. Would passengers be safer if smaller airports received a different and lower level of protection than larger airports as is true with the substitute before us? Again, this is the Senate bill. I am not saying it is the gentleman from Minnesota's bill, but that is before us. Would airline passengers be safer if their baggage was screened by a Federal employee who if found to be incompetent would be more difficult to discipline, to fire as they would be under the substitute amendment before us?

I have heard a lot of talk about the need to act quickly so let me ask this question. Would we be better off with a bill that does not have expedited procedures to move more quickly? My answer would be no.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bipartisan substitute. More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took September 11 and to make sure they did not go into bankruptcy. That, however, has not caused people to get back on the planes. Passengers will not fly until they feel the plane is safe. If the system we have in place now continues, they might not ever fly at the rates again. Even since all the talk about the increasing safety and security, the checkers that we have have already missed a loaded gun that was in a briefcase for a passenger. The turnover with these private companies is so high that even training is inadequate because there is no time. It is constant training.

Mr. Chairman, I rise in support of the bipartisan Oberstar-Lipinski-Ganske substitute amendment.

More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took in the September 11 attacks. However, we all knew that helping the airlines to avoid imminent bankruptcy would only be a pyrrhic victory if we did not act further to re-establish an environment that enables the airline industry to prosper in the long term. Airline passengers have still not returned because many do not have full confidence in security at our nation's airports.

The recent revelation that Argenbright Corp. which handles security at 46 of our nation's largest airports, continues to violate the terms of its probation by hiring criminally convicted baggage screens, certainly does little to allay those fears. The American people are now demanding a level of security at our nation's airports that simply cannot be provided by private contractors who insist on hiring minimum-wage, ill-trained workers. America is now in a state of war against terrorism. At the front lines of this conflict are security personnel who screen passengers and luggage. This is a national security matter and a fundamental responsibility of the federal government. Just as we depend on professional pilots to bomb Taliban positions and professional troops in our special forces to perform surveillance operations in Afghanistan itself, we must have a professional police force at airports to ensure that terrorists do not succeed in inflicting harm to airline passengers.

The Young-Mica bill merely continues the status quo. The Oberstar-Lipinski-DeFazio bill is the only bill being considered today that addresses the fundamental flaws in the way we handle airport security. Moreover, it is the exact text as the bill which passed unanimously in the Senate. Every Senator—from the most conservative to the most progressive—voted for it. They understand what the American people are demanding. I hope enough of my colleagues in the House will understand that as well. I ask my colleagues to vote for Oberstar-Lipinski-DeFazio language and against the Young-Mica language.

Mr. MICA. Mr. Chairman, I am pleased to yield 2¾ minutes to the gentleman from Michigan (Mr. EHLERS), one of the senior members on the Subcommittee on Aviation.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to get past the politics of this issue for a moment because most of the discussion has been about whether or not this workforce should be federalized. I really do not think that is the big issue here. Federalization is something that can be resolved later, because both bills allow federalized employees. The Senate bill requires it. In other words, the Oberstar bill requires it. The House bill allows it and gives a choice to the administration. I think it is very important to remember that.

That is not really the issue here. I do not know why everyone is spending all that time on it. I think it is very important to look at just what is important here and look at writing good law. That is what we are supposed to worry about. I think if you look at it very carefully, you will clearly see that the House bill is a better bill, in a number of different ways.

We have already heard the comments of the gentleman from Florida (Mr. WELDON), who reviewed the laws that the Attorney General could ignore under the Senate bill, which is the Democratic substitute: The Veterans Preference Act, civil rights law, Rehabilitation Act, age discrimination in employment, merit principles, Family and Medical Leave Act. These were all very hard-fought issues over the years and we are suddenly going to throw them out in the substitute. That is not writing good law.

The House bill is carefully drafted after consideration, hearings, study, consultation. The Senate bill gives the appearance at least of being hastily drafted. All of us here know that sometimes one House, one body in this Congress will do that. They will hastily draft a bill, send it over to the other side and say, "We'll clean it up in conference." This substitute has to be cleaned up in conference, but the way it is written it will not go to conference. We need a bill to go to conference so we can write good law.

The House bill provides for good administration of the system. The Senate bill, I tried to diagram this and it is almost impossible to diagram the administration of the law under the Oberstar amendment. DOT has a Deputy Secretary for Security with very little responsibility. Then the Secretary of Transportation comes in with quite a bit of responsibility. The Attorney General gets involved and it is hard to even know where to draw the lines between the two because their relationship is not clearly specified. The FAA Administrator comes in and, of all things, the Attorney General, which administers law, provides the guidelines for all the air marshals whereas the FAA Administrator, which is not used to supervising Federal law enforcement, has to supervise the air marshals. It is exactly the opposite of the way it should be.

This substitute is poor law. Do not vote for this substitute. Vote for the House bill, send it to conference and together with the Senate we can write good law.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to remind Members once again that remarks in debate may dwell on the content of the Senate version of this bill, but they must not characterize the manner in which it was composed or those who composed it in the Senate.

Mr. OBERSTAR. I thank the Chair for again insisting on the decorum of the debate in this body.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, America deserves a decent airline security bill. Since September 11, we have been overrun by representatives of these private security firms. This is what they have told us:

"It's true we've done a lousy job. We've done a terrible job. It's true, we've broken laws. It's true, we've been fined millions of dollars. It's true, we have falsified records.

"But," they said, "if you'll just pay us a lot more money, we'll do a better job. That is all we need is a lot more money."

It reminds me of the time that my neighbor Miss Alice hired Good Doc to cut a tree down in her yard. Good Doc came and he looked at that tree and he said, "Miss Alice, I'll cut that tree down for $25."

She said, "That's fine, Doc, that's a good deal."

He said, "But for $50, I'll guarantee it doesn't fall on your house."

We are about to pass a law that lets the tree fall on our house. The American people deserve a good airline security bill. Let us pass one.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the full Committee on Transportation and Infrastructure and also a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, I have been listening all day and I have heard a reoccurring theme. It seems that my friends on the other side of the aisle are more concerned about who signs the check than they are about who checks the bags.

We ought to get back to what is important here. We have come together on a lot of things. We have recognized the problems together. We understand that the companies are not up to standard. You are right. We have talked about it, both sides of the aisle. We understand that the system needs improvement, needs Federal involvement. You are right. We understand that the Federal Government ought to get involved and set the standards and the Federal Government ought to be involved in testing and the Federal Government ought to be involved in training and the Federal Government ought to be involved in accountability and oversight. We agree on these things, all of these things.

What we did, what this chairman did, Young-Mica, they talked to the folks who are on the front lines of terrorism every day for the last 20 years in the airline industry. And they said, "United States of America, don't make the same mistake that we did. Federalize, don't nationalize. If you want all of those things, if you want all of that accountability, if you want safe airplanes in the sky, follow our lead."

This bill follows their lead. As a former FBI agent, I can tell you, I want safe airlines. I want my wife, who travels on business, to be safe. I want my family to be safe. You ought to set all of the politics aside. I would urge my colleagues on the other side of the aisle, for the safety of America, for the viability of these airlines, set your arguments aside, stop worrying about who signs the check and start worrying about who checks the bag.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, when it comes to the check being signed by the lowest bidder, I must worry.

The fact is that we are at a critical juncture in our attempt to protect our Nation. We have been entrusted by the American people to make crucial decisions that will affect and protect their lives. The American people expect for us to get it right.

It is time to acknowledge the fact that private sector management of our Nation's aviation system has miserably failed us. By refusing to take the appropriate action to correct the problem, we run the risk of experiencing a repeat of September 11 and the risk of abusing the trust of the American people. The appropriate action is federalization of our aviation security system.

There have been accusations that support of federalization is an attempt to bolster Federal employee unions. Our accusers have forgotten that the majority of the brave Americans who were hailed as heroes on September 11 are union members and have gone beyond the call of duty. I believe federalized airport security personnel would provide the same high standard of service.

Let us put politics aside and pass the bipartisan substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY), one of the distinguished members of our Subcommittee on Aviation.

Mr. KENNEDY of Minnesota. Mr. Chairman, September 11 was a call to action to strengthen our security. Today, we have a chance to respond to a bipartisan request from our President and our Democratic Secretary of Transportation to pass legislation that focuses on security and nothing else. The American people deserve nothing less. The President and Secretary have asked us to follow a proven path that has long been successful in Europe and in Israel, and we should.

The Young-Mica bill expands Federal air marshals, strengthens cockpits, allows pilots to protect themselves and, therefore, the plane, strengthens the screening of checked bags, federalizes supervision of bag screening, federalizes background checks and training of baggage screeners, and federalizes assuring the qualifications and performance of baggage screeners. But it does more, more than the alternative bill. It expedites rule-making. We have been waiting 5½ years for better, more comprehensive Federal rules on baggage screening. We cannot wait any longer. It also deals with all areas of aviation security, not just baggage screening, including those that are providing food service and cleaning services in the airplanes and comprehensive security in the airports.

We need to support our President, we need to support our Secretary of Transportation and pass the comprehensive Young-Mica bill. We owe America nothing less.

☐ 1845

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 1 minute to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, some Republicans falsely claim that the Ganske-Oberstar bill lacks substantive aviation security technology provisions. They are wrong. The Ganske-Oberstar bill has an entire title dedicated to improving aviation security technology.

This title calls on rapidly deploying and fully utilizing viable security technologies. The title calls upon the FAA to implement technology-driven changes to our aviation security system in the short term, including the plan to deploy security-enhancing technologies such as biometrics, database integration, smart cards, and other promising new applications that are available even right now.

The Ganske-Oberstar bill looks to the long-term as well, calling for new and substantial investments into

FAA's R&D program. The bill doubles the budget for the FAA's Technology Center and increases spending on accelerated research and deployment of technologies for detection of non-metallic weapons and cargo screening.

Let us make sure that our aviation security policy is backed up by balanced, bipartisan thinking, not posturing and rhetoric. Support the Ganske-Oberstar bill.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, again we are reminded about the horrible events of September 11. We watched as a Nation with horror and as air travelers, we watched with some fear and trepidation. We watched as the President of the United States acted swiftly to request that every airline in America abstain from flying for a few days until they could determine how serious the threat was and what could be done to correct it.

It was not but a few days, and the President and his team made the corrections in airline security, put in the new personnel, put in the supervision, put in the regulations, put in the requirements, put in the Federal marshals; and I will have to say, and I do not think there is anyone that can doubt it, there is not a person who gets on an airplane in America today who does not do so under unprecedented conditions of safety. Every bit of that increased safety with which we fly today is a result of the actions of the President of the United States and his executive team.

The President of the United States very soon thereafter made it very clear that he knew what he needed to make this Nation secure, and he called upon Congress to enact the law that would give him the power and the authority to administer the airways of this country in a safe fashion.

This Congress stood here just a few days after that horrible tragedy, and we voted our confidence in this President to assign military operations, to assign people to the fields of danger across this globe, to deploy the FBI, to deploy the CIA, to deploy all the agencies of this government in the Nation's security. Yet on this one issue, on this one issue alone, we have those who would defy the President and say, no, Mr. President, we cannot leave airline security to your administration, even in the face of the existing security provided by his actions and his actions alone. No, Mr. President, you must do it our way.

What we have here in the base bill is a bill that says we resolve, Mr. President, to make the Nation safe, and we resolve to give you the authority and the discretion to do this job right.

What we have in the form of the substitute is a bill that says no, Mr. President, you must do it our way, and a bill that says that, Mr. President, despite the fact that there has not been to this date a single action by a single Member of Congress that has made one single passenger safer in America.

I think our path of responsibility is very clear: reject the substitute; reject this intrusion of Federal Congressional mandate. Put your confidence in the plan of the President. Give the President the ability, the authority, and the endorsement to do what is necessary to keep our children safe in the air.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, that was a very compelling appeal by the distinguished majority leader, but I would just point out to my colleagues that the committee bill does not trust the President either, because it is filled with mandates, while at the same time they ask for flexibility.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I stand to give you a bulletin from the City of New York, from my home community of Queens, New York. As we speak, Concourse A, Terminal 8 at JFK Airport has just been closed. It has been closed because the screeners at American Airlines when a magnetometer broke down decided to just wave the people through.

They waved enough people through, until the FAA found out about it. The FAA, by the way, for those who have not noticed, is a Federal agency that hires Federal employees. The screeners are not. The FAA closed down the whole terminal. Presently, five planeloads of people thinking they were going to their destinations across America are being off-loaded off of all those planes because they are now considered unsanitized and have to go through the screening process that some of them should have gone through to begin with.

This points out exactly the problem that we have: poorly trained, inconsistently trained, nonpublic, non-Federal employees, doing screening by any rules they deem necessary, without any supervision.

Think of what you would do if you passed what you are looking to pass.

Mr. MICA. Mr. Chairman, I am pleased to yield 1¼ minutes to the gentleman from South Dakota (Mr. THUNE), a member of the Subcommittee on Aviation.

Mr. THUNE. Mr. Chairman, the whole objective of this discussion and debate is how do we make the skies as safe as is humanly possible. Now, under the logic that has been employed by the other side tonight, those who are favoring the Democrat substitute, there is only one way to do that, with Federal employees. And yet the Democrat substitute only applies that logic to 142 airports.

Mr. Chairman, do you know, there are 461 commercial airports in this country? That means almost 70 percent of the airports in this country are not going to have Federal employees working there, which, under the logic that has been employed here this evening by the other side, means that those airports are going to have a substandard level of safety applied.

I do not think that is what you mean to do here, but that is in fact what is implied by the Democrat substitute; 142 airports would have Federal employees, the remaining 319 would have local law enforcement.

Now, the police chief in Pierre, South Dakota, is pretty busy. I do not know that he has time to go stand at the airport. But what you have essentially said this evening is it is Federal employees or not.

This legislation, the Mica-Young bill, makes it possible for the administration to use their discretion to determine whether Federal employees are the best way to keep the skies safe, or whether there is another way to do it.

Let us allow them to have that discretion, not mandate, and not say to those other 319 airports that you are going to be less safe than the 142 big ones.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the dean of the House, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I thank my dear friend from Minnesota for yielding me this time.

Mr. Chairman, it is astonishing for me to see so many frequent fliers assembled in one place seeking to have the status quo continue. I would remind my Republican friends that more people were killed in the events of September 11 than at D-Day or Pearl Harbor. This is a serious matter. I would also note that Secretary Mineta has made this observation: he says that an unacceptable number of deficiencies continue to occur.

Argenbright and others have had a number of problems before, during, and since the 11th. They have falsified records, they have been convicted, they have been find $1.5 million. They have subsequently found that they have continued the same violations and are now up for violation of probation. They have allowed everything from guns to box openers to knives to move through the checkpoints.

How is it that we can say that we should continue the status quo, allowing the same kind of rent-a-cops to commit the same kind of outrages in terms of security? Let us get rid of them for good and put somebody in that is going to do the job right.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, as was stated by my colleague from South Dakota, the substitute amendment focuses primarily on larger airports, 142 of them.

I represent a rural district that has only small Class IV airports, none of the 142 larger ones. These smaller airports are not subject to a uniform set of security standards under the substitute amendment.

This is precisely what our problem is today, we have no uniform standards. The Young-Mica bill sets uniform standards for all airports, not just a select number.

On September 11, the most prominent of the 19 hijackers boarded a plane at a smaller airport, flew to Boston, hijacked a plane and crashed it into the World Trade Center. Hijackers will enter the airport system at the weakest points, quite likely a small, relatively unsecured airport. Under the substitute, once past the security check point, a passenger can move freely throughout the system. The Young-Mica bill closes this loophole. Every airport manager in my district supports the House bill for the above reasons.

Mr. OBERSTAR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, we have the best military in the world, the best law enforcement agencies and the best firefighters.

All of these are government-run organizations that successfully protect the public.

And the public deserves the government's full protection and commitment at our nation's airports.

Our airport security system is tragically and fatally flawed.

We don't need to patch it up.

We don't need to continue the status quo.

Some have attacked federalization of airport security because it could potentially create a union.

Those who make this argument forget that roughly 400 union members died at the World Trade Center

These union members and their union-member colleagues who survived helped save up to 20,000 lives.

Even the administration wants the other side to stop attacking public employees in this debate.

Working men and women aren't the problem. And tweaking the existing system isn't the solution. Like the military—protection of air travel should be done by federal employees.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today I wish to thank my colleagues for addressing the important issue of airline security, and I urge passage of legislation that will provide the strongest safeguards to those who fly our Nation's airways.

Because tourism is Rhode Island's second largest industry, my constituents have been particularly affected by the slow-down in air travel since September 11. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents and restaurant owners; and we can all agree that Congress must restore confidence in air travel in order to boost our Nation's flagging economy.

Three weeks ago the Senate, both Republicans and Democrats joining in a bipartisan spirit, unanimously passed an airline security bill, the bill offered today as a substitute to H.R. 3150. The House and Senate bills have many points in common and both recognize the need to improve the structural security of our planes, place Federal air marshals on flights, and provide airports with the best technology.

Mr. Chairman, I urge passage of the substitute offered today by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in opposition to the Democrat substitute to the Young-Mica bill.

Mr. Chairman, I respect and appreciate the motivations of my colleagues and friends on the other side of the aisle; but the truth is, Mr. Chairman, that their bill looks good on the outside, but on the inside is full of a history of failure and cost lives.

□ 1900

Now, much has been made that this substitute passed the Senate by a 100 to zero vote, and that is true. Despite widespread and vocal reservations about the ineffectiveness of addressing airport security with a vast new Federal bureaucracy, the Senate voted and, to borrow a phrase, headed for the hills. So the task, Mr. Chairman, has fallen to us to craft a bill that achieves airport security.

President Bush's vision creates standards, the oversight, and the flexibility that builds on history to make our airports safe. Say "no" to a hollow political victory tonight; say "yes" to real airport security for our families and our constituents.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, 7 weeks since the tragedy of September 11, 3 weeks since the Senate passed an airline security bill by a vote of 100 to zero. The delay in bringing this bill to the floor until now has put tens of thousands of American travelers at risk. That is wrong.

Security lapses at airports across the country continue. Screeners that were at the gates before September 11 are there now, with no additional training and the same poor industry standards. It is wrong.

Our current airline security system is an outrage. It is a profit-driven industry carried out by the lowest bidder. It has contributed to a workforce that suffers from high turnover, low pay, and low morale, and that is wrong. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline for our Nation's defense. Aviation security should be a function of Federal, professionally trained law enforcement officials. Border Patrol, FBI, INS and Customs Service are all Federal agencies that protect the public. The traveling public deserves the same protection. That is the right thing to do.

Let us not let the innocent people on those American and United flights, along with the thousands of others that perished on the ground, die in vain. Let us do the right thing. Pass an airline security bill that tells the American people that we consider airport security a critical component of our national security. Vote for the Democratic substitute.

Mr. DEFAZIO. Mr. Chairman, I rise to make a unanimous consent request.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there are an extraordinary number of Members on our side who would like to speak. Debate, I believe, was unduly limited. So I would ask unanimous consent that the debate be continued on each side for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. SIMPSON. I object.

The CHAIRMAN. Objection is heard.

PREFERENTIAL MOTION OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 402, not voting 19, as follows:

[Roll No. 422]

AYES—11

Capuano
Clyburn
DeFazio
Hastings (FL)
Hilliard
Honda
Hooley
Langevin
Maloney (NY)
Pastor
Rangel

NOES—402

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Burr
Capito
Clay
Coyne
Dunn
Foley
Gillmor
Gutierrez
Istook
Jones (NC)
Kaptur
Maloney (CT)
McCrery
Mink
Ortiz
Oxley
Radanovich
Shaw
Thompson (MS)

□ 1922

Ms. WOOLSEY and Messrs. STEARNS, COOKSEY, ISRAEL, PITTS, KILDEE, and STUMP changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. MICA. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Alaska (Mr. YOUNG), our distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, this is especially for a point of clarification.

The gentleman from Minnesota (Mr. OBERSTAR) was asked a question about section 108, and the implication was that only passengers and bags would be screened.

Section 108 in the gentleman's substitute requires screening of all cargo and also the mail. Also in section 131 on page 75, that section requires private plane owners to screen their passengers and bags if the plane is more than 12,500 pounds.

So I just want to make it perfectly clear for the record that the answer the gentleman from Minnesota gave to the gentleman who asked it was incorrect.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in support of the substitute for federalizing workers.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, on December 7, 1941, our country experimented with parking our airplanes wingtip to wingtip. The experiment failed.

On September 11, 2001, our Nation experimented with the concept of private contractors under government supervision providing security. That experiment failed. We must now end the experiment of private security under government supervision. That experiment failed.

We tonight have been acting as if this was a theoretical discussion. We have had our experiment. The reason the experiment failed is every single time the FAA has tried to clamp down on this poor Swiss cheese process, the lobbyists have come up here and stopped us from requiring certified employees.

I am pleased that we have finally prevailed, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Pennsylvania (Mr. STRICKLAND), and myself, to make sure all checked baggage is screened for explosives.

But we need more than good machines. We need good people. Let us put them in there and pass Ganske-Oberstar.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), cosponsor of the pending legislation.

Mr. GANSKE. Mr. Chairman, AP News, New York: "Security lapse leads to JFK terminal evacuation. Security agents from the FAA ordered the shutdown and evacuation of part of American Airlines terminal at JFK International Airport this afternoon because they saw checkpoint screeners failing to follow security rules. Jim Peters, the FAA spokesman, said Concourse A and Terminal 8 was evacuated. He said he did not know when it was going to open."

Mr. Chairman, these are the contracted security screeners that we will be voting for if we vote for the Young bill. They will be hired by those private contractors.

Let me read this from a woman I respect very much, a strong conservative. She says, "There are some who argue our security can be assured by tightening standards and providing some more Federal oversight." That is the Young bill. This strong woman conservative goes on to say, "We have tried that approach to aviation security many times and it failed horrifically. Why should we set the qualifications, do the training, do the testing, and then ask someone else to do the hiring?" That is the Young bill.

The Federal Government must assume the job of providing security or we have admitted that we are satisfied with the status quo, and thousands of souls will have died for nothing.

Mr. Chairman, this is not a liberal, this is a woman Senator who is a close friend of President Bush.

But do Members know what, this is not about friendship, this is about a duty to the citizens of our country. Vote for the substitute.

□ 1930

Mr. OBERSTAR. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining, and the gentleman from Florida (Mr. MICA) has 4¼ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the gentleman from Florida (Mr. MICA) how many speakers are on his side.

Mr. MICA. Mr. Chairman, at this time it appears I have two additional speakers.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, the gentleman has the right to close. Would the gentleman like to recognize one of his speakers?

Mr. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, the proponents of this amendment say that they are going to hire Federal employees to take over the security of our airports. Listen to who they are going to hire. People who are not protected by our civil rights laws. They are not going to even give these employees the protection of fair labor standards. Why should they not have the protection of minimum wage and time and a half for overtime laws? Why is it you do not trust that you could hire Federal employees under all of our fair employment practices, acts, all of our nondiscrimination acts, all of the law that provides family and medical leave? Why do you not think you can hire people who can do screening under those circumstances?

In the private sectors Brinks, Wells-Fargo, Pinkerton, Wackenhut who provide security at weapons factories, they can hire security personnel that also have the right to the protection of our civil rights laws, to the protection of fair labor standards laws, to the protection of the family medical leave law. We know it can be done.

You are giving us a sham bill that says you are going to do this under Federal law. You have to give the Attorney General the right to hire out from under all of the Federal employment laws that protect working people. It is an outrage.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, we have come to the close of a very agonizing debate, a very fair, very open exchange. But you cannot have it both ways. The last speaker said, you do not have these protections. You do not have all these safeguards for Federal workers. But it was the majority that has said time and again you cannot have Federal workers because it is too hard to fire them. It is too hard to move them around. So we give you the flexibility to write the rules the way you want to do it; and then you come and say, oh, you do not have all the protections. You cannot have it both ways.

We have heard some spurious numbers here. The CBO number estimate is 16,200 screeners. Then there are supervisors and managers and ground coordinators and senior-level security and perimeter security and aircraft security personnel. That is all up to the Department, the Department of Justice or up to the Department of Transportation. You decide. That is the flexibility.

Then I heard them complain, oh, you do not trust the President of the United States to do the right thing. What do you mean? On the other hand they say, you do not have any mandates to make all of these things happen because we do not trust the rulemaking.

Now let us cut that stuff out. What we have got before us is the essential issue, the Achilles heel of aviation security.

I served on the Pan Am 103 commission in the aftermath of that tragedy at Lockerbie, Scotland. I stood there with our colleague, John Paul Hammerschmidt, on the edge of that abyss, 14 feet deep, 40 feet wide, 140 feet long where 270 people perished, were vaporized in the crash of that 747. There were 270 people aboard those four aircraft on September 11. History has a way of repeating itself in great tragedy.

In a speech in the Canadian House of Commons, the Honorable Jean Chretien, Prime Minister of Canada, said on the day after the attack, "There are those rare occasions when time seems to stand still, when a singular event transfixes the world, occasions when the dark side of human nature escapes civilized restraint and shows its ugly face to a stunned world. Tuesday, September 11, will forever be etched in memory as a day when time stood still."

He said it eloquently, powerfully. I have waited, I have worked for 11 years to get strong security legislation enacted. We did it in 1990, and then we worked to get the regulation implemented. And then we worked again. We passed new legislation and now we have something on this floor that closes the gap, that shuts down the Achilles heel, a good provision that says we will take strong action. We will put screeners at airport security checkpoints with the badge of Federal Government on their shirt, sworn to uphold the Constitution of the United States and its laws, trained to the highest standards, paid a decent wage. People who will do the right thing.

I want you to pass this bipartisan amendment, and I express my great admiration to the gentleman from Iowa (Mr. GANSKE), who has stood and withstood enormous pressure not to take a principled, honest stand of integrity in what he believes. Because, my friend, never again do I want to look into the eyes of the families of the victims of Pan Am 103; nor do I want any of you to look into the eyes of the families of the victims of September 11 and say, we did it on the cheap. We did not do enough. We did not go far enough. We will try again.

This is the hour of decision. Make your decision tonight. Let this not be a day when time stood still, but a day when time marched ahead in the interest of security for all Americans.

Mr. MICA. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The gentleman from Florida has 3¼ minutes remaining.

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding the time.

If there is anybody in this House that wants to ensure that there is an adequate security standard across our airports it is me. On September 11, that we all reference, more than 300 people from my district died, my friends, family and neighbors. I do not want to see that happen again; and in fact, I do not think anybody in this House wants to see that happen again.

Security we can all agree upon, but there is a greater issue right now as I see it; and that is are we going to work together for the good of the American people? Right now, I have heard many times tonight how this is an issue of national security. The President supports the House bill. He does not support the substitute. If this is an issue of national security, do we not want our Commander in Chief participating in this process?

I say move this bill forward, defeat the substitute. If we trust the President of the United States, our Commander in Chief, in a time of war to deploy our men and women in harm's way overseas, then certainly we can trust him to do the right thing for the people of this country on our homeland.

Mr. MICA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I have done everything possible I could do as a representative of the people entrusted with an important matter to work with my chairman, the gentleman from Alaska (Mr. YOUNG), who has done a great job; with the gentleman from Minnesota (Mr. OBERSTAR), ranking member; the gentleman from Illinois (Mr. LIPINSKI), not on a partisan basis, not on the basis of division, but on the basis of issues, on only one driving motivation, and that was to come up with the very best bill possible.

I worked with the gentleman from Minnesota (Mr. OBERSTAR), and my colleague actually introduced a bill, and I think he may offer that as a substitute, not this substitute but at the end of this debate. I did everything humanly possible to try to bring the House together on the best possible security plan, a comprehensive plan.

If I thought for one minute that this substitute would do a better job, I would step forward and support it, because this is too important for partisan politics. It is too important to not have in place the very best protections.

Unfortunately, what the substitute does is it creates a two-tier system. The Attorney General has said it will actually detract from their effort on the war on terrorism and opposes this responsibility being given in a bifurcated fashion to the Department of Justice.

Most importantly, what it does not do is give the ability to put in place immediate rules, and that is part of the problem. The gentleman from Minnesota (Mr. OBERSTAR) knows that. The gentleman from Illinois (Mr. LIPINSKI) knows that. So we end up worse off than we were on September 10. That is wrong.

I plead with my colleagues; I ask them to put partisanship aside, to put these other peripheral issues aside, to do what is best for America, to do what is best for aviation security. I submit that the plan that we worked so hard on together does that.

I urge Members' support. I plead with my colleagues for their support, not for me, not for my party, not for my President but for the American people who deserve nothing less.

Mr. WOLF. Mr. Chairman, I rise in support of the Senate-passed legislation to federalize the nation's airport security that we will have the opportunity to vote on as a substitute to H.R. 3150.

There are 31 families today in our area in northern Virginia devastated by grief from the September 11 attack on the Pentagon.

In the wake of the terrorist attacks on American soil when terrorists turned commercial airliners into missiles of destruction to perpetrate their heinous acts, the people of America are looking to this Congress to make our airports safe and to secure the airplanes that fly across America's skies.

In the aftermath of September 11, we are now waging war against terrorism and America's airports are on the front line. We need to change the way security is handled at our nation's airports. We cannot continue to contract out to the lowest bidder the safety and security of America's airports and airways.

We must restore confidence in air travel and elevate aviation security to its proper role as a law enforcement function. We must place the security of our airways in the hands of a federal aviation security force under the jurisdiction of the nation's top law enforcement agency—the Department of Justice. The American public deserves nothing less.

Mr. Chairman, good intentions surround both the House and Senate versions of airline safety legislation. The ultimate goal of this legislation from both sides of the aisle and both sides of the Capitol is to elevate safety to the highest level as quickly as possible. But the current way of doing business through privatized security, I believe, has failed to meet safety expectations. We need to make a change.

The Federal Aviation Administration does a good job at air traffic control. That's its function and where its focus should be. But if you ask the Department of Transportation inspector general's office about the FAA's current role in aviation security oversight, you'll get a report card that's woefully inadequate.

If you also ask the DOT inspector general's office about the shortcomings of the current system of private airport security screening operators across the nation, you'll hear horror stories about inadequate background checks, the hiring of illegal aliens, screeners with criminal records, screeners who can't pass basic skills tests required for employment, screeners who can't speak English, screeners who fail to spot dangerous objects. You'll also hear that 87 percent of the baggage screeners at Washington Dulles International Airport aren't U.S. citizens.

You'll also hear the name Argenbright Security. The foreign-based corporation is the largest airport security screener in our nation and is responsible for security at the majority of America's busiest airports. The second and third largest screening contractors also are foreign-owned.

Argenbright was recently ordered to pay over $1 million in fines and placed on three years probation because it either failed to conduct background checks on convicted felons or forged the actual background checks on checkpoint screeners at Philadelphia International Airport. Just last week a federal judge extended the company's three-year probationary period to five years for violating terms of its probation, including continuing to hire convicted felons, despite certifying that it had conducted new background checks, and violating FAA regulations.

It is interesting to note that Argenbright left the Philadelphia airport last week, a year before its contract was to have expired. In another development, Sky Harbor International Airport in Phoenix evicted Argenbright on October 13 citing criticism of its hiring standards since the September 11 terrorist attacks and the scandal involving Argenbright's activities in Philadelphia.

Argenbright also staffs both Washington Dulles International Airport and Logan International Airport in Boston—two of the airports where hijacked planes took off on September 11. Dulles continues to grow and is presently the fifth busiest airport in America with 1,400 daily takeoffs and landings.

According to the FBI, Argenbright also had the roommate of convicted CIA killer Amal Kansi on its payroll. Kansi was responsible for the bloody CIA shootings in 1993 on Route 123 in northern Virginia outside CIA headquarters, where two people were killed and three were wounded.

His roommate, Zahid Mir, worked for Argenbright from August 1992 to February 1993 in a variety of security positions until he was arrested on immigration charges which ultimately resulted in six months confinement. As an Argenbright Security employee at Dulles Airport, Mir had access to luggage and restricted access areas. It would seem that even a cursory check on Mir would have flagged authorities about his questionable background. I enclose for the RECORD a copy of a letter from the FBI verifying Mir's relationship to Kansi and his work for Argenbright.

I also find it surprising that when a recent head of FAA security left his job, he soon wound up on the Board of Directors of Argenbright Security. What kind of relationship is there between those who are regulating security and those who are performing security?

That question may have been answered in a revealing memo sent this past May from the chief of the FAA's Civil Aviation Security Division—who is leaving his post after being there for less than a year—to FAA managers about the agency's compliance and enforcement philosophy. He said, in part, "...the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful and mutually responsive business relationship. To be effective in this relationship, we need to be flexible."

He continued, "While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of noncompliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with the industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations...." I enclose for the RECORD the entire text of that memo.

If we learned anything from the devastating attacks of September 11 it is that there is absolutely no room for flexibility, no room for compromise, no room for second chances when it comes to the safety of the flying public.

The track record of private airline screening companies shows they have not performed the job that is demanded. According to a 1998 GAO report, security checkers at Dulles Airport experienced a turnover rate of 90 percent, which was lower than the national average of 126 percent. Boston's Logan Airport had a turnover rate of 207 percent and Atlanta's Hartsfield Airport topped the chart at 375 percent. At these rates, screeners were turning over every couple of months.

As long as security is contracted out, it will always go to the lowest bidder with the cheapest labor pool filing what we can describe today as among the most important security jobs in our country. We must put federal professionals on the front line of air security to ensure a workforce which can enforce total compliance with aviation security laws.

I've heard the arguments that federalizing airport security will create another unnecessary federal agency and that what is needed is just federal supervision of private contractors. In response, I ask our colleagues to consider that in the aftermath of September 11, there is a critical need today more than ever for intelligence sharing among federal agencies. The FBI, the DEA, and the INS already operate under the Department of Justice.

I believe most people would want airport security under the Justice Department where these agencies could share their information in the present climate of heightened security alerts.

I don't believe most people would want federal law enforcement and intelligence agencies to reveal sensitive security information about the national airspace to private contractors.

The best security and law enforcement in the world can be found in our armed forces, the Secret Service, and the FBI—all under the jurisdiction of United States government.

We owe it to the American people to pass the kind of legislation unanimously approved by the U.S. Senate by a vote of 100–0 which assigns the job of enforcing the security laws for our nation's airways to a federal aviation security agency accountable to the public and under the jurisdiction of the Department of Justice.

The events of September 11 have changed us all. The dozens of families in the Washington region who lost loved ones and the thousands in New York, Boston, and Newark and all over the world who also grieve for their mothers and fathers, brothers and sisters, friends and neighbors remind us that we should do everything possible to try to prevent a similar tragedy.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington DC, October 17, 2001.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Commerce, Justice, State and Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for seeing us last week. I hope the meeting was helpful to you.

With regard to Zahid Mir, as we confirmed to you, he did work at Dulles International Airport, both for News Emporium and for Argenbright Security. He was employed by Argenbright from August 1992 to February 1993 in a variety of security positions. As such, he would have had access to luggage and restricted access areas. His employment at Dulles ended when he was arrested in February 1993 on immigration charges which ultimately resulted in six months confinement.

It is our understanding that Mr. Mir was the roommate of Mir Amal Kansi, the individual convicted in the shooting deaths of several CIA employees.

Sincerely yours,
JOHN E. COLLINGWOOD,
Assistant Director,
Office of Public and Congressional Affairs.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION.

MEMORANDUM

Date: May 29, 2001.
Subject: ACTION: Compliance of enforcement philosophy.
From: Associate Administrator for Civil Aviation Security, ACS–1.
To: Managers, Civil Aviation Security Divisions 700's, Federal Security Managers.

As we work with the aviation industry, it is important to remember that our primary goal as a regulatory agency is to gain compliance. While I know there are circumstances that present difficult choices, it would be helpful to explain our approach to compliance and enforcement issues.

As I outlined in the ACS strategic plan, the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful, and mutually responsive business relationship. To be effective in this relationship, we need to be flexible. While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of noncompliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations. To answer questions you may have about this new philosophy and how it will work, detailed guidance will be provided to you shortly.

I want to continue to give our partners a realistic opportunity to comply withthe regulations and to work with us.

Mrs. MORELLA. Mr. Chairman, I rise today in support of the substitute that would federalize our airport security personnel.

I want to thank Mr. GANSKE for all his diligent work addressing this vital issue for all Americans. Several weeks ago the Senate passed this language by unanimous vote of 100 to 0. This substitute embodies many of the important provisions that would allow the government to take a more active role in providing security for our nation's transportation systems.

It would make all baggage and passenger screeners at 140 of the largest airports, federal employees under the authority of the Department of Justice. The Department of Justice would be responsible for hiring, training, and disciplining the screeners. Additionally, the Attorney General would undertake thorough background checks for all potential screeners.

Additionally, the Department of Justice would establish vigorous standards of training standards for all screeners. 40 hours of classroom training and 60 hours of on-the-job training would be required before security employees could begin working in airports. Flexible security measures for small and medium size airports are provided by allowing screeners at those locations to be federal employees or state or local law enforcement officers.

The substitute addresses the need for more oversight of transportation security. The Attorney General and Secretary of Transportation would be required to report to Congress on the status of airport security measures and provide recommendations for additional measures that would further enhance air security. This legislation would require the Federal Aviation Administration to report to Congress on the status of background checks for current employees and the training on anti-hijacking measures for all flight and cabin crews. Also, a National Security Coordination Council would be created to help coordinate security and intelligence measures between agencies regarding aviation safety.

Under the substitute, some enhancement of security measures would be visible to all travelers and bring reassurance that American skies are safe again. Armed federal law enforcement personnel would be placed at all screening locations and all baggage, checked or carry-on, would be screened. Secured areas would receive greater security measures to limit access to only authorized personnel through advanced technologies and additional deployment of security personnel at entry points. Also, the substitute would require strengthening of cockpit doors and limit in-flight access to the cockpit.

Some security measures would be unseen, such as the increased number of Department of Transportation Federal Air Marshals. This substitute provides for an expanded Federal Air Marshal program to increase their presence on more domestic flights and on all international flights.

In addition, this substitute addresses concerns about flight training, by requiring flight school students to undergo background checks through the Department of Justice before they can receive training.

Finally, Mr. Chairman, I want to stress the importance of federal employees. Their importance to this nation, as time and time again, they come to the forefront in meeting the needs of America. 20 million men and women work in government service in every city, county and state across America, and in hundreds of cities abroad. My district has over 42,000 public servants working there.

Public servants teach and work in our schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect our environment and national parks, improve transportation and the quality of our water and food. They fight crime and fire, and help us recover from natural disasters.

They build and maintain our roads, highways and bridges, and help keep our economy stable. They are at work to ensure equal treatment under the law, to defend our freedom, and advance our national interests around the world. Most importantly, they help make America a better place to live, to work, and to raise our families. If federal employees provide these many services to the nation then they certainly are capable of providing security for aviation.

The stellar performance of public servants and increased security measures would allow the government to maintain airport security and help restore America's confidence in the aviation industry, especially with the holiday season rapidly approaching.

I urge all members to vote in favor of this substitute.

Mrs. DAVIS of California. Mr. Chairman, I rise today in strong support of this effort to strengthen the airport security.

Our current airport security system is woefully inadequate.

As we witnessed on September 11th and in the weeks since, our airport screeners are not catching critical threat objects such as knifes or guns. A man boarded a Southwest Airlines plane on October 23rd with a gun in his briefcase. Screeners at the Louis Armstrong New Orleans International Airport did not catch the gun when the briefcase was put through a security checkpoint X-ray machine. A man at Dulles International Airport was arrested by an FAA inspector after the inspector saw the man pass through security with a knife in his shoe. The knife did not set-off the metal detectors.

In almost every instance, these breaches of security occur because local screeners are under-trained and underpaid. In order to meet their bottom line in a tight market, airlines have entered into low-bid contracts with security screening companies. As is usually the case, you get what you pay for. Most screening companies pay their workforce the minimum wage. As a result, the average turnover rate for screeners is 126 percent a year nationwide. Ninety percent of all screeners at any given checkpoint have less than six-months experience. This is simply unacceptable.

Passenger and baggage screeners are the front lines of defense against terrorism in the sky. The safety of our family and friends are in their hands. This is why I support federalizing our national airport security system.

By federalizing the system, we will ensure that airport security screeners are: paid a salary that more accurately reflects the skill level of their job; have opportunities for career advancement within the federal government; and pass a federal background check before they are hired or trained.

Higher pay and an opportunity for career advancement will attract and retain a higher caliber of individuals into this important profession.

As we begin to develop this new model for airport security, we must include local airport authorities in the process.

Earlier this week, I met with several representatives of the San Diego Port Authority, which operates the Lindbergh Field Airport in San Diego. They gave me a tour of our local airport security system. We also discussed the practical implications of federalizing screening personnel. It was very clear that these experts know the strengths and weaknesses of their airport better than anyone else.

Rather than reinventing the wheel, the federal government should use this local expertise. As partners, the new federal Transportation Safety Administration and local airport authorities can develop strong, standardized safety procedures that meet the specific logistical needs of every airport. In doing so, the bottom line in airline security shifts from dollars and cents to safety and security.

In just a few short weeks, Americans will travel to be with their families for the holidays. They are counting on us to make the skies safe. We must not let them down. We must act now to remedy the dangerous inconsistencies in our national airport security system. I urge this Congress to pass a strong airport security bill into law.

Mr. TOWNS. Mr. Chairman, I am proud to stand with my colleagues from both sides of the aisle as well as the American Pilots Association and the Flight Attendants Association in support of airline security legislation that will provide all Americans with renewed confidence in the safety of our airplanes. This is not about politics. This is about safety and reassuring the public that every step that can be taken towards providing safe passage in our skies will be made. I thank the pilots and the flight attendants for their leadership on the front lines in this battle to provide Americans with safe passage. However, it should not be left to pilots and flight attendants to have to protect their passengers from terrorists. We must do more to stop the threat of terrorism from even reaching our planes, freeing pilots and flight attendants to do their respective jobs.

I believe that the only way to truly assure the traveling public as well as the flight crews that everything is being done to eliminate the threat of terrorism is to take the responsibility for airline security out of the hands of third parties. Airline security is national security and our national security must never be contracted out. Several airlines have already taken extraordinary steps on their own and with the encouragement of Secretary Norm Mineta and the Department of Transportation to strengthen cockpit doors and install video monitoring systems. Nevertheless, we must do everything possible to reassure the American people that it is safe to go about the business of flying. On September 11, 2001 the world changed, today, I urge my colleagues to help us take back an important piece of our economy and the American way of life, support bipartisan Airline Security bill.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to H.R. 3150 which refuses to provide the public with what they need: full law enforcement protection at airports. Alternatively, I strongly support the Oberstar substitute amendment which uses federal law enforcement officers to ensure sufficient security at the nation's airports.

The overwhelming majority of my constituents demand that airport security be the responsibility of the federal government. After the unforgettable morning of September 11th, I believe Americans will be safer, feel safer, and return to the skies faster when they know that the baggage and passenger screeners are law enforcement officers in the employ of the American people. September 11th exposed the flaws in the current security structure of our airports. The time has come to get the airlines out of the security business and let them focus on the airline business. Just like the Customs Service and Immigration, airport and airline security should be the domain of federal law enforcement.

The House leadership is using several misleading arguments to push H.R. 3150 over a bipartisan bill that passed the Senate 100 to 0. for instance, the House leadership says that employees of private companies can be held more accountable than law enforcement officers because they can be fired more easily. However, S. 1447 clearly waives civil service laws, regulations and protections for airport security employees—making them as easy to discipline or terminate as private employees. The House leadership also says that the requirements for hiring will delay action. I believe we should take difficult action rather than accepting the status quo. However, S. 1447 sets a deadline of one year for the full staffing of the aviation security system by law enforcement.

The House leadership also criticizes the Senate bill because law enforcement officers are often unionized. Did they forget that unionized police officers patrol the streets of our states and districts? Did they forget that all members of this body are protected at work every day by the excellent, unionized law enforcement officers of the Capitol Police? America long ago determined that workers have the right to organize and some current private airport security personnel are unionized. I trust our union and non-union law enforcement officers on all levels of government, and I will trust new law enforcement officers at airport security posts across the country.

The most disappointing explanation for the House leadership's position is their fundamental distrust of government. This view of government is not shared by the American people. For example, Americans support and respect our military personnel engaged in complex, dangerous, and vital missions against terrorism around the globe. Americans also support and respect our firefighters, police officers, and emergency personnel around the country. I hope that the House will soon give Americans a chance to support and respect aviation security law enforcement.

In a related misleading argument, the House leadership also claims the size of government will be increased in order to oppose aviation security law enforcement officers. Of course, the cost to government and the taxpayers will be the same regardless of whether the checks go directly from the Treasury to the law enforcement officers or from the Treasury to a contractor and then to the contract employees. It is meaningless whether the size of the federal workforce increases or contracts, what matter is the bill to the taxpayers. Of course the House leadership is trying to hide the fact that the Senate-passed legislation would pay the law enforcement officers with a $2.50 security fee on each one-way trip, without increasing the cost to the Treasury and therefore the size of the government.

The House leadership also points to public-private security systems in Europe as models for our new system. However, our current security is already handled by the subsidiaries of the companies that operate in Europe. I would also add that the successful aviation security system in Japan is made up of law enforcement officers. Since the House leadership rarely looks to Europe for inspiration on other public policies, I suspect they are getting desperate. While I believe that the private security firms can be capable in many circumstances, I believe Americans will get the largest increases in safety and accountability at airports by using American law enforcement officers.

Basic economics tells us that you get what you pay for. By contracting our airport security personnel to the lowest bidder has resulted in overworked, undertrained, and underpaid personnel. In every other instance, security is a function of public law enforcement. Why should publicly owned airports be any different. We should adopt the Oberstar substitute and provide a real sense of security to the flying public.

I encourage all members to ignore political pressures and vote their conscience on this issue. I am optimistic that we can agree that we want law enforcement, not corporations, to catch criminals in our airports. We have tried contracting out our aviation security, and I do not believe the American people will allow it any further.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise to support the Ganske-Oberstar substitute to H.R. 3150, the Secure Transportation for America Act of 2001. The Ganske-Oberstar substitute contains the essential federalization of airport security standards and employees necessary to ensure protection for the flying public. An identical measure, S. 1477, passed the Senate unanimously three weeks ago. We need to act now, in a bipartisan manner, to send the President tonight the language the Senate already agreed to and which can go into effect tomorrow.

Current airport protection is insufficient to protect travelers. We need to increase the number of air marshals on flights, expand antihijacking training for flight crews, fortify cockpit doors, and inspect every bag placed onboard an airplane. Transportation Secretary Mineta stated that new security measures must be done in an effective and consistent manner. To achieve quality uniform standards nationwide, we must federalize passenger screeners and baggage handlers in all our airports. New federal accountability and training will ensure public safety, confidence in travelers, and consistency in enforcement.

The job of an airport security worker is to prevent terrorism from occurring. By federalizing this responsibility, new training and airport policies can be standardized and properly enacted. Airline passengers will have more confidence in our system, and terrorists will not be able to exploit the current weakness of our airports and airlines.

Mr. Chairman, I support the Ganske-Oberstar bipartisan substitute to H.R. 3150, the Secure Transportation for America Act. By passing this landmark legislation we are correcting short comings in our airport security system that should have been enacted following the December 21, 1988 terrorist bombing of Pan Am Flight 103. It is unfortunate that it took an event such as the terrorist hijackings of September 11, 2001 to secure these long overdue reforms. The Ganske-Oberstar substitute will make America safer than it's ever been. There is broad bipartisan support for this substitute, and action is needed now. Let's do what's right for the American people.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of Mr. OBERSTAR'S substitute amendment to H.R. 3150. As we are all now painfully aware as a result of the hijackings and attacks of September 11, Congress must act to strengthen the level of security on flights and in the airports throughout the country. I believe that Mr. OBERSTAR'S amendment most effectively achieves this goal.

Mr. OBERSTAR'S amendment is identical to S. 1447, the Aviation Security Act, which passed the Senate 100 to 0 on October 11, 2001. This measure places responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

According to the General Accounting Office and the Transportation Department Inspector General, airport security screeners are still often paid less than fast-food workers, which contributes to an average employee turnover rate of more than 120% nationally and more than 400% at some airports. If, when discussing these facts, we were discussing local police officers, U.S. Customs Service Agents, Border Patrol agents or other agents who are tasked with protecting the American People from harm, everybody in this Chamber would demand reform. It is abundantly clear that these airport screeners are the front line in aviation security and therefore are as important as the thousands of men and women in the other areas of law enforcement and citizen protection.

Mr. Chairman, it is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews.

I urge my colleagues to support Mr. OBERSTAR'S substitution amendment.

Ms. LEE. Mr. Chairman, I rise to voice my support for the Democratic substitute offered by Mr. OBERSTAR and Mr. GANSKE.

The events of September 11th have made it critical that this Congress pass legislation that will meet our needs in ensuring safe travel in our skies. This Democratic bill will pull existing security systems up by their roots and improve them dramatically by putting well-trained, professional federal law enforcement agents in charge of airport and airplane security. People want this and they deserve this.

In my district, I have seen first-hand what enhanced security measures can do and have heard about the plans to further strengthen security measures. We must provide the appropriate resources to strengthen and implement expanded aviation security measures, particularly since they must be sustained over a long period of time—this is vital. All baggage and cargo must be screened. This is a basic security measure that should be standard—it could save lives.

Millions of people, customers and workers, have come to rely on airline travel, air cargo, aircraft recreation and tourism, and we have to do all we can to ensure their safety. As we enhance security in our airports and on aircraft, we cannot forget the employees who face layoffs.

A large number of these workers are minorities. They must be given employment priority. They should be afforded the first opportunities to be retrained under these new regulations and they should be provided the first opportunity to enter into our civil society workforce.

As we move to federalize our aviation security, we must ensure that the civil liberties of federal employees and airline passengers will not erode—this includes federal employee protections.

I must also express my concern about the five-year citizenship requirement in this legislation that is not mandated by any other federal agencies. There are many legal residents in this country who vote and pay taxes. If they clear all back ground checks, they must not be discriminated against for these positions. We cannot set a double standard which will have negative ramifications for many aviation security workers.

I am not convinced that this mandate will guarantee the trust worthiness or skill of the screener workforce. Again, I look forward to working with my colleagues to comprehensively assess and remedy this matter as this policy is implemented. We must work together to make our skies safe, boost confidence in the airlines, and help our economy, the American people, and the country.

The Democratic bill will do this—I strongly urge my colleagues to vote "yes" for the Democratic substitute.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of the Democratic Substitute Amendment.

Our current aviation system is broken, which September 11th demonstrated. This substitute legislation will move us toward dramatically improving our current system by securing both our airplanes and airports. Airplanes would increase their cockpit security and add more federal Air Marshals, while airports would screen ALL baggage and these screeners would be well qualified for the task.

American's deserve better screeners than the ones they have now. A glaring example of just how bad these screeners are took place in my home city, at the Philadelphia International Airport.

In 1998, the Airport notified the Federal Aviation Administration about the questionable background of Argenbright Security employees. An investigation was conducted and the company was ultimately convicted of falsifying employment documents. Agrenbright had not conducted the required background checks, issued security badges and consequently hired convicted criminals. Argenbright was fined $1.2 million dollars and the perpetrators were imprisoned.

Shockingly, it has now been discovered that Argenbright Security is still not conducting proper background checks of its employees, therefore risking the safety of all American's. This is unacceptable.

If the Philadelphia International Airport had not conducted random audits of the screening firm, none of this would have been discovered. It is not the Airports responsibility to ensure proper screening, it is the security firms, and they have continually failed in their job.

This is just one reason that I firmly believe our nation's airport screeners should be federal employees. Our national security depends on consistent, enforceable aviation security standards that ensure the safety of all Americans.

We would not even consider contracting our for FBI, CIA or Capitol Police employees. We hire trained Federal professionals for these vital positions and we should do the same for our airport screeners.

By hiring Federal Law Enforcement officers to conduct screening, we take a step toward increasing the confidence of our flying public. The sooner we take responsibility for aviation security; the sooner American's will take to the sky once again.

Mr. Chairman, aviation security is National security and I urge my colleagues to vote in favor of the Democratic Substitute Amendment.

Ms. KILPATRICK. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Minnesota (Mr. OBERSTAR), and I intend to vote against this bill unless the Oberstar Amendment is incorporated in this bill. The other side of the aisle argues that federalization of passenger and baggage screeners is not in the best interest of promoting an efficient security process at our nation's airports. Covering these jobs under the umbrella of the Federal government, they argue, only makes government unnecessarily bigger and makes it impossible to dismiss Federally-employed security personnel for mal- or misfeasance. Those arguments are bogus, and the leadership of this Chamber should be ashamed of itself for deliberately distorting the terms of the Senate-passed Airline Security bill.

Even if the Senate-passed bill proposed extending federal job protections to passenger and baggage security personnel, I would have to ask if that would be so bad for the American traveling public. Don't American air passengers deserve to feel as secure in our airports as they do when visiting a Federal courthouse? I suggest they do. Security at our Federal courthouses are provided by the Federal Protective Services, an entity of the Federal government. I submit that air travelers are entitled to the same level of security.

The Senate bill does not provide airport security personnel with the job protections established under the Civil Service System. The bill provides little tolerance for any security employee who fails to perform his or her job thoroughly and accurately. To say that federalization of the airport security workforce will only reward lazy, incompetent, and overpaid security personnel is a total distortion.

Another argument raised by the majority is that the Leadership proposal models the system used in European countries and Israel. I have no disagreement with that argument. The weakness in the assertion, however, is that the same security contractors serving the nation's airports today are the same security contractors found at most international airports.

These contractors may work well overseas but in providing for our homeland security, they have failed. Look at the record. Turnover among initial security personnel exceeds 400 percent at some airports. Contractors fail to conduct criminal background checks on the people they hire. In fact, one company was recently fined for hiring security personnel with prior arrest records. The pattern is clear. Current security contractors hire security personnel at minimum wages to provide the flying public minimum airline security. Do I want these same companies to be rewarded with larger contracts, so they can cover higher overhead costs because of stricter requirements?

No! The private sector has failed to make America's air transport system secure, and it is now the responsibility of the Federal government to ensure the security of our airports.

Another aspect of H.R. 3150 which I find particularly offensive is a provision that will exempt all corporate interests from liability from the September 11 assault. The families and survivors of the World Trade Center and the Pentagon tragedies will have little recourse to seek accountability for the negligent acts of a corporation which may have encouraged the terrorists to succeed in prosecuting their attacks on innocent Americans. In other words, this bill will protect even a private airport baggage screening company that may ultimately be found to have recklessly allowed a breakdown in security protocols.

In early October, this body passed the Air Transportation System Stabilization Act. I opposed that bill because it represented a bailout of the airline industry and a Federal wage protection program for highly paid airline executives. It did NOTHING for rank and file airline industry employees dislocated in the wake of September 11 attack. Once again, the Leadership is sponsoring a bill that rewards corporate interests and ignores the wage replacement and health insurance coverage needs of dislocated airline workers.

Mr. Chairman, this bill does little to restore the passengers' confidence in the safety and security of the national air transport system, and it protects corporate interests for past failures to protect the air traveling public. For these reasons, Mr. Chairman, I urge my colleagues to support the amendment by Mr. OBERSTAR and, failing that, oppose the passage of the underlying bill, H.R. 3150.

Ms. McCOLLUM. Mr. Chairman, I rise today in support of the Democratic substitute to strengthen the security measures at our nation's airports and in our nation's skies. It is critical that we pass aviation security legislation that protects our national security, ensures passenger safety, and restores America's confidence in our aviation system.

Our nation has taken significant steps to appropriately respond to the events of September 11th, and I am proud of how Congress has worked together in our war against terrorism. Now, however, we must take the necessary step of making the federal government directly responsible for protecting airline passengers and ensuring that air travel anywhere in the United States complies with the most stringent safety standards and regulations.

Aviation security is a matter of national security and the United States doesn't "contract out" the security forces that defend and protect our nation. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol or local police departments, and it makes no sense to do so with airport screeners, who act as the front line in aviation security.

Safety at our nation's airports is of critical importance. I support the appropriate federalized role of placing federal security personnel and equipment in every American airport. A professionally trained security force with a national screening and oversight standard is absolutely necessary to give confidence to air travelers and airline industry employees.

Securing our nation's airspace allows travelers to not only take advantage of the benefits and ease of air service, but is at the core of our 21st Century economy. A strong aviation system also has a major secondary commercial impact—through travel agencies, taxi and chauffeur services, and the hospitality sector, to name a few. Restoring faith in our nation's aviation system is essential to commercial health and vitality.

In the past, Congress has passed aviation security measures but failed to fully implement them. It is clear we must go farther now. Anything approaching the status quo is absolutely not acceptable. In the end, we must be able to look back on this debate and know that despite our differences in the process, we have achieved one common goal: a stronger, safer national aviation system.

Mr. UNDERWOOD. Mr. Chairman, after weeks of delay I am pleased that the House leadership has finally decided to act on this vitally important issue, that of improving the security at our nation's airports, but I am disappointed that they have chosen to move forward with a bill that squanders our opportunity to make a substantive difference in enhancing aviation safety and security. Tonight, we have a chance to do this right and that is why I rise in opposition to the underlying bill, H.R. 3150, and in strong support of Mr. Oberstar's substitute amendment. The fundamental flaw with H.R. 3150 as brought to this floor is that it comes up short of restoring America's confidence in the security of our airports and airplanes. The bill fails to reassure the public that it is safe to fly and that is why I urge passage of the Oberstar substitute, a measure which is identical to S. 1447, the Aviation Security Act, passed unanimously by the Senate three weeks ago.

The Oberstar substitute would place responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing our nation's airports. A competent, well equipped, well trained, and well qualified law enforcement force is what is so desperately needed to restore the confidence of the American public in flying. In addition, the Oberstar substitute would increase the placement of Federal Air Marshals on both domestic and international flights, enhance cockpit security, and provide airline crews with intensive counter-terrorism training. Mr. Speaker, this bipartisan aviation security substitute amendment would remedy one of the most major identified problems with the current airport security system, that of low wages and high turnover amongst security screeners. Ensuring higher pay for and job stability amongst security screeners would improve the competency and control of airport security.

Mr. Chairman, as the Delegate from Guam, I represent a community whose economy is significantly dependent on tourism. Our tourism industry is unavoidably linked to and driven by the airline industry, and without its efficient and consistent functioning, our economy suffers. Our potential visitors must and need to feel safe in flying, or else they will forfeit their travel experiences. For those of us who live in Guam or the other insular areas, travel by air is our way to and from the mainland for business, for pleasure, or to see loved ones. It is our duty, it is our responsibility to ensure their safety and to restore their confidence in flying. I urge adoption of the Oberstar substitute.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 218, not voting 1, as follows:

[Roll No. 423]

AYES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—1

Dunn

□ 1959

Mrs. MYRICK, Mr. BASS and Mr. RADANOVICH changed their vote from "aye" to "no."

Ms. SOLIS changed her vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 2000

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill H.R. 3150 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Security Enhancement Act of 2001".

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 114. Transportation Security Administration

"(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) UNDER SECRETARY.—

"(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of

Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) Term.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) Limitation on Pecuniary Interests.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

"(d) Functions.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

"(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

"(e) Additional Duties and Powers.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(7) enforce security-related regulations and requirements;

"(8) identify and undertake research and development activities necessary to enhance transportation security;

"(9) inspect, maintain, and test security facilities, equipment, and systems;

"(10) ensure the adequacy of security measures for the transportation of mail and cargo;

"(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

"(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

"(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) Acquisitions.—

"(1) In general.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) Title.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) Transfers of Funds.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) Regulations.—

"(1) In general.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) Factors to consider.—In determining whether to issue, rescind, or a revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

"(3) Limitation.—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

"(4) Emergency procedures.—

"(A) In general.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

"(B) Review by transportation security oversight board.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

"(i) Personnel and Services; Cooperation by Under Secretary.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

"(j) Acquisition Management System.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.".

(b) Conforming Amendment.—The analysis for chapter 1 is amended by adding at the end the following:

"114. Transportation Security Administration.".

(c) Position of Under Secretary in Executive Schedule.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Transportation for Security".

(d) References to FAA in Chapter 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking "the Administration" and inserting "the Transportation Security Administration";

(2) in the second sentence of section 44913(a)(1) by striking "of the Administration" and inserting "of the Transportation Security Administration";

(3) in section 44916(a)—

(A) in the first sentence by striking "Administrator" and inserting "Under Secretary of Transportation for Security"; and

(B) in the second sentence by striking "Administration" and inserting "Transportation Security Administration";

(4) in each of sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "Under Secretary";

(5) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Under Secretary";

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking "Administrator" each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting "Under Secretary";

(8) by striking "Administrator's" each place it appears in such chapter and inserting "Under Secretary's"; and

(9) by striking "of the Federal Aviation Administration" each place it appears in such chapter (except in section 44936(f)) and inserting "of Transportation for Security".

SEC. 3. REVIEW AND RECOMMENDATION.

(a) Commencement of Review.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) Report.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.

Section 44901 of title 49, United States Code, is amended to read as follows:

“§ 44901. Screening passengers and property

“(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

“(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

“(1) employees of the Transportation Security Administration who are citizens of the United States; or

“(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

“(c) TRANSITION PERIOD.—

“(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

“(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

“(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel.”.

SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

SEC. 6. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after “at each of those airports” the following: “, including at each location at those airports where passengers are screened,”;

(2) in paragraph (2)(C)(i) by striking “shall issue an amendment to air carrier security programs to require” and inserting “shall require”; and

(3) by adding at the end the following:

“(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator.”.

SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting “, personnel (including Federal employees) who screen passengers and property,” after “air carrier personnel”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

“(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate;

“(7) minimum compensation levels, when appropriate;

“(8) a preference for the hiring of any individual who is employed as an airport security screener on the date of enactment of the Transportation Security Enhancement Act of 2001 and is qualified for the position; and

“(9) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier and is qualified for the position.”.

(b) EMPLOYMENT STANDARDS FOR SCREENERS.—Section 44935 is amended by adding at the end the following:

“(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

“(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

“(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

“(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.”.

(c) MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a “screener”).

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

"(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

"(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

"(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

"(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

"(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

"(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

"(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

"(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

"(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

"(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

"44917. Deployment of Federal air marshals.".

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§ 44918. Enhanced security measures

"(a) IN GENERAL.—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

"(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

"(A) restrict the opening of a cockpit door during a flight;

"(B) modify cockpit doors to deny access from the cabin to the cockpit;

"(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

"(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

"(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

"(3) Enhance security for secured areas of airports, including—

"(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

"(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

"(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured areas be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

"(D) revalidating approvals of all persons previously authorized to entered a secured area, including full background and criminal history record checks and checks of Federal security databases;

"(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

"(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

"(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

"(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

"(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

"(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

"(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

"(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

"(10) Develop realistic crew training programs as follows:

"(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

"(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

"(C) Required crew training shall include, but not be limited to—

"(i) determination of the seriousness of any occurrence;

"(ii) crew communication and coordination;

"(iii) self-defense;

"(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

"(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

"(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

"(11) Require training of gate, ticket, and curbside agents to respond appropriately when the system referred to in paragraph (7) identifies a passenger as a threat to security.

"(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

"(13) Require effective 911 emergency call capabilities for telephones serving passenger aircraft and trains.

"(14). In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

"(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

"(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

"(b) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommendations that the Under Secretary may have for enhancing transportation security.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking “**Reports**” and inserting “**Report**”; and

(B) by striking “(a) TRANSPORTATION SECURITY.—” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

“44938. Report.”.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2) by striking “or airport operator” and inserting “airport operator, or screening company”.

SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

“§44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration's costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SUBSEQUENT RULEMAKING.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

“(e) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

“(f) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited to a separate account established in the Treasury;

“(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

“§44940. Authorization of appropriations for operations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated $500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorization of appropriations for operations.”.

(c) SECURITY FACILITY FEES.—Section 40117 is amended by adding at the end the following:

“(l) INCREASED SECURITY.—

“(1) IN GENERAL.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to $1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

“(2) PROCEDURES.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.”.

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“§44951. Transportation Security Oversight Board

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary's designee).

“(B) The Attorney General (or the Attorney General's designee).

“(C) The Secretary of the Treasury (or the Secretary's designee).

“(D) The Secretary of Defense (or the Secretary's designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

“(F) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

“§44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the 'Transportation Security Advisory Council'.

"(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

"(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

"(d) ADMINISTRATIVE MATTERS.—

"(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

"(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

"(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

"(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"44951. Transportation Security Oversight Board.

"44952. Advisory council.".

SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration's programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes of transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration's programs, operations, and activities. The report shall focus on the Administration's main programs and contain recommendations, as necessary, for further legislation.

SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107–42) is amended by striking "February 1, 2001" and inserting "February 1, 2002".

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking "contract personnel" each place it appears and inserting "personnel";

(2) by striking "contract employee" each place it appears and inserting "employee";

(3) in section 45106(c) by striking "contract employees" and inserting "employees";

(4) by inserting after section 45106 the following:

"§ 45107. Transportation security administration

"(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

"(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively."; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

"45107. Transportation Security Administration".

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking "subsection (f)" each place it appears and inserting "subsection (h)".

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "**Secretary of Transportation and Administrator of the Federal Aviation Administration**" and inserting "**Department of Transportation**"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449."; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator"

each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator,";

(4) in section 46301(h)(2) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator"; and

(6) in each of sections 46313 and 46316 by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or".

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this Congress will push through any legislation to deal with the difficult times we face, except a bill to help the 100,000 laid-off airline industry workers.

Congress passed a $15 billion airline bailout bill, and we gave the 100,000 laid-off airline employees absolutely nothing. Today, the House of Representatives will pass an airline security bill, and laid-off airline workers will again receive absolutely nothing. This is wrong, and our priorities are backwards. We are ignoring airline workers who are responsible for making our trips safe.

This motion to recommit will simply give preference for the newly created airline security jobs to qualified airline workers who have been recently laid off.

A "yes" vote on this motion to recommit means Members believe that people, individual men and women, deserve the attention of Congress, not just the airline companies. The 100,000 laid-off airline workers deserve a chance, and they deserve our vote.

Mr. OBERSTAR. Mr. Speaker, once again I want to express my great appreciation and admiration for the gentleman from Iowa (Mr. GANSKE), who stood on a matter of principle and stood against some very powerful forces within his own party.

On a matter of this significance, it is important to have a useful and far-ranging debate. We had that today. I offer as the motion to recommit a bill that we worked on in committee on a bipartisan basis, and on which we came to disagreement on a major point of divergence on the Federal screener workforce. No matter how many proposals I offered to the chairman of the full committee and the chairman of the Subcommittee on Aviation, to which they were agreeable, when they brought it to the political leadership of their party, they were vetoed.

We attempted to achieve a bipartisan agreement, but what we have in the motion to recommit is a proposal that I think is superior not only to the motion that was just defeated, but also to the underlying bill. It creates a transportation security administration, an intermodal security administration, transfers all modal functions within the Department of Transportation to the Transportation Security Administration. It designates an Under Secretary as a liaison to intelligence and law enforcement communities.

In establishing a screener workforce, it gives to the Under Secretary of Transportation authority to create the rules of hiring, of firing, of moving people around, create a separate force apart from the civil service of the United States with those protections that the Under Secretary chooses to establish so that we answer, as I proposed from the very outset a month ago, the question of creating a whole new Federal civil service workforce.

We put those mandates into this legislation to require various security functions and to insist that timetables be met and deadlines be adhered to. We take cost-benefit analysis out of security rulemaking so that the rules cannot be held up interminably as they have been for many years.

Those in the Hispanic community who were concerned about the nationality requirement, that is absent from this provision. It requires 10-year criminal background checks on security screeners. The key thing here is that it establishes a screener workforce that is pledged to the Constitution of the United States, to the laws, trained to the highest levels, a skilled workforce established by the Under Secretary.

Members want flexibility; we provide it in here. Why this was not accepted 3 weeks ago is beyond me. We have an opportunity now to vote for it. Mr. Speaker, I urge a vote in favor of this substitute that encompasses the purpose of security in a way that will transcend everything that is in the underlying bill.

Mr. MICA. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. MICA. Mr. Speaker, I appreciate the indulgence of Members tonight. I know Members want to go back to their districts and see their constituents and their families. If there has been any delay in this legislation, blame me.

Earlier I took the podium on the other side of the aisle, and I said that I pledge to work in a bipartisan manner; and I have tried to do that and have done that at all times with the gentleman from Minnesota (Mr. OBERSTAR).

Members on my side of the aisle, I want Members to know what a great human being the gentleman from Minnesota (Mr. OBERSTAR) is. I came as a freshman and learned so much from the gentleman. He is a tremendous individual, and he put his heart and soul into working with us. Because of some other circumstances, we were not allowed to come forward with our legislation, and we all know sometimes politics gets in the way.

But let me tell Members the most outstanding legacy that we can provide as Members of Congress to the gentleman from Minnesota (Mr. OBERSTAR) would be to get this right, to do this right. They tried this in 1996, and they did not get this right. They tried again with another act in 2000, and we did not get it right.

This time when Members go back tomorrow and look in the eyes of their constituents, who sent us here to do the very best job we can do, we can do nothing but the very best as far as aviation and transportation security. We have to get it right.

Unfortunately, the provision by the gentleman from Minnesota (Mr. OBERSTAR) and the motion to recommit will carry this transition process on for a year. Just look at the language. Our proposal is 3 months. We give the President the flexibility that he asked for and that he can deliver. We say the employees may be Federal employees, and we give him that discretion. We clearly set forth responsibilities in this legislation that are so important. The rulemaking provision that is so important must be in the final legislation.

Mr. Speaker, everyone who voted on the manager's amendment must understand that those provisions will be wiped out. The provisions for New York asked for by the Governor of New York, the provisions for New York that Mayor Giuliani asked for will be wiped out.

□ 2015

If you have general aviation in your district that is floundering because it has been closed down, the assistance that is in our provisions only will be wiped out. All the corrections that were made to the Senate legislation will be wiped out, so we will not get the best product in the end.

I pledge to work with the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), with Minority Leader GEPHARDT, with everyone in the House, if it takes us day and night, and I sat with the President today. He said he is willing to wait until we get it right.

So I urge you to get it right this time. We owe this to the American people. We have already had the issue solved in the last vote. Let us not go into a motion to recommit and delay this process forward. Let us work together and let us do the best we can for the people who sent us here.

Mr. LAMPSON. Mr. Speaker, I wholeheartedly support the Democratic alternative of the aviation security bill. This measure is identical to S. 1447, the Aviation Security Act, passed by the Senate unanimously on October 11. It places responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

It has been 7 weeks since the attacks on the World Trade Center and the Pentagon, and the Republican leadership has been dragging their feet on aviation security legislation. It's outrageous and irresponsible, and the leadership stalled this legislation because they oppose the federalization of security personnel.

The bill ensures that federal security personnel screen and check all individuals and baggage before boarding a plane. We wouldn't dream of contracting out the protection that our police provide, we wouldn't dream of contracting out the protection our military provides, why in the world are the leaders of this body attempting to contract out our airport security. Airport security forces must be reliable, standardized and verifiable.

This will ensure that security screeners are more highly paid—rather than continuing the practice of private contractors hiring personnel for less than fast food, service wages who turn over every six months. Experts including the General Accounting Office, the Federal Aviation Administration, and the Transportation Department have all indicated that low wages and high turnover are the major problem in aviation security.

Following Sept. 11th I've been meeting with schools kids from the 9th District. Recently I asked them the question—Should the security forces that protect our airports be federalized like the police and military? The kids resoundingly answered yes—it's common sense, kids know it, the American public knows it, but my colleagues on the other side of the aisle don't seen to.

Under the bill, screener applicants will be required to pass a rigorous selection examination, and complete classroom and on-the-job training. It also gives the government flexibility to suspend or terminate under-performing employees. Consistent with existing law, federal screeners would not have the right to strike.

Ask yourself—who do you want protecting you and your family, a federal security force or the lowest bidder. Airport security is national security.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 201, nays 227, not voting 5, as follows:

[Roll No. 424]

YEAS—201

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—227

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Delahunt
Dunn
Ganske
Istook
Serrano

□ 2032

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 286, nays 139, not voting 8, as follows:

[Roll No. 425]

YEAS—286

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Matheson
McCollum
McCrery
McHugh
McInnis
McIntyre
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—139

Ackerman
Allen
Baca
Baird
Baldacci
Barcia
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Collins
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Doyle
Eshoo
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sánchez
Sanders
Sandlin
Schakowsky
Scott
Sherman
Slaughter
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—8

Delahunt
Dunn
Ganske
Herger
Houghton
McKeon
Riley
Weldon (PA)

□ 2039

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Thursday, November 1, 2001, I was not present for rollcall votes 415 through 425 due to a family emergency. Had I been present, I would have voted "yea" on rollcall No. 415, "yea" on rollcall No. 416, "yea" on rollcall No. 417, "yes" on rollcall No. 418, "yea" on rollcall No. 419, "yea" on rollcall No. 420, "yea" on rollcall No. 421, "No" on rollcall No. 422, "No" on rollcall No. 423, "No" on rollcall No. 424, and "yea" on rollcall No. 425.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I take this time to inquire about next week's schedule.

I yield to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, November 6, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, Members will want to note that on Tuesday, no recorded votes are expected before 6:30 p.m. I repeat that, in compliance with the wishes of the gentleman from Kansas (Mr. MORAN), there will be no recorded votes before 6:30 p.m. on Tuesday next.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules: H.R. 3167, the Freedom Consolidation Act of 2001, that was marked up today in the Committee on International Relations; and the Department of Defense Appropriations Act for Fiscal Year 2002. Appropriators are also continuing to work on several conference reports. I am hopeful that the VA-HUD conference report, among others, will be ready for consideration in the House early next week.

The Speaker also reports that he will be ready to name conferees on the Foreign Operations Appropriations Act, which I will be happy to schedule for consideration next week as well.

I want to thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, I would ask the distinguished majority leader, he has indicated that perhaps the VA-HUD conference report will be ready for consideration. Are there other conference reports that the gentleman is optimistic about being considered next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, yes, we do have reason to expect the Transportation appropriations conference report, the Agriculture conference report, and the CJS conference report as well next week.

Mr. FROST. I would further ask the gentleman, do you expect fast-track legislation on the floor next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, we are having discussions about the Trade Promotion Authority legislation. While it is not currently scheduled to be scheduled, I think it fair to advise the body that it is possible for consideration next week.

Mr. FROST. I would ask the majority leader, will there be votes next Friday? Can you determine that at this point?

Mr. ARMEY. Again, as the gentleman continues to yield, Mr. Speaker, we are hopeful that the DOD appropriations bill and other conference reports may be available to us, in which case we would stay for votes on Friday; but as has been our circumstance recently, we would have to watch that as the week develops and advise Members as quickly as we can during the week.

Mr. FROST. I would ask the gentleman, when do we expect to wrap up the session for the year? Do you think it will occur before Thanksgiving?

Mr. ARMEY. Again, I thank the gentleman for the request; and if the gentleman would continue to yield, Mr. Speaker, we are currently operating under a continuing resolution that would take us to the 16th. Up at the White House last week the President made it clear he would like to see us complete our work.

The leadership on both sides of the building have made a commitment to the 16th. So while I stress that it seems to be the universal goal and objective that we would complete our work on the 16th, that at this point is what I must advise the gentleman is our target for completing our work.

□ 2045

Mr. FROST. Mr. Speaker, reclaiming my time, I yield to the gentleman from Minnesota (Mr. OBERSTAR) for a question.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I would inquire of the distinguished majority leader whether it is possible that the Speaker will name conferees on the just-passed aviation security bill. I see that the distinguished leader announced that the Speaker will be ready to name conferees on Foreign Operations Appropriations, but given the urgency and the significance that was referenced throughout the debate tonight, I would inquire of the distinguished majority leader if it is possible at an early time to name conferees.

Mr. ARMEY. Mr. Speaker, if the gentleman from Texas will continue to yield, again, I would like to thank the gentleman from Minnesota for the inquiry and it is, in fact, a very important point. While my remarks for this colloquy were prepared prior to the final passage vote, I can advise the gentleman that the Speaker talked to me just before he left the floor and advised me that he will seek to name conferees as quickly as possible.

Mr. OBERSTAR. Mr. Speaker, if the gentleman from Texas (Mr. FROST) will continue to yield, I hope that will be early in the week because of the urgency of getting together and closing the rather significant gulf between the two versions of the aviation security bill.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the gentleman from Minnesota's point is well taken, and I think he would find the Speaker's enthusiasm as I saw it expressed to me would be in perfect compliance with your point.

Mr. FROST. Mr. Speaker, I thank the gentleman from Texas.

ADJOURNMENT TO MONDAY, NOVEMBER 5, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, NOVEMBER 6, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 5, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, November 6, 2001 for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING THE NEW JERSEY LAW ENFORCEMENT OFFICERS ASSOCIATION

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 224) honoring the New Jersey State Law Enforcement Officers Association.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. PAYNE. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from New Jersey to explain the resolution.

Mr. FERGUSON. Mr. Speaker, I rise today in support of my legislation, H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association. This legislation recognizes the bravery and honor of the law enforcement officers of New Jersey and the service those officers provide to the communities that they serve.

The New Jersey State Law Enforcement Officers Association was formed in 1938 and celebrates a history of service and dedication to our citizens. Any person who enforces the law of their State or the ordinances of any municipality is eligible for active membership in this association. Currently, the association includes members from Federal, State, county, and municipal law enforcement agencies, including special and auxiliary police.

Each year, the New Jersey State Law Enforcement Officers Association holds an Annual Awards and Recognition Dinner to pay tribute to law enforcement officers who have demonstrated heroic or unselfish acts of bravery while in the line of duty. This past March the association celebrated its 10th awards dinner in recognition of the top officers in New Jersey and acknowledged their dedication in protecting and serving the State.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers serve at great risk to their personal safety. We are indebted to law enforcement officers everywhere who are willing to die to protect the innocent and to risk all of their hopes and their dreams to ensure the safety and well-being of our families. Many of our law enforcement officers in New Jersey have given their lives in the line of duty, and I stand today with my colleagues in the House of Representatives to honor and praise these fallen heroes. The thoughts and prayers of this Congress and the country remain with their families.

The men and women in New Jersey's law enforcement community are an integral part of our society who have earned the public's trust. They are on the frontline in our schools and in our streets preserving the right of children to learn in schools that are free from violence and the rights of our citizens to safe communities everywhere. Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey and the services of those officers to their communities.

I would like to commend my colleague from New Jersey for joining me in support of this important resolution. I would also like to thank personally the gentleman from New Jersey for his leadership on this and a range of other issues that benefit all of the citizens of New Jersey.

Mr. PAYNE. Mr. Speaker, further reserving the right to object, I rise this evening to commend the gentleman from New Jersey (Mr. FERGUSON) and to acknowledge the tremendous work of the New Jersey State law enforcement officers. They do this work on a daily basis, and we took this work for granted for many years. However, the most recent events on September 11 demonstrated their heroic effort when many of the law enforcement officers from New Jersey went to New York to attempt to save lives of citizens who were the unfortunate victims of a terrorist attack. We do owe them a debt of gratitude for their sacrifice and commitment to save the lives of all citizens of our great country.

These men and women work tirelessly and they work to try to serve the people of New Jersey and, in turn, they did risk their lives to ensure our personal safety.

The people of New Jersey applaud the efforts of the law enforcement officers as they are willing to die even to protect the families of our State.

As a former educator, I recognize the men and women in law enforcement who are on the front lines of our schools and our streets, who preserve the rights of our smallest citizens to live in a safe community, our young people as they go to and from school. We must continue to support the work of the individuals who serve the people in New Jersey for law enforcement and throughout the country, but we would certainly like to highlight those courageous men and women from our great State of New Jersey.

With that, Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE), and I join in thanking the gentleman from New Jersey (Mr. FERGUSON) for introducing this legislation.

This resolution was introduced several months ago in August, but we have had a strong reminder since then of the need for this recognition, that State after State, we are now reminded of how dependent we are on each other and how dependent we are on first responders and especially our police.

In New Jersey when the alarm sounds, police officers put their lives on hold and answer. They work day and night to keep order in the community and to protect our liberties and our lives.

On September 11 and the days following, they were active in emergency response and urban search and rescue, and day in and day out, they are in our schools and in our neighborhoods, teaching children a respect for community and a respect for orderly behavior. We owe them a great deal of thanks, and this is the least we can do tonight to pass this resolution in their honor.

I thank the gentleman from New Jersey (Mr. FERGUSON) for initiating this, and I am proud to join him in it.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding. I want to also thank the gentleman from New Jersey (Mr. FERGUSON) for putting forth the resolution.

In the resolution it says two things that we are so accustomed to saying, but I think we have now come to understand in a very dramatic way how important that sentiment is. It says, as law enforcement officers serve at great risk to their personal safety, and whereas the citizens of New Jersey are indebted to their law enforcement officers who are willing to die to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey's communities.

We have seen that time and time again in New Jersey, and we have seen that certainly in the aftermath of September 11, the enormous risk that individuals who we come to rely upon, their everyday members of our community, in a sense; we see them as we walk our streets or as they patrol our neighborhoods and we think of them in the context when there is no great harm and no great fear. But when events like September 11 take place, it magnifies for us the great risk that they take, and that risk is never known when it is going to visit.

In my district, which is right across from midtown Manhattan where we see the New York skyline view, where we used to see the World Trade Center, and now see the scar that has been left behind, we saw hundreds of police officers being part of the triage system that brought individuals, over 1,000, to the New Jersey side of the river to ultimately get care in our hospitals and emergency clinics. In that respect, and in so many other respects, the fact of the matter is that we see the enormous risks that our men and women in blue take on on a daily basis. September 11 magnified that for us. The constant challenge we have magnifies that for us.

Lastly, let me just say it is good to recognize the New Jersey Law Enforcement Officers Association and their members and others in uniform. I also believe we need to stand by them in meaningful ways, in ways in which we assist them as part of that crucial first responder network. We need to help them with resources for training in the new environment that we are in. We need to help those communities that have exhausted their overtime budgets in this context so that we can be able to keep those departments whole.

□ 2100

We need to provide resources through what has been our COPS program to deal with the new security threats. When we do those things, we truly honor the individuals whose resolution we seek to recognize today.

Mr. PAYNE. Mr. Speaker, I thank the gentleman for those timely remarks. We appreciate the great work he has been doing in the Congress and in the State of New Jersey.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I thank the gentleman for yielding to me.

I again want to commend my colleagues for joining us here on the floor of the House to offer our praise and recognition for these men and women who work so hard to protect us and protect our families.

Our districts, Mr. Speaker, in New Jersey are not far from New York City. So many of our constituents and families, people that we represent, were affected very directly by the events of September 11. In my district alone we lost 81 people. That is 81 families and communities who are grieving over the loss of loved ones.

To see, in the hours and days and weeks following these tragedies, to see the incredible service, the dedication, the sacrifice of those who wear a law enforcement uniform has been truly extraordinary.

Some statistics, just to highlight the incredible service of our men and women in uniform:

There are approximately 740,000 sworn law enforcement officers serving in the United States today, the highest figure ever, and about 12 percent of that number are women.

There are a total of 1,555 law enforcement officers that died in the line of duty in the last 10 years. That is an average of one death every 57 hours, or about 156 a year. There were 150 police deaths in the year 2000, which represented a 12 percent increase from the 137 officers who died in 1999. These figures include the victims of the September 11 terrorist attacks.

Based on the most recent figures, some 300 public safety officials are missing, they are missing, as a result of the September 11 tragedies, including more than 50 law enforcement officers. Crimefighting has taken its toll. Since the first recorded police death in 1792 there have been more than 15,000 law enforcement officers who have given their lives in the line of duty.

These are some startling numbers, staggering numbers, but statistics are secondary when we see in real life the service and the dedication of the men and women who serve us in law enforcement.

We are very, very pleased and I am very, very pleased to join my colleagues in offering this resolution this evening.

Mr. PAYNE. Mr. Speaker, I thank the gentleman. We certainly once again would like to express our appreciation for the gentleman bringing this resolution to the floor.

As it has been indicated, New Jersey was very severely impacted by September 11. The fourth plane that left out of Newark Airport, which is in my district, the PATH train that goes to the World Trade Center leaves Newark and in 15 minutes or so it is at the site of what is ground zero, now.

So we are very closely involved. We feel the impact on our districts, and we once again would like to commend the men and women in blue.

We had a service just on Wednesday. I went back to the district in Newark. We had a service at the University of Medicine and Dentistry, where we honored policemen and firemen there on Wednesday. The concerned citizens of the hospital did this. It was just continued recognition for the great work they have been doing.

Mr. Speaker, once again I thank the gentleman.

Mr. SMITH of New Jersey.

Mr. Speaker, I rise today to express my strong support for House Resolution 224, which honors more than 10,000 members of the New Jersey State Law Enforcement Officers Association.

As a proud co-sponsor of this resolution, which was introduced prior to the September 11th attacks, our respect for New Jersey's law enforcement officers runs deep. Day in and day out, these individuals routinely put their life on the line—valor, courage and bravery are commonplace in their daily job.

Formed in 1938, The New Jersey State Law Enforcement Officers Association celebrates a rich tradition of service and dedication to our citizens. Individuals who enforce New Jersey's state laws, and the ordinances of New Jersey municipalities, are eligible for active membership. Currently, the Association includes members from Federal, State, County and Municipal Law Enforcement Agencies, including Special and Auxiliary Police.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers serve at great risk to their personal safety. The men and women of New Jersey's law enforcement community are genuine community leaders who do a tough job and do it well. Within an hour of the attack, New Jersey police officers were deployed to the Hudson River to assist the victims.

Every single day since then, they have been working around-the-clock to bolster security in the New Jersey-New York region. Specifically, additional troopers have been mobilized to augment security in airports, bridges, and tunnels, as well as to strengthen security at the Salem Hope Creek and Oyster Creek Nuclear Generating Stations. New Jersey State Patrol Marine units have also been deployed to patrol waterways, especially the waterways adjacent to the nuclear facilities. New Jersey State Police have also increased their presence in Atlantic City Hotels and other likely terrorist targets.

New Jersey officers have also had to deal with thousands of calls in response to pubic fears about anthrax contamination. HAZMAT teams have been deployed across the state to investigate actual anthrax incidents, as well as cruel hoaxes. In my own district, the Hamilton police department has been working non-stop to protect and reassure local residents who have seen their very neighbors and co-workers exposed and even infected with anthrax.

In our greatest hour of need, New Jersey law enforcement officers have filled the breach and made us all proud.

Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey. The New Jersey State Law Enforcement Officers Association is the voice of those who dedicate their lives to protecting and serving our communities, and especially at this time of uncertainty, our law enforcement officers deserve our full support.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in strong support of H. Res. 224, a resolution honoring the New Jersey State Law Enforcement Officers Association and all law enforcement officers in New Jersey. They serve and protect our state and local communities with bravery, pride, professionalism and honor each and every day.

The fine men and women who make up New Jersey's law enforcement agencies are exceptional people who do a very dangerous job, often without fanfare or recognition. They put their own lives on the line so that our schools, streets, children and families are safe from harm and danger. They are, as we have been reminded by their extraordinary response since September 11, true heroes.

On September 11, thousands of police officers and emergency personnel from local communities across New Jersey were mobilized immediately and dispatched to help with the search and recovery efforts at Ground Zero. Our thanks and our gratitude goes out to everyone who assisted in a time of such great need. Our prayers are with the families of the victims, which included police officers and firefighters who rushed into the World Trade Center to save lives.

In recent weeks, I have had the opportunity to personally thank a few of those police officers, fire and emergency personnel from my Congressional District by presenting them with flags that flew over the U.S. Capitol. Almost every one of the 57 communities I represent sent police officers, firefighters and EMT's to the site of the World Trade Center Disaster, many of whom are volunteers.

Mr. Speaker, it has been more than two months since the tragic events of September 11, and today, with anthrax a real threat for many, especially in New Jersey, our law enforcement officials and emergency personnel continue to serve the public tirelessly. I cannot think of a better way to honor the work of law enforcement personnel in New Jersey than by supporting H. Res. 224.

Mr. PAYNE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Resolution, as follows:

H. RES. 224

Whereas more than 700,000 men and women across the Nation serve their fellow citizens in their capacity as guardians of peace;

Whereas the law enforcement officers of New Jersey are recognized for their dedication to promote, advance, and encourage cooperation among all law enforcement officers;

Whereas law enforcement officers serve at great risk to their personal safety;

Whereas the citizens of New Jersey are indebted to their law enforcement officers, who are willing to die to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey communities;

Whereas law enforcement officers of New Jersey have fallen in the line of duty, and the thoughts and prayers of the House of Representatives and the country remain with the families of these men and women;

Whereas the men and women in New Jersey's law enforcement community are on the front line in our schools and on our streets, preserving the right of our children to learn in schools that are free of violence and the right of our citizens to safe communities; and

Whereas the members of the New Jersey State Law Enforcement Officers Association are an integral part of our society, in whom we have instilled public trust: Now, therefore, be it

Resolved, That the House of Representatives recognizes the bravery and honor of the law enforcement officers of New Jersey, and the service of those officers to their communities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 2, 2000 (65 Fed. Reg. 66163).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about its record on terrorism and the prevalence of human rights violations, including slavery, restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 31, 2001.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-141)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report of the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, based upon information made available to me.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 31, 2001.*

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

The SPEAKER pro tempore. Without objection, pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Center for Russian Leadership Development for a term of 3 years:

Mr. ROBERT E. (BUD) CRAMER, Jr., of Alabama.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

URGING MEMBERS TO SUPPORT FUNDRAISERS AND WALK-A-THONS TO RAISE MONEY FOR AUTISM RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last night while most American children donned their costumes to celebrate Halloween, Bonnie and Willis Flick, the children pictured here, were able to go trick-or-treating only as a result of much preparation by their mother, Patience.

Bonnie and Willis are superheroes, not because they were dressed as wizards, but because of the efforts that they make each and every day in trying to fit into our world. It is difficult for Bonnie and Willis to make sense of our overwhelming and challenging environment because they have a neurological disease called autism.

Autism affects the development of the brain, especially in the areas of social interaction and communication skills. As a result, it is difficult for Bonnie and Willis to play with friends or to form relationships that most 11- and 13-year-olds have.

Autism affects one out of every 500 individuals, and it is a spectrum disorder, which means that it manifests itself in different ways.

For example, Bonnie can read and is able to go to a special school called the Learning Experience in Miami. She is a more high-functioning autistic child. But her brother, Willis, on the other hand, is mostly nonverbal. Talking for him is in small, almost guttural sounds that come as a result of hard work. Expressing emotions such as joy, anger, and frustration are extremely difficult for Willis.

However, Bonnie and Willis are a part of our world, not a world apart, as this tee shirt reads. This is a tee shirt that we will be wearing as part of the Flick family team this Saturday when we walk for more autism research.

Each day Bonnie and Willis continue to work hard to fit into our confusing world. They have been blessed with wonderful teachers who have a great deal of patience, and today Willis can dress himself. He has learned to eat, and he has learned to eat with a fork for the first time. It may not seem like a big accomplishment for most of us, but for a child with autism, that is a monumental task.

For the first time, Bonnie allows her hair to be brushed and no longer involuntarily darts away from her caregivers.

Bonnie and Willis are fortunate and blessed children. They receive professional assistance and education to help optimize their potential and learning capabilities. But many autistic children are not as lucky. Many children do not have access to health care and to therapy that they so desperately need.

While the national rates of children being diagnosed with autism are increasing dramatically, there remains no known cure nor cause for autism. Mr. Speaker, we need to continue to raise research funding for autism to find treatments and preventions for this disability.

The National Alliance for Autism Research, NAAR, is an organization whose mission it is to fund, promote, and support biomedical research for autism spectrum disorder. To fulfill its commitment, every year throughout our Nation the organization hosts walk-a-thons to help raise vital research funds.

This Saturday, I, along with many others, will be participating in Walk Far for NAAR, which will be held in my congressional district at Crandon Park in Key Biscayne.

I congratulate the chairs of this year's walk, Robert and Patricia Cambo and Rain Vega, for their hard work in putting together this year's event. I also encourage my colleagues to remember the other Bonnie and Willises in their districts, and on their behalf to help promote awareness on autism so that each day we will be a step closer in banishing this debilitating disorder.

POLITICAL PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, think back to the late afternoon, early evening of September 11 when several gas stations in northeastern Ohio and across the Midwest and across the country raised their prices of gas to $4, $5, $6 a gallon. Some people would call that war profiteering.

But something else happened in this Chamber in the last 8 weeks, something perhaps not much different that some have called political profiteering.

First, this Congress passed a bailout bill giving the airlines $15 billion, no strings attached, no sacrifices from airline executives, no assistance for the 100,000 laid-off workers, no dollars for nor push toward any airline safety measures.

Then last week, all in the name of rebuilding the economy that has obviously suffered a blow from September 11, this Chamber voted tax cuts for the richest people in the country, and very little for health care for laid-off workers, very little tax relief for those who need it, most making $20,000, $30,000, $40,000, $50,000 a year.

Then this political profiteering reached new heights as this week the

United States Trade Representative Bob Zoellick has begun to link fast track legislation, giving the President trade promotion authority, linking that legislation to antiterrorism activities, pointing out that most of us who oppose fast track are indifferent to terrorism, questioning a bit our patriotism, and saying that we really do not share American values if we do not support fast track because that is the way to combat terrorism around the world.

Mr. Speaker, fast track, to be sure, does not embody those American values that our U.S. Trade Representative has indicated. Simply look at the upcoming WTO, World Trade Organization, ministerial in Doha, Qatar. The people in Qatar, where trade ministers from all around the world and prime ministers and leaders from all around the world are converging, the people in Qatar have no freedom of speech, no freedom of assembly, no freedom of religion, as pointed out by the gentlewoman from Ohio (Ms. KAPTUR) in a Dear Colleague she sent around this week; no freedom of association, and in Qatar there are no free elections.

Yet, the World Trade Organization ignored these abuses of personal freedom in selecting Qatar as the host for the World Trade Organization ministerial.

□ 2115

Qatar's human rights record is not in line with American values, but it is familiar territory for many of corporate America's trading partners. Supporters of fast track say interaction with the developing world spreads democracy. But watch as we engage developing countries in trade and investment, democratic developing countries are losing ground to dictatorships, to authoritarian developing countries. Democratic nations such as India are losing out to the authoritarian communist nations such as China. Democratic nations such as Taiwan are losing out to autocratic nations such as Indonesia.

In 1989, 57 percent of developing-country exports in manufacturing came from democracies. Since then the share of developing country exports from democracies fell 22 percent. Now 65 percent of developing country exports come from authoritarian countries.

The fact is Western business investors want to go to China, want to go to Indonesia, want to go to countries which are dictatorships because they have docile workforces, authoritarian governments, and they are very predictable for Western business. They do not want to go to India. They do not want to go to Taiwan. They do not want to go to South Korea; and they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because we have free elections.

Western corporations want to invest in countries that have poor environmental standards, that have below-poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, where they do not care about the workers and the environment and food safety and all the things that we in this institution have fought for, American working families lose out.

Our trade agreements go to great lengths to protect investors and property rights. But these agreements do not include enforceable provisions to protect workers, either in the United States or abroad.

Ambassador Zoellick's call for a blanket trade authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. I have watched this country respond to the events of September 11. The right response for American values is to vote no on trade promotion authority.

TRIBUTE TO THE HON. GERALD B.H. SOLOMON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GILMAN. Mr. Speaker, I thank my colleagues for participating with us in this Special Order this evening to pay tribute to our former colleague, the gentleman from New York's 22nd Congressional District, Gerald B.H. Solomon.

I am pleased at this time to yield to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for recognizing me.

This is kind of a solemn occasion. The Speaker, the gentleman in the chair, will be proud to know that Gerald Solomon was born in 1930 in Okeechobee, Florida.

Jerry Solomon grew up to be a fine man, a dedicated Marine, great Member of this body, friend and mentor, sometimes disciplinarian to all of us. I had the privilege of arriving in the House of Representatives when Jerry Solomon had already been here and working with him until he retired. I watched him as he worked on behalf of veterans with a heart that seemed to be just as big as can be; and he believed in freedom, not only for America but for all the world.

Gerald Solomon was always busy on foreign policy matters. He was busy on veterans affairs. He was a strong proponent of a strong defense, but he was also a man with a big heart. And one of the things that would always shine through with Jerry, especially when he was with his beautiful wife, Freda, and his children, was that he was a man who had a heart for family. And that too, I think, to many of us was an inspiration.

This is a tough job; this is a tough place. It is tough on our lives. And to have those colleagues that we have, Jerry Solomon being a perfect example, that can meet all of the demands of this work, and especially the demands of travel that he met with foreign travel in his interests, and remain so thoroughly dedicated, devoted to his wife. And many will remember that you did not have to look much further beyond the reflection of Freda and Gerry's eyes to see the definition of the word adoration. He truly did love his family.

So he helped us in so many ways with his presence, with his commitment, his sense of courage, his dedication, his legislative skills, his good judgment on occasion, good advice on others, and restraining hand on a few. Even his willingness to himself accept the restraining hand when that Marine Corps temperament would get out of control was an example for the rest of us. And then to combine that with the year-in, year-out example that yes, you too can meet all the demands of this congressional life and still remain devoted to a family life, where you can be cherished and where you can cherish your family.

We were sad when Jerry retired. Many of us talked about Jerry at that time. I remember saying to Jerry, Jerry, you are like a boat when you come to this body. Everybody loves you when you are brand new, but they love you even more when you leave. Jerry got a kick out of that.

We enjoyed his celebration and we saw him off and on. I have to say, Mr. Speaker, it was a blow to me the other day when I picked up the paper and saw that we had lost Jerry. I truly lost a friend. And like others here, I will miss him. I guess we just did not expect it. We just do not expect to lose somebody that seems so strong and so boisterous.

If I can again just thank the gentleman from New York (Mr. GILMAN) for allowing me this little bit of time. If I could probably find two final words to say to my friend, Jerry Solomon, I guess they would have to be semper fi.

Mr. GILMAN. Mr. Speaker, I thank the majority leader for his kind remarks.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for organizing this Special Order in memory of our colleague and fine friend.

Mr. Speaker, last week New York and America lost a great patriot, a fierce advocate, a fine leader and legislator and an extremely decent, kind and wonderful man. Whatever differences we had on policy, I always admired Jerry Solomon and our differences were never personal; they were merely based on policy disputes.

He spoke and acted with tremendous conviction. One never needed to interpret what Jerry was saying. He was refreshingly direct. He stuck to his guns, and I know my colleagues are going to miss him as much as I will.

Jerry led the Committee on Rules with distinction, decisiveness and fairness. His stewardship of that powerful committee was a credit to this institution. As a fellow New Yorker, Jerry was extremely gracious to me when I came to Congress in 1993 and all the years that we served together. He and I shared a love of the Adirondacks and Upstate New York. He was devoted to his wife, Freda, and his family. Above all I will remember Gerry's passion, an ex-Marine, an entrepreneur, and a father of five.

Jerry had a rock-solid vision of the American way. He was true to that vision in everything he did and to his dying day he wanted to know what he could do for his country.

Jerry, I think every Member of this body would agree that you did more than enough, and we will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her kind words.

Mr. Speaker, I am pleased to yield to one of Gerry's colleagues, former colleague on the Committee on International Relations, the former vice-chairman of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time to speak about my dear departed colleague and friend, Jerry Solomon.

Jerry Solomon and I were elected together in 1978. We became friends and I now count him as one of the very best friends I have ever had. His wife, Freda, and my wife, Louise, he and I shared a friendship among us that simply grew over time to a point that I came to appreciate him in so very many ways.

The gentlewoman from New York (Mrs. MALONEY) had just talked about his interest in doing whatever he could to advance the best interest of our country. Jerry Solomon was an unabashed flag-waving patriot. But he was a patriot in deed as well as word. And we came to know that because of his service on the Committee on International Relations, first of all, and later the leadership he brought to the Congress through his chairmanship of the House Committee on Rules.

His dedication to his family has been frequently mentioned. One of his children, the only one I am privileged to know, is Linda Solomon who has played and continues to play a very crucial role as the person in charge of protocol for the Committee on International Relations, and she is a very valued and respected and loved staff member for the committee.

I want to speak about Jerry Solomon, however, in a way that perhaps I have a special opportunity and knowledge. And that is to talk about his role in the NATO Parliamentary Assembly. It was through Gerry's encouragement that I first became involved in 1984. He already as a young Member of the House was involved in this interparliamentary effort involving the parliamentarians from the then 16 NATO countries and later the 19 countries that now constitute NATO and the associate members. He was very well respected in that body. We have five major committees. He chaired for the maximum length of time the political committee, which you might be surprised was the one that dealt with the most controversial subjects and had the widest area of coverage. That was in 1993 through 1996.

Later, in 1997 and 1998 for the maximum 2-year term, he served one of the assemblies of vice presidents. He was extraordinarily effective in that venue just as he is and was in this House.

I want to relate one personal experience that I am sure his wife, Freda, will remember very well. We traveled together frequently since I had the privilege to chair the delegation at the encouragement of Jerry Solomon because he was very busy with the Committee on Rules. We were having plane trouble as we tried to take off from refueling in the Azores on the way back from a NATO meeting in Europe. We had to return to the Azores because of pressurization. We tried again. And Jerry Solomon was stewing because he had to get back here to chair a Committee on Rules hearing. His wife tried to calm him. My wife tried to calm him. Eventually about 6 hours later we got on to a transport plane, no seats, just webbing and the floors.

I can recall and I am sure Freda will recall how that ramrod straight-back Marine was lying back on the floor in the cold on the deck of the transport plane and we worked our way back to Washington, D.C. so he could take over the responsibilities of the Committee on Rules and move some important legislation for the House.

Jerry Solomon made many contributions here. It is impossible to enumerate them all. But of the things that the gentleman from New York (Mr. GILMAN) and I had the privilege to do today is to offer an amendment to legislation that was pending and which we passed unanimously from the committee encouraging and enumerating the support for NATO expansion.

□ 2130

We amended that bill to name it for our colleague, our late departed colleague Jerry Solomon, because he was such a leader in encouraging the enlargement of NATO both within the assembly and here in the House of Representatives. And because the House of Representatives, of all of the entities across the whole world, took the lead first in trying to push for NATO expansion, and because Jerry Solomon played a major role in assisting President Clinton at the Madrid Summit, which considered for the first substantial time NATO expansion, for these reasons we thought it was particularly fitting.

So I want to thank the gentleman from New York (Mr. GILMAN) for joining me in that effort, for a suggestion that was always followed through on, and for yielding me this time on behalf of our beloved colleague, the late Jerry Solomon. We wish all the best possible in the days ahead to Freda and his family as they miss his physical presence here on Earth.

Mr. GILMAN. I thank the gentleman for his kind words on behalf of Jerry. I am pleased now to yield to the gentlewoman from Ohio (Ms. KAPTUR), who was kind enough to yield some time to us this evening so that we could proceed before her special order.

Ms. KAPTUR. I would like to thank our esteemed colleague, the gentleman from New York (Mr. GILMAN), and the dean of the New York delegation, for yielding me some time, as a Midwesterner, a Buckeye, to place in the RECORD very sincere remarks in memory of the life of our beloved colleague, Jerry Solomon, someone with whom I had the great privilege of serving for over a decade and a half.

When I first came to Congress as a young Member we began our service on the Committee on Veterans' Affairs. He was already there. And I remember as a new Member his devotion, his commitment, his seriousness and his humor on the Committee on Veterans' Affairs. He then obviously moved over to Rules and became very involved there, rising to chair the committee.

I think I will always remember Jerry coming through these doors with those big brown folders. And I do not know how he got all those papers, but they were always like a foot thick and they had like a rubber band or a tie or something. The papers never seemed to fall out. He would kind of grip them, like that. It must have been an old duffle bag Marine trick or something, but he carried those folders all over the floor.

And what a great patriot. What a patriot. He loved this country so much. And I agree with what my sister colleague, the gentlewoman from New York (Mrs. MALONEY) has said. His determination and his directness was refreshing. It was so refreshing. Sometimes you didn't want to be at the end when it had a barb, but you always knew that he would level with you.

And he had such a way of carrying himself. He kind of pitched his shoulders here, and he looked like he planted himself on the floor. He always stood his ground.

Many people will talk about Jerry getting a little red faced and excited at times, but I also remember his humor, the great sense of humor that he had. And in some of the issues we got involved in, you needed to have a great sense of humor.

I remember his great friendship and support on all of the economic questions that we faced as a country, his deep concern about the workers in his community who had been thrown out of work, his mastery of international trade law, and his work with us in trying to right the wrongs that existed in trade policy so that we would pay attention to those who paid the price of trade laws that are out of balance, truly, and do not pay enough attention to workers. He really fought for the workers of his State and our country.

So I just wanted to say to his wife Freda, to his five children, and they used to sit down in the dining room here all the time and dine together, his love for you shown always. And I can still see his smiling face. What a square-jawed, patriotic, truly caring gentleman he was, and it was my great privilege to have served with him.

I thank the people of New York for renewing his election many, many, many years, allowing him to gain the seniority here where he was given true voice. My deepest condolences to his family and the people of his home State. And once again I thank the dean of the New York delegation for this opportunity.

Mr. GILMAN. I thank the gentlewoman from Ohio for her kind words.

I am now pleased to yield to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a fellow member of the Committee on International Relations, who served with Jerry for a number of years on our committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me, and it is with great sadness that I join my other colleagues in noting the passing of former Congressman Gerald Solomon, one of the most effective and committed Members that this body has ever had. And although we are sad in noting his passing, we should take this opportunity really to celebrate his productive and fruitful life as a husband, as a father, as a Member of Congress, as a businessman, as a civic leader, and as a mentor.

With devotion and love, Congressman Solomon shared his life with his high school sweetheart, Freda, and later with his five children, including Linda, who works in our Committee on International Relations, and his six grandchildren. Although our Nation mourns the loss of this great leader, his family, as noted in their own words, lost a deeply loving husband, father and grandfather.

The spirit of love permeated all facets of his life. During his spectacular career in the House of Representatives, spanning over two decades, Jerry worked tenacious on issues benefiting not only his district in New York but benefiting the entire country. Love for his work and devotion to his country were the impetus for his efforts here in Congress. An example was his support of a balanced budget, of which he was a proponent long before it became in vogue, so that our country could be fiscally sound and responsible.

His love for the American people led him during his tenure as chairman of the Committee on Rules to streamline many areas of the House and reduce the size and the power of Congress to remain true to our belief that individuals and not Congress are vested with power.

Jerry's love for recognizing our country's veterans was the impetus for authoring the bill creating the Department of Veterans' Affairs, for co-authoring the GI bill, and fighting to establish the Saratoga National Veteran's Cemetery.

Work during his tenure in Congress was not limited to legislative efforts only. Jerry also led many task forces, boards, and represented us in important global organizations. My colleague, the gentleman from Nebraska (Mr. BEREUTER), mentioned some of those. For example, he was the Chair of the National Defense Task Force, he was the Congressional Advisor to the United Nations Session on Disarmament, Representative to the North Atlantic Assembly, Chair of the Political Foreign Affairs Committee, Chair of the House NATO Observer Group, and the U.S. Task Force on POW-MIAs.

Jerry shone in business as brilliantly as he did in Congress. His most recent business achievement was forming the Solomon Group, a successful consulting firm providing advice and counsel to Fortune 500 companies and international corporations worldwide. Before serving in Congress, Jerry was also a successful businessman, dealing with insurance, investment, and international trade.

We were fortunate to have known Jerry and to have had him as a congressional leader, but it is his community that will miss him the most. I am certain that the love and the kindness that he expressed to the people in his district, in his State, will be forever remembered and cherished. He said that his greatest enjoyment came from successfully helping people back home in his district cope with problems that they had with the Federal bureaucracy.

His selflessness and commitment to civic duty was demonstrated by his service as a volunteer fireman; his involvement with the Boy Scouts of America, spanning over 50 years; his founding of the Queensbury Kiwanis Club and the Queensbury Jaycees; his active membership in his local Elks Lodge, Free and Accepted Masons Lodge, the Royal Arch Masons, and the Joseph Warren Council. Through all of these activities, Jerry touched the lives of many who have also aspired to greatness, and numerous other honors that we cannot name tonight, for Jerry truly served as a mentor to many of us.

I am proud to pay tribute to this devoted leader, to this patriot, and to express my heartfelt condolences to his family and friends. May they find peace and comfort in the knowledge that he made significant differences in the lives of everyone whom he touched and that he was an inspiration to those of us who also serve. He will forever be remembered as a patriot, as an American, always a proud Marine.

Semper fi, Jerry Solomon.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from Florida, the distinguished chairman of the Subcommittee on International Operations and Human Rights, for her very kind words.

I am pleased to now yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Semper fi. Always faithful. There is no better phrase to describe Jerry Solomon. He was always faithful to his family, he was always faithful to his God, he was always faithful to NATO, to our NATO allies, and to the cause of NATO enlargement. And I bring a warm heartfelt thanks from the Baltic countries of Estonia, Latvia, and Lithuania, whose role in NATO enlargement was always championed by Congressman Solomon.

He was always faithful to this institution, he was always faithful to the Boy Scouts of America, his beloved Marine Corps, this country, and our beloved flag. His booming voice left this floor on his retirement, and on his death his voice has left this world. But the echoes of his booming voice will continue to ring: Duty, honor, country, or let's step outside.

I personally remember, always, one time when I heard "Shimkus, you voted wrong," right here on this floor. And the gentlewoman from Florida (Ms. ROS-LEHTINEN) has left the floor, but I think the vote was on Radio Marti. You know what? He was right.

I was not a classmate of Jerry's, I was not on his committee, and I am not from his State. I am just a veteran, like Jerry, who loves his country. Semper fi, Jerry Solomon. I will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. SHIMKUS).

I am pleased to yield to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services, a good colleague of Jerry Solomon's.

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me the time, and I thank all my colleagues for their wonderful and eloquent words. I was listening to them back in my office, and that is why I came over also, to pay tribute to Jerry.

A number of folks have talked about Jerry's countenance and his optimism and his appearance. And he was impressive because he had that big voice and he exerted that voice, and he had a great leadership role in this House. But he had this countenance and presence that I think, to some degree, was America's presence. He was optimistic. He was always ready to help. He believed very deeply in principle. I would hope that is how other nations would view the United States.

I can recall waging battles side-by-side with Jerry and with my buddies, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. GILMAN) in the 1980s, when Ronald Reagan came in. And that was such a joy for Jerry Solomon, because he was such an ardent supporter of this guy who believed in peace through strength, President Ronald Reagan.

We fought what were known as the Contra wars, and those were the wars in which we came into an era at a time when most of our Central American neighbors had military dictatorships of one type or another. And through putting a shield around those countries, in terms of the foreign intervention, the attempt by the Russians, then the Soviet Union, to try to move into our hemisphere, and giving some leadership to those nations with respect to democracy, we ended up with fragile democracies in all those nations, which heretofore had had military dictatorships and, to some degree, tragic histories. But we did that by extending the strong hand of American leadership, and that was, I think, reflective of Jerry Solomon's belief as to how this country should conduct foreign policy.

I recall all the debates we had on the nuclear freeze; the idea that somehow if we would just show a little more passivism, if we would simply halt and not do anything while the Soviet Union built 758 big ICBMs during the 1970s and early 1980s, that somehow they would reciprocate because of our kindness and our good personalities and they in fact would start to build down their nuclear inventory.

□ 2145

But Jerry Solomon believed you could only achieve peace by having strength. He was on the floor, as was the gentleman from New York (Mr. GILMAN) and the gentleman from Nebraska (Mr. BEREUTER), during the nuclear freeze debate that took place over 3 or 4 weeks, holding out until we impressed upon the American people, and I think the leadership of the Soviet Union, that we intended to remain strong and become stronger. Through the leadership of Ronald Reagan, they called up at one point, and the Soviets said can we talk. We did talk and that led to the first arms reduction agreements. That set the tone for the talks that are going on today, that will result in further reductions to our nuclear stockpiles, as well as the Russians'.

Jerry Solomon was here at a critical time in our history. He also believed in the American patriot. I think one of Jerry's great attributes was that he wanted to remake America in his image. I mean that in a good way. Jerry was a patriotic guy who served in the United States Marine Corps, and he wanted to make sure that every young man had that opportunity. He wanted to make sure that every young man registered with the draft and every educational institution which took its freedom to teach from the legacy of the 619,000 Americans who have died in this last century, Jerry wanted to make sure that those educational institutions, if they wanted to receive any largess from the Federal Government, would make sure that they allowed a draft registration and a presence of military recruiters on their campuses.

This was Jerry Solomon, the patriot. He believed that every American had a duty to serve his country, and as usual led by example by doing it himself.

Jerry, you have left us in a different era, a new era, with new threats, new challenges, new dangers, and some receding dangers. I think if this country will follow that model of optimism, of help for others who need help, of rugged individualism, and of peace through strength, that is the American idea that we only achieve peace and maintain peace in this world by being militarily strong and thereby being able to protect ourselves, and help others, if we follow that Jerry Solomon model, even in this new dangerous world that we live in, we will come out okay.

Mr. GILMAN. Mr. Speaker, I thank the gentleman. I yield to the gentleman from California (Mr. COX), the chairman of our Republican Policy Committee.

Mr. COX. Mr. Speaker, when Chairman Jerry Solomon died last Friday, America lost one of freedom's great friends.

Jerry had been leading the congressional charge to put the last nail in the coffin of Soviet communism for many years when I began working with him here on Capitol Hill in 1988. Decades earlier he had taken more direct action volunteering as a Marine during the Korean War.

In more recent years, it was my privilege to work with Jerry to promote freedom in place of communism in the People's Republic of China. It was Jerry's leadership, more than anything else, that permitted this House to act unanimously to put together the Select Committee on National Security that I, the gentleman from Nebraska (Mr. BEREUTER), and others from both sides of the aisle served upon. It was Jerry's help, as chairman of the Committee on Rules, in structuring that select committee of this Congress that paved the way for the unanimous and bipartisan result that we achieved, and for the implementation by the Congress and the execution of every one of our recommendations.

In 1988, Jerry's work on the Committee on Policy's policy for freedom brought us 11 separate pieces of legislation that were passed essentially unanimously by this full House, and again the gentleman from Nebraska (Mr. BEREUTER) worked very closely with the chairman of the Committee on Rules, as did the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who has already spoken in this Special Order this evening.

In fact, Jerry Solomon dedicated his entire career to advancing human freedom, and he deserves credit for advocating policies supporting freedom in Central America, in Eastern Europe, and Central Europe. Jerry would be the last, however, to tell us, mission accomplished. If Jerry were still here, he would be doing what he did every day, exhorting the rest of us to work as hard as we could, as hard as he worked, to rededicate ourselves just as this tireless Marine did to see the end of communism in the People's Republic of China, to see the end of communism in Vietnam, in North Korea and Cuba.

Jerry did not live to see Fidel Castro brought to justice, and yet he was an unwavering voice against appeasing the Castro dictatorship to his last day. He did not live to see America's victory in the war on terrorism that we are fighting right now; and yet all of the work that he did in this Chamber has prepared us to win this war because his work and his leadership ensured that our fighting men and women will have what they need to see us through to victory.

Jerry was an active and invaluable member of the House Republican Policy Committee during the entirety of my chairmanship from 1994 to 1998 when he retired. As chairman of the Policy Committee, I will forever treasure the opportunity I had to work with him as one of the chief leaders in the House of Representatives, the chairman of the Committee on Rules. I will be forever grateful for his tremendous contributions to the committee and this Congress in time, advice, wisdom, and policy.

Jerry was also a practitioner of bipartisanship at its best. He was a leading Republican in the Congress, but he was also a leading Member of the Congress who promoted comity in this institution every day. He worked with our colleagues, the gentlewoman from

California (Ms. PELOSI) and the gentleman from California (Mr. LANTOS), in pursuit of human rights around the world. It was typical of Jerry that he commended his ideological opposite, Congressman Ron Dellums, admiring him for his sincerity and his principled opposition to the Gulf War, even as Jerry fought to do everything possible for victory in that same war.

Jerry Solomon's bipartisanship was not the feckless kind that seeks to muzzle debate. Jerry understood that only when all sides of an issue get a full airing is there a possibility to achieve true national consensus.

When America lost Jerry Solomon, America lost a hero. We owe him an enormous debt. Thanks to Jerry, America's men and women are so well prepared and so well equipped today that I have no doubt when we achieve victory on today's war on terrorism, we can say thank you, Mr. Chairman. I wish Jerry were here tonight so we could say personally what we all feel in our hearts. Mr. Chairman, we miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. COX) for his eloquent words.

Mr. Speaker, first I want to thank all of my colleagues who participated in this tribute to one of our great heroes, Jerry Solomon.

Mr. Speaker, in the House, in the Senate, in Washington, in New York State and overseas, many of us were deeply saddened to learn late last week of the loss of our former colleague, Jerry Solomon. In New York State's capital, in Albany, Jerry was an assemblyman noted for his energy, determination and his commitment. It was, therefore, no surprise to those of us who knew him when he subsequently brought those same characteristic traits to bear as a Member of Congress and as a distinguished chairman of the Committee on Rules.

Jerry came to the House in January 1979 serving here for 2 decades, diligently and meritoriously representing his constituents in the 22nd Congressional District in upstate New York. He came to the floor of the House placing his large accordion Solomon folder, placing it on a desk with those large letters staring us in the face, always ready to stand up vociferously for what he believed in when it came to our Nation's defense, for veterans, and his never-ending fight against communism.

Last week, upon learning of the passing of our former colleague, President Bush said "Jerry Solomon was a true patriot who will always be remembered as true to his creed, duty, honor and country." The President's words remind us that as our military goes into battle against those who perpetrated the atrocities of September 11, our troops are now relying on advanced weapon systems and technologies that Jerry Solomon fought to obtain for them.

As a Marine veteran, Jerry Solomon was proud to be labeled a hawk on defense, consistently arguing that our Nation had to stay prepared and strong for the new challenges in the post-Cold War world. Today we fully recognize his wisdom in that policy.

In 1998, Jerry Solomon successfully helped us raise our program of rewards for any information leading to the arrest of terrorists to $2 million, four times the maximum reward at that time, and now we are considering a reward of $25 million. I know how strongly Jerry believed that the money would be well spent if it helped to stop even one act of terrorism against our Nation. He was right.

Mr. Speaker, along with many of us who have served here in the Congress, Jerry Solomon sought to make our Nation better more prosperous and more secure. Let me cite some of his many accomplishments during his 20 years of congressional service: the promotion of the director of Veterans Administration to a cabinet level office; the passage of legislation to reduce illegal drug use and to fight drug dealers; the reform of the rules of the House; the passage of legislation linking Federal student aid to registration in selective service; his chairmanship of our House task force on prisoners of war and missing in action; his passage of legislation to compel reform at the United Nations; creating the Saratoga National Veterans Cemetery, where he has recently been buried; representation of the House in the political arm of the NATO Alliance for some 18 years where he served with the gentleman from Nebraska (Mr. BEREUTER).

Today in honoring Jerry, the gentleman from Nebraska (Mr. BEREUTER) and I introduced in our Committee on International Relations, as the gentleman indicated, and it was the committee on which Jerry served for many years, we introduced and adopted a measure, The Gerald B.H. Solomon Freedom Consolidation Act, which promotes the continuing enlargement of NATO; and that measure will soon be brought to the floor.

In 1998, Jerry authored a book entitled "The NATO Enlargement Debate: 1990–1997: The Blessings of Liberty."

His allusions to our own Constitution's preamble was meant to convey the view that people everywhere should be able to live in liberty, a view to which he dedicated much of his life. Jerry had many legislative victories and some defeats, just as we all do; but he never gave in when it came to matters which he felt involved principles, whether human rights in China, the desecration of our American flag, or the support of family dairy farms and small businesses.

Jerry would not forgive me, of course, if I failed to mention his love for and devotion to the United States Marine Corps in which he served for several years. My wife, Georgia, joins with me in extending our heartfelt condolences to Jerry's beloved wife, Freda, and to their children, Susan, Daniel, Robert, Linda and Jeffrey. Linda has served on our Committee on International Relations. And to his brother, Richard, and their grandchildren.

While our words may not assuage their sense of loss, we hope that they can take some comfort in our recognition of the rich, fruitful life that Jerry lived and the way the world embraced his spirit.

Jerry, when you left Congress some 3 years ago, we in the Congress and in New York State and all those across the Nation missed you. We missed your shouting at us from across the floor, "We need that vote. One more for the Gipper."

May God bless you, Patriot Jerry Solomon. You leave behind many fond memories, a loving family, your devoted staff and friends who will long miss you. Semper fi, Jerry.

Mr. FROST. Mr. Speaker, I rise today to express may sadness at the passing of our former colleague Jerry Solomon. Jerry was a dedicated and hard-working Member of Congress, a loyal former Marine, a true fiscal conservative, and he was my friend. I rise today to express my most sincere condolences to Freda Solomon, a lovely and gentle lady with whom I spent many pleasant hours, and to their children and grandchildren. Jerry always worked too hard, but I have to believe that he always did so because he believed so passionately in this Nation and wanted to make sure that its ideals and goodness were preserved and protected for his family, for mine, as well as for every other American family.

Jerry also believed passionately that ideals embodied in the democratic form of government we practice in the United States were worthy of export. Given his long-term commitment to the protection of freedom through his active participation in the North Atlantic Assembly, it was natural that he be given the role of ranking Republican Member when former Speaker Foley created the Special Task Force on the Development of Parliamentary Institutions in Eastern Europe shortly after the demise of communist governments in Poland, Hungary, and Czechoslovakia in 1989 and 1990. Jerry worked closely with me during the four years I had the honor to chair the Task Force, and in 1995 and 1996 carried on the work we had started. He took a keen interest in our work and saw, quite correctly, that the United States Congress could play an exceptionally valuable role in the development of new parliaments in countries that had, for 50 years, lived behind the Iron Curtain. I will always be grateful for his help, his suggestions, and his counsel during the years we worked on that project. It was a truly bipartisan effort, in fact, it was an American effort. We did something valuable, and it did not matter that Jerry and I rarely agreed on much in the legislative arena. We knew we were doing something special and we knew we were doing something for the good of our families, and for the families of the world.

Jerry did work too hard. He was probably born to work too hard, but he was also born to be a Marine. He was so proud of his service to his country in uniform and that pride never left him. We saw it every day in his ramrod straight Marine posture, in his dedication to the men and women who served before and who serve today, and in his dedication to his country. It is fitting that he has been laid to rest in the Saratoga National Cemetery, since he was instrumental in its establishment.

And so, Mr. Speaker, I extend my condolences to Freda and to his children and grandchildren. They should be proud of him and all he did in service to his Nation, to the flag, and to his family. He was the true embodiment of Semper Fi.

Mr. HYDE. Mr. Speaker, it is with a sense of profound sadness and a touch of nostalgia and deep admiration that I take the floor today to speak about a man who served his country and this House with vigor distinction. Jerry Solomon was a man who took the concept of service to country to its highest plan. He was deeply committed to keeping America the bastion of democracy which the founding fathers envisioned.

As anyone who met Jerry knows, he served proudly, and with great honor in the United States Marines. Semper Fi was more than just a slogan to Jerry. He took those words to be his code of conduct both in the Marines and later as a Member of the House. It was a true badge of dignity and commitment for him.

When Jerry was elected to Congress, he was exultant in having found another way to serve his country. While he was dedicated to the constituents who so wisely chose to send him to Congress, he was ever mindful of the responsibilities he bore as a United States Congressman. He realized that every vote he made, and every action he took, affected the nation as a whole. While some Members find this responsibility to be a heavy burden, Jerry relished in having the opportunity to do things to make America a better place to live and work and a stronger example of the glories of our democracy.

When he became chairman of the Committee on Rules, Jerry's responsibilities expanded. He was clearly up to the task. He took this extra assignment knowing how important it would be, but also well aware of the enhanced burden it would carry. Jerry managed to walk the tightrope of being a fair and equitable chairman, and still keeping the mission of the majority in mind. He was a key member of leadership, and used that position to continue his never ending quest for a better America.

The House has lost a tremendous asset, I have a lost friend, and this nation has lost a great patriot. How comforting it would be in these times of national stress to have Jerry here to lead and inspire us in all the challenges ahead.

When someone you love dies, he is no longer where he was—he is with you, in your heart and memory. Rather than mourn our loss let us be glad he lived and we knew him.

My deepest sympathy to his wife and his family—especially his daughter Linda.

Ms. HARMAN. Mr. Speaker, I join my colleagues in paying tribute to our late colleague, Gerald Solomon.

Jerry was a very special individual, Representative and friend. Others have described his reputation as "the pit bull of the House." I want to describe how encouraging and war, he was under that rough exterior.

As chairman of the Rules Committee, Jerry had enormous influence as gatekeeper of the kinds and number of amendments that could be entertained on the House floor.

Many a time, I testified before him and the Committee—pleading the merits of the amendment I wanted to offer to some bill.

I particularly remember the repeated appearances that Bill Brewster, Mike Crapo and I made to the Committee to pitch the importance of our "deficit reduction lock box" amendment. Our amendment would designate and "lock" all savings from amendments cutting spending to deficit reduction.

On every appropriation bill, we asked that our amendment be made in order.

In all cases, Jerry was attentive—even after I starting sporting a "where's the money" button on my lapel and when it was clear from the outset that our amendment would not be made in order.

Each time we testified, Jerry was encouraging of our efforts and supportive of the goal of our amendment—even as he and his Committee denied the waivers necessary for us to offer it.

He loved my moniker—"mother of the lockbox." We chuckled that it had many fathers, but only one mother.

In fact, Jerry understood the importance of the fiscal discipline we were proposing and I think he winked many times as a way to encourage us—even though the act of denying us the opportunity to offer the amendment embarrassed him and other fiscal watchdogs in his party.

In time, of course, and with behind-the-scences help, the deficit reduction lockbox amendment was indeed made in order to one appropriation bill. And the House also considered the lockbox as a separate bill. The author of that bill was Jerry Solomon himself.

Even after he left Congress, Jerry continued to great the "mother of the lockbox" with a hearty laugh, a twinkle in his eye, and words of encouragement.

We will miss you Jerry.

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor our friend and colleague from Glens Falls, New York, Gerald Solomon.

I had the honor to serve with Chairman Solomon on the Rules Committee. He was a strong leader for our committee who stood firmly on his policy beliefs and was respected for it. He was unyielding and passionate on the important issues. I can tell you, there were many times that I was glad to have him in my corner.

During his twenty years of service in the House, Chairman Solomon was a tireless advocate for the people of the 22nd district of New York. He was a true and dedicated public servant—in every best sense, a patriot.

He served in the United States Marine Corps and exemplified its true spirit. He was always faithful to the corps and his country. As a member of Congress, he was an unrelenting defender of the American flag—the symbol of our nation that has engendered so much unity and pride in these trying times.

I remember Chairman Solomon fondly for so many things, perhaps best of all because he shared my passion for adoption. He was dedicated to helping children find permanent, loving homes. In fact, he was invaluable in aiding two of my constituents in their fight to keep their adopted children. I know that they remember him as I do—as an advocate for families.

Here in the House, we remember Chairman Solomon for his service to our country. He was also a husband, a father, and our friend. He will be missed.

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to pay tribute to my former colleague and friend, Representative Gerald Solomon, and express my deep sorrow for the recent loss of this great American.

Jerry Solomon faithfully represented the constituents of New York's Twenty-Second Congressional District for 20 years. First elected in 1978, Jerry distinguished himself as a champion of conservative values in the House of Representatives. For years he fought for smaller and more accountable government, opposing policies which would threaten liberty.

Jerry was never afraid to speak his mind and take strongly held positions on important issues. He vehemently opposed the North American Free Trade Agreement (NAFTA) and favored an end to China's most favored nation trade status. He argued for creation of the line-item veto, defended constitutional rights, and chastised young people who ignored their responsibilities. Whether or not you always agreed with his position on the issues, you always had to admire the boldness which characterized his commitment to the causes in which he believed.

As a former Marine and Korean War veteran, Jerry served the interests of our Armed Forces and veterans as a member of the House Veterans' Affairs Committee. As the ranking Republican on the Committee in the 1980s, Jerry helped pass the 1984 G.I. Bill of Rights, an important tool which served to increase veterans' benefits and attract quality recruits to the military. I was honored to serve with Jerry on this Committee during my first terms in Congress.

Many would argue that Jerry's greatest achievement in Congress was his ascension to Chairman of the House Rules Committee. While he certainly served this body, the legislative process, and our country well in this position, I would maintain that his greatest achievement was the dedication with which he served his constituents for two decades.

Mr. Speaker, it is with great sadness that I offer my most heartfelt sympathy to the Solomon family. For while America has lost a great man, they have lost a great husband, father, grandfather, brother, and uncle.

May his memory be eternal!

Mr. WOLF. Mr. Speaker, I appreciate the opportunity to participate this evening in a special order to remember Jerry Solomon. We were all saddened to learn of his passing last weekend and extend to his wife Freda and his children and grandchildren our deepest sympathy.

Jerry was a friend and colleague. I had the privilege of serving with him for 18 years until he retired from the House in 1998. I also had the honor of working with him on several major issues over the years. We both had serious reservations about the nature of U.S. relations with the People's Republic of China (PRC).

In fact, in the mid-1980's, Jerry Solomon introduced legislation prohibiting the export of U.S.-built satellites to the PRC. He argued that exporting these satellites to China would place at risk our most sensitive military technology. Ten years later we knew Jerry was right. The Chinese were stealing this satellite and missile technology and had used it to upgrade their ICBMs.

Needless to say, Jerry was a very effective legislator. Dozens of important laws are on the books which are authored by Jerry Solomon. Laws aimed to helping the American family by encouraging young people not to get involved with illegal drugs, the law which elevated the Veterans Administration to a cabinet level department, and the Solomon Amendment, denying student aid to people who refuse to register with the Selective Service. The list goes on and on.

A few weeks ago I visited the operations center for the FBI and on the wall was a large wanted poster for Osama bin Laden, offering a reward of $5 million for information leading to his arrest. It was Jerry Solomon who put the terrorist reward law on the books.

When we look at what this country is facing today we are hard pressed not to think of Jerry. A few years back some people thought Jerry Solomon was a throwback to some other time because he was so patriotic. Not today. He loved America and as a Marine would have died for his country.

Jerry sponsored legislation to prohibit the desecration of the American flag. It is a symbol of what unites us as a people and what is best about America. Who can forget the firemen in New York raising that flag at Ground Zero, the crater where the World Trade Center once towered in tandem over the city.

In Jerry's Capitol Hill office there were shelves covered with firemen's helmets from many of the small towns in his upstate New York district. He respected and honored our firemen. Today, everyone appreciates them.

Jerry always honored and respected our police, our veterans and our men and women in uniform. Jerry had a real appreciation for how difficult and important their work is. Today all Americans appreciate them.

Jerry Solomon wore an American flag lapel pin every day for the 20 years he served as a Member of Congress. Today we all wear them.

Jerry Solomon was a true patriot and a good friend. He embodied his Marine Corps motto—semper fidelis—"always faithful." I will miss him.

Mr. GOSS. I am submitting my speech that I gave, Mr. Speaker, at the Honorable Gerald Solomon's funeral.

Were I a fully finished disciple of Jerry Solomon I would now set out right here on the lectern a big accordion file with "Solomon" written boldly across the front—this was his hallmark. The funny thing is—he didn't need it—everyone knew when Jerry was in the room. It will be easy to remember Jerry—so active, so involved in so many things. He touched so many lives—family, colleagues, marines, veterans, the people of the 22nd district and so many others. It will be very hard not to miss him. How many times since Jerry left Congress have I thought "where's Solomon when you need him?" When confronted with issues of the day, especially now when patriotism is so much in the forefront. The display of our flag these days is just what he loved.

I am reminded of Jerry daily—or at least whenever the Rules Committee meets (so perhaps I should say nightly given our recent schedule) because his portrait in the committee room is positioned so he looks right over my shoulder—so close, he could whisper in my ear, which I am sure he will.

Jerry left his marks of fairness and dynamism and good spirit on the committee—they last today under David Dreier's able leadership. Jerry wasn't perfect. He failed to convince me that milk marketing orders were a good thing. He never could get David Dreier to agree to his views on trade. But, he ran a tight ship, even had his own phraseology, designed to save words and make the point. "step out side," and "taking you out to the woodshed" are phrases that had meaning when Jerry spoke.

The Washington Post this week labeled him a "blunt conservative," A more politically correct paper would have used "straight-talking patriot." Political correctness was not his way but Honest-to-God concern for people and his country were.

Many of us here today traveled with Jerry and Freda to far off places—some places I'd barely heard of—to serve our Nation's Interest. Somehow it just doesn't seem normal to get on a Codel plane without having Jerry and Freda leading the way. Early on, I found out that Jerry had discovered the best maple ice cream is found in Gander, Newfoundland. It was never a surprise to find ourselves on a plane that needed to refuel in Gander. He really loved that maple ice cream.

My favorite recollection dealing with European Parliamentarians—which we did a lot—occurred one otherwise quite Sunday mid-winter morning in Brussels. A certain self-approving Euro-speaker took some serious liberties describing U.S. foreign policy to belittle our country at a fairly high level gathering of influential parliamentarians. Without a note, Jerry instantly stood up, delivered a magnificent, passionate oration tracking in some detail American sacrifice and contribution to Europe from WWI to the Cold War. It was so stunningly effective that our European colleagues were literally "speechless"—a condition in which European parliamentarians have not found themselves before or since.

On another occasion in Bucharest, I watched Jerry take on Mr. Zhirinovski—a one-time Russian presidential candidate—who was making particularly obnoxious remarks about the United States without cause. Jerry made short work of him as he did of anyone showing disrespect to our country.

Jerry always got the job done—somehow. One day in the Ukraine, our delegation was offered a visit to Sevastopol, Russia Fleet Headquarters on the Black Sea. This had been an "off-limits" area—so we were eager to go, but the Ukrainians were adamant we must go on their plane (a well used Russian model) rather than our own Codel plane. Jerry dutifully took a vote of the delegation—which was unanimous—to go only if we could use our plane. Jerry "fixed it." We arrived at the airport dawn the next day—got on the Ukrainian plane and flew to Sevastopol. So much vodka was consumed that day celebrating the American presence that it didn't matter what plane we flew on. Jerry got the job done.

Jerry's energy was legendary, he never saw a hill he didn't charge; some say he made hills where none existed just so he could charge up them. To Freda and family go our love and support and the certain knowledge that Jerry rests comfortably atop the Lord's hill now.

□ 2200

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES INCREASING DEPENDENCY ON IMPORTED PETROLEUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as we complete our commemoration this evening of our dear colleague Congressman Jerry Solomon of New York, I am reminded that his patriotism and his devotion to duty inspired us all, and as we confront this latest test of America's will and position in the world and what is just for all people, I am reminded of a book that I have been rereading called Sacred Rage that puts in context some of the forces that are arrayed against the United States and our interests now and the entire issue of terrorism and its roots.

In that book by Robin Wright, much is discussed, including some of the religious fervor that has been promoted and directed against the people of the United States, some of the hatred of U.S. policies in the Middle East that are at the basis of some of the antipathy toward our country and our people, but also the economic underpinnings of the unrest in the Middle East and Central Asia and how directly it is tied to petroleum and oil.

This evening I am going to spend a little bit of time talking about that because, as the American people understand better some of the underpinnings of the terror, we can get a clearer sense of new directions to set in order to build a more peaceful world for the future.

This evening I wanted to talk about the United States' increasing dependency on imported fuel and petroleum. and I have two charts here that describe it very clearly.

This is a chart dating back to the mid-1980s and each year showing an increase in the amount of imported oil that comes into our country, and in spite of conservation efforts, in spite of other things that we have done, more miles per gallons and so forth, we have become more and more dependent on imports of petroleum to drive this economy.

We imported 1.2 billion barrels of oil in 1982, but last year, 3.3 billion barrels, and so we have nearly tripled in the last 20 years our dependency on imported petroleum. Serious work on alternative fuels has been largely ignored, while billions of dollars in tax subsidies and profits have accrued to the oil industry.

The second chart that I have gives a sense of our entire petroleum usage in this country, which is the red set of bars here, and this is just the last decade from 1992 to the present showing that the number has been rising slowly, the usage has been rising slowly in total petroleum consumption, but the yellow bar underneath shows how much is imported of that total, and my colleagues can see that our total consumption is going up but the amount of imported fuel is going up as a larger share of that. In each single year of the 1990s and last year, it has gone up to now almost half of total usage in this country, and over half of what is imported comes from the Middle East.

Last year, the United States imported more than 3.3 billion barrels of crude oil, and our largest supplier, Saudi Arabia, actually sold us over 557 million barrels. America's addiction to imported oil threatens our freedom of action. It saps the lifeblood from our economy, and truly, it distorts our foreign policy goals.

What an irony of modern history that while our country's bombs fall on Iraq's no fly zone, our Nation continues to purchase an estimated $15 billion worth of Iraqi crude annually. That is really something to think about.

America's addiction to imported oil threatens our freedom of action without question. A couple of decades ago when President Jimmy Carter warned about America's growing energy dependence on the outside world, our Nation responded by creating the Department of Energy with the goal of putting America on a course to be more self-sufficient.

Conservation saved millions of barrels per day, and more fuel efficient cars stemmed the growing usage of oil, but truly, Americans were never really committed to being energy independent, and we fell asleep as to the risks, again as these charts attest. We are more dependent now on imported oil than at any time in our history.

Half the oil, as I mentioned, that we consume is imported, and half of that comes from OPEC, from the OPEC cartel. We spend $86 billion on our oil habit every year, and in the meantime, those dollars are foregone for domestic investment opportunities in alternative fuels for America's independence such as biodiesel, ethanol, clean coal, the range of alternatives that exists if we but had the will to apply them.

The United States Department of Energy itself has warned us that dependence on foreign oil has cost our economy deeply. Price manipulation, if you think about it, by the OPEC cartel from 1979 to 1991 cost our economy over $4 trillion. One of the earlier speakers this evening talked about September 11, and in some places in our country the price per gallon going up to over $4 a gallon. Think about the price manipulation that my colleagues might have seen in their own communities, in their own towns and think about all those dollars and how much wiser it would have been had we invested those here at home in domestic production.

America's foreign policy, particularly in the Middle East, has been heavily influenced by the extraction and removal of oil, and in fact, oil has become a distorting proxy for our foreign policy. It clouds it. It creates a situation where we cannot see politically clearly enough in that region of the world. We ought to remove it as a proxy for our foreign policy, and we ought to make a commitment to do it.

Becoming energy self-sufficient here at home makes global economic sense, too, because over the next 15 years the world oil reserves will begin diminishing. They have reached their peak in terms of availability on the face of the globe, and prices will rise even higher with each barrel pumped. There is no more opportune time for our Nation to get serious.

Putting America on a sound energy footing will require national leadership, and it will require the active involvement of our Federal Government and our State governments. The goal should be to make each State in our Union energy independent to the greatest extent possible and eliminate Federal requirements that discourage alternative fuels.

If you look at our defense budget, just the cost of maintaining the oil supply lines from the Middle East at a minimum costs us over $50 billion a year, $50 billion a year. That has to do with military emplacements that have been stationed in that part of the world, ships that patrol, planes that fly, et cetera. Imagine if we could be investing that kind of money here at home to make ourselves energy self-sufficient.

The State of Minnesota, and I just returned from there, is leading the way in new ethanol producing plants that are also creating new value added for our depressed world countryside. The Federal Government really needs to take a look at Minnesota, and every other governor should take a look at Minnesota. They are doing so much to encourage the use of renewable fuels, and I sort of felt as I went through Minnesota and I looked at these various farmer co-ops that were producing this ethanol, I thought I was seeing a modern day incarnation of Benjamin Franklin or Thomas Edison. They are tinkering around and finding an answer and applying it in that great State.

In addition to those kind of efforts, I have introduced other legislation that will deal with America's long-term energy dependence. One piece of legislation would expand and rename what we call the Strategic Petroleum Reserve and rename it the Strategic Fuels Reserve to allow that reserve to also access ethanol and biodiesel, not just crude oil and petroleum. The biofuels initiative would authorize the Secretary of Agriculture to provide loans for production distribution, development and storage of biofuels beyond the Strategic Petroleum Reserve.

These fuels provide the American farmer with new market opportunities, and their mass production could provide the rural areas of this Nation with the economic infusion of jobs and investment that has been dreamed about but has not occurred for generations. With a bill that has been introduced in the other body by Senator RICHARD LUGAR of Indiana, it is my great hope that for the first time we can look at this biofuels initiative and make it a central pillar in new agriculture legislation that will clear this year for our great Nation.

If you think about commodity crises and their levels today, it is clear that more can and should be done to utilize those domestic surpluses to produce new fuels for this economy. Economic security is provided by the increased utilization of renewable biofuels and would provide significant economic benefits.

According to our own Department of Agriculture, a sustained annual market of 100 million gallons of just biodiesel would result in a $170 million increase in income to farmers, and that is a very small increase.

Ethanol, biodiesel and other alternative fuels also provide us with environmental security. Biodiesel contains no sulfur or aromatics associated with air pollution, and the use of biodiesel provides a 78.5 percent reduction in carbon dioxide emissions compared to petroleum diesel, and when burned in a conventional engine, provides substantial reduction in unburned hydrocarbons, carbon monoxide and particulate matter.

For too long we have been uncreative and cynical about the opportunities that alternative energy sources provide us. Some day, not so far from now, the oil reserves will be tapped dry. Alternative energy sources like ethanol, biodiesel, solar energy, wind power, geothermal, fuel cells, clean coal and hybrids will provide us with new opportunities to become more energy independent and to determine our own destiny, not be forced to shape the foreign policy and economic domestic policy of this Nation based on imported petroleum.

I have been active on this issue for quite a while. Last year, as I mentioned, during the appropriations committee markup, we had an amendment which would have increased the appropriated amount for renewable energy programs by $106 million. It failed in committee, but an amendment I cosponsored with former Congressman Matt Salmon increased that funding by an additional $40 million.

We just have to be vigilant, and if one looks at the Strategic Petroleum Reserve, which I referenced a little bit earlier in my remarks tonight, if we think about that reserve, it should hold about 700 million barrels of crude. It only has 545 million barrels today, sufficient to push the United States from wild price swings for a period of approximately 53 days. None of the fuel in that reserve is biobased. In fact, 92 percent of the Strategic Petroleum Reserve has been purchased from foreign sources; 41.9 percent from Mexico; 24 percent from the United Kingdom; and over a fifth from the Middle East, the OPEC-producing Nations.

The Strategic Petroleum Reserve should also include the development of alternatives to our Nation's reliance on petroleum.

☐ 2215

Every single part of our government should be asking the question, how can we move America toward a more independent future? How can we make our economy more secure in the years ahead?

This is a primary source of instability. Since the economically damaging Arab oil embargoes of 1973 and 1974 and 1979, to the current recession which was precipitated by rising oil prices that began in 1999, the economic stability of the United States has too often in modern history been shaken by economic forces outside our borders. How long is it going to take us to wise up?

Legislation here should shift our dependence away from foreign petroleum as our primary energy source to alternative renewable domestic fuels. Currently the United States annually consumes about 164 billion gallons of vehicle fuels and 5.6 billion gallons of heating oil. In 2000, 52.9 percent of these fuels were imported. That means every time you go to the gas station and you fill your tank with gasoline, half of what you pay goes offshore to one of those oil cartel interests. Does that make you feel good? Would you not rather be investing those dollars in this country?

Since 1983, the United States importation of petroleum and its derivatives has nearly tripled, rising from 1.25 billion barrels in 1983 to a level of 3.3 billion barrels in the Year 2000.

If we think about the benefits of continued development and utilization of ethanol and biodiesel, they involve energy security for our country, economic security based on independence that we grow and process here at home, and environmental security.

In terms of the Middle East and the situation we are now facing with Enduring Freedom, there is absolutely no question that every single one of those Gulf oil states, their economies are propped up by the dollars that come from inside this economy. Now, we cannot cut them off tomorrow, it would create a terribly disruptive situation in that part of the world. But it is high time that the United States thought very hard about how it is going to live up to the promise of our founders, and that is our own new Declaration of Independence, recognizing how our independence is being subscribed by forces that perhaps because of inertia we have let overwhelm us, but now, particularly at this time in our history, to be wise enough and to have enough foresight and enough determination to wean ourselves off of this dangerous dependence on imported petroleum.

To think that we have major military presence in the Middle East, not because of Enduring Freedom, that has come on recently, but major military presence to patrol those oil lanes and to make sure that that product gets to our shores, should cause every single American to think very hard. What does that mean to our children's future? What does it mean to the independence of this country?

Think about the fact that $50 billion to $100 billion of taxes paid every year by the people of this country go directly into our defense budget to support the petroleum industry, which is largely now every year more and more an imported product into this market. Would it not be wiser to spend those dollars here at home, using our ingenuity, using our promise, using our hopes for a better future, and investing every single dime here at home where it would create ripple effects into our economy and cut our very dangerous dependence on imported petroleum?

Mr. Speaker, I want to thank those who have listened this evening. I think that this is absolutely the most important economic issue that faces us as we try to move toward peace and resolution of the very serious threat that is facing our country from the Middle East. But unless one understands this piece of the equation, one will never be able to understand how to lead us to a more secure and independent future.

BORDER, DRUG AND ANTI-TERRORIST POLICIES

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on our border policies and drug and anti-terrorism policies and want to share a number of things that we have been working on, and hope to continue to do this as we are in session the rest of this year.

First, I want to begin with a series of hearings that we are working with on the north and south borders. The actual conception for this idea came out of the U.S.-Canada Parliamentary Conference last May. Some of the Canadian legislators had expressed concerns that the slowdowns at our borders, much like on the Mexican border, were impacting commerce.

We have become so interconnected in all of our border states, particularly you think of California and Texas, but in the Midwest, Michigan, as well as my home State of Indiana, Ohio, Illinois, New York State and all of New England, are very interconnected with the Canadian trade. We have gained almost as many jobs in our trade with Canada as we have lost to Mexico in Indiana, and in Texas they have gained from Mexico, but lost some to Canada. That is what the North American Free Trade Agreement was originally conceived to do, and ironically seems to in a way that many of us were skeptical about, be working, but only if our borders work.

At the same time, I as cochair with Susan Whalen of the House side of the Transborder Sub Group in our Canadian Parliamentary Conference, as I pointed out, we are not going to back off on our drug war, we are not going to back off on illegal immigration because of the trade thing.

We have to figure out how we can have adequate means to move commerce and the people moving across the border and still protect our borders. That was long before September 11. We had agreed to hold a number of hearings on the border. After talking with the gentleman from Arizona (Mr. KOLBE) and the gentleman from North Carolina (Mr. BALLENGER) and those in the U.S.-Mexico Parliamentary Exchange as well, we decided to do some on the south border.

At this point, we are at least going to do the Detroit-Windsor corridor, the Buffalo-Toronto corridor, the Seattle-Vancouver in the north, as well as the New York-Montreal, Boston-Montreal corridors, and on the Mexican border, the California crossings, Nogales to El Paso-Juarez and the Monterey zone.

To get a picture of what is happening on our borders, our first hearings were held this past weekend at Highgate Springs in Vermont, which is the I-89 corridor where Montreal, Quebec City come down and into Boston and New England, and at Champlain, New York, on Monday morning on the I–87 corridor where Montreal comes down to New York City.

We also visited the border control regional command center. Twenty-four states are coordinated out of Burlington, Vermont, the U.S. Coast Guard Center on Lake Champlain, and the southern border crossing between I–89 and I–87.

The first zone highlights from these first hearings highlighted certain things that are likely to be repeated as we do other hearings. One, there is insufficient staffing for customs, INS and Border Patrol. Two, the current staff is working overtime and having vacation leave canceled, which is exhausting them and also reaching the overtime limits in some cases. You can do that for a short period, but not for 10 years, if we are in a long-term war with terrorists. Three, because of the pay grade and benefit restrictions, many INS agents are leaving the agency. Four, few receive language bonuses, some even who are bilingual.

We have a different kind of problem. We have looked at this in different ways, but the State Department test difficulty, which is one of the ways we give language bonuses, is probably too stiff for what we need for conversational language at the border. Thus, we had one case of a person I talked to, because with Quebec there at that northern border, French becomes critical. Yet at the same time one person who grew up in Quebec, whose first language was French, could not pass the State Department test.

This leads us to the question of we are not even sure whether our government employees, including maybe Members of Congress, could pass the State Department English test, because it is testing things beyond conversational level. What we really need at the boarders are conversational level, to be able to identify things and certain key phrases, like, for example, anthrax. So we have fewer people taking language training where we actually need it because of this difficulty.

For example, in this north zone, and I am going to point out later it is important because Montreal has been a center for a lot of these terrorists to move around at different border crossings and different ways in the United States, we do not have anybody in the entire zone who can speak Farsi. We only have one at a regional headquarters who can understand Arabic. For that matter, you could conceivably have anthrax or illegal narcotics sitting in your front seat and as long as it is in a language that the Border Patrol or the INS agent cannot read, theoretically it could get through. We need to have more language understanding, certainly like Spanish on the southern border, or French on some of our borders as well.

Also infrastructure needs are significant, but they differ by station. Trade we also learned is the lifeblood of the border communities, and it is down and it is going far beyond just the border communities.

Let me step back for a minute and look at the border perspective in a bigger way. The U.S. customs has, along with INS, border crossings from basically Seattle or the Blaine crossing, all the way up to the northeast corner of Maine. There are hundreds of crossings. In addition, some of those run along water, such as the St. Lawrence River or Lake Champlain or Puget Sound. Some of them have natural barriers, and some of them are just woods or open space like in Maine and Montana.

The major ones, as I mentioned, that we are looking at on the Canadian side are Vancouver, Seattle, Toronto as it goes to Buffalo and Niagara, Montreal as it comes down, and Detroit-Windsor. Then if you look at it from the perspective of border security, Winnipeg, International Falls, as well as Thunder Bay and Grand Portage at the top of Minnesota flows down toward Minneapolis-St. Paul, going toward Chicago. You also have the Edmonton and Calgary areas in Alberta that come across all that open space in Montana, and then Maine and North Dakota.

On the southern border with Mexico, you have San Diego-Tijuana moving east all the way to Yuma. Then you have a sector of where Tucson and Nogales moving through New Mexico towards El Paso-Juarez, and then another heavily crossed area that feeds into Monterey and the zone where so many American industries have located across the Mexico border, crossing at Laredo, McAllen and Brownsville.

You have one gap running from El Paso down to Laredo where Eagle Pass is that is a kind of a no-man's zone, and no major highways connecting, and a lot of Desert, but has also been a pressing point.

So when you say your goal is to seal the border, it is not that easy when you look at the total number of mileage. In this description that I just gave you, it is not just that, it is the airports and it is the water. We have major customs facilities obviously watching the Gulf of Mexico, the entire East Coast of the United States, as well as the West Coast of the United States, all of the airports.

Let me give you an example as I alluded to earlier. In the specific crossings we worked in Vermont and New York, you have a crossing at I–87 that is the Maine corridor. Then you have a little bit of land and water from Lake Champlain. Then you have a small station that up until we went on high alert only had one person there and was only open for part of a day. Then you have more Lake Champlain. Then you have a crossing at I–89 that is a major crossing. And then a whole series of small crossings, some of which are unmanned and some of which have one person and now have a little bit more pressure on them.

You look and say, boy, that water in there, I wonder if somebody could move through the water? Or think of the St. Lawrence River and the area called 10,000 Islands. Or at the Great Lakes, anybody who has crossed at Souix St. Marie, you see Manitoulin Island in there and the crossing from Manitoulin Island and jumping over to some of the northern Michigan places is basically a row boat.

Similarly, in Puget Sound, anybody from the Northwest can understand that there are lots of islands there. And if you have any doubt that we are vulnerable there, remember had it not been for an extremely vigilant customs officer highlighted in the PBS special aired last weekend, that one of the millennium bombers targeting LAX Airport was captured at Port Angeles, who, by the way, was coming from Montreal. He crossed clear across Canada and tried to slip in through a ferry boat to Port Angeles, Washington, coming across the water, in the Straits of Juan de Fuca.

This is not easy, and those who think we can easily seal the border are making a serious mistake. But it is not to say it is impossible.

Let me get into some of the specific challenges at the border hearings we had this week. At Highgate, Vermont, they have new facilities but not enough personnel to staff them. So they were looking at our backups on a Sunday night, even though there are estimates ranging of commerce being down approximately 30 percent right now. The question is if we continue to tighten the boarders, particularly if we have any other terrorist incidents, and the terrorists are not American citizens, they are people who are coming in from outside.

□ 2230

Furthermore, we have this Quebec Gold BC Bud marijuana as well as Ecstasy and methamphetamines heading to New York and Boston through these border crossings, they are not things that come from inside the United States. And this Quebec Gold and BC Bud is selling in many places higher than cocaine, it is not marijuana, it is much more potent than traditional marijuana, and is as dangerous as cocaine.

So if we are going to seal these borders, at least to some degree and keep the commerce going, we have to have enough personnel to open more lanes. We cannot simultaneously say that we want commerce to work, we want more American jobs, we do not want to depress our economy; and, by the way, we do not want terrorists, illegal drugs and illegal products in the United States and immigration problems; we want the border secure, without saying then we are going to put sufficient people to keep all the lanes open where we have built the facilities and able to do that. Now, at Champlain, they still need more personnel, but they have more personnel; their backups were less, substantially less, but their traffic is way down as well. The question is what will happen when the traffic picks up, but there they do not have the facilities. There the trucks were backing up and they need a new truck facility to be able to process the trucks. At Highgate they have new equipment coming in for scanning and they are making some progress with that as well at Champlain, but those are important things, because in the trucks is a great place to stick illegal narcotics. They find them in the axles, they find them in tires, they find them packaged inside other containers. But among other things, you can hide illegal immigrants and terrorists in the back of those trucks as well. Often they find people sneaking in inside those trucks too.

Third, single-person staffing and not 24 hours is not acceptable at key border crossings. Short term, we are double staffing and keeping them open 24 hours. But unless we get more agents, this is not going to work.

Fourth, we have lots of unmanned roads in a variety of ways and we cover them with a variety of mixes: Of monitors, of roadblocks, of local people identifying, and it actually works pretty well, but we need some additional help. The news media has been really fond of particularly picking on the Vermont border right now as well as, to some degree, the New York border because of some incidents that have occurred. But what has not been told is that in almost all the cases, the news media has been caught. Even though they originally did not think that they were being caught, they were being tracked and eventually caught. Part of the argument is how fast they were caught. But in some of the places, they are actually legal, because the road runs along the border on the Canadian side, and only if one takes a right turn or a left turn, depending on the place into U.S. territory and then do not report, is one violating the law. So it can take, even when we are doing the right thing and tracking appropriately, 10 to 15 minutes before somebody catches you, because you were not illegal most of the time, and some of the media has been reporting has, quite frankly, been inaccurate. We have done a better job of protecting the border than one would think, but we still need additional things, because as we put the pressure on, so will those who want to violate the law, including terrorists.

Fifth, the water. In Lake Champlain we obviously need a little bit better protection, but in fact we have a pretty good method of watching, we just need a little bit of additional protection on the eastern part of the lake, the northeast part of the lake.

Sixth, we have an Indian reservation over by Mecina to the west that is cooperative, but because it is in effect an independent Nation, we treat Indian reservations differently than other areas as far as border crossing, and even though the local tribal council has cooperated, it is problematic how to deal with this, particularly when there is, in Canada they call them the first nations, when they have a reservation on the other side, because the law enforcement policies are different. So it takes excellent cooperation.

Seventh is just walking in the woods. Because they have caught a lot of people carrying these potent drugs in backpacks just walking through the woods across the border. Now, this becomes problematic. But remember what I said is we caught many of them.

The interesting thing here is the reason, and this could depress us to listen, because this is just the Vermont and the New York zone here, but the encouraging thing is if we can concentrate the pressure at the major crossings and fan them out so that they have to go wider and wider, just like we have worked with immigration policy along the Mexican border, it is easier to catch somebody going through open desert than it is when they get lost in a crowd at San Ysidro at the San Diego crossing.

The same thing in the north country. You may think you can walk through the mountains or in the woods of Maine or Vermont or upstate New Hampshire, but there are several things working against you. One, it is cold there a lot of the year. You are going to leave foot prints, even snowshoe prints. You are going to have to eventually hook up with the car, and we are monitoring, and the other thing are the locals. Just like on airplanes, where the private citizens on the plane need to be watchful as well, the same thing is true on the borders. It is amazing in these tight knit local communities, they know when somebody strange is coming across and they report it. To the degree that American citizens join in, we can, in fact, make many of these borders much more secure than one would think at first glance.

Now, on October 17, our subcommittee also held a hearing entitled, Keeping a Strong Federal Law Enforcement System that featured U.S. Immigration and Naturalization Service, the INS Director James Zieglar, as well as Assistant Commissioner at U.S. Customs and the Assistant Director of U.S. Marshals. They made several key points. Because bottom line is, we cannot control or seal the border if we do not have the agents.

In Congress, we passed this really bold bill. We said we want 3,000 new Border Patrol and INS agents. Well, that sounds real great until we get to the point of last week, we did not add agents, we lost 5 agents just before we had one meeting. What we were told at these hearings is up to 67 percent of the agents are looking at leaving in the next couple of years, and we are talking about adding them. This is our frontline of defense.

Well, what are some of the problems? We have 6,000 miles of border and 300 points of entry. The budget calls for 3,000 to 3,500 new Border Patrol agents and immigration inspectors. In 1999, INS had to attract 75,000 applicants to fill 2,000 positions. Of those 2,000 positions, 37 percent were former military. Now, they say they do not recruit from the military, but, in fact, they recruit from people who are retired, and many people who retire are looking at whether it is going to be a satisfactory job, so people who have job options will leave the military, and re-enlistment has become a big problem. 30 percent come from local law enforcement. That was one of the debates we had here tonight on the Airline Security Act. If the Federal Government nationalizes all security at the airport, where are the guards going to come from?

Last week, last Sunday, to be exact, Philadelphia reported that they had 37 murders compared to 25 last September and directly attributed it to the fact that so many policemen had been taken off of traditional law enforcement and moved towards antiterrorism efforts. Twelve people died because we were chasing things that did not happen in Philadelphia. That has been repeated all over America. We cannot do more things with the same number of people without diverting resources from one place to another. People are dying daily because of drugs; children are being abused, wives are being beaten, all sorts of things are happening in our country. If we do not have adequate law enforcement or if that law enforcement is chasing anthrax hoaxes or worried about things they previously did not have to deal with, and we have to reconcile this that if we are going to do more law enforcement, then we are going to need more agents. And if we are going to get more agents, given how hard it is to hold, retain, and recruit agents now, some changes are going to need to be made.

Well, like what? One, for the INS Border Patrol, they need a waiver of the overtime cap. I mentioned earlier at the borders that we visited this past weekend, they are nearing the overtime cap. They have people with no vacations and they are working overtime, and yet we capped them out of overtime, so that is not even going to be an option. Then, what are we going to do? In late November, early December, we are going to say okay, we have used up all of our overtime, we do not have any a little, I guess we will now just open up the borders completely. I do not think so. We have to address this rapidly.

Secondly, we need comprehensive pay reform. Part of the problem is that INS and Border Patrol they are topped out at a G9 and anybody who has been there a while if they have an option like oh, tonight, more sky marshals, where do sky marshals come from? They come from Border Patrol and INS, but we just said we are going to hire 3,000 more of them but we are taking them and moving them to sky marshals. We have to figure out how we are going to get people in both places, which means, for example, recruitment bonuses.

In San Francisco, because of the cost of living and the shortage of applicants, they had to have $5,000 bonuses and then they got the applicants. In the year 2000 they used $2,000 recruiting bonuses. Just sitting on the border is not the most exciting thing and then being held accountable if one person in every 500,000 slip through, it is difficult. If we do not pay adequately, we are not going to be able to recruit people. We also need law enforcement status for INS inspectors. They are expected to do law enforcement work; they are expected to catch criminals, and yet at the same time, we do not pay them that way.

We also need to really raise the earnings caps, and we also need language bonuses. I referred to that earlier. We need some changes in how those language bonuses are worked. It is not that they are not good, they are 3 percent of their salary. But if they are viewed as unachievable and not relevant to your job, then nobody seeks the bonuses. We should be seeking that, and if we tie that to people's pay; if we say, look, we will give you 5 percent more if you learn Farsi. It would make me feel more secure if we had people on the borders who speak Farsi, and if we are going to give them a pay raise, let us tie it to something, but let us make it achievable. They do not have to be a teacher in Farsi; they need to be able to understand it and have basic communication with somebody who is crossing the border, or Arabic or Spanish or French or whatever language we need, the Asian languages on the West Coast in particular, but increasingly across the country.

We also had a hearing this week student on visas in the Committee on Education and the Workforce, and let me make a couple of points with that. First, let me put it in context. The only real way we are going to stop terrorists and, for that matter, illegal drugs, is before it gets to the United States. One of the chief planners of the September 11 attacks was on a student visa, was not a student. How can we protect ourselves if people are here on visas that they have jumped, and nobody reports it? So I would suggest several things. First, let me state one other problem.

Foreign students, of which we have hundreds of thousands, or we have at least several hundred thousand plus, apply to multiple universities, just like we do in the United States and our kids do. Presumably, the student may tell the university, I think most of them either put a down payment down, they pay it, they get a dorm, they get their classes, but right now, the government requires that the student, when they get their visa, say what university they are going to, but the university is not told they are coming, so the university could have a student headed for UCLA or Indiana University, the University of Notre Dame, and they might have it on the student visa, but the university may very well not know they are coming. So one thing we need to fix is to let the university know that the student got the visa in that university's name.

Then, the university has an obligation to let the United States Government know: did the student actually check in and start classes? Did the student drop out? And/or did the student graduate? In other words, once they have completed the criteria on their visa or fail on the criteria of their visa, they are the first line of defense to let the government know. They do not have to be a law enforcement agency. It is not their job to go out and find the student, but the government does not know where to find them or whether they have even jumped the visa if the university will not help. The only way we learn usually is after they have committed a felony. That is how we learn whether somebody has violated their visa. So we need to get a better system with that.

What I would suggest, because not every student is obviously a case at risk here, and we are not talking about American citizens or immigrants who have come to America and are going to college, let us get this straight. We are talking about people who are here because of the free nature of our country. Just like when our students go overseas, they are a guest in that country, and when they go overseas, there are certain criteria that they have to follow.

For example, let me tie this to another incident, and I mentioned one of the terrorists. A number of years ago, when we were looking at stolen Chinese secrets which basically made us much more vulnerable to attack from China, the son of the equivalent of the head of the CIA of China had come to the United States. The way we turned this up in the Committee on Government Reform is we were investigating Johnny Chung and he worked for him. He was a lower level in the process of where the money got laundered and he was very open with us, and it may be, I am not saying the son was a risk, but the plain fact of the matter is he was enrolled at a university in Los Angeles, did not show up, we lost him. We lost the son of the CIA.

□ 2245

Now, do Members think China, when George Bush, Senior, was head of the CIA, and George W., if he had visited in China to be a student, do Members think China would have lost George W., being a student there? I do not think so. It is incredible that at a time in the very period when our secrets were stolen, we did not know where the son of the head of their CIA was in the United States because it was not reported that he did not show up on a student visa.

So this has happened before. It is not new, and it happens a number of times, but we are looking for a needle in a haystack in the terrorist question unless, what I would suggest is that they start with a simple process.

The INS does not have enough people to look up everybody who jumps their visa. This is not just students, it also applies to workers and when somebody sponsors a visitor. They ought to be held accountable for notifying the government if they have jumped.

We need to give additional dollars then to the INS. I said, we cannot get the borders covered, the basic work covered even for felons, so if we are going to put a new thing on them, we have to give them the money to be responsible.

It is a waste of money to do this for everybody right now because everybody is not at risk, but how about if we start something simple: If you are a student from a terrorist nation, one that the State Department listed as funding or supporting terrorism, and there are seven, then those students ought to be tracked, those workers ought to be tracked, and those guests ought to be tracked.

We ought to know if they have overstayed or violated the terms of their visa, and it ought to be reported to the government by their sponsor if they know that they have violated it. It is not their sponsor's responsibility to track them, but it is to let the government know, and the INS will track. There ought to be a penalty if you do not report.

Furthermore, in addition to those terrorist countries, we ought to add Afghanistan. Right now Afghanistan is not on the terrorist list. It kind of surprised me when I heard that, because we do not recognize the Taliban. Since we do not recognize there is a government there, they are not on the terror lists.

It would not be too hard to come up with another list, and that is if the country is not themselves a terrorist threat but there is reason to believe that that country is the home nation of a lot of terrorists.

Let us take, for example, Saudi Arabia, where I believe 15 of the 17 were from; that then students from that country, even though their government may be completely innocent, that we track them. In other words, let us look at the facts. If you are a terrorist nation and certified as such by our State Department, or you are Afghanistan with the Taliban, or you are from Saudi Arabia right now, you are at much more likely risk if you have violated your visa, and we are not talking about people who are following the law.

I would place a bet right now that the average American thought this was already happening. We would have thought that if there was a student from a country certified for terrorism and they had a work visa or a student visa or a tourist visa, Members probably thought that once they were here longer than they were supposed to be, or were not doing what they were supposed to be, that we know. Well, we do not. It is time we fix that right away.

I also want to comment on the role of the Canadian parliament, the Mexicans, and the commerce.

As I mentioned, we started this process through the parliament groups. Both sides of the border are interested in fixing this. We know the importance. The Plattsburgh Chamber of Commerce leader said that $1.4 billion in trade in that community of 80,0000 people.

Fourteen percent of the people who work in the area work for a Canadian-owned companies. I have multiple Canadian-owned companies in Fort Wayne, which is 140 miles from the Windsor-Detroit border.

We have become totally interconnected in big cities, and in Michigan Texas, Arizona, far more than Indiana. We all know there needs to be a stake. The Canadian parliament now is working on an antiterrorism law and are working on their immigration laws, but they have different traditions and we have to work through it.

If we are going to have accelerated border passes, background checks, fast passes, they need to understand they are going to have to make changes in their countries just like we are, because the American people as well as the people in their countries are not going to tolerate living in fear of nuts.

Now, I want to also talk tonight, in addition to the terrorism on the border, a little bit about our anti-narcotics efforts. In our subcommittee, we have oversight of narcotics. It is a lot like terrorism. We are going to learn how difficult it is to fight terrorism, because if Members think the drug war was hard, the antiterrorism war is going to be even harder because there are fewer people and they have more targets. At least in drugs we know the networks and know where it is coming from.

Number one, it is coming from Colombia, the heroin and cocaine. It is then coming either through the Caribbean corridor or the Pacific corridor or by air. Depending on our successes, sometimes when we put the pressure on the Caribbean, it moves to the Pacific. When we put pressure on the Pacific, it moves to the Caribbean.

It used to be all through the Andean Indian region, but Bolivia got most of theirs eradicated. We need to make sure that stays firm. In Peru, they got most eradicated but it is coming back. It has moved to Colombia. Chances are overwhelming, about 90-some percent, if you have heroin in your community, as every community basically does, if you have cocaine in your community, as every community basically does, it is coming from Colombia. We know where it is at. We have to get it there.

They are having a war in that country. We have had a big controversy in this Congress about the so-called Plan Colombia. We passed over $1 billion, and if I have heard it once, I have heard it 50 times on this floor when we debated the Andean initiative this year, how can we keep pouring money into Colombia. Plan Colombia did not work.

As we heard in our drug task force today from Rand Beers who heads international narcotics for the State Department, I am going to have to recall this from memory because I do not have it written down, but of the Blackhawks that we put in our package, four arrived in September, two for the CNP and two for the military, and six more will arrive by the end of the year.

Of the Huey helicopters that we had in the budget, they are arriving in January.

In other words, how can Plan Colombia fail when it is not there yet? I am tired of hearing how Plan Colombia failed. When we budget for a helicopter, we do not just pull it out of a Wal-Mart. We have to build it. There is a backlog of orders because we do not have right now as big a military establishment as we have had before. It takes a while to get the helicopters built, and the new Huey IIs, we do not just all of a sudden ramp up an assembly line like G.I. Joe. These are not little plastic toys. I did not mean a real person G.I. Joe, which we cannot ramp up, either. We have to do training.

It is not a plastic toy. These are real helicopters which are complicated. It takes a while to get there.

We do not know whether Plan Colombia does not work. We will know more in 6 to 12 months. What we know is the Colombians were bravely fighting a battle, and we had aid there, but not the size of the aid we are talking about.

If we are successful in putting pressure on Colombia, we know the pattern. They are going to move to Ecuador, move to Bolivia, move to Peru, move to Brazil. So that is why this year the House appropriated $670-some million out of the President's $707-some million request, the bulk of which goes first to Colombia, that is the biggest battle; second to Peru; third to Bolivia, where we know they have been before and could potentially come back; and fourth to Ecuador, which is on a watch list.

So what did the other body do? The other day they cut it another couple hundred million dollars, and they cut Colombia first, Peru second, and left in for Bolivia and Ecuador, which is fine, but they are three and four.

If this budget does not get fixed, we will have put $1 billion into Plan Colombia, then cut the follow-up plan, and wasted the money, basically.

What is the point? Can we not ever see past our nose? Are we going to be inevitably constantly repeating our Vietnam problems, where we get into, and this is not exactly like Vietnam, but when I say that, it is like the antiterrorism war or the war on drugs. We do just enough to fail. When we finally get ahead of the curve, we somehow decide we are going to be off on another adventure and do not finish the job.

In the case of Colombia, we need this assistance because, first, we have to stop the terrorizing before we can plant alternative crops. People say they want to plant alternative crops. It is just like a kid on a street corner. If he can make $600 an hour as a lookout, he is not going to take minimum wage at McDonald's unless the risk of being a lookout is too high, and then maybe he will take the job at McDonald's. But we are not going to pay him $600 an hour at McDonald's.

The same calculation goes into a coca grower. If they are going to plant palm hearts, they are not going to make the same as coca, but they want to plant legal things. They want a decent living for their family.

If they are going to get shot, and when we were in Colombia and we talked to one of the members who had left the FARC, I will never forget this. Mark Sanford and the gentleman from Illinois (Mr. BLAGOJEVICH), two other Members, we were waiting for the gentleman from Illinois (Speaker HASTERT), then Congressman, to arrive in his helicopter.

We were talking to this young kid who just left the FARC. He was an enforcer. We asked him if he had ever shot anybody. He said yes. We asked, "Why did you shoot him?" He said, "The guy was behind in his payments." What do you mean? "He was a coca grower and he was not paying us the amount that he was supposed to pay us. I warned him twice and then shot him. He did not pay his bills." "What do you mean, he did not pay his bills? You do not shoot him for that." We were told that, yes, we told him if he did not pay the tribute money we were going to shoot him. What did you do? He was an older man. We went to the restaurant. I went up behind him and we killed him. And he said, "Look, he did not pay his bills."

Now, if you are a farmer and they are coming in killing your family or kidnapping them or maiming them, it is pretty tough to walk in and say, by the way, we want you to plant palm hearts.

First, we have to get order. Then once we get order in Colombia, then we need to go in and help them get or make a living, because if we do not help them make a living, they are going to go right back to what they were doing before. That is why we have money to help build the legal system.

Right now the judges are intimidated. They killed one-third of them back in the days when the movie Clear and Present Danger highlighted it. At the same time, they shoot the judges, and they have destroyed and killed much of the legal system. People are intimidated. There are brave souls fighting away, but we have to rebuild a respect for law and work with the people.

Colombia is the oldest democracy in South America. Because of our drug habits, they have had serious problems in their country. We need to get the Andean initiative because if this process works in Colombia, it is going to move as it always does.

People say if you legalize drugs in the United States it is going to go away, like the people who are making all this money are going to say, right, I am going to go broke now. No, they are going to step people up to other things. We are not going to legalize cocaine and heroin, even if we legalize marijuana, which would be a huge mistake.

So it is important now. We are having a big debate in Congress. We understand if we cut back the Andean initiative, that the net result of this is going to be more terror on our streets at home, more cases like what we have heard in our hearings from mothers whose husbands were whacked out on drugs and came home and beat them and their kids, or used up all their money for health care and for education to fuel their drug habits; or as I have talked to former and current drug addicts, when they need money, they just go out and rob somebody, mug them, or kill them if necessary to get the money.

We visited juvenile detention centers and had some young guys tell us, one of them had killed somebody when he was stealing his car to fund his drug habit. The question was, why did you kill the person? He said, what does it matter? I will be dead by the time I am 25, anyway.

So when we look at that, it is a tough thing. If we cannot get it in the source countries, then it moves out into the Pacific and the Caribbean. Then we come back to the border question I was talking about before. Once it gets to the border, it is like looking for a needle in a haystack in a city.

We dare not cut back the Andean initiative any further than we have already cut it back. I know there are many money pressures, but we have to simultaneously say if we are going to go after terrorism, we are not going to go after terrorism at cutting back on illegal narcotics.

Alcohol and illegal drugs account for, in every district, every city in this country, 70 percent to 85 percent of all crime, including child abuse and domestic violence. If we are going to get at other sins in the society, we have to get rid of the enablers.

Let me talk a little further about a couple of other things. The DEA has finally started to crack down on some of the medicinal marijuana problems. We have had a huge problem in this country with so-called medicinal marijuana. There is nothing medicinal about marijuana. Lots of poisonous things have some good ingredients in them.

There is no medicinal marijuana. There are components inside marijuana, as there are in arsenic and other things, that are healthy. But in California, this has become a way, for example, they got into one housing addition where it looked from the air like it was a housing addition, but they were all fake homes growing quantities of marijuana.

In my home State of Indiana, where they have what is more commonly called ditchweed, they have now been bringing in BC Bud and mixing it with Indiana ditchweed. Indiana has become the fifth largest exporter in the United States of marijuana, and it is shipping to the east and west coast mixed with this BC Bud, and we are talking about in Indiana a raid just like in Colombia.

They plant it in the corn and it is not even necessarily that the farmer knows it is there. They plant the marijuana inside the corn. It is hidden under there. You have to catch it with different screening methods from the air or ocean, or from tips. It is extraordinary how wishy-washy some of our leaders back here are. And my favorite chart that I do not have with me tonight showed directly that in 1992 to 1994, with the combination of the signals we sent from our top down of "I did not inhale," and joking about it, to the movies, to the music, and then, combined with our reduction in source country interdiction in the drug budgets from 1992 to 1994, the drug use in the United States soared at such a level that to get back to that in 2001, we have to have a 50 percent reduction from where we are at to get back to where it was when President Clinton first took office in 1992, a 50 percent reduction.

□ 2300

A 50 percent reduction. That is how bad it was. And it was directly correlated. In 2 years it soared that much. And what we saw was the purity soar. We saw the price go down, and we saw the use go up. In 1995 and 1996 it started to stabilize. In the last years of the Clinton administration with General McCaffrey as drug czar we started to make progress again; but we have challenges.

I want to read from The New York Times Magazine from this past weekend about a man named Adam Sorkin, who is the key person behind "West Wing"; and I am just going to read out of this magazine. As you may know he was busted again. This article talks about how he has a drug habit. It also shows the problem with our drug treatment program because he has been through a treatment program, and he is cynical about ever being cured; yet they keep saying he is cured.

Quote: "While Sorkin seems to derive a very similar kind of relief from writing hyper-articulate dialogue and from inhaling crack, he keeps his two worlds separate. That is not to say he never writes about drugs. His teleplays are sprinkled with roach clips and bong pipes and all the references are slyly appreciative. Five weeks into the West Wing pilot this year, a high priced call girl whom we will soon come to appreciate for her intelligence and strength of character, greets the day by lighting up a joint and saying, 'It is not like I am a drug person. I just love pot.' "

We in Congress can work and work at it, but if we have the producers of "West Wing" and other people, "West Wing," by the way, is a tired, formerly creative TV show that is basically trying to rehash what former President Bill Clinton would do if he was facing the crises that they can develop each week; and it is starting to become old, but it is entertaining in many ways. But it is also here from the producer bragging about working in pro-drug statements.

What kind of example is this? How are we supposed to fight it on the one hand when our TV producers glamorize drug use on television. Then we wonder why we are failing the drug war when people call it medicine, when TV producers glamorize it.

Furthermore, to quote an article this week in the Washington Post, which is something we have been talking to the South American and Central American countries about, our drug habits because of irresponsible leaders in the media and in political offices and people in the TV industry, because of our usage, they now have produced such a supply in these countries that the use is increasing and doubling in many of these countries.

This article this week in the Washington Post, which I would ask to be inserted in the RECORD, says "Mexico finds drug abuse is now its problem too."

Let me read from one of the paragraphs: "Mexico used to think that people like this Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using drugs. And their insatiable demand was the reason that violent cartels, which continue to conduct daily assassinations on the border, existed here. Places like Tijuana, where people did not even use drugs, were suffering because coke-heads from Malibu to Maine could not get enough, it was said. But that is changing fast. Mexico is not now the only major transit point for drugs shipped into the United States. It has a growing demand problem of its own."

[From the Washington Post, Oct. 31, 2001]

MEXICO FINDS DRUG ABUSE IS NOW ITS PROBLEM, TOO

TIJUANA STREETS TEEM WITH ADDICTED YOUTHS

(By Mary Jordan)

TIJUANA, MEXICO.—Berenice Arellano Gil celebrated her 29th birthday by doing what she does most days: She slipped $3 into another addict's hand on a downtown street corner and bought a two-inch vial filled with crack cocaine.

"I feel like a dog running wild on the freeway, not knowing if I am going to make it off the road alive," she said, cupping her hands around the smoking white powder and inhaling deeply, letting the crack fill her lungs and surge into her brain.

She opened her glassy eyes, looked toward the United States, beyond a metal fence a few yards away, and her story tumbled out. She had a good life once in Los Angeles, installing carpet for $10 an hour, but she got caught and deported and despair led to crack, and at least now she has cut back and is spending only $10 a day on her habit instead of the $100 she used to waste, and she hates her job making $5 a day working in a restaurant but will never, never, never again have sex with a stranger to make a few bucks for crack, and you just can't believe how hard it is to get unhooked.

"It's my birthday, you know," she said.

Mexico used to think that people like Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using the drugs, and their insatiable demand was the reason that violent cartels—which continue to conduct daily assassinations on the border—existed here. Places like Tijuana, where people didn't even use drugs, were suffering because cokeheads from Malibu to Maine couldn't get enough, it was said.

But that is changing fast. Mexico is now not only the major transit point for drugs shipped into the United States, it has a growing demand problem of its own. While drug consumption in Mexico is still far below that in the Untied States, it began climbing in the mid-1990s at an alarming rate.

This gritty city of 1.2 million is Mexico's drug-use capital. Between 1993 and 1998, government surveys found a five-fold increase in the number of people saying they had used drugs in the past month. For 1998, the last year the survey was conducted. 15 percent of Tijuana youths said they had tried cocaine, heroin or other drugs—three times the national average.

Since then, far more people have begun trying drugs, particularly crystal methamphetamine. There are now hundreds of Tijuana crack houses, alleyways and street corners where people gather to snort, smoke or inject drugs.

"It's a dramatic problem affecting the quality of life here," said Victor Clark Alfaro, a prominent human rights advocate. "Many of these people steal to get money for drugs. People are afraid of what people will do when they are high on crack and crystal meth." He said poor addicts are most visible because they often use drugs in the street. But he said middle-class children are taking them, too—in homes and discos at parties, out of their public eye.

The increasing drug use is generally traced to a change in the practices of Mexican traffickers who ship drugs into the United States. In the mid-1990s, according to Mexican law enforcement officials, the traffickers started paying local employees—those who handled such jobs as fueling planes and renting warehouses—partly in drugs. Those people needed to create their own market, and they began selling drugs in their home towns.

At the same time, the price of cocaine and other drugs has fallen. Drugs used to be beyond the means of poor youths from the Tijuana barrios, but a vial of crack now sells for as little as $2—and a heroin injection costs a $5 to $10, depending on quality, according to interviews with addicts here. They said the most popular drug is the cheapest: crystal methamphetamine, or "ice," a synthetic drug that goes for $1 to $2 a hit.

Some Mexican law enforcement officials say the problem has become far worse since the Sept. 11 terror attacks in the United States. U.S. border security has sharply increased, making it harder for the cartel to move their cocaine, marijuana and heroin across the border. That has led to concern that the backlog is being dumped in Mexican towns, where youths have a growing appetite for drugs.

U.S. law enforcement officials say they doubt the border security has curtailed drug trafficking. They note that U.S. street prices for drugs have not risen, a sign of steady supply.

But Pedro Jose Penaloza, who oversees crime prevention efforts in Mexico's attorney general's office, recently said that "the consumption of cocaine in the entire country has risen alarmingly since the Sept. 11 attacks." He said the "sealing of the northern border by the United States" has led traffickers to drop the price of cocaine and other drugs normally destined for the United States and flood the market in Mexico.

In Mexico, drug consumption is seen largely as a health problem and is rarely prosecuted. In most places it is not a crime to consume small amounts. But despite concern over health, the government has devoted little money to treatment or rehabilitation, focusing instead on prevention efforts, which are far less expensive.

Clark Alfaro said there are about 80,000 addicts in Tijuana and the city's 50 private rehabilitation centers have room for 3,000. To many, these places, often run by former addicts or church workers with no formal training in-rehabilitation, are notorious for harsh treatment.

Two people who have been treated in such centers said in interviews that techniques there include dousing addicts with ice-cold water, beating them and chaining them to make sure they don't flee. Several Tijuana newspapers recently ran photos of teenage addicts chained down in one of the centers. The youths had been placed there with the permission of their parents, who said they didn't know where else to turn.

Such techniques are "not uncommon" in the private centers, said Enrique Durantes, a psychiatrist who heads Tijuana's drug prevention program in the city's health ministry. "We are totally against this method."

He said more federal funding is desperately needed to open rehabilitation centers that use accepted treatment techniques. Last year the federal government issued national regulations and guidelines for drug rehabilitation centers, but officials said there has been little effort to enforce them.

"The government is leaving in the hands of [private groups] the process of rehabilitation," said Clark Alfaro. "They are closing their eyes to human rights violations that occur there."

Arellano, the crack addict, said she would not enter a private rehabilitation center. "They are horrible. It's not like you have in the States. No, no, never, never, will I go into one of those places. I must try to get unhooked myself."

A recent tour of open-air drug markets in Tijuana found many people inhaling crystal meth or crack and a new injecting heroin. Most of the users were in their twenties. One man sat on the curb on Ninos Heroes Street, the hood of a parka pulled over his face on a day when the temperature was near 80 degrees, a vial of crack supped in his hands.

A half-block away, Manuel Lopez, 32, slouched against an abandoned house, high on a combination of crystal meth and crack, known as a "speedball." He was too incoherent to speak. Another man in much the same condition wandered into traffic on International Highway, nearly getting run over before his friends pulled him back.

Police in Tijuana have long been connected to major drug traffickers. Now those corrupt links extend to street-corner drug dealers, who say that association has created new bribery patterns.

Money paid to the police by drug cartels is often carefully orchestrated. High-ranking officers decide how big the bribe should be, and how it should be distributed within the ranks. But now cops on the street are taking "express bribes" from local dealers, pocketing a relatively small amount of money without consulting or sharing with other officers. One dealer said that as the recession has set in, more police officers have become open to taking bribes to look the other way.

Mexican police officials deny publicly that their officers take bribes. But many officers on the street readily admit that they take bribes to augment their low salaries.

Clark Alfaro said a man who manufactures crystal meth in a Tijuana laboratory recently complained to him that he had paid the police a $9,000 bribe because they threatened to shut down his lab. the man was upset because the cops wanted $20,000 and he had to bargain hard to bring down their price.

Our problem has now spread throughout Central and South America and throughout other parts of the world because we could not get control of our problems; it has now spread. And so the blood on the hands of those who die to illegal narcotics, of those who say marijuana is not a big deal, doing crack is a cool thing, who write songs like the song "Heroine Girl" that was supposedly an anti-song that turned out not to be an anti-drug song at a second level, that people who do that type of thing are responsible not only for the deaths in the United States but elsewhere too because much of this is psychological in whether behavior that is seen is approved or not approved.

There is another wave that we are trying to address. Clearly methamphetamines and Ecstasy have become a huge problem in the United States, and we are doing the best we can to address these things as well. We will continue to work at that as they come in from countries like the Netherlands. There they say legalization has worked well. Yes, they are shipping it to us. We would not have the stuff coming through Canada and through our borders and through other ways in the United States if they were not doing that.

The New York Times, "Violence rises as club drug spreads throughout the streets." In Fort Wayne, Indiana, "War on meth, number of labs raised to record highs." Here is from Fresno: "Meth dump discovered." There they have a law because so many little kids have been burned to death with labs exploding, these giant labs. USA Today: "Ecstasy drug trade turns violent."

Just the other night there was a "Dateline" special on some of this potency. We have a huge problem in the United States. We do not just have problems with anthrax, which is scary, where four people have died. We have people overdosing, terrorizing their families, terrorizing their neighborhoods every day because of illegal narcotics.

The ranking member of the subcommittee from Maryland (Mr. CUMMINGS) has said it well. We are already under chemical attack. The chemical attack is illegal narcotics. The way we address trying to protect our borders from the terrorists, from coming up with strong law enforcement and in tracking and anti-drugs is going to be the same way we catch the terrorists coming in our midst.

We are working in multiple ways. This week in the committees alone we have done the postal. We did the student tracking. We have done field hearings at the border. We did airport security tonight. We are doing the best we can to try to address it. We cannot stop every terrorist. We cannot stop every illegal drug. But we will do the best we can and with the cooperation; and the support of people in their home neighborhoods, we in fact can make progress. We will never eliminate sin in America; but if we work together, we certainly can limit it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

(The following Members (at the request of Mr. FERGUSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, November 6.

Mr. BURTON of Indiana, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2925. An act to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.) under its previous order, the House adjourned until Monday, November 5, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4469. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule—Resolution Funding Corporation Operations (RIN: 1550–AA79) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4470. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7769] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4471. A letter from the Director, OSHA Directorate of Safety Standards, Department of Labor, transmitting the Department's final rule—Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R–02A] (RIN: 1218–AC00) received October 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4472. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Heart Disease [Docket Nos. 00P–1275 and 00P–1276] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4473. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Criteria (RIN: 0930–AA09) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4474. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA–2000–8057] (RIN: 2127–AH87) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4475. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of effective date and extension of comment period [Region 2 Docket No. 233, FRL–7084–3] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4476. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration [Docket No. VT–020–1223a; FRL–7077–4A] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4477. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval Of Operating Permits Program; State of Maine [ME–063–7012a; A–1–FRL–7085–5] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4478. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Nonattainment Area to Attainment and Approval of Miscellaneous Revisions [PA175–4179; FRL–7079–6] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4479. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste [FRL–7076–4] (RIN: 2050–AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; District of Columbia [DC-T5–2001–01a; FRL–7085–8] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4481. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150–AG77) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4482. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–155, "Advisory Neighborhood Commissions Annual Contribution Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4483. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–156, "Insurance Economic Development Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4484. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–154, "Cooperative Purchasing Agreement Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4485. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–152, "Closing of a Public Alley in Square 2140, S.O. 99–228, Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4486. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–153, "Closing of a Portion of a Public Alley in Square 209, S.O. 2000–48, Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4487. A letter from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

4488. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea [Docket No. 990901241–0116–02; I.D. 123198B] (RIN: 0648–AM09) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4489. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Operation of a Low Frequency Sound Source by the North Pacific Acoustic Laboratory [Docket No. 00801223–1204–03; I.D. 062000A] (RIN: 0648–AO24) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4490. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 092001A] received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4491. A letter from the Program Analyst, FAA, Department to Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2001–CE–20–AD; Amendment 39–12433; AD 2001–18–07] (RIN: 2120–AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4492. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Saver's Tax Credit for Contributions by Individuals to Employer Retirement Plans and IRAs (Announcement 2001–106) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4493. A letter from the Secretaries, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act" for Fiscal Year 2000, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

4494. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002 [CMS–1169–FC] (RIN: 0938–AK57) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4495. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the provision of additional funds to Pakistan, pursuant to 22 U.S.C. 2364(a)(1); jointly to the Committees on International Relations and Appropriations.

4496. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual reports in the March 2000, March 2001, and June 2001 Treasury Bulletin, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, Resources, and Agriculture.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. Berman):

H.R. 3204. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Graves, Mr. Berman, and Mr. Cannon):

H.R. 3205. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Government Reform, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3206. A bill to authorize the Government National Mortgage Association to guarantee securities backed by certain conventional mortgages; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. Abercrombie, Mr. Berman, Mr. Blagojevich, Mr. Capuano, Ms. Carson of Indiana, Mrs. Christensen, Mr. Coyne, Mr. Crowley, Mr. Delahunt, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Frank, Mr. Hoeffel, Mr. Honda, Mr. Kennedy of Rhode Island, Mr. Kleczka, Mr. Kirk, Mr. Clay, Mr. Lantos, Ms. Lee, Mrs. McCarthy of New York, Ms. McCollum, Mr. McGovern, Ms. McKinney, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Nadler, Mr. Pascrell, Mr. Payne, Ms. Pelosi, Mr. Rush, Ms. Schakowsky, Ms. Solis, Mr. Stark, Mr. Tierney, Mr. Towns, Mr. Waxman, Mr. Weiner, Mr. Wexler, and Ms. Woolsey):

H.R. 3207. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mr. Dooley of California):

H.R. 3208. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. Sensenbrenner, Mr. Conyers, Mr. Wolf, Mr. Scott, and Mr. Ferguson):

H.R. 3209. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. OXLEY (for himself, Mr. Baker, Mrs. Roukema, Mr. Bachus, Mrs. Kelly, Mr. Bentsen, Mr. Royce, Mr. Maloney of Connecticut, Mr. Lucas of Oklahoma, Mr. Pomeroy, Mr. Ney, Mr. Barr of Georgia, Mr. Gillmor, Mr. Weldon of Florida, Mr. Ryun of Kansas, Mr. Riley, Mr. Jones of North Carolina, Mr. Ose, Mrs. Biggert, Mr. Green of Wisconsin, Mr. Shays, Mr. Shadegg, Mr. Fossella, Mr. Gary G. Miller of California, Mr. Cantor, Mr. Grucci, Mr. Ferguson, Mr. Rogers of Michigan, Mr. Tiberi, Mr. Foley, and Mr. Issa):

H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. Leach, Mr. Kanjorski, Mr. Oxley, Mr. LaFalce, and Mr. Baker):

H.R. 3211. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA (for himself, Ms. McKinney, Mr. Gutierrez, and Mr. Menendez):

H.R. 3212. A bill to require Secretary of Defense to expand the range maintenance program of the Department of Defense regarding the removal of unexploded ordnance and munitions constituents from live impact areas of military training ranges to include any underwater portions of the live impact areas; to the Committee on Armed Services.

By Mr. ACEVEDO-VILA (for himself, Ms. McKinney, Mr. Faleomavaega, Mrs. Christensen, Mr. Gutierrez, Mr. Towns, and Mr. Menendez):

H.R. 3213. A bill to authorize the Secretary of Agriculture to acquire and manage lands in the Commonwealth of Puerto Rico to provide for the protection of critical aquifers and watersheds that serve as a principal water supply for Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. BILIRAKIS (for himself and Mr. Evans):

H.R. 3214. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. Boucher, Mr. Smith of Texas, Ms. Jackson-Lee of Texas, Mr. Oxley, Mr. LaFalce, Mr. Leach, Mr. Wolf, Mr. Roemer, Mr. Gibbons, Mr. Bachus, Mrs. Jo Ann Davis of Virginia, Mr. Duncan, Mr. Fletcher, Mr. Forbes, Mr. Goode, Mr. Graham, Mr. Lewis of Kentucky, Mr. Pitts, Mr. Rogers of Michigan, Mr. Shadegg, Mr. Sweeney, Mr. Tauzin, Mr. Vitter, Mr. Wamp, Mr. Peterson of Pennsylvania, Mrs. Kelly, and Mr. Hastings of Florida):

H.R. 3215. A bill to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 3216. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual; to the Committee on Education and the Workforce.

By Mr. FORD:

H.R. 3217. A bill to allow consumers a temporary 2-week grace period for payment of bills due to the extraordinary circumstances resulting from the disruptions and general uncertainty surrounding United States mail, and for other purposes; to the Committee on Financial Services.

By Mr. KANJORSKI (for himself, Mrs. Cubin, Mr. Sherwood, Mr. Ney, Mr. Holden, Mr. Gekas, Ms. Kaptur, Ms. Hart, Mr. Murtha, and Mr. Borski):

H.R. 3218. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation of abandoned mine land areas; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. Chambliss, and Ms. Harman):

H.R. 3219. A bill to enable the Centers for Disease Control and Prevention to carry out its responsibilities efficiently, including with regard to responding to bioterrorism, by authorizing additional appropriations for designing, constructing, and equipping new facilities and renovating existing facilities of such Centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3220. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3221. A bill to establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants and to improve reporting requirements for universities under the foreign student monitoring program; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 3222. A bill to limit the number of H1–B nonimmigrant visas issued in any fiscal year; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mrs. Wilson, Mr. Kildee, Mr. Young of Alaska, Mr. Skeen, Mr. Kennedy of Rhode Island, Mr. Hayworth, Mr. George Miller of California, and Mr. Thompson of California):

H.R. 3223. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. Skeen, and Mr. Gibbons):

H.R. 3224. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 3225. A bill to express the sense of Congress that a uniform standard for declaring levels of alert in cases of emergencies should be developed for Federal agencies, and to require the Comptroller General to conduct a study of how such a uniform standard may be implemented; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H.R. 3226. A bill to direct the Comptroller General of the United States to conduct a study regarding children directly affected by the terrorist attacks against the United States on September 11, 2001; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 3227. A bill to amend the Safe Drinking Water Act to provide for research on methods to combat biological contamination of public drinking water supplies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mrs. Clayton, Mr. Hostettler, Mr. Bartlett of Maryland, Mr. Watts of Oklahoma, Mr. Ehlers, Mr. Lewis of Kentucky, Mr. Fletcher, Mr. Greenwood, Mr. Manzullo, Mr. Gutknecht, Mr. Bereuter, Mr. Shays, Ms. Brown of Florida, Mr. Hoyer, Mr. Peterson of Minnesota, Mr. Paul, Mr. Pitts, Mr. Rohrabacher, Mrs. Jo Ann Davis of Virginia, Mr. Kerns, Mr. Flake, Mr. Cantor, Mr. Issa, Mrs. Napolitano, Mr. Blumenauer, Mr. Cox, Mr. Wu, Mr. Barcia, and Mr. Chabot):

H. Con. Res. 258. Concurrent resolution expressing the sense of the Congress that the Secretary of Agriculture and the Secretary of Health and Human Services should work to improve cooperation and eliminate duplication in the area of food safety inspection, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Ms. Baldwin, and Mr. Crowley):

H. Con. Res. 259. Concurrent resolution expressing the sense of Congress regarding the relief efforts undertaken by charitable organizations and the people of the United States in the aftermath of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Ms. Lee, Mr. Kucinich, Mr. Rangel, Mr. Jackson of Illinois, and Ms. Kilpatrick):

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. McIntyre.

H.R. 162: Ms. Lee and Mr. Brady of Pennsylvania.

H.R. 303: Mr. Osborne.

H.R. 424: Mrs. Jones of Ohio and Mr. Calvert.

H.R. 440: Mr. Underwood.

H.R. 525: Mr. Baird.

H.R. 783: Mr. Simmons.

H.R. 848: Mr. Boucher and Mr. Fletcher.

H.R. 951: Mr. SHUSTER and Mr. SAXTON.

H.R. 959: Ms. MILLENDER-MCDONALD.

H.R. 975: Mr. KIRK.

H.R. 1051: Mr. BORSKI.

H.R. 1143: Mr. EVANS.

H.R. 1169: Mr. GONZALEZ and Mr. BACA.

H.R. 1178: Mrs. WILSON.

H.R. 1202: Mr. BOUCHER and Mr. BORSKI.

H.R. 1287: Ms. MCKINNEY.

H.R. 1296: Mr. SHUSTER.

H.R. 1331: Mr. CRAMER.

H.R. 1354: Mr. MASCARA.

H.R. 1356: Mr. SMITH of Washington.

H.R. 1436: Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, and Mrs. LOWEY.

H.R. 1522: Mr. GORDON.

H.R. 1606: Mr. UDALL of Colorado and Mr. MCGOVERN.

H.R. 1810: Mr. CAPUANO and Mrs. DAVIS of Illinois.

H.R. 1822: Mr. LARSEN of Washington.

H.R. 1841: Mr. FORBES, Mr. BECERRA, and Mr. MEEHAN.

H.R. 1948: Mr. DAVIS of Illinois and Mr. PALLONE.

H.R. 1956: Mr. HOLDEN, Mr. JEFFERSON, and Mr. WICKER.

H.R. 1975: Mr. PRICE of North Carolina.

H.R. 1978: Ms. LEE.

H.R. 2071: Mr. CLYBURN.

H.R. 2117: Mr. DICKS.

H.R. 2118: Mr. KENNEDY of Rhode Island.

H.R. 2121: Mr. BERMAN, Mr. ACKERMAN, Mr. BROWN of Ohio, and Mr. BEREUTER.

H.R. 2166: Ms. ESHOO and Mr. LEWIS of Georgia.

H.R. 2173: Mr. PRICE of North Carolina.

H.R. 2308: Mr. CARSON of Oklahoma.

H.R. 2329: Ms. VELÁZQUEZ.

H.R. 2357: Mr. CANNON, Mr. HERGER, and Mr. NETHERCUT.

H.R. 2380: Ms. WOOLSEY, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Ms. DEGETTE, and Ms. HARMAN.

H.R. 2395: Mr. MR. RANGEL.

H.R. 2578: Mr. BECERRA, Mrs. DAVIS of California, Mrs. CLAYTON, Mr. DINGELL, Mr. FRANK, Mr. FROST, and Mr. OWENS.

H.R. 2610: Mrs. JOHNSON of Connecticut, Mr. ROGERS of Michigan, Mr. PRICE of North Carolina, Mr. LANTOS, Mr. QUINN, and Mr. BISHOP.

H.R. 2623: Mr. CAPUANO and Mr. OWENS.

H.R. 2638: Ms. RIVERS.

H.R. 2706: Mr. THOMPSON of California.

H.R. 2768: Mr. CROWLEY and Mr. STENHOLM.

H.R. 2799: Mr. RODRIGUEZ.

H.R. 2850: Mr. NEY.

H.R. 2887: Mr. LANTOS.

H.R. 2897: Mr. RANGEL.

H.R. 2902: Mr. FILNER.

H.R. 2908: Mrs. MCCARTHY of New York.

H.R. 2945: Mr. ISRAEL.

H.R. 2946: Mr. KING, Mr. SERRANO, and Mrs. ROYBAL-ALLARD.

H.R. 2964: Mr. COOKSEY.

H.R. 2969: Mr. CROWLEY.

H.R. 2980: Mr. LOBIONDO.

H.R. 2989: Mrs. LOWEY, Mr. TIBERI, Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.

H.R. 2999: Ms. NORTON and Mr. CLAY.

H.R. 3006: Mr. HOSTETTLER, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. VITTER, Mr. TANCREDO, Mr. FORBES, and Mr. MCCRERY.

H.R. 3011: Mr. TOWNS.

H.R. 3012: Mr. POMEROY.

H.R. 3014: Mr. MALONEY of Connecticut, Mr. MCNULTY, Mr. FROST, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. TIERNEY, and OWENS.

H.R. 3026: Mrs. CAPPS, Mr. LUTHER, and Mr. STUPAK.

H.R. 3030: Mr. CALVERT and Mr. OSBORNE.

H.R. 3041: Mr. KELLER.

H.R. 3046: Mr. BARCIA, Mr. SIMMONS, and Ms. BROWN of Florida.

H.R. 3054: Mr. BURTON of Indiana, Mr. SERRANO, Mr. WALSH, Mr. OBERSTAR, Ms. VELÁZQUEZ, Mr. ENGEL, Mr. JONES of North Carolina, Mr. BLAGOJEVICH, Mrs. MCCARTHY of New York, Mr. PASCRELL, Ms. BERKLEY, Mr. MASCARA, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. SABO, Mr. CUMMINGS, Mr. CARSON of Oklahoma, Mr. SIMMONS, Mr. BOSWELL, Ms. MCKINNEY, Mr. MANZULLO, Mr. GRUCCI, Mr. FOLEY, Ms. MILLENDER-MCDONALD, and Mr. FOSSELLA.

H.R. 3062: Mr. SCHAFFER and Mr. REYNOLDS.

H.R. 3067: Ms. HOOLEY of Oregon and Mr. LARSEN of Washington.

H.R. 3072: Mr. WATT of North Carolina and Mrs. CLAYTON.

H.R. 3077: Mr. BARR of Georgia.

H.R. 3088: Mr. KNOLLENBERG, Mr. LEWIS of California, Mr. SAXTON, Mr. HUNTER, Mr. SMITH of Michigan, Mr. GEKAS, Mr. ISSA, and Mr. LOBIONDO.

H.R. 3094: Mr. ENGLISH.

H.R. 3101: Mr. MOORE and Mr. UNDERWOOD.

H.R. 3103: Mr. WYNN.

H.R. 3105: Mr. ARMEY.

H.R. 3106: Mr. SERRANO, Mrs. MINK of Hawaii, and Mr. RANGEL.

H.R. 3110: Ms. JACKSON-LEE of Texas, Ms. ESHOO, and Mr. ISRAEL.

H.R. 3111: Mr. LIPINSKI.

H.R. 3113: Mr. UNDERWOOD, Mr. WAXMAN, Ms. SLAUGHTER, and Mr. HONDA.

H.R. 3130: Mrs. MORELLA.

H.R. 3131: Mr. JOHN, Mr. PRICE of North Carolina, Mr. LANTOS, and Ms. SOLIS.

H.R. 3161: Mrs. DAVIS of California, Ms. RIVERS, and Mr. BOSWELL.

H.R. 3163: Mr. PALLONE, Mr. ENGEL, and Mr. MCNULTY.

H.R. 3166: Ms. KAPTUR and Mr. UNDERWOOD.

H.R. 3167: Mr. BILIRAKIS.

H.R. 3175: Mr. RAHALL, Mrs. ROUKEMA, and Mr. GRUCCI.

H.R. 3181: Mr. DEAL of Georgia, Mr. STUMP, and Mr. GOODE.

H.R. 3188: Mr. BECERRA and Mr. LEWIS of Georgia.

H.R. 3194: Mr. BONIOR, Mr. CROWLEY, Mr. MOORE, Mr. GONZALEZ, Mr. BROWN of Ohio, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. FORD, Mr. PASTOR, Mr. UDALL OF NEW MEXICO, Mr. EVANS, Mr. HOYER, Mr. KIND, Mr. MCINTYRE, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PASCRELL, Mr. KLECZKA, Mr. DOYLE, Mr. BAIRD, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. BALDACCI, Mr. LANGEVIN, Mr. RAHALL, Ms. KAPTUR, Mr. BORSKI, Mr. HOLT, Mr. MASCARA, Mr. MCDERMOTT, Ms. DELAURO, Mr. CONYERS, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. OLVER, Ms. SCHAKOWSKY, Mr. MALONEY of Connecticut, Mr. INSLEE, Ms. HOOLEY of Oregon, Mrs. THURMAN, Mr. BRADY of Pennsylvania, Mr. CLEMENT, Mr. TAYLOR of Mississippi, Ms. LOFGREN, Ms. BERKLEY, Mr. RODRIGUEZ, Mr. EDWARDS, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. SHOWS, Mr. ACKERMAN, Mr. WATT of North Carolina, Mr. LYNCH, Mr. BENTSEN, Ms. LEE, Mr. CUMMINGS, Mr. HOEFFEL, Mr. KANJORSKI, Mr. SANDLIN, Mr. VISCLOSKY, Mr. BERRY, Mr. MORAN of Virginia, Mr. REYES, Mr. OSE, Mr. KING, Mr. JOHN, Mrs. MEEK of Florida, Mr. SAWYER, Mr. ALLEN, and Mr. SHAYS.

H.J. Res. 67: Mr. HOLT, Mr. MATHESON, Mr. SMITH of Washington, Mr. LEACH, Mr. RYAN of Wisconsin, Mr. SIMMONS, Mr. ABERCROMBIE, Mr. WEINER, Mr. CAPUANO, Ms. HOOLEY of Oregon, Mr. SHOWS, Mr. UDALL of Colorado, Mr. MURTHA, Mr. BROWN of Ohio, Mr. STUPAK, Mr. FARR of California, Ms. PELOSI, Mr. WAXMAN, Ms. ESHOO, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. BARCIA, Mr. FATTAH, Mr. HOEFFEL, Ms. HART, and Mr. UDALL of New Mexico.

H. Con. Res. 26: Mr. DOYLE.

H. Con. Res. 181: Ms. BALDWIN and Mr. KILDEE.

H. Con. Res. 220: Mr. STUMP.

H. Con. Res. 228: Ms. NORTON.

H. Con. Res. 238: Ms. CARSON of Indiana.

H. Con. Res. 242: Mr. BERMAN, Ms. MCCARTHY of Missouri, Ms. KAPTUR, Mr. GILMAN, Ms. DELAURO, Mr. PUTNAM, Mr. OXLEY, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. GALLEGLY, Mr. CHABOT, Mr. ACKERMAN, Mr. BALLENGER, Mr. MARKEY, Mr. HOEFFEL, Ms. PELOSI, Ms. BERKLEY, Mr. PAYNE, Mr. HILLIARD, Ms. LEE, Mr. WEXLER, Mrs. NAPOLITANO, Mr. LEACH, and Mr. ROYCE.

H. Con. Res. 249: Mr. TOWNS, Mr. MEEKS of New York, Mr. ENGEL, Ms. SLAUGHTER, Mr. WYNN, Mr. SERRANO, and Mr. NADLER.

H. Con. Res. 254: Mr. DOYLE, Mr. PETERSON of Pennsylvania, Ms. HART, Mr. ENGLISH, Mr. SHUSTER, Mr. SHERMAN, and Mr. PLATTS.

H. Con. Res. 256: Mr. VISCLOSKY and Mr. DOYLE.

H. Res. 98: Mr. LANTOS and Mr. OWENS.

H. Res. 224: Mr. MENENDEZ.

H. Res. 235: Mr. ENGEL and Mr. OWENS.

H. Res. 243: Mr. SOUDER.

H. Res. 255: Mr. BENTSEN, Mr. DEFAZIO, Mr. FRANK, Mrs. LOWEY, Mr. OSBORNE, Ms. RIVERS, Mr. ROTHMAN, and Mr. TERRY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. CALLAHAN, Mr. KOLBE, Mrs. NORTHUP, Mr. SKEEN, Mr. LAHOOD, and Mr. GOODE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

DOD APPROPRIATIONS BILL

OFFERED BY: MR. FILNER

AMENDMENT NO. 3: In title X (the emergency supplemental provisions), in the item relating to "DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES", insert before the period at the end the following:

: *Provided*, That, of the amount provided under this heading, $20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.

SENATE—*Friday, November 2, 2001*

(Legislative day of Thursday, November 1, 2001)

The Senate met at 10 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, thank You for another day to live for Your glory by serving our Nation. We accept the Psalmist's admonition as our motto for the day: "Be of courage, and the Lord will strengthen your heart."—Psalm 31:24. Your fresh supply of strength gives us courage to live fearlessly today. You replenish our diminished strength with intellectual creativity, emotional stability, and physical resiliency. The tension of these frightening days on red alert have made us all much more alert to Your presence and power. The more we place our trust in You, the more the springs of tension within us are released and unwind until we feel a profound peace inside. As this workweek draws to a close, we thank You for Your protection and we renew our commitment to live by faith and not be beset by fear. Your perfect love casts out fear. We relinquish our worries to You and our anxiety is drained away. We say with the Psalmist, "But as for me, I trust You, O Lord; I say, 'You are my God. My times are in Your hand.' "—Psalm 31:14–15a. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, we will be in a period for morning business today. A number of Senators have expressed a desire to speak. For the information of all Senators, we are going to have a vote at 5:30 p.m. on Monday, so Senators should be prepared for that. We should have a very busy week next week. We hope it is the week prior to our recessing for the year. We will do our very best to do that. That would be 2 weeks from today.

If we complete the Labor-HHS bill on Tuesday, the only appropriations bills we will have left is DC, plus the big Defense appropriations bill. So we are moving right along. We have a lot to do, though.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Wyoming.

TRIBUTE TO JONN J. EDMUNDS

Mr. ENZI. Madam President, for the last week, I have been trying to figure out how to pay tribute to a young man from Wyoming whose funeral I attended last Saturday. I am pleased to have the opportunity this morning to address his life and our country as well.

Last Saturday, it was evident to many people in Cheyenne, WY, that ground zero had come to our State. Jonn Edmunds—that is spelled J-o-n-n; he is named after his dad who is Donn, D-o-n-n—was killed in Pakistan. He was a member of the Rangers, the 3rd Battalion, 75th Regiment, and he was killed in a helicopter crash. Suddenly, the war got closer to all of us in Wyoming.

During Desert Storm, there were not very many people killed, but one of them was from Gillette, WY, Manuel Davilla, and we remember him.

In this war, not many have been killed: Two, one from Montana, one from Wyoming. Again, Wyoming, according to its population, has given an inordinate number, but if you are the parents of anyone killed as a result of the terrorist attacks and in the military, for you that is a 100-percent loss. It is a much greater loss. It was not just the parents who lost in this instance, it was also a wife.

One of the things that struck me at the funeral, which was attended by Army Rangers who helped with the funeral—it was a grand ceremony with all the military honors—what struck me was the youth of these soldiers. I remember one time watching a show put on by Channel 1. It was called "The Kids Who Saved the World." It was designed to show today's generation that the people who fought in World War II were kids. It took some of the people attending reunions, which is what most of the people see of the military, and went back to the picture of them as they participated in D-Day, to emphasize that it is kids who are out there saving us.

Jonn Edmunds would have had his 21st birthday on January 3. He would have had his second wedding anniversary on December 27. The first song they played as a part of the service was the song that he and his wife were going to play at their anniversary. Next to the podium, next to the picture of Jonn was a white board, a message communicator they used in their home. Jonn left his last message to his wife on that white board. It said:

> Anne, I will be OK. I'm going to come back to you. I love you, and I will think about you all the time. Be strong while I'm gone and never forget that I love you.

And then he paid the ultimate price. He left a family and a wife and an emphasis in Wyoming. We appreciate the sacrifice that he made and that his family made. It is important we remember that.

The service was extremely patriotic, thanks to the help of his fellow soldiers. Something that was read during that service I want to read here. It gives us an idea of the dedication, the focus, the goals, and the understanding that these young men have when they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

go into battle. It is called the Ranger Creed. The Rangers are a special group of young people.

The Ranger Creed:

> Recognizing that I volunteered as a Ranger, fully knowing the hazards of my chosen profession, I will always endeavor to uphold the prestige, honor and high esprit de corps of my Ranger Regiment.
>
> Acknowledging the fact that a Ranger is a more elite soldier who arrives at the cutting edge of battle by land, sea or air, I accept the fact that as a Ranger my country expects me to move further, faster and fight harder than any other soldier.
>
> Never shall I fail my comrades. I will always keep myself mentally alert, physically strong and morally straight and I will shoulder more than my share of the task whatever it may be. One hundred percent and then some.
>
> Gallantly will I show the world that I'm a specially selected and well trained soldier. My courtesy to superior officers, neatness of dress and care of equipment shall set the example for others to follow.
>
> Energetically will I meet the enemies of my country. I shall defeat them on the field of battle for I am better trained and will fight with all my might. Surrender is not a Ranger word. I will never leave a fallen comrade to fall into the hands of the enemy and under no circumstances will I ever embarrass my country.
>
> Readily will I display the intestinal fortitude required to fight onto the Ranger objective and complete the mission, though I be the lone survivor.
>
> Rangers lead the way.

That is a creed they live by and they recite as they go into battle.

I also want to share a poem. The poem was written by Jonn Edmunds' English teacher and was dedicated to his memory at the funeral.

The title of it is: "So This Is How It Feels."

> So this is how it feels to know the pain of war, the ineffable sorrow deep in your gut, beyond tears, beyond consciousness.
>
> Elements of disgust, horror and anger, and finally fear, all mixed and meshed inside.
>
> So this is how it feels to mourn native sons, the inscrutable sadness for one so young, their future laid bare, barren yet not futile.
>
> Elements of patriotism, pride, honor and heroism, and the thoughtful thankfulness for their service, all conglomerate there.
>
> So this is how it feels to know the dark of evil, the vague uncertainty of its source made real in the shed blood of our own.
>
> Elements of emptiness, apprehension and instability rocking our faith, and finally that fear again.
>
> Yet the good will out, our fears will form into faith, history will record how America, though humbled now, held its course as she has through other wars when she knew all too well how it felt.

About a week after the September 11 events, my wife and I had an opportunity to attend a dinner. There happened to be a number of ambassadors from other countries at the dinner. It was very reassuring to talk to them. Their message involved the spirit of the American people.

There were a lot of people from a lot of countries around the world who thought a major tragedy hit the United States that had been caused by somebody else and we would go to pieces. Instead, what they saw was the American people in a new form of unity and spirit that they had not seen for decades—people coming together, volunteering, helping out, the spirit of America alive again.

It is that spirit of America that these young people in our service already know, already recognize. It is the reason they volunteered, that they have put their life on the line to serve our country. Thank goodness we have them. Let us always remember those who have given all.

I ask unanimous consent that the newspaper articles referring to Jonn Edmunds be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wyoming Tribune-Eagle, Oct. 28, 2001]

CHEYENNE SON LAID TO REST

(By Ilene Olson)

CHEYENNE.—Before going overseas to help fight in Operation Enduring Freedom, Spc. Jonn J. Edmunds left a simple note for his wife Anne on a memo board:

"Anne, I will be OK. I am going to come back to you. I love you and I will think about you all the time. Be strong while I am gone, and never forget that I love you."

Those words, framed and displayed at his memorial Saturday, tell their own story of a young life lost and a young love cut tragically short.

Edmunds, 20, was an Army Ranger in the 3rd Battalion of the 75th Ranger Regiment. He was killed in a helicopter crash in Pakistan on Oct. 19 while providing rescue relief for American troops in Afghanistan.

Thirteen Army Rangers from the 2nd Battalion, 75th Ranger Regiment, marched in slowly and somberly. Six stopped at the left side of the gym and lined up in two rows of three, remaining there motionless for more than an hour until their services as casket bearers were needed. The other seven lined up diagonally on the right side, rifles ready for a 21-gun salute.

Edmunds was remembered by those who knew him as an intense, competitive youth, a loving and devoted husband, and a dedicated soldier.

The Rev. Janet Forbes told the story of Edmunds' life, based on her conversations with his family.

Forbes said Edmunds met Anne Costello when the two were paired on a bowling lane. After a second bowling date, the two were inseparable.

"Jonn and his dad took a long walk together just before Jonn left Cheyenne for basic training," Forbes said. "He told Donn about his intentions concerning Anne:

"Dad, I really love her, and I want to marry her."

"Jonn, you're too young."

"No, Dad, I'm not."

"This went on for several rounds," Forbes said.

"And then Donn reflected, and he looked at his son closely, remembering his intelligence, clarity of purpose and maturity, and said, 'No, son. You're not.'"

The couple married Dec. 27, 1999, before a justice of the peace.

"Jonn's life began when he met her," Mary Edmunds told Forbes. "He was never happier."

Forbes said Anne remembers Jonn for the strength of his character: strong, concerned, hard-working, dedicated, loving; for the beauty of his person: good-looking, physically fit; and for his lively sense of humor: funny, light-hearted and easy to talk to.

Jonn and Anne Edmunds planned to renew their vows at a wedding on Dec. 15. "It's Your Love," the song they planned to be the first number at their wedding dance, was played for his funeral instead.

Edmunds and his father, Donn, shared "an alphabetical connection" of double Ns in the spelling of their first names—and the frustration of never having them spelled correctly, Forbes said.

Mary Edmunds told Forbes that her son began training for his life's vocation at the age of 3. "He was all action—running, running, running."

"He had what we call older brother's syndrome," Forbes added. "He was always picking up his younger brother Seth, carrying him on his shoulders and dragging him around.

"Their play began with squirt guns, then moved to laser tag. Seth, always the youngest competitor would take refuge in the house."

Paintball was the favorite, and Jonn was always victorious.

"One time, Dad joined the game," Forbes continued. "He lifted his head slightly above his hiding place and Jonn got him—right across the top of his head."

Forbes said Edmunds enjoyed playing and coaching soccer.

"He liked coaching because he got to yell," she said. "It seems one of the things he hated about basic training in the Army was getting yelled at. He liked the leadership role better—being the yeller instead of the yellee."

Forbes said Edmunds' younger sister Alyssa remembers her brother as a tease who loved to chase her and put June beetles in her hair.

Alyssa, as introspective as her brother was, had confided, "Jonn would have hated all this attention."

Forbes said one teenager in her congregation read Edmunds' obituary, finishing with the survivors, "all of Cheyenne."

"She interpreted this statement to mean that all of Cheyenne are indeed survivors," Forbes said. "It was touching, comforting and reassuring that John gave his life so that all of the citizens of Cheyenne may survive."

Chaplain Capt. Paul Lasley of the 75th Ranger Regiment in Fort Lewis, Wash., said Edmunds personified the Ranger Creed every day.

"Living the creed is a way of life. One must struggle to balance a devotion to duty with a corresponding devotion to one's family," Lasley said.

"It is the essential uniqueness of the Ranger Creed that turns a drab, black and white understanding of a ranger's life into a colorful masterpiece."

Staff Sgt. William Bader of the 3rd Batallion, 75th Ranger Regiment in Fort Benning, Ga., worked directly with Edmunds.

"When I think of Jonn, I think of all the little things," Bader said. "Jonn never let me down."

Once, after a difficult operation, "I looked at the rest of my boys. I could see that they were tired. Then I looked at Jonn. He still had that intense look on his face.

"That is the way I choose to remember Jonn."

The song, "I'm Proud to Be an American," played near the end of the memorial. It had a powerful effect on the audience, which stood in a spontaneous salute of Edmunds and the country he served. Several joined hands over their heads in a show of unity. Applause burst forth at the song's conclusion.

Sen. Craig Thomas R-Wyo., read a statement from Wyoming native Vice President Cheney.

"I will not presume to offer comfort," Cheney had written. Instead, he thanked the Edmundses for their son's patriotism and courage.

Sen. Mike Enzi, R-Wyo., presented President Bush's statement to Anne Edmunds.

"I am deeply saddened by the loss of your husband," Bush had said. "I hope you will find solace in the knowledge that his sacrifice will not be forgotten. The nation is grateful for Jonn's service to our country. We pray for comfort and healing in this difficult time."

At the end of the service, an intense silence fell in the facility as the waiting rangers removed the flag from the casket, folded it ceremoniously and presented it to Edmunds family.

During the flag ceremony, people in the audience stood quietly, barely breathing. Many dabbed at their eyes, and their grief was palpable.

The intensity of the silence was broken by two bugles playing "Taps," then countered by the equally loud 21-gun salute.

A startled child cried, and the audience seemed to take a collective breath.

Following the memorial, family members were escorted quietly from the room while people in the audience stood reverently. The family's grief was reflected in many of their faces.

Lasley summed up the purpose of the memorial: "Jonn Edmunds is not honored today exclusively for how he died."

"We honor Jonn Edmunds for how he lived."

[From the Wyoming Tribune—Eagle, October 23, 2001]

GROUND ZERO IN WYOMING

(By Ilene Olson)

CHEYENNE.—A grieving Donn and Mary Edmunds stood in their driveway Monday to give Americans—and the world—a glimpse of their son and the tragedy of his death.

Spc. Jonn J. Edmunds, was a member of Company B, 3rd Battalion, 75th Rangers. He died Friday in a helicopter crash in Pakistan while providing rescue backup for U.S. troops entering Afghanistan.

Donn Edmunds, occasionally fighting tears, spoke for the family during the news conference:

"Jonn decided in his senior year of high school to join the Rangers because they were an elite force, because he felt he was up to the challenge and because he wanted to join the military for their college benefits.

"He was extremely proud of his achievements as was the rest of his family. He was a tough, determined, competitive young man who only accepted the best of himself and wanted to give his best for his country.'"

Donn Edmunds read an excerpt from a paper his son wrote while in high school:

"In 10 years I see myself still in the Army. I believe I will make a career out of the Army, which would mean staying in for 20 to 25 years. I will be contributing to myself as well as the defense of this country and the betterment of the world."

Despite his short time in the Rangers, Jonn Edmunds was the leader of a four- to five-member team, supervising half of his squad of 10 to 11 members, Lt. Col. Scott Keller of the Army Headquarters in Denver said Monday.

Donn Edmunds, who characterized his home as "ground zero in Wyoming," said while their son's death has hit them hard, it hasn't changed his family's attitude toward the current war on terrorism.

"Even in this time of loss, our family wants to express our continued support for our president and his policies regarding the actions in Operation Enduring Freedom," he said.

The Edmunds family also expressed sympathy for the family of Pfc. Kristofor Stonesifer, 28, of Missoula, Mont., the other Ranger killed in Friday's crash.

In a news release Monday, Gov. Jim Geringer added his condolences to those offered Sunday by other political leaders.

"Jonn Edmunds symbolizes the thousands of young men and women who wear the military uniform," he said. "He was a model high school student who voluntarily chose to serve his country through service in the military.

* * * * *

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank my friend from Wyoming for his remarks. He and I attended the funeral of Jonn Edmunds together. It was a moving experience. I submitted my statement earlier in the week. We carried messages from President Bush and Vice President CHENEY to the funeral. It was a very moving event.

ENERGY POLICY

Mr. THOMAS. Madam President, I want to talk a moment about a couple of subjects that I think are current certainly. One of them is the subject of energy. Energy has been with us for a long time. We have been talking about a policy on energy. We have been talking about doing something to strengthen our domestic production so that we become less dependent on imports particularly from the Middle East.

We have talked about the need to do something to help our economy, and energy has something to do with it. So it is an issue of security. We are now nearly 60 percent dependent on foreign oil.

Oil, of course, causes the movement and transportation not only in our economy but in defense, so it becomes even more important we deal with that issue as we talk about a stimulus for the economy. And we will be coming up with a number of proposals we hope will have an impact on the economy. Energy, of course, probably has one of the greatest impacts on the economy. The idea we could move into doing some development of facilities, we could do some new efforts to produce oil, would all have some impact on jobs and on our economy.

We have been talking about it for months now. We have had a number of meetings out in the swamp that were attended and supported by the administration, by the President, by the Secretary of Energy, by the Secretary of Interior, to move forward with something. The House, of course, has already passed an energy bill.

We have been supported by groups of seniors, and I think understandably so. When utility rates go up, seniors on fixed incomes are the ones who suffer the most, and that is an experience we have all been through. Certainly, we have had also the support at these various meetings from labor unions, particularly the teamsters who have been there time after time.

We have been joined by Native Americans from Alaska who are dealing with that portion of energy. So we have had support from a great many people.

Yesterday there was a two-page ad in the Hill newspaper of all the people who are supporting doing something with energy policy. So there is very wide support for it.

We have not, however, gotten support from the majority leader to bring it to the floor. We believe that is one of the legislative efforts that should have a high priority before we can finish our work, which I hope we will do relatively soon.

So there is much that needs to be done. A policy in energy, of course, has to do with conservation, how we in our homes and in our cars can do more to conserve energy. It has to do with renewables. We need to put an emphasis on renewables so we can strengthen that aspect of production. We certainly need to do more on research so that we can find, for instance, ways to even more cleanly use coal and other kinds of volume resources.

We have to talk about production. We have to talk about access to public lands. We can have production. We have shown that in Wyoming one can go into an area and have production without destroying the environment, and we should do it in a very careful way, and indeed we will.

So despite the need for both the economic boost and for the defense and security aspect of it, we have not been able to cause the majority to bring this before the Senate. We urge it be done and done quickly. We need to bring this bill forward and deal with it. Perhaps we will deal with the House bill, but we need to bring it up and make some judgments.

AIRLINE SECURITY PERSONNEL: FEDERAL OR PRIVATE

Mr. THOMAS. Madam President, on another item I want to comment on that I have heard quite a bit about, the House passed last night the airport security bill, and I am glad they finally did. Of course, the big controversial issue was whether or not those personnel that are in airports would be Federal employees or whether they would be civilians overseen by a Federal agency.

First of all, often, particularly in the media, there has been the impression that we either have Federal employees or continue to do it the way it is being done.

That is not the case. What is being talked about, if it is done without Federal employees, is the Federal Government would have oversight and the authority to authorize these kinds of activities; they would be overseen by a Federal agency, hopefully a law enforcement agency. There would be criteria for employees, there would be tests for employees, there would be measurements to be taken, all enforced by the Federal Government. The idea that would continue to be what it is, unless it is Federal employees, is not true.

The other interesting point is there has been a lot of reference, both by the media and also by the Members in the House pushing for Federal employees, to it passing 100–0 in the Senate. It did, indeed, but the reason is there are lots of things in that bill in addition to the matter of what kind of employees we have for airport security. Many Members would have preferred to have seen what the House put in, but we knew we did not have the votes. We wanted to pass the bill because of what it contained. The idea that it passed 100–0 does not mean there are not people in the Senate who would like to see this done in the manner as passed by the House.

As we go to a conference, I hope we can do that quickly. That is one of the most important and timely things to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

APPRECIATION FOR EFFORT OF SENATOR THOMAS

Mr. ENZI. I take this opportunity to thank the senior Senator from Wyoming, Mr. THOMAS, for all of the efforts he has made in three areas, as well as a lot of other areas, but particularly in three areas.

Energy, of course, of which he spoke, he has been one of the Members pushing for an energy policy for this country since I have known him, which has been quite a while. It looks as if we have the opportunity to get that done soon. It will be largely due to his efforts on the committee and on the floor.

I also thank him for the effort he is making in the agricultural area. Our State is very dependent on agriculture. He serves on the Agriculture Committee. I think he is the first person from Wyoming to serve in 40 years. He got in it at a particularly crucial time, as we were redoing the farm bill. I know that is extremely difficult work. When there are 10 Senators together, they offer 20 opinions. Trying to mold those into one bill can be extremely difficult.

Of course, the Senator serves on the Finance Committee, as well. That is from where the stimulus package is coming. Again, there are multiple opinions regarding that package.

I appreciate the efforts and leadership of the Senator in all of those areas. I look forward to the great packages we will have as a result.

RACE FOR THE CURE

I also mention another effort led by his wife, the Race for the Cure, the breast cancer effort in our State. The four honorary chairs are his wife—definitely not an honorary chair; she spends a great deal of time all year working to raise funds to make people more aware of the need for breast cancer testing, treatment, and early detection. She is an honorary chair, along with our Governor's wife, Sherri Geringer, my wife, Diana, and Congresswoman BARBARA CUBIN's husband, Fritz. They all work a lot of time during the year.

Last weekend, we were at a function that kicks off the next year's Race for the Cure. It is well underway. It is a great effort. It saves life, both men's and women's lives. That evening we were in Rock Springs, WY, for a different function called Cowboys Against Cancer. This event is not limited to any particular type of cancer. Rock Springs puts on an annual fundraising event where anyone in the community with cancer receives funds from this foundation, up to $1,000, to help offset some of their expenses during the year. It is a great community effort to help out neighbors.

They asked me to emphasize that, even though we have this focus in the United States on terrorism, anybody who comes down with cancer has a form of terrorism. It is important we keep giving the ways we have been giving, as well as giving in new ways. The American people are the most giving people in the world. This is a time when we need to give in new ways, but we need to continue the old ways, as well.

When somebody in your family comes down with cancer, you have ground zero in your home, too. That is the potential for a total loss. I hope everybody keeps up all of those efforts, as well as the new emphasis.

I yield the floor.

Mr. THOMAS. I thank the Senator for his kind comments and I certainly enjoy working together.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TROUBLING TIMES

Mr. TORRICELLI. Madam President, these are, for all Americans, troubling times. While we are defending our Nation at home and abroad, we find ourselves with conflicting emotions. We are by nature a peaceful people but a people of enormous resolve, with a great love of our Nation, our culture, and each other. We respect each other's faiths. We respect the faiths and cultures of those of other nations.

This mix of emotions has placed us in an extraordinary position. Two principal issues arise from this dilemma. First, in the midst of a military campaign in Afghanistan, we now find the religious holidays of the Muslim faith upon us, the celebration of Ramadan. It is a central date on the Islamic calendar.

The second issue is the extent to which our military operations in Afghanistan involve the inevitability and the tragedy of civilian casualties. I would like to address both of these concerns for a moment.

It speaks well of the American people that we would have a concern about engaging in military activities during the religious holidays of some of our own citizens, and more important, those of other nations. In a nation that is overwhelmingly Christian but with large Jewish and Islamic populations, it is a tremendous statement about America that even in the waging of conflict we want to be deferential to the religions of others. Indeed, it speaks well of our President that there is even a consideration of the postponement of military activities in our air campaign in Afghanistan during Ramadan.

I strongly urge the President, despite his best instincts, that the bombing campaign should not be postponed—not for a minute, not for a day. What happened on September 11 and the motivation of those who might have orchestrated this campaign from Afghanistan is all the evidence that is required that bin Laden, al-Qaida, even the Taliban are not practicing Islam.

The massive loss of life at the Pentagon and the World Trade Center in the name of that faith is not only not in keeping with the teachings of Islam, it is blasphemy. It is blasphemy against the teachings of Mohammad and the Koran. It is an insult to every person of Islamic faith in the world.

For the United States to hesitate or suspend our military operations against al-Qaida because of Ramadan is to suggest that these people are actually legitimately practicing their faith or even, in fact, are of the Islamic faith. Their practice of Islam that engages in terrorism, the massive loss of life, the use of assassination and terror against their own people and the United States, their declaration of war against people simply because they hold a different religious faith or live in a different culture, is not the legitimate practice of Islam. It is against everything written in the Koran.

Not only should this bombing campaign not be suspended in deference to Ramadan, indeed—it is the policy of our Government that bin Laden and al-Qaida are not practicing the faith at all—suspension would be to give a cloak of legitimacy that indeed they are practicing a religion rather than that they are an aberration. They are a cult, mindlessly pursuing some horrible vision of exercising personal power, the teachings of which are not legitimately accepted by any faith.

No, the bombing campaign should not be suspended. Indeed, it must continue to underscore that this is not a war against Islam, and the people we are fighting are not practicing Islam.

Second is the issue of civilian casualties. It is a wonderful statement about our people that even in the face of horror and the massive loss of life of Americans, that there is a concern that people in another nation, as we seek justice, might inadvertently and tragically lose their lives as we pursue al-Qaida and bin Laden. It is right we should have this concern, but it cannot deter us.

I hope my comments are not misunderstood. I do not want them to seem overly harsh. But there is something missing from this debate, from those abroad, and those within our own Nation who are understandably concerned about this loss of life. There is not a question that there is going to be a loss of civilian life. That happened on September 11. If you want to see civilian casualties, come to New York. We have thousands of bodies still not recovered.

Concerning the issue of whether there is going to be an innocent loss of life, that already happened. We want nothing but the best for the people of Afghanistan. But it is impossible to engage in large scale military hostilities, to find thousands of al-Qaida fighters where they are being shielded, without some loss of Afghan life. Every loss of life of an Afghan citizen is regrettable but unavoidable. We can minimize it, but we cannot avoid it.

We have responsibilities. Our first responsibility is to bring to justice those who killed our people and attacked our Nation. An equally great responsibility is to ensure that if American soldiers enter Afghanistan to find bin Laden, we minimize the loss of American lives. Anything that is done that avoids the possibility of the loss of an American soldier is our highest priority. If we can do that while minimizing the loss of Afghan citizens, it is the right thing to do.

I speak, now, directly and bluntly. The people of every nation bear some responsibility for those who govern it. That is obviously true in a democratic society, where governments rule with the consent of the governed. But, indeed, it is true in all societies.

I know the Afghan people are powerless. I know the Taliban rules against the wishes of many Afghans. But, nevertheless, as a historic principle, they are accountable for their government. It is a fact that their government has harbored terrorists who have attacked our greatest city, declared war on our Nation, and killed thousands of our citizens. This is not to suggest that I believe that we, by design, would ever take their innocent lives. But it is to put in context the fact that, if inadvertently, against our policies and our desires and our prayers, Afghan lives are lost in the hunt for bin Laden and the search for justice, it may be regrettable, but it is historically and legally and morally defensible.

By historic parallels, a third of the German people voted for the Nazi Party.

Virtually none of the Japanese people as a matter of right could have been held accountable because they were directly responsible for Tojo's government in Tokyo. But I don't believe it would have been legitimate then any more than it would be legitimate now to have said somehow the people of those countries do not bear responsibility for their government no matter how they came to power. The innocent Afghan people who regrettably now lose their lives, as the people of all nations, bear some responsibility for those who govern them—by the ballot box wherever it is possible, by force of arms where it is necessary, or by whatever means that might be required to free themselves, or to ensure that their governments are either not engaged in actions against other people or harbor those who would harm other people. Responsibility rests on all of us who are citizens of nations.

I hope the loss of civilian life is minimal. But our Nation is at war. This is not some gentlemanly understanding between the government of the United States and the Taliban government of Afghanistan. This is not a problem of languages or cultures. This is a fundamental judgment by the government of Afghanistan to harbor a terrorist element that has come to the judgment that they cannot coexist with Western society.

Either their government falls or ours falls. There is not something here to be negotiated. It is not some misunderstanding that we reconcile. There is nothing to be discussed. Their government falls or ours does. We are vulnerable to them or they are vulnerable to us. Bin Laden lives or some of our people die.

Sometimes, even in a complex world which has seemingly advanced so far, some things are so simple. That is the nature of this conflict.

It has been called a war on terrorism. It isn't a war on terrorism. Terrorism is a methodology of warfare. Had they attacked the World Trade Center with fighter planes or used the most modern technology available, we would be grieved nonetheless. They used terrorism. But it isn't their methodology that we are fighting. It is them.

This is a small group in a remote place that has come to the extraordinary conclusion that they cannot coexist with Western society. As a matter of our faith, our culture, and the means by which we choose to live our lives, they have come to a judgment that they cannot share this planet with us because of who we are and what we believe.

None of us wants any loss of life. There is a wonderful strength of our country. We can fight an enemy and still worry about his wounds.

I leave you with a simple reminder as our country debates whether to pursue this war during Ramadan and whether we lose our nerve because of loss of life of Afghan citizens. It has been a long time since this country fought a war seeking an unconditional result. Indeed, it has been more than half a century. War is different. It is different than a misunderstanding. It is different than a military action. It is different than a police action. It is different than the Persian Gulf or Vietnam or even Korea that had limited objectives. This has no limited objective. This is unconditional.

Those people will not stand. We don't want to talk to them. We don't want to negotiate with them. We don't want to work out a misunderstanding with them. They will not stand.

The judgment about whether to fight during Ramadan and pay them the respect that they are actually of the Islamic faith should be debated in that context because they are not Islamic. They are not exercising their faith. They are blasphemists of their own alleged religion.

Civilian casualties need to be debated in this context because, though regrettable, they are inevitable and a part of unconditional war in a threshold that was already crossed, and then finally all of us coming to recognition of what it is we fight—terrorism, bin Laden. We fight against people whose weapons are not the principal concern. Their methodology is not our principal concern. Our concern is the profound judgment that they reached: that our presence and our lives are somehow a central threat.

Before the Senate left for this week, I wanted to share these thoughts knowing that we will revisit these issues again and again in what promises to be, unfortunately, a long and difficult engagement in Afghanistan, knowing that among the many strengths of our people, patience is not the greatest of American virtues. But we did not seek this war. We did not want it. We would have done anything to avoid it, but it was not our choice. It was thrust upon us. The decision to take lives was made by others. We only have one thing to do—no decisions, no choices, no judgments—just to win. That takes time. It takes sacrifice. Sacrifices we have made before. Now we will make them again.

I hope our country simply can steady its nerves and muster the patience to see this to the end. That will involve a great price, but there is no choice.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMIC STIMULUS

Mr. HOLLINGS. Madam President, it is only on a Friday that we can make sense. That is my attempt here this morning with respect to the upcoming stimulus bill. We have more than enough deficit stimulus already in the pipeline, almost, without a stimulus bill.

The point is that, yes, we are going to have to spend, as the distinguished Senator from West Virginia has pointed out, for home security. The Senator has outlined our spending on homeland defense to the tune of some $20 billion, including airport security; Amtrak security; Federal, State, and local antiterrorism enforcement; infrastructure security; highway security; clean and safe drinking water; bioterrorism response; border security. Actually, we have to add, necessarily, unemployment compensation and health care.

So let's say definitely all of us will be supporting—and should—deficit stimulus; otherwise, it makes no difference to the economy. It must be spent for home security with respect to the initiative of the distinguished Senator from West Virginia.

For starters, we are beginning this fiscal year with a horrendous deficit. I think of Mark Twain who once said that the truth is such a precious thing, it should be used very sparingly. That is the credo when we come to Government finance here in Washington. Specifically, we count Social Security revenues—I want to be specific in my limited time—twice. Sure, the government receives the well over $500 billion that payroll tax payers pay in to the Social Security Trust Fund. The American people paid that amount in fiscal year 2001 for a surplus of—other than paying out the regular benefits, $163 billion. But the Social Security law, section 201, says, wait a minute, we don't want that money to languish and sit there, we want to gain interest on it.

So we issue T-bills, you and I buy the T-bills—the money comes into the Government, and what do they do? They count that again as revenues. So you count the money first as it comes in from the payroll tax payers, and you count it a second time from the purchase of the Treasury bills, in compliance with section 201.

Now, let's understand it. We ended the fiscal year with a $133 billion deficit. I encourage my fellow Senators and the American public to view the public debt to the penny as issued by the Secretary of the Treasury on September 28, 2001 at: http://www.publicdebt.treas.gov/opd/opdpenny.htm.

Madam President, you can see that the national debt went up from the end of fiscal year 2000—the end of September in the year 2000—from 5 trillion 674 billion some odd dollars to 5 trillion 806 billion some odd dollars. It will show on the chart a $133 billion deficit. That is verified in the final monthly Treasury statement made for fiscal year 2001. You can access this report at: http://www.treasury.gov.

Madam President, immediately it highlights a half truth because they show a surplus, and that is how they talk about the surplus and how it is diminishing. But don't bother with that. Go down to page 20, the particular culmination of all their moneys, and you find out how much revenue the Government took in and how much was spent. Every year since Lyndon Johnson's day, we have ended up with a deficit. Not just the $133 billion deficit as of the last fiscal year, only a month ago. I will ask unanimous consent to have this particular document printed in the RECORD, the budget realities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

Presidents and fiscal year	U.S. budget (outlays in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
Ford:						
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
Carter:						
1978	458.7	11.0	−59.2	−70.2	776.6	48.7

HOLLINGS' BUDGET REALITIES—Continued

Presidents and fiscal year	U.S. budget (outlays in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	−128.0	−142.5	1.137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1.564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1.871.5	178.9
1986	990.5	81.9	−221.2	−303.1	2.120.6	190.3
1987	1.004.1	75.7	−149.8	−225.5	2,346.1	195.3
1988	1.064.5	100.0	−155.2	−255.2	2,601.3	214.1
1989	1.143.7	114.2	−152.5	−266.7	2.863.3	240.9
Bush:						
1990	1.253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1.324.4	122.5	−269.4	−391.9	3.598.5	285.5
1992	1.381.7	113.2	−290.4	−403.6	4,002.1	292.3
1993	1.409.5	94.2	−255.1	−349.3	4.351.4	292.5
Clinton:						
1994	1.461.9	89.0	−203.3	−292.3	4.643.7	296.3
1995	1.515.8	113.3	−164.0	−277.3	4.921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5.181.9	344.0
1997	1.601.3	165.8	−22.0	−187.8	5.369.7	355.8
1998	1.652.6	178.2	69.2	−109.0	5.478.7	363.8
1999	1.703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,789.0	258.9	236.2	−22.7	5,628.8	362.0
2001	1,853.0	254.8	281.0	+26.2	5.602.6	369.0

[a] Historical Tables, Budget of the U.S. Government FY 1998; Beginning in 1962 CBO's 2001 Economic and Budget Outlook. March 14, 2001.

Mr. HOLLINGS. The document takes us from President Harry Truman right on up to the Johnson Administration. You can see that, in 1968–69, when I had the privilege of serving here and worked on that with George Mahon over on the House side, the distinguished chairman of the Appropriations Committee at that time. We cut it back again another $5 billion. We called over to Marvin Watson in December of 1968 because President Johnson was very sensitive about guns and butter—paying for the war in Vietnam and the Great Society. So we cut it back another $5 billion, and we ended up with a true surplus that particular year, a $2.9 billion surplus. But you can see the minus marks coming through.

This particular chart shows that the Congressional Budget Office projected by March 14 of this year that we would have a $26.2 billion surplus. Truth: We ended up with a $133 billion deficit.

Where do you find that truth out? Turn to page 20 of 'Final Monthly Treasury Statement,' and you will see that at the beginning of fiscal year, 2001, we had a debt of $5,674,178,000,000.

By the close of the fiscal year last month, the debt had already gone up to $5,807,463. So it has gone up some $133 billion. We ended up with a deficit of $133 billion.

I ask unanimous consent that page 20 of the "Final Monthly Treasury Statement" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 6.—MEANS OF FINANCING THE DEFICIT OR DISPOSITION OF SURPLUS BY THE U.S. GOVERNMENT, SEPTEMBER 2001 AND OTHER PERIODS

[$ millions]

Assets and liabilities directly related to budget off-budget activity	Net transactions (−) denotes net reduction of either liability or asset accounts			Account balances current fiscal year		
	This month	Fiscal year to date		Beginning of		Close of this month
		This year	Prior year	This year	This month	
LIABILITY ACCOUNTS						
Borrowing from the public:						
Treasury securities, issued under general Financing authorities:						
Debt held by the public	−1,508	−110,688	−218,382	3,449,998	3,340,818	3,339,310
Intragovernmental holdings	39,096	243,973	236,289	2,224,180	2,429,058	2,468,153
Total Treasury securities outstanding	37,588	133,285	17,907	5,674,178	5,769,876	5,807,463
Plus premium on Treasury securities	−32	62	697	2,699	2,793	2,761
Less discount on Treasury securities	−4,176	−8,555	−5,157	75,541	71,162	66,986
Total Treasury securities net of Premium and discount	41,731	141,902	23,761	5,601,336	5,701,507	5,743,238
Agency securities, issued under special financing authorities (see Schedule B, for other Agency borrowing, see Schedule C)	394	−661	−832	27,672	26,617	27,011
Total federal securities	42,125	141,240	22,929	5,629,009	5,728,124	5,770,249
Deduct:						
Federal securities held as investments of government accounts (see Schedule D)	39,122	232,995	246,455	2,235,763	2,429,635	2,468,757
Less discount on federal securities held as investments of government accounts	−1,007	1,633	719	16,867	19,508	18,500
Net federal securities held as investments of government accounts	40,130	231,361	245,736	2,218,896	2,410,128	2,450,257
Total borrowing from the public	1,996	−90,121	−222,807	3,410,113	3,317,996	3,319,992
Accrued interest payable to the public	11,677	−4,728	1,608	44,211	27,806	39,483
Allocations of special drawing rights	4	−44	−440	6,359	6,312	6,316
Deposit funds [1]	−127	4,160	−1,248	2,625	6,912	6,785
Miscellaneous liability accounts (includes checks outstanding etc.)	−3,966	4,160	−404	4,140	12,266	8,301
Total liability accounts	9,584	−86,571	−223,291	3,467,448	3,371,293	3,380,877
ASSET ACCOUNTS (DEDUCT)						
Cash and monetary assets:						
U.S. Treasury operating cash: [2]						
Federal Reserve account	4,263	1,337	1,818	8,459	5,533	9,796
Tax and loan note accounts	33,627	−9,776	−5,618	44,199	795	34,423

TABLE 6.—MEANS OF FINANCING THE DEFICIT OR DISPOSITION OF SURPLUS BY THE U.S. GOVERNMENT, SEPTEMBER 2001 AND OTHER PERIODS—Continued

[$ millions]

Assets and liabilities directly related to budget off-budget activity	Net transactions (−) denotes net reduction of either liability or asset accounts			Account balances current fiscal year		
	This month	Fiscal year to date		Beginning of		Close of this month
		This year	Prior year	This year	This month	
Balance	37,890	−8,440	−3,799	52,659	6,329	44,219
Special drawing rights:						
Total holdings	7	603	33	10,316	10,913	10,919
SDR certificates issued to Federal Reserve Banks	......	1,000	4,000	−3,200	−2,200	−2,200
Balance	7	1,603	4,033	7,116	8,713	8,719
Reserve position on the U.S. quota in the IMF:						
U.S. subscription to International Monetary Fund:						
Direct quota payments	......	......	......	46,525	46,525	46,525
Maintenance of value adjustments	29	−330	−3,336	1,691	1,332	1,361
Letter of credit issued to IMF	3,089	7,017	−5,194	−35,827	−31,899	−28,810
Dollar deposits with the IMF	−18	−4	4	−117	−103	−121
Receivable/Payable (−) for interim maintenance of value adjustments	6	−1,966	2,234	1,418	−554	−548
Balance	3,106	4,717	−6,292	13,690	15,301	18,407
Other cash and monetary assets	656	8,309	954	24,937	32,590	33,246
Total cash and monetary assets	41,659	6,190	−5,105	98,401	62,932	104,591
Net Activity, Guaranteed Loan Financing	2,145	4,319	−4,438	[3] −22,013	−19,839	−17,694
Net Activity, Direct Loan Financing	−2,852	19,090	21,566	105,459	127,402	123,549
Miscellaneous asset accounts	4,582	1,564	−1,603	[4] −119	−3,137	1,445
Total asset accounts	45,534	31,163	10,419	181,729	167,357	212,891
Excess of liabilities (+) or assets (−)	−35,950	−117,734	−233,710	+3,285,720	+3,203,935	+3,167,986
Transactions not applied to current year's surplus or deficit (see Schedule A for Details)	560	−9,430	−3,207	......	−9,990	−9,430
Total budget and off-budget federal entities (financing of deficit (+) or disposition of surplus (−))	−35,390	−127,165	−236,917	+3,285,720	+3,193,945	+3,158,555

[1] Includes the cash balances only and does not include any investments held by funds.

[2] Major sources of information used to determine Treasury's operating cash income include Federal Reserve Banks, the Treasury Regional Finance Centers, the Internal Revenue Service Centers, the Bureau of the Public Debt and various electronic systems. Deposits are reflected as received and withdrawals are reflected as processed.

[3] Includes an adjustment of $943 million in September 1999 to reflect additional reporting by the Department of Education.

[4] Includes an adjustment of $11 million in September 1997 to reflect additional reporting by the Department of Treasury.

. . . . . . No Transactions.

Note.—Details may not add to totals due to rounding.

Mr. HOLLINGS. Madam President, I ask unanimous consent that "The Debt to the Penny" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

Current month and amount:
11/01/2001; $5,817,190,945,192.56.
10/31/2001; $5,815,983,290,402.24.
10/30/2001; $5,821,971,462,166.69.
10/29/2001; $5,822,039,361,288.25.
10/26/2001; $5,824,411,453,143.54.
10/25/2001; $5,823,620,074,112.16.
10/24/2001; $5,820,311,931,563.74.
10/23/2001; $5,821,675,171,748.09.
10/22/2001; $5,819,200,893,343.94.
10/19/2001; $5,819,139,910,042.71.
10/18/2001; $5,819,279,815,278.59.
10/17/2001; $5,820,599,313,961.29.
10/16/2001; $5,820,976,918,375.44.
10/15/2001; $5,818,887,492,619.52.
10/12/2001; $5,813,332,736,265.82.
10/11/2001; $5,811,762,115,860.32.
10/10/2001; $5,805,746,196,414.92.
10/09/2001; $5,808,819,610,348.90.
10/05/2001; $5,810,495,191,205.19.
10/04/2001; $5,803,751,789,864.65.
10/03/2001; $5,797,694,485,722.59.
10/02/2001; $5,815,899,927,829.86.
10/01/2001; $5,806,151,389,190.21.
Prior months and amount:
09/28/2001; $5,807,463,412,200.06.
08/31/2001; $5,769,875,781,034.48.
07/31/2001; $5,718,303,095,621.12.
06/29/2001; $5,726,814,835,287.17.
05/31/2001; $5,656,181,958,605.26.
04/30/2001; $5,661,347,798,002.65.
03/30/2001; $5,773,739,939,951.53.
02/28/2001; $5,735,859,380,573.98.
01/31/2001; $5,716,070,587,057.36.
12/29/2000; $5,662,216,013,697.37.
11/30/2000; $5,709,699,281,427.00.
10/31/2000; $5,657,327,531,667.14.
Prior fiscal years and amount:
09/29/2000; $5,674,178,209,886.86.
09/30/1999; $5,656,270,901,615.43.
09/30/1998; $5,526,193,008,897.62.
09/30/1997; $5,413,146,011,397.34.
09/30/1996; $5,224,810,939,135.73.
09/29/1995; $4,973,982,900,709.39.
09/30/1994; $4,692,749,910,013.32.
09/30/1993; $4,411,488,883,139.38.
09/30/1992; $4,064,620,655,521.66.
09/30/1991; $3,665,303,351,697.03.
09/28/1990; $3,233,313,451,777.25.
09/29/1989; $2,857,430,960,187.32.
09/30/1988; $2,602,337,712,041.16.
09/30/1987; $2,350,276,890,953.00.
Source: Bureau of The Public Debt.

Mr. HOLLINGS. Madam President, you can see we are already in the red $8.5 billion. The debt is on the way up.

What had happened in August was the Congressional Budget Office came over to the Budget Committee and Mr. Crippin projected a $104 billion deficit for fiscal year 2002. In the last couple of weeks, he has come back and amended that to some $140 billion more. He said the downturn has been far more extreme than he ever expected. So he adds another $140 billion to the $104 billion, which is $244 billion. We start off with $244 billion, without the stimulus, without the moneys for defense that we are bound to pass before we leave in the next few weeks, without the moneys for education that we are bound to spend, without the moneys for agriculture for the farm bill that we are prepared to provide. I am looking at all of that, and I made this comment at the Cabinet table just last week to the Vice President—the President had to excuse himself to receive a head of state—but I said: Mr. Vice President, we are starting off now knowing at the very beginning of fiscal year 2002 that we have over some $300 billion in the pipeline of stimulus that people are not looking at.

I will bet anybody any amount of money anytime—give me whatever odds you want—that the deficit for fiscal year 2002 will exceed $300 billion. I want to see my colleagues in the Senate take me up on that bet. We are still talking surpluses, is my point, and we know the truth is that we are going to have at least a $300 billion deficit.

Yes, let us take care of home security, if it is $20 billion, $25 billion, $30 billion—whatever it is. But none of these fast forward tax cuts and calling it stimulus, because it is a political opportunity: We will give you what spending we want, and we will take what tax cuts we want. That game has to stop.

The cold sobriety of the moment is this country is at war. We have to sacrifice, and we will sacrifice in the context of the economy, trying to hold the line as much as we can; specifically, let's not take anymore loss of revenues and call it stimulus. Let us go forward with strengthening home security and appreciate the reality that we are in trouble. The ox is in the ditch. We have fooled ourselves all year long. I pointed it out time and again.

I have such a high regard for our distinguished chairman in the Senate, KENT CONRAD of North Dakota, who is doing an outstanding job as our chairman, that I hate to appear as the dog in the manger constantly bringing up the record, the record, the record, showing the deficit, the deficit, the deficit. But we have had a deficit. We ended up with one, as I said we would, as of last year of $133 billion. We are already going into the red, and we have not even started the level of spending that will be required. Let us hold tight to home security, unemployment compensation, and health care, and stop right there to hold down the long-term interest rates. That is what is stultifying any kind of economic comeback from the recession we are in.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

AMENDMENT NO. 2044

Mr. KYL. Madam President, I rise this morning to speak to an amendment which I believe is the pending business before the Senate, and that is the Daschle amendment No. 2044 relating to collective bargaining of public safety employees. This is an amendment that has been offered to the Labor-HHS appropriations bill which is the pending business of the Senate. I understand a cloture vote will be scheduled for next Tuesday on this particular amendment.

I want to speak to this issue for a moment because I think this is an unfortunate time to be bringing this amendment forward, especially since it has nothing whatsoever to do with the Labor-HHS appropriations bill. I regret an effort has been made to inject this rather emotionally charged issue into the appropriations bill we are going to be asked to vote on early next week.

I also think the timing is unfortunate. I understand why, at a time when all of America is willing to and desirous of expressing its appreciation to our firefighters and other rescue workers, especially as they have worked day and night, literally, at the site of the World Trade Center in New York City, to find ways of recognizing their contribution to our country and to the people of New York. I do not think this particular amendment is the way to do that because the amendment seeks to, for the first time, force the U.S. Government's heavy hand into State and local government labor relations with police, fire, and a whole host of other workers—first responders, ambulance, paramedics, EMTs, and a whole group of other people who, for the first time, would be required to comply with Federal procedures regarding collective bargaining rather than the traditional approach, which has been for the State and local governments to make their own determinations as to how to deal with their various employees, including fire, police, and other first responders to emergencies.

The timing is unfortunate, as I say. I think there are many better ways for the United States to express its appreciation to these employees than to have a very partisan and contentious issue of labor relations inserted into the appropriations bill under the guise of finding a way to support our police and firefighters. This is not the way to support our police and firefighters.

This is an item that has been on the agenda of some people for a long time. To try to insert it into the debate on an appropriations bill at this time I think is most unfortunate.

Let me say parenthetically, there are some wonderful police and fire folks in Arizona with whom I have worked over the years. They have been tremendously helpful to me. Arizonans went back to New York City to help in that effort. There is not anybody who appreciates more the work that our police, firefighters, and other first responders do than I.

As I say, in particular, the folks in the various organizations that provide police services in Arizona have helped me in more ways than I can tell, but I really do not think this collective bargaining bill, as an amendment to the appropriations process, is the way to recognize their efforts. Here is why.

This amendment would require the State and local governments to implement collective bargaining for this group of employees, and it is not limited to paid employees. Volunteer firemen, for example, would be just as subject to this collective bargaining requirement as would the employees of the towns' or counties' police or fire department, for example, because it applies to either paid or unpaid law enforcement officers, firefighters, rescue squads, ambulance crews, as well as paramedics, EMTs, rescue workers, ambulance personnel, hazardous materials workers, first responders, and individuals providing out-of-hospital emergency medical care, both on a paid or voluntary basis.

It mandates many categories of individuals that would now be subject to collective bargaining for the first time under Federal rules because under this amendment, within 180 days of enactment, the Federal Labor Relations Authority must determine whether a State provides the following rights—and there is a whole long list: The right to form and join a labor organization; to recognize employees' labor organizations; commit agreements to writing; bargaining over hours, wages, terms of employment, arbitration, enforcement through State courts, and so on.

This is obviously an arbitrary list of rights that would be imposed under the authority of the Federal Government. If the FLRA determines that a State does not substantially provide for these rights—and over half of the States do not, by the way, they are right-to-work States that do not mandate collective bargaining—then the FLRA, under this legislation, shall establish collective bargaining procedures for these covered individuals. That has to be done within 1 year of the date of enactment.

So the bottom line is it imposes on States, even those which do not currently have collective bargaining laws, a new set of Federal requirements for collective bargaining for these people, including, as I said, even voluntary firemen. It would force this Federal system on those States.

It is not just an unfunded mandate, although there is obviously a cost associated with this as well, but it would override all of the local and State laws that currently apply. Twenty-one States do not currently require this kind of collective bargaining. It would literally force upon those governments collective bargaining over these public safety officers, who are nonunion members, to accept the union as their official bargaining agent.

This is such a total break from all of the tradition in this country. Some States are right-to-work States. Some States are not right-to-work States. Some States have options for collective bargaining for local jurisdictions, for example, such as my State of Arizona. We have never felt it was appropriate to mandate from the Federal Government how each of these municipalities and States would conduct their labor relations.

The bill has a provision that says if you have less than 25 full-time employees, then your police department or fire department would not be covered. Stop and think about all of the towns and the counties throughout our country that may have 26 or 27 or 28 employees. They would be covered. For the first time, the heavy hand of the Federal Government would come down and tell them what to do.

It is no wonder that county sheriffs in Arizona and some mayors in some relatively small towns have contacted my office and said: Do not impose this on us. We are getting along fine. We have great relations with our employees, and for the Federal Government to step in is not only going to increase our costs but, frankly, create some bad relationships. We do not need that. We have enough trouble responding to all of the problems that have resulted from September 11 to have to deal with this.

This is not an appropriate response to the events of September 11 for us to force this on our State and local communities.

In my own State of Arizona, for example, our law provides that public safety employees can present their proposals to their employers but does not require as an obligation that collective bargaining be the result. This, of course, would require the State agencies and local governments to bargain with labor unions on behalf of the public safety employees. This is why the sheriffs as well as some police chiefs have contacted me and said it interferes with their ability. The Arizona sheriffs and police chiefs, the league of cities and towns, all of them have expressed their opposition to this legislation.

I think the problem is in opposing it, there is somehow a notion we are therefore against police and firemen. That is what bothers me the most. There is a big difference between the Federal Government mandating labor policies on our towns and counties on the one hand and expressing our support for police and firefighters on the other. We have done that in the Senate in resolutions we have passed.

I hope in many other ways to show support for the police and firemen in my State with whom, again, I have had such a great relationship. They have helped me, and I hope I have been able to help them. In fact, I know I have through several appropriations that we have received to help them in fighting drugs, for example. It has been a great relationship, and I hope I do not have to prove my loyalty to these folks by supporting an amendment which has no place in this bill, which is a very political amendment, which creates huge problems with respect to federalism and forcing for the first time this new Federal mandate on these local communities, at a huge cost.

By the way, the cost is estimated at $44 million by CBO over the next 4 years. CBO says it will cost $3 million just to set up the FLRA to develop the regulations to determine State compliance and enforce those compliances.

This is simply not the right response to the events of September 11. I regret this issue has been infused into the Labor-HHS bill.

So I say to my friends in the volunteer fire departments in the small towns throughout Arizona and even in the larger communities, which of course do have these collective bargaining arrangements, for the most part, the best way we can respond to the incident of September 11 is to keep focused on the job ahead of us, and that is to train up and be ready to respond as first responders to any emergency within our local communities; to support our local firefighters and police so that in the myriad false alarms they are now responding to we provide them the resources necessary for them to do their job; to support them in any issues they have with respect to the Federal Government in terms of getting funding for programs and the like; but not to respond by creating a new Federal mandate on every community in our States that now they are going to have to be required to engage in collective bargaining when that has been a matter of local option in the past.

It seems to me this is the wrong approach, and I hope we can find other ways of supporting our local fire and police than by this particular amendment.

I intend to vote no if the question of cloture comes up. To explain that very briefly, the point is: Should we be taking up this amendment on this unrelated bill? Sixty Senators will have to say yes before we will be permitted to do that next Tuesday. I hope at least 40 Senators will say, no, this is not the place to do it, this is not the way for us to express our support for fire and police. There are more practical ways we could do that given the events of September 11.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. KYL. I ask unanimous consent that we stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:28 a.m., recessed until 11:48 a.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Jersey.

ECONOMIC STIMULUS

Mr. CORZINE. Madam President, today I rise to discuss a critical need for our Nation to unite in what I think is an immediate effort to strengthen our economy. This morning you probably saw that our Nation's unemployment rate jumped a full half of 1 percent to 5.4 percent—one of the largest increases in any given month in history. We lost 415,000 jobs over the last month. Within that context, there are many more layoffs in the offing, that have been announced by companies, yet to be executed.

GDP has declined. Consumer prices, actually, within the GDP numbers, declined for one of the first times since the 1950s. Manufacturing indices and other statistics indicate that we are in a recession.

Over 40 years ago, the brother of the distinguished Senator from Massachusetts, President John Kennedy, issued a dramatic and now immortalized challenge to all Americans. He said: "Ask not what your country can do for you. Ask what you can do for your country."

We are now having a debate about an economic stimulus program, about the state of our economy, and what we should do next. Four decades later, it is again time to ask Americans to come to the support of our country in a practical sense. This is particularly true for those of us in the Congress.

Today, we have not one but two great challenges. First, of course, we need to win the war against terrorism at home and abroad. To this end, we are remarkably united. Most Americans are on the same page in responding to the Nation's needs.

But at the same time, we need to reinvigorate our slumping economy, an economy profoundly impacted by the cowardly acts of September 11, and the subsequent uncertainty surrounding bioterrorism events. Here America's response is not quite so clear. To this challenge, we still appear focused on something more than the Nation's real needs.

Let me be clear: My views of stimulus are premised on the near certainty that we are in the midst of a serious national recession and I think also, importantly, a global one. Increasingly, we see our neighbors across the globe suffering from much of the same kind of weakness we see in America. This view is shared by most economic analysts and political leaders. Today's report only reinforces that view.

For all of us, the primary risks from this point forward are how deep, how much further will this economic erosion go? The signs, statistically and anecdotally, are everywhere that this will be a long and deep slowdown.

Therefore, we need an immediate and substantial fiscal response. We need an insurance policy, and we need to put it in place now.

I agree with what the President says: It is time for us to go to work. The question is, How should we organize that work?

This economic challenge will require the same type of bipartisan cooperation, the same sense of resolve, the same sense of national unity that we have enjoyed in the war effort. In truth, that should not be all that hard. After all, when it comes to designing an economic stimulus package there is broad consensus among economists about the principles we should follow. Chairman Greenspan agrees. Bob Rubin agrees. And the chairs and ranking members of the Senate and House Budget Committees—Democrat and Republican alike—agree. We should follow those straightforward principles and get on with working out the details. This should not be a political argument but an objective pursuit of the most certain actions to reinvigorate our economy.

In the short term, we need actions that quickly generate real economic activity, real economic growth. For the long term, we need actions that promote fiscal discipline. It is a simple formula, very simple: Short-term stimulus, long-term discipline.

It should not be that hard if we are willing to move beyond ideological debates and special interests. In fact, as I have said, there is a fairly broad consensus among economists about how to achieve these goals. For example, to maintain fiscal discipline, any stimulus package should include items where costs are primarily temporary; otherwise, the incremental benefit of new spending or tax cuts could be more than offset by higher interest rates which undermine housing, business investment, all kinds of activity in the real economy.

Permanent tax or spending programs undermine our long-term fiscal health. And we already face a serious erosion in our budget baseline and long-run risks because of the demographic sea change that is coming in the next decade.

Another point that would be obvious to most economists is that targeting benefits to those with modest incomes will be more powerful in stimulating the economy than benefits targeted to those with high incomes. This isn't a matter of ideology or politics; it is really just common sense. It is basic economics, particularly in the short run. People with lower incomes have an objectively measurable higher marginal propensity to consume.

If we give a dollar to those who are stretched financially, they are likely to spend it. By contrast, if we give a dollar to those with significant wealth and assets, they are likely to save it, particularly in uncertain times. So if we want to generate economic activity now—the whole point of a stimulus package—the most efficient approach is to target aid to those who need it most.

There are several ways to offer tax breaks for those with modest incomes. Frankly, I am skeptical about the policy that seems most popular in Washington—maybe on both sides of the aisle—and that is giving out rebates.

Most economists will tell you that one-time rebates do not work that well because people tend to save their checks, unless they are unemployed. This certainly was the case this summer when only 20 cents on the dollar was spent of the first round of rebates. That is not getting much bang for our buck, but it is consistent with past experience. And I think it should guide us today as we put together our stimulus package.

Clearly, there are more effective ways to stimulate the economy and benefit those with low and moderate incomes. I think the principle ought to be: How do you get one dollar of benefit flowing from one dollar of tax activity?

In my view, a better approach would be to reduce payroll taxes for a short period, perhaps a year or two—what I would call a payroll tax holiday, or a partial holiday. This would target working Americans and promote needed consumption by increasing take-home pay. And we should offset any reductions in trust fund revenues with a commitment to replenish those funds from the general fund once the economy gets back on track and budget surpluses return.

Changing a person's income stream over a period of time changes how they think about their spending patterns and what their budgets are about. It tends to lead to greater expenditures than one-time shots.

Similarly, we could expand the 10-percent rate bracket to apply to a wider range of incomes. Right now we stop it at **$12,000** for a married couple. I think we should move it up to **$20,000**. This also would increase take-home pay for a broad range of low- and moderate- and middle-income families, and would provide the kind of stimulus that would change how people budget. Senator BOB GRAHAM and I have advocated this change since the first of this year, and I think it is an idea that still should fit in a stimulus package. At a minimum, we could bring forward the full 10-percent bracket that still has some facets yet to be implemented.

Another way to stimulate consumption would be to establish a sales tax holiday, as some of my colleagues have proposed. This approach has a lot of merit and could be effective in promoting economic activity—again: one dollar of expenditure will lead to one dollar of activity—if it is limited to a short duration, and if we can overcome the significant administrative hurdles and uneven application of sales taxes across the Nation. Certainly, sales taxes weigh most heavily on low- and moderate-income Americans. In fact, I think sales taxes define the idea of regressive taxation.

Beyond providing tax cuts for those who have modest incomes, most economists would tell you that to inject money into the economy most rapidly, the best approach—contrary to a lot of political hype—is for Government to spend money directly, as long as we are able to implement such plans quickly. Can we get the shovel in the ground in the short run or are we going to have debates? Are we going to have long-term planning? If we could, we could get the real bang for our buck: one dollar spent, having real stimulus in the economy now. I especially think this is a far more attractive way to stimulate the economy than having additional tax cuts for the wealthy—sort of a trickle-down view. Savings is an admirable process for the long-term objective. It leads to growth in the capacity of the economy. But we have a shortrun need, with a very weak economy today. Programs that will promote savings over some long period of time will not strengthen our economy today. It can really run contrary to what we need to accomplish today—stimulus. The Government can make, though, investments that can put money into the economy immediately.

Unlike a dollar in tax cuts, a dollar of investment, as I said, can yield a full dollar's worth of economic activity now. If those investments are wisely targeted, they can also expand America's long-term capacity and productivity and have a multiplier effect, if you will, through job creation through the exporting and purchases that are necessary to implement the programs. A very straightforward, simple concept is that if we put money into the economy, it will generate jobs and generate activity and lead to growth in the economy. We need to do that.

If you look at the productivity growth of America after we implemented our national highway program in the 1950s, we went on for about 20 years and we had the highest productivity rates at any time in America's history other than in the last 5 years. So there is no automatic correlation of Government spending leading to a decline in productivity or growth in the economy. We had one of the healthiest periods in our history, and I think we need to follow that concept in the current environment.

These investments can be made to happen quickly. They can be implemented quickly. If we ask our young men and women to stand tall in Afghanistan, if we want to celebrate the heroism of our first responders climbing the stairs in the World Trade Center, we also ought to get it together so that we can move quickly on those investments, those actions that will benefit our Nation now.

There are many ways to use Government spending to stimulate the economy. The most important in today's wartime environment is to make investments that increase our Nation's security, particularly our homeland security. We need to make a major commitment to fight bioterrorism by strengthening our public health system, buying vaccines, and investing in laboratory testing and research. We need to beef up security for our Nation's airports, rail systems, and ports. We need to provide substantial new resources to our law enforcement agencies and our firefighters. There has been a bill circulating in Congress for the last 4 years called the FIRE bill—**$3.5** billion worth of requests for fire equipment for our Nation's first responders. And we have appropriated a mere **$100** million once in that period of time.

There are enormous needs for us to follow. In New Jersey, we have literally hundreds of millions of dollars of requests for resources in these public security, public safety, public health arenas. Let me be clear. These are not porkbarrel projects. They meet real needs and serve the public beyond the current economic situation. So we are not only stimulating the economy today, but we are setting up a stronger society for a long period of time to come; and these are investments, just as investments in the private sector, and can have high rates of return. We can have high rates of return in public sector investment. I think we need to do that.

I commend the distinguished Senator from West Virginia, Mr. BYRD, and the distinguished assistant majority leader, Senator HARRY REID, for their leadership in putting together a package of investments that ought to be a part of any stimulus program. Frankly, I think it ought to be a bigger part. Their proposal provides for $1.6 billion for local police and firefighters, $1.7 billion for Federal law enforcement, $2.4 billion for airport, mass transit, and Amtrak security, and additional funds for nutrition and other programs.

In fact, I personally really do believe we should have gone larger with that program. I might have slightly rearranged it. But this is the direction we should be taking as a nation if we want to make sure we stimulate our economy now and provide for the public safety and security. This initiative will provide that real stimulus, and I hope we all will come together on this program and get out of this dogma of complaining and denigrating the idea that public investment doesn't have real public return. These dollars can be spent now, and they can be spent on very important projects that will serve our Nation.

Beyond the types of investments proposed by Senators BYRD and REID, another effective way to use Government spending to boost the economy would be to expand our system of unemployment insurance. For example, many States now fail to provide benefits for those seeking part-time work, such as working mothers who need to spend part of their days with their children. Today's unemployment report shows that over the last year, those who work part time have lost those opportunities. It has grown to over a million persons, most of whom are women. This discrimination against working moms, by leaving them out of the unemployment system, is both bad social policy and foolish economic policy. We ought to do something about it.

Similarly, we should increase the level of unemployment benefits if we want to make sure that those who are temporarily out of the job force have the ability to continue to function. The unemployed are almost certain to spend money we offer them. Again, $1 expended gets $1 of input into the economy. So beefing up their benefits is just good stimulative economic policy. This is where we should be helping out, not focusing on those who have already done well and are well situated in the economy.

Unemployment expenditures also have the advantage of when the economy grows, they go away; they are temporary. They meet a need, but when they are no longer necessary because people go back to work, they end. We really should be focusing on making sure that our unemployment compensation system is updated for the 21st century, brings more folks in and is more appropriate for the circumstances of today. It is a real stimulus program. We have supported corporate America through any number of tax and safety net programs. It is time to focus on people. Under current circumstances, this is a classic win-win.

Another way to use Government spending to improve the economy is to help the unemployed, or other Americans, afford health care. That is why I support proposals to increase support for those who lose their jobs and who should buy health care through COBRA extension also. It is good health care policy and good economics. It will certainly avoid the runup of expenditures on uninsured at hospitals, charity care that will follow if we don't have these systems in place.

After all, when people lose their jobs, they should not be forced to choose between basic needs such as housing, education, health care, and senior support at home. They should confidently be seeking future employment, and this program should be robust, in my mind. I believe strongly that we ought to be offering a 75-percent payment in support of COBRA premiums. Again, this is money spent today that goes into the economy and will be stimulative as we go forward.

Beyond tax cuts for those with modest incomes, and direct Government spending—and I see the two leaders of that concept on the floor today, and I want to make sure they know I compliment them on their suggestions—there are tax breaks for businesses that can help, provided that they are well-designed and they produce an immediate corporate response.

In particular, I support providing tax credits to encourage businesses to make investments in the short-term. Recently, Bill Gale of the Brookings Institution suggested that we provide the most benefits to those who make such investments in the very short term—say, by the end of the first quarter of 2002—and then gradually phase out the benefits over the remainder of the year. This is a very simple concept. If you are going to have a sale, you want to encourage people to use it now. I think this makes great sense.

It is an encouragement to businesses to speed up investments in the public sector. It would target benefits to many businesses that already have plans on the table. They are just holding them off because of the uncertainty of the environment and the times.

I also make clear that this is a one-time benefit and would reduce political pressure to turn the Tax Code into a permanent support program that may be unneeded in the long run.

The final approach to economic stimulus I want to mention is the critical need to address the fiscal problems facing our States. There is an article in the paper today that shows across this Nation our States are moving into budget deficits, maybe out of poor economic planning, but the reality is that many of the steps they will be taking can be countervailing to the steps we may take at the Federal level.

It does no good if the Federal Government provides significant stimulus and the States move in just the opposite direction; they offset each other. We may very well be moving into one of those situations.

Unfortunately, because of the rigid balanced budget requirements, many States are looking at significant spending cuts and/or tax increases. We need to consider ways to prevent this conundrum.

I would support establishing targeted revenue sharing to States in need—and I do mean targeted—so that this money is not used for further tax cuts. They would be serving the particular needs that Congress may have mandated in other areas, and we ought to be very clear about it.

Ideally, such a system could work both ways: Shifting money to States during times of economic slowdown and shifting money back during periods of economic growth.

Having said that, given the need to act quickly, it may be the more practical way of accomplishing this is through the Medicaid match provided to the States. This would use an existing regulatory structure and could be implemented very rapidly where a revenue-sharing program might take longer to be implemented.

In any case, we cannot ignore this conflict that may very well negate the efforts we take here and having the States be a drag on our economy just when we need most to lift up the economy.

All the proposals I have outlined today would provide real help to our economy, and most economists would agree, I believe, we should structure a program that errs on the side of being aggressive as opposed to wondering whether we are dealing with serious downside risks.

We need an insurance program against the kinds of actions that we measure, that were reported today in the unemployment statistics, and we see across the Nation. I believe we ought to make our mistakes by being certain that we have a strong economy, as opposed to being insecure about that. I hope we will take that into consideration, and if there are choices to be made, I believe we ought to do those on the stimulative side now.

While I believe we should pursue those stimulative short-term policies, we should take affirmative steps to address fiscal imbalances in the long term—again, the basic formula I talked about: short-term stimulus, long-term discipline. In particular, it is critical that we revisit—and I truly believe we must revisit—the tax cut that was enacted earlier this year. If left fully in place, this legislation will drain significant revenue from the Treasury and, in the long-term context, substantially weaken our financial condition just as the baby boomers are about to retire.

I know many of my colleagues believe these tax cuts were affordable when we debated them earlier this year. We can have a debate about whether they were or were not at that point in time, but the times have changed and they have changed dramatically. We now face a substantially weakened economy, dramatically lower productivity in our economy, and huge costs for a long-term war against terrorism.

Given these changed conditions, I hope some of my colleagues will reconsider their views on the full tax-cut package and recognize the need to suspend some of the provisions that are set to be implemented in the future.

By the way, 65 percent of those cuts come after year 5 because, as most economists would agree, maintaining fiscal discipline in the long term is just as important as stimulating the economy in the shortrun.

Unfortunately, while there is broad, if not universal, consensus among economists about the principles that should guide fiscal policy, many in Washington think they know better, and they are pushing proposals that, in my mind, simply make no sense and really do challenge whether we are all working together in an economic sense to strengthen this country the way we are working in our war on terrorism.

The House of Representatives and Senate Republicans are promoting a stimulus package that would do very little to immediately stimulate the economy. The House and Senate Republican bills masquerade the stimulus, but they are both little more than an ideological repetition of programs designed to help those who need it least and favor special interests—a giveaway with limited economic benefits.

According to an analysis by the nonpartisan Center on Budget and Policy Priorities, the House bill would provide between 80 and 90 percent of its tax cuts to higher income taxpayers and corporations. It is just the opposite of how we get stimulus into the economy today.

The bill eliminates the corporate alternative minimum tax, or AMT. AMT is designed to prevent corporations from avoiding taxes entirely through the use of deductions and various other tax benefits. Repealing the AMT will not generate real economic activity. There is no guarantee it will do anything other than change the bottom line of the corporations.

Many corporations may well apply some of these savings to reducing debts, mergers, acquisitions, or increasing their bottom line, but there is no guarantee they will invest. That might benefit the shareholders, but it will not stimulate the economy.

The House and Senate Republican bills would also reduce capital gains taxes. Reasonable people can and do disagree about the effect of such a reduction on long-term economic growth but, regardless of one's view about the ultimate merits of reducing capital gains taxes, I do not know a single economist who would argue that it is a powerful way to stimulate economic activity in the short term, at least compared with any of the other possible approaches.

This same analysis applies to other provisions in the House and Senate Republican bills. It would accelerate a reduction in tax rates for those with higher incomes, just the opposite of where we should be for our long-term economic stability. We need to focus on how we are going to manage our fiscal affairs when these baby boomers start retiring.

Accelerating a reduction in tax rates is going to exacerbate a problem we already put in place with this previous tax cut.

In any case, regardless of one's view about the merits of cutting taxes for those with higher incomes, it is simply not credible to argue that of all the possible approaches to stimulating the economy, these are the most beneficial, and one cannot argue these are the most powerful. Such a claim is just not credible and does not relate to objective facts.

I also emphasize the provisions in the House bill are not temporary measures; they are permanent tax cuts with huge long-term costs, just exactly what the budget chairmen in both Houses and the ranking members argued we should not do, and as such they undermine the fiscal discipline and almost certainly will put pressure on long-term interest rates over some period of time.

I have spent most of my life as a business person and as a bond trader, someone who worked in financial markets looking at these kinds of policies as they worked their way through the marketplace. I can assure my colleagues that fiscally irresponsible tax cuts, such as the ones that are on the table in the House of Representatives, will affect investors and will undermine the long-term health of our financial system, if not our economic system broadly. The end result will be higher mortgage rates, less business investment, and a weaker economy.

Meanwhile, the House stimulus bill puts very little money into the economy directly.

There is no investment in our infrastructure, no investment in our Nation's security, only tax cuts for those who are already doing well—mostly for corporations and mostly for those that are doing well.

To be blunt about it, I think this is wrong-headed economic policy. Perhaps because of my private sector background, I find it especially alarming.

Our Nation faces an economic emergency. We need to be addressing it in an objective and legitimate way so we do not turn our backs on a need that is very obvious to everyone and get into political debates. We need to deal with it directly.

I think we are fiddling while Rome is burning. We simply cannot afford to continue business as usual. We have to pull things together, minimize differences and focus on what is important to get the job done. Our economy is at stake. We are all in this together. We cannot let the events of September 11 get us off the track of this great Nation, this great economy— doing those things which were done throughout the 1990s and continued as we started this century.

We need to move with a bipartisan, objective package that will lead to real economic growth, and we need to do it now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk read as follows:

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor, HHS appropriations bill:

Maria Cantwell, Joe Biden, Barbara A. Mikulski, Patrick J. Leahy, Patty Murray, Paul Sarbanes, Debbie Stabenow, Max Cleland, Joe Lieberman, Bill Nelson Harry Reid, Paul Wellstone, Barbara Boxer, Jack Reed, Daniel K. Akaka, Kent Conrad, Tom Daschle.

ORDERS FOR TUESDAY, NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that upon the conclusion of Monday's session, the Senate stand adjourned until 12:30 p.m. on Tuesday, November 6; that on Tuesday, immediately after the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate then stand in recess until 2:15 p.m.; that the mandatory quorum under rule XXII be waived and that the Senators have until 1 p.m. on Tuesday to file second-degree amendments to the Daschle amendment notwithstanding the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, for the information of the Senate, by virtue of the agreement just entered, the cloture vote on the Daschle amendment will occur at 2:15 p.m. on Tuesday, November 6.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period for morning business, and that Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP AMENDMENT TO THE LABOR-HHS APPROPRIATIONS BILL

Ms. COLLINS. Madam President, I rise today to speak on my amendment that would express the sense of the Senate regarding the release of emergency funds for the Low Income Home Energy Assistance Program. I thank the administration for the significant release of LIHEAP funds 2 weeks ago. As OMB Director Mitch Daniels and I discussed just before the funds were released, this money is critical to Maine and the Nation. I thank both Mr. Daniels and the President for releasing $750 million in fiscal year 2002 LIHEAP funds to help low-income American families heat their homes this winter.

While I am grateful for the release of these funds, I also call upon the administration to release the $300 million in fiscal year 2001 emergency funds provided in the Supplemental Appropriations Act of 2001. This amount was $150 million greater than the administration's request. The report language specifically directed that at least $150 million of these funds were to be used to address unmet needs resulting from last winter's high energy prices. The other half of the money was directed to be used to meet the most critical needs arising from energy costs increases, significant increases in arrearages and disconnections, and increases in unemployment, among other things. Despite this direction, the money still has not been released.

Let me explain why those extra funds are necessary. Last winter was a very difficult winter. The price of home heating oil was $1.56 last winter, compared to $1.03 the winter before and just 78 cents the winter before that. In short, heating oil prices jumped 100 percent in just 2 years. In many cases we saw even worse spikes in the price of natural gas.

At the same time, the average LIHEAP benefit fell by over $100, from $488 in 1999 to $350 in 2000. Because so many people were in need of assistance, the CAP agencies simply didn't have enough money to provide the same benefit that they had in prior years. The result was that the average LIHEAP benefit bought less than half the oil in 2000 than it did in 1999.

That made for a very difficult winter for many people. In fact, many people are still trying to recover last winter's high energy prices. This past summer, some families had their power cut off because they were unable to pay back their high wintertime heating bills. In Maine, 26,000 people received disconnect notices in the month of July alone.

While I am grateful for the administration's recent release of LIHEAP funds, that money will do little to help people recover from last winter. In the State of Maine, regular year fiscal year 2002 LIHEAP money cannot be used to address arrearages or disconnections that occurred prior to October 1, 2001. That is one of the reasons we put an extra $150 million in the Supplemental Appropriations Act, and included language in the conference report directing that the money be spent on arrearages, disconnections, and unmet energy needs resulting from the high price of energy last winter.

Some States allow fiscal year 2002 funds to be spent on prior year expenses. While that may provide short-term assistance, spending this year's funds on last year's winter is likely to lead to a shortage of funds this winter as well. It is not a real solution.

I am also concerned that States will be able to provide less weatherization assistance this year. Since an ounce of prevention is worth a pound of cure, Maine typically spends the maximum allowable amount of LIHEAP funds to weatherize homes. But when we are still struggling to recover from the prior winter, less money is available for weatherization.

My amendment expresses the sense of the Senate that the President should immediately release the $300 million in emergency LIHEAP funding provided by the Supplemental Appropriations Act of 2001. I am very pleased that Senators CHAFEE, KERRY, SNOWE, WELLSTONE, and SARBANES have also joined me on this amendment. This money was intended to help people recover from the high energy prices of last winter. It will help many of those families most in need of assistance. In these difficult economic times, there is just no reason not to release money that has already been appropriated that will help people get through the winter. I would like to thank the managers of the bill, Senator HARKIN and Senator SPECTER, for accepting this amendment.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 5, 1997 in Hollywood, CA. Two male transvestites were accosted by two men who attacked them and used anti-gay epithets. Joshua Urena, 21, was sentenced to 180 days in jail and David Miller, 20, was sentenced to 220 days in jail. Both were placed on three years of probation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO GLORIA MARGARET GILLESPIE

• Mr. McCONNELL. Madam President, I rise today to pay tribute to a Kentuckian who recently passed away after a long-battle with cancer. Ms. Gloria Margaret Gillespie was a friend to many on Capitol Hill. She worked as a hairdresser in the United States Senate, cutting the hair of many Members of Congress and staff, including a few of my own. You could always count on Gloria being in a good mood. Her great smile and southern charm lit up the halls of the Russell Senate Office Building. During her years on the Hill, she made many friends, including her fellow colleagues in the Senate Barber Shop who have many fond memories of Gloria. We all grew to love her, and she will be missed.

For 29 years, Gloria worked as a hairdresser in the beauty salon that served the Senate. My staff loved going to see her because they said she had magic scissors, great stories, and a wonderful southern accent. I loved to hear about their conversations with Gloria, and how she loved Kentucky and her family and friends back home in Berea. She made my staff feel right at home in her barber chair. Gloria kept them informed on what was going on back home. She enjoyed talking about Berea, and her true love, the University of Kentucky Wildcats. Gloria was one of the biggest Wildcat fans on Capitol Hill, and it was always a treat to hear her stories the day after a big game. Gloria loved the Cats, and if you ever wanted to know anything about them, she was the one to ask.

Before moving to Capitol Hill, Gloria attended Eastern Kentucky University in Richmond, KY, and eventually she ended up in beauty school. After finishing beauty school, she decided to pack her bags and leave Kentucky for the Nation's Capitol. Once arriving in Washington, she landed a job in the U.S. Senate beauty salon where she cut the hair of Senators and their staffs.

Gloria is survived by her parents C.H. and Mary Frances Gillespie of Berea, and many family and friends in Kentucky and here in Washington, DC. I ask that my colleagues in the Senate, many of whom spent a lot of time in her chair, join me in honoring the memory of Gloria Margaret Gillespie. She was an outstanding Kentuckian, and she will be missed.•

TRIBUTE TO CURTIS HAGE

• Mr. JOHNSON. Madam President, I rise today to pay tribute to Curtis Hage of Sioux Falls, SD, on the occasion of being installed as Chairman of America's Community Bankers. The people of the great State of South Dakota share my pride in Curt's accomplishments, and I know they join me in congratulating him on becoming the first South Dakotan to rise to the Chairmanship of this important organization.

Throughout his long and distinguished career, Curt has worked to provide financial opportunity to South Dakota. For the past 30 years, Curt has guided Home Federal Savings Bank in new and innovative directions. Home Federal was named South Dakota's Best Bank by Money Magazine in 1995, when Curt was President & CEO. Under Curt's direction as Chairman, Home Federal in 1997 became the first bank in South Dakota to introduce Internet Banking. From its humble beginning in 1929, Home Federal has grown to over 30 branches, and Curt has played a critical role in that success story.

In addition to his professional dedication, Curt is a true leader in the South Dakota community, and has earned the respect and friendship of so many of us fortunate to spend time with him. Curt represents the goodness and diligence that we find in so many of our South Dakotans, and he will do us proud as Chairman of America's Community Bankers.•

CONGRATULATING ROBERT W. GILLESPIE OF CLEVELAND, OH, ON HIS RETIREMENT FROM KEYCORP

• Mr. VOINOVICH. Madam President, I would like to take an opportunity to recognize the years of dedicated service of Robert W. Gillespie as a leader in the business community and a friend to the City of Cleveland over the years.

This year, after fourteen years as President and CEO of KeyCorp, Bob decided to separate from the financial institution that has benefitted from his vision and experience in the business world. Under his leadership, KeyCorp was built into one of the Nation's largest financial service companies that now reaches more than 3.8 million households and commercial clients and operates in 13 States, with assets of $84 billion.

Bob began his association with KeyCorp when it was known as Society National Bank. He started with the company on a part-time basis while completing his graduate studies at Case Western Reserve University. After time, Bob rose through the ranks and eventually served as the executive vice president and the vice chairman, and later the chief operating officer of the corporation and the bank.

During a time when Cleveland needed a friend, Bob, along with many other business leaders, joined forces with us at City Hall to form public-private partnerships, which proved to be crucial to the city's turnaround.

Cleveland also benefitted from the leadership skills Bob demonstrated while at the helm of Key Corps, with his roles on the boards of Cleveland Tomorrow, the Greater Cleveland Growth Association and the Cleveland Museum of Art.

Bob's vision of a revitalized Cleveland included the contribution of his time and resources to help build the Rock and Roll Hall of Fame and the Great Lakes Science Center.

I wish Bob and his wife Ann the best that life has to offer during this next phase of their lives. On behalf of the people of Cleveland and the State of Ohio, I offer my most sincere thanks and appreciation.•

MESSAGE FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the minority leader, the Speaker has appointed the following member on the part of the House of Representatives to the Board of Trustees of the Center for Russian Leadership Development for a term of 3 years: Mr. ROBERT E. "BUD" CRAMER, Jr., of Alabama.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2925. An act to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment:

S. 1275: A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes. (Rept. No. 107–93).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1628. A bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S.J. Res. 28. A joint resolution suspending certain provisions of law pursuant to section

258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 1493

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1505

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1505, a bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1628. A bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, today I am pleased to introduce the Agriculture, Conservation and Rural Enhancement Act of 2001. The legislation is a solid starting point for the next farm bill. This bill represents a comprehensive, balanced approached that protects farm income, promotes conservation, expands production of farm-based renewable energy and creates new economic opportunities in rural communities. The bill is the right approach to farm policy in the 21st Century because it builds on successful core farm programs and charts a new, conservation-oriented agriculture policy for the future.

My legislation uses a four-pronged approach to make good on our commitments to American farmers and rural communities. These four components—promoting conservation, protecting and boosting farm income, expanding jobs and economic opportunities in rural communities and increasing renewable energy production—provide the solid foundation we need to help ensure our farm families and rural areas prosper.

First, conservation is a cornerstone of the bill, including the creation of the Conservation Security Act, (CSA). This program provides flexible incentives for farmers to engage in new conservation practices on working agriculture land and rewards farmers who already employ them. In addition to CSA, the bill increases acreage for the Conservation Reserve Program and Wetlands Reserve Program. It also increases the funding for the Environmental Quality Incentives Program as well as the Wildlife Habitat Incentives Program. The bill also expands the farm land protection program, enacts a new grassland reserve program and permanently authorizes the Resource Conservation and Development program.

While rewarding farmers for conservation practices that benefit all of society is an important way to meet our commitment to farmers, providing solid income protection is equally important. The bill will improve farm income by increasing loan rates for most commodities, setting a floor on those rates, continuing fixed direct payments and creating a new counter-cyclical income protection system.

As all of my colleagues are aware, the farm bill must address the needs of others in addition to farmers and ranchers. This legislation will improve the quality of life for all of America's rural communities by creating jobs and economic growth in rural areas. The Rural Development title of this bill provides grants and loan programs to help create and expand businesses to provide jobs and assists communities by helping improve their community facilities. The title also expands grants for farmer-based groups, to help them add value to their production, helping to boost farm income and create jobs, it provides funding to expand broadband access for rural Americans, and provides grants to improve firefighter and first responder training.

The fourth prong of the my approach is increasing renewable energy production. This proposal provides a full range of initiatives designed to help and encourage farmers and ranchers to develop renewable energy projects including wind, solar, biomass and geothermal sources. These projects will help boost farm and rural incomes, improve air quality and promote the nation's energy security.

While the bill emphasizes a four-pronged approach, it is comprehensive in nature. The bill also includes important titles on nutrition, research, forestry, credit, competition, and trade that when taken together form a proposal that moves farm policy in the right direction in the 21st century.

I hope the Senate will be able to move quickly on this legislation. I will continue to work with members of the Committee on Agriculture, Nutrition and Forestry in an open process to help meet our commitments to farm families and all members of rural communities.

I ask unanimous consent to print in the RECORD a summary of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SUMMARY

TITLE I—COMMODITY PROGRAMS

The bill authorizes the Secretary to enter into contracts with producers of wheat, corn, grain sorghum, barley, oats, rice, soybeans, minor oilseeds, and upland cotton that entitle producers to receive direct payments on eligible cropland for the 2003 through 2006 fiscal years and counter-cyclical payments on eligible cropland for the 2002 through 2006 crop years. The bill establishes the direct payment rate and a target revenue per crop acre for each of the covered commodities. Producers will report their crop acreage and yields during the base period of 1998 to 2001 to determine updated base acres and payment yields.

Nonrecourse loans are available for all covered commodities plus extra long staple cotton, wool, mohair, honey, dry peas, lentils and chickpeas. Loan rates are increased from current levels for all covered commodities except oilseeds. The soybean loan rate is decreased by 6 cents per bushel and the loan rates for minor oilseeds are fixed at current rates. The marketing loan provisions and loan deficiency payments of current law are continued. The bill limits loan eligibility across all loan commodities by establishing a maximum number of units eligible for the loan.

To be eligible for contract payments or loan benefits producers must meet conservation compliance and wetlands protection. Further, contract acreage must use the land for an agricultural or conserving use and can be planted to any crop except most fruits and vegetables.

The bill extends the milk price support program at $9.90 per hundredweight through 2006. It eliminates the marketing assessment on sugar and authorizes the Secretary to implement allotments on domestic sugar production. The bill extends the current peanut program.

TITLE II—CONSERVATION

The Conservation title provides a comprehensive, national approach to voluntary conservation. For the first time, all farmers and ranchers and livestock owners will have the full range of options for employing conservation practices on their lands in production and for lands taken out of production. The title enhances the existing proven conservation programs by increasing funding and including important policy changes. Two new programs, a broad-based incentive program for all land-based production and a grasslands easement program, complete the array of agricultural conservation programs.

The centerpiece of the new conservation title is the Conservation Security Act (CSA), a broad-based voluntary locally-driven incentives program for conservation on working land. Farmers receive payments for maintaining or adopting conservation practices. Providing incentive payments to farmers to maintain conservation practices ensures retaining the important environmentally successful accomplishments already occurring on farms and ranches. Using the CSA, farmers and ranchers will have the tools to enhance wildlife habitat and implement environmentally-sound practices on land in production leading to improved water, air and soil quality and increased wildlife populations.

The bill also increases funding for current conservation programs with a proven record of enhancing natural resources. The bill increases acreage for the Conservation Reserve

Program (CRP) to 40 million acres from the current 36.4 million acre limit and reserves 4 million acres for the Conservation Reserve Enhancement Program and lands enrolled through the continuous program. The Secretary had the discretion to enroll up to 3 million acres as permanent easements. The lands removed from production and enrolled in CRP have helped to create important habitat for wildlife, improve water quality and reduce soil erosion.

Through the bill, the up to 250,000 acres of valuable wetlands may be enrolled annually in the Wetlands Reserve Program (WRP) for a 10 year total of 2.5 million acres. WRP has helped to restore over a million acres of wetlands which provide critical wildlife habitat and improve water quality.

Funding for the Environmental Quality Incentives Program (EQIP) is increased up to $950 million a year, by the fourth year of implementation. These funds includes a $100 million annual fund for livestock operations to obtain loans for the construction of livestock manure management facilities.

Funding for the Wildlife Habitat Incentives Program ramps up to $100 million annually. In addition to the current provisions to provide cost-share assistance for restoration of wildlife habitat, the Secretary will have the discretion to enroll lands under long-term and permanent easements.

The Agricultural Land Protection Program (formerly the Farmland Protection Program) is expanded to include the purchase of non-development easements on prairie and ranch land. Over four years, the annual funding ramps to $250 million.

A new grassland reserve program to purchase permanent and long-term easements on up to 1 million acres of grass and prairie lands is created.

The bill further permanently authorizes the Resource Conservation and Development program to encourage stronger local-federal partnerships for increased conservation and resource-based programs to enhance rural economies and increases access and funding for technical assistance to help farmers implement the conservation programs on agricultural lands.

Creates the first comprehensive, voluntary approach to conservation incentive payments that provides income to producers who adopt or maintain conservation practices on working lands, including rewarding good actors and open to crop and livestock producers for land-based practices.

TITLE III—TRADE

The trade title meets the objectives that Senator Lugar and I agreed to last month—to help develop new export opportunities abroad in commercial markets, and improve the operation and capacity of U.S. food aid programs. The title spends about $2.1 billion over the ten-year period, roughly split between the commercial export programs and food aid programs.

While we have seen in recent years that export markets do not serve as a reliable safety net, trade is and will continue to be a key outlet for U.S. agricultural products. Our export programs, such as the export credit programs and the Market Access Program, which we expand and improve in this bill, play an important role in our ability to compete internationally. We also put additional resources into the Cooperator program, which helps our agricultural groups service customers in overseas markets.

Over the last several decades, the United States has been the world's leading donor in international food aid programs. I firmly believe that our humanitarian activities throughout the developing world must be an important component of our long-term effort to combat terrorism.

Toward that end, the bill establishes the International Food for Education and Child Nutrition program for a four-year period. This proposal was introduced last year by George McGovern and Bob Dole, our former colleagues who once sat in this very chamber. It is based on the simple yet powerful notion that a well-nourished child is more likely to learn, and that the availability of food is more likely to bring that child of a poor family into school in the first place, and out of the factories, fields, and sweat shops of the Third World. The UN's World Food Program estimates that there are 300 million children worldwide in such a situation.

The trade title provides more resources for the existing Food for Progress program. It also reforms and streamlines the operations of all food aid programs run by the U.S. Department of Agriculture and the U.S. Agency for International Development. These changes should allow the private voluntary organizations who conduct these projects to devote their energy to helping people on the ground rather than to pushing papers through bureaucracies.

TITLE IV—NUTRITION

Title IV includes nutrition provisions. Representing the largest of the Federal nutrition programs and up for reauthorization in 2002, the Food Stamp Program is the primary focus of the title. The program mainly assists children (50%), older Americans (10%), and Americans with disabilities (10%). Most of the other participants are individuals in working families. The Food Stamp Program is essential to transition from welfare to work. However, data show that reforms to the program are needed. These include simplifying the program, ensuring a more smooth transition from welfare to work, reforming the quality control system used to evaluate a state's performance, improving outreach efforts to make sure that people who qualify for the program are able to participate, and extending benefits to certain groups made ineligible by welfare reform. Between 1994–98 the number of people who were eligible for the program but did not participate increased by 12 percentage points, while the reliance in emergency feeding sites like soup kitchens and food pantries increased dramatically.

Some of the provisions that aim to simplify the Food Stamp Program include: allowing the states to conform Food Stamp income rules with those in TANF cash assistance or Medicaid and resource rules with those of TANF; simplifying the way in which housing costs are calculated; encouraging the states to adopt standard deductions, including ones for utility allowances and for people who live in certain group living arrangements; amending the procedure for determining earned income; extending semi-annual reporting to all households, and not just those who have earnings; better conforming to recertification rules in Medicaid, SSI, and SCHIP by allowing periodic redetermination.

Provisions that will help participants to more successfully transition from welfare to work include: an increase in the standard deduction to adjust for family size and will provide larger families with additional benefits and increasing the length of time that a household can receive transitional benefits when they stop receiving TANF cash assistance. The title also includes provisions that help us to reach out to other people with needs. For example, the bill prohibits cutting off benefits for participants, like the elderly, who tend to be eligible for a small amount of benefits and may want to save them up for up to 6 months before using them. It also allows able-bodied adults without dependents to participate in the Food Stamp Program for 6 out of 24 months, rather than the current 3 out of 36 months, to give them more time to successfully find employment but the bill also eliminates the provision that 80% of all education and training funds made available through the program be made available for this population only. Pilot programs to improve on outreach and access are also included in the bill.

The quality control system used to assess the states' performance is revamped to be less punitive. The bill does institute new sanction procedures and rewards based on low error rates, compliance with a number of deadlines, and a state's enrollment of working families. Other provisions in the Food Stamp subtitle include expanding the definition of food products to include vitamin-mineral supplements, eliminating federal cost-neutrality rules for Electronic Benefits Transfer (EBT) systems, and several administrative provisions.

The Personal Responsibility and Work Opportunity Act of 1996 eliminated the ability of most legal aliens to participate in the Food Stamp Programs. Over time, a number of bills have restored some of these benefits to some children, older adults, and disabled adults who were in the United States prior to August 22, 1996. This bill concentrates on particularly vulnerable groups by restoring benefits to all legal alien children and the disabled. It also removes a 7 year cap on the ability of refugees/asylees to participate in the program. Finally, it reduces, from 40 to 16 quarters, the length of time that individuals have to work in this country before they are eligible to participate in the Food Stamp Program.

The title also reauthorizes a number of programs like the Food Distribution on Indian Reservations, the Commodity Supplemental Food Program, the Community Food Projects, it consolidates the American Samoa block grant and the Puerto Rico Nutrition Assistance Programs and reauthorizes them, and it reauthorizes and increases the funding by $40 million per year, for the Emergency Food Assistance Program. A Congressional Hunger Fellowship is established, a pilot program through which some schoolchildren will receive free fruits and vegetables is conducted. A separate title includes funding for the Senior Farmers' Market Program as well as for additional commodities for the School Lunch Program.

TITLE V—CREDIT

The credit title reauthorizes all USDA farm direct and guaranteed loan programs and increases the loan authorization levels: $3.75 billion for each fiscal year; with $750 million for direct loans annually—$200 million for farm ownership (FO) loans and $550 million for farm operating (OL) loans; and $3 billion for guaranteed loans—$1 billion for FO loans and $2 billion for OL loans.

The main emphasis of the title is to make credit more accessible to beginning farmers and ranchers. Among other things, the title broadens the eligibility for direct ownership loans to those who have participated in the business operations of a farm operation for at least three years, as opposed to being the sole manager of the operation. The title provides the Secretary the authority to refinance "bridge loans" made by a commercial lender to a beginning farmer or rancher who has been approved for a USDA farm ownership loan but is awaiting funding. The title increases the limit on direct farm ownership debt for a beginning farmer or rancher from $200,000 to $250,000 and indexes the amount to inflation. The title provides that as part of the down payment program for beginning farmers and ranchers, USDA shall finance 40 percent of the loan (current law is 30 percent) and provide a repayment term of 20 years (current law is 10 years). The title directs the Secretary to create a pilot program in which the Secretary will guarantee loans made by a private seller of a farm or ranch to a qualified beginning farmer on a contract land sale basis. The title provides that beginning farmers and ranchers receive an additional 1 percent interest rate subsidy (capped at 4 percent) over non-beginning farmers (capped at 3 percent) who participate in the program and increases the maximum amount of funds for this program to $750 million and provides that 25 percent of the program's subsidized funds are reserved for assisting beginning farmers and ranchers until April 1 of each fiscal year.

The title also makes other changes to provisions of the Consolidate Farm and Rural Development Act to improve the USDA farm lending programs. Among other things, the title allows the Secretary to waive term limits for a farmer or rancher, one time only, for a period of two years. The title allows the Secretary to waive term limitations for Native American farm operations on tribal lands if she determines that commercial credit is not generally available for such operations. The title expands USDA's authority to allow the interest rate on a direct loan that is being rewritten to be the rate in effect on the date that a borrower applies for servicing. The title reduces paperwork requirements by raising the low documentation loan amount for a guaranteed loan from $50,000 to $100,000. The title makes permanent the interest rate reduction program. The title provides that the Secretary work with the State Conservationists to consider selling or granting easements on inventory land for the purpose of farmland preservation. The title also provides those who owe recapture amounts on shared appreciation agreements or those who have amortized the recapture amounts, the option of providing farmland protection and conservation use easements on their land in return for forgiveness of the recapture amount.

Finally, the title amends the authorities provided to Farmer Mac and the Farm Credit System. The title increases the number of Farmer MAC Board of Directors from 15 to 17 and provides that the chairperson of the board will be elected by the board. The title provides the Farm Credit System authority to finance agriculturally related equipment and goods overseas irrespective of whether these goods will be used on the farm in the importing country. The title provides the Farm Credit System Insurance Corporation the ability to recognize the lower risk associated with the certain guaranteed loans and to adjust premiums charged to the Farm Credit System accordingly. The title also eliminates certain "territorial concurrence" requirements on Farm Credit System lenders so that the lenders can participate in syndicated or "participation" loans in other Farm Credit System geographic territories without seeking the permission of the Farm Credit System lender in that territory.

TITLE VI—RURAL DEVELOPMENT

The Rural Development Title focuses on need to improve the ability of rural businesses to acquire capital, particularly equity capital. It provides considerable assistance to help communities develop and economic development strategies and it provides for improved facilities, particularly to make broadband access far more available in Rural America. I am particularly pleased to include a provision to provide for training for fire fighters and first responders.

The limited availability of equity capital is a significant obstacle to business development and growth in rural communities. The Rural Development Title addresses this problem by establishing two new programs to spur equity investment in rural America. First, the National Rural Cooperative and Business Equity Fund provides up to $150 million in federal funds, to be matched by funds from private investors. The Secretary of Agriculture will guarantee 50% of the investments by private investors up to a total guarantee of $300 million. The Fund will make equity and semi-equity investments in a variety of rural businesses, with a significant share of those being smaller enterprises.

Second, the Rural Business Investment Program is modeled on the Small Business Administration's Small Business Investment Program. It creates Rural Business Investment Companies. It also provides grants for technical assistance.

Both new equity investment programs are based on business development programs administered by SBA, which have been successful in spurring economic growth but have not adequately addressed the needs of rural communities. Both new programs make use of SBA expertise by requiring the Secretary of Agriculture to work with SBA to administer the programs.

The Rural Development Title expands eligibility for Value-Added Agricultural Market Development Grants and provides $75 million a year in funds from the Commodity Credit Corporation to carry out the grant program. It also creates a 5% reserve within the program for certified organic agricultural products. It broadens the business and industry loan guarantee program. It funds a new microloan program to assist rural entrepreneurs in starting new businesses with small loans and continuing technical assistance. It establishes a simplified "low documentation" application process for certain rural development loan and grant programs to reduce administrative burdens for participants. It insures continued funding for the Rural Economic Development Loan and Grant Program, which provides loans and grants to Rural Electric Cooperatives, through fees on guarantees of RUS qualified bonds. It authorizes grants to multigovernmental organizations to provide assistance to local governments.

This Title also promotes improvements in rural infrastructure and emergency response capabilities by: providing $100 million a year in funding for loans and grants to improve access to broadband in rural areas, and $75 million over the life of the bill to improve access to local television in rural areas; providing full funding to eliminate the backlog in pending applications for certain rural development loan and grants; creating a Rural Endowment Program that provides initial planning and development grants to rural areas that develop long-range, comprehensive community development strategies to improve infrastructure and promote economic development; reserving funds within the community facilities program for day care and senior care facilities; authorizing grants to regional development organizations; and providing $30 million a year in funding for training of firefighters and emergency medical personnel.

TITLE VII—RESEARCH

The Research Title extends existing research authorizations until 2006. Examples of these programs include: grants and fellowships for food and agricultural sciences education, education grants programs for Hispanic-serving institutions, funding for policy research centers, and research equipment grants. The special authorization for biosecurity planning and response is amended to create a special account for appropriations for agricultural research, education, and extension activities for biosecurity planning and response. Under this section funds may be used under any authority available to the Secretary in order to reduce the vulnerability of the United States food and agricultural system to chemical or biological attack.

The Research Title increases funding for the Initiative for Future Food and Agriculture Systems. This program directs research funding to agriculture priority areas through a competitive grant system.

The Research Title creates a new program for Rural Research funded at $15 million a year. The program authorizes a fund for rural policy research on topics such as: rural sociology, effects of demographic change, needs of groups of rural citizens, rural community development, rural infrastructure, rural business development, rural education and extension programs, and rural health. These programs will help discover the policy tools necessary to create a solid foundation within rural communities which will sustain long-term growth.

The Research Title creates a new program for beginning farmers and ranchers at a level of $15 million a year. The program will provide competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives aimed at beginning farmers or ranchers. Among other advantages, this program will allow new farmers or ranchers to acquire entrepreneurial, financial, and other business skills; conservation assistance; risk management education; innovative farm and ranch transfer strategies; and basic livestock and crop farming practices. In addition, 25 percent of the funds are set aside to be used to support programs and services that address the needs of limited resource and socially disadvantaged beginning farmers or ranchers.

TITLE VIII—FORESTRY

Federal forestry assistance for non-federal landowners has been a part of US Department of Agriculture programs for more than a century. We continue the Department's longstanding commitment to provide important forestry assistance to private landowners in the forestry title of the farm bill.

With over nine million non-industrial private forest landowners owning over 330 million acres nationwide, their ability to have access to technical, financial, and educational assistance from government sources will largely determine the quality of those forests and associated public benefits such as clean water and watersheds, wildlife preservation, recreational resources, soil quality, reduced erosion, and forest health and productivity.

There are several new programs to address a wide array of private forest land issues. The sustainable forest management program will provide cost-share assistance to non-industrial private forest landowners around the country. The program is administered by the Secretary, acting through the State foresters, and in coordination with the State stewardship committees. The program affords states flexibility to address a variety of multiple resource objectives, including soil, air and water quality, soil erosion, agroforestry, fish and wildlife habitat, the control of invasive species, forest health and productivity and the threat of forest fragmentation and catastrophic wildfire.

There is also a new program to assist in the development of sustainable forestry cooperatives at least 50% farmer or rancher owned. The program will create new income streams for farmers or ranchers by allowing them to pool their limited forest resources, and sell value added forest products.

Other important initiatives include a community and private land fire assistance program to focus federal efforts in firefighting at the Federal, State and local levels and a watershed forestry assistance program to prevent water quality degradation, and address watershed issues on non-federal forest land.

TITLE IX—ENERGY

Today we face major national problems of low farm income, energy shortages and price spikes, and environmental problems of air pollution and global warming. Renewable energy from farms will play a major role in solving all three problems. Moreover, renewable energy and energy efficiency programs will enhance the nation's energy security, reduce our dependence on foreign oil supplies, and promote rural economic development across the country.

The federal government has a major role to play in the transformation to reliance on domestic farm and rural based alternative energy. The energy title establishes several new programs providing incentives to farmers, ranchers and rural small businesses to develop renewable energy and biomass energy supplies on their lands and to increase energy efficiency.

A competitive grant program is established to have eligible entities provide farmers, ranchers, and rural small businesses energy audits which will provide cost-effective recommendations for energy savings and to examine the potential for renewable energy development.

A complementary grant and loan program is also established so that farmers, ranchers, and rural small businesses can purchase renewable energy systems and make energy efficiency improvements. Energy savings of 30% or more can often be achieved through implementing energy audit recommendations, and renewable energy systems, such as wind turbines, photovoltaic systems and methane digesters can significantly reduce energy costs and help clean up the environment.

The title includes a federal agency biobased products purchasing requirement if they are comparable in price, performance, and availability to traditional products. In addition, the Agriculture Department will develop a labeling program for biobased products based on the successful Energy Star program for energy efficiency. This initiative will stimulate the demand for biobased products, such as soybeans, corn, and other commodities and at the same time provide environmental benefits.

A competitive grant program is also established to support the commercialization of new and emerging technologies for the conversion of biomass into petroleum substitutes. Just as we refine petroleum into gasoline, diesel, propane, and other products, we can refine agricultural wastes into ethanol, plastics, hydrogen fuel, and perhaps products not yet invented.

A new research and development program to promote understanding of carbon sequestration in agriculture and forestry is also a part of the title. It includes plans to establish benchmarks and best measurement techniques, and includes funding for demonstration projects for monitoring carbon sequestration. This will allow farmers and others to better understand how to store dangerous greenhouse gases, perhaps earning extra income to provide this public benefit.

TITLE X—COMPETITION

The Competition Title amends the Agricultural Fair Practices Act of 1967, the Packers and Stockyards Act of 1921, and the Agricultural Marketing Act of 1946.

The Competition Title includes a subtitle that makes a number of amendments to the Agricultural Fair Practices Act (AFPA) to address unfair and deceptive practices in agricultural commerce. The subtitle establishes the Office of Special Counsel for Competition Matters within the USDA to investigate, prosecute, and promulgate regulations under the AFPA and any other Act the Secretary deems appropriate. The subtitle requires covered persons with annual sales of over $100,000,000 to annually file with the Secretary a report that describes strategic alliances, ownership, joint ventures, subsidiaries, brand names, and interlocking boards of directors in other covered persons. The subtitle defines "covered persons" to include a dealer, handler, contractor, processor, or commission merchant of agricultural commodities with sales of over $10,000,000 per year. The subtitle prohibits unfair and deceptive practices on the part of covered persons in the marketing, purchasing, and contracting of agricultural commodities. The subtitle prohibits covered persons from engaging in specific practices in bargaining with producers and producer associations, such as restraining, coercing, retaliating against, or refusing to deal with any producer who exercises his or her right to join and participate in a producer association. The subtitle provides minimum standards in agricultural contracting, including: a requirement to act in good faith in the performance and enforcement of agricultural contracts, and a requirement to include a cover sheet that discloses provisions of the contract including, among other things, duration, factors in payment, renewal and renegotiation standards, and responsibility for environmental liability. The subtitle provides requirements specific to production contracting, including: the right to cancel a production contract within three business days after the date at which the production contract is executed; allowing contract producers to file production contract liens and to receive a security interest in the agricultural commodity or other property of the covered person as allowed in the applicable State law provisions based on Article 9 of the Uniform Commercial Code; requiring the contract producer who made at least a $100,000 investment because of the production contract receive at least 90 days for the contract producer to cure an alleged breach before the covered person terminates the contract, and prohibiting a contractor from requiring additional investments during the term of the contract unless the additional investments are offset by additional consideration and the contract producer agrees in writing that there is an acceptable and satisfactory consideration. The subtitle provides that any aggrieved person may seek injunctions for acts or practices prohibited by the Act; allows any person injured in the business or property of the person by reason of any violation of this Act may sue for a violation to recover damages and recover an additional penalty of up to $1000 per violation. The court allows the court to provide reasonable attorney's fees to the prevailing party, and sets the statute of limitation at two years. The subtitle provides that when the Secretary has reasonable cause to believe that any covered person has engaged in any act or practice that violates the Act, she may bring a civil action in the U.S. district court to request preventative relief. The subtitle provides that a producer of an agricultural product or service may execute, as a clause in an agricultural contract, an assignment of dues or fees to an association of producers authorized by contract and requires the covered person to deduct the portion from the contract and make a payment to the producer association on behalf of the producer.

The Title amends the Packers and Stockyards Act to provide the Secretary with jurisdiction over live poultry dealers who deal in all types of poultry, not just poultry for slaughter and provide the Secretary the authority to bring administrative actions against live poultry dealers. The title also allows the Secretary to seek outside counsel in the enforcement of the Packers and Stockyards Act.

The Title includes a subtitle to amend the Agricultural Marketing Act of 1946 to require that retailers notify consumers at the final point of sale of the country of origin for beef, pork, lamb, ground beef, ground pork, ground lamb, perishable agricultural commodities, and whole farm-raised fish. The subtitle provides that the Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with regulations promulgated by the Secretary. The subtitle provides that section 253 of the Agricultural Marketing Act of 1946 shall be the enforcement provision of the subtitle.

The Title also requires the Secretary to conduct a referendum among persons covered by an order in effect under a commodity promotion law to determine whether the persons favor the termination of the order at least once every five years. The referenda would be conducted in accord with the terms and conditions of the applicable order and commodity promotion law consistent with this section. The title allows eligible persons to vote in a referendum by mail ballot or by such other method, instead of in-person voting, prescribed by the Secretary as will reduce the burden on voters and ensure the integrity of the referendum.

The Title also amends the Perishable Agricultural Commodities Act to allow the Secretary to initiate investigations of alleged violations of PACA.

By Mr. DASCHLE:

S.J. Res. 28. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 529, the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

SOCIAL SECURITY ADMINISTRATION

Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, NOVEMBER 5, 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate stand adjourned until 3 p.m. on Monday, November 5; that on Monday immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for use later in the day; that the Senate then proceed to a period for morning business until 5:45 p.m., with the time equally divided and controlled between the two leaders or their designee; that at 5:45 p.m. the Senate proceed to executive session to consider Calendar No. 515, Larry Hicks, to be a United States district judge; that there be 15 minutes for debate on the nomination with the time equally divided and controlled between the chairman and ranking member or their designees; that at 6 p.m., without intervening action or further debate, the Senate vote on confirmation of the nomination; that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 3 P.M. MONDAY, NOVEMBER 5, 2001

Mr. REID. Madam President, pursuant to the previous order, I ask unanimous consent that the Senate stand adjourned.

There being no objection, the Senate, at 12:24 p.m., adjourned until Monday, November 5, 2001, at 3 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 2, 2001:

SOCIAL SECURITY ADMINISTRATION

JO ANNE BARNHART, OF DELAWARE, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2007.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

POLAR BEARS PLIGHT

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ABERCROMBIE. Mr. Speaker, I rise today to bring attention to the plight of seven polar bears languishing in a traveling animal show called the Suarez Brothers Circus. The circus is based in Mexico and travels around Central and South America, throughout the year, with its menagerie.

In May 2001, the USFWS, in consultation with USDA, decided to issue a permit to allow the circus into Puerto Rico. This permit was issued over the objection of the Marine Mammal Commission. The Commission warned that the provenance of the bears was questionable and that there were serious deficiencies in the required paperwork for the bears. In June, Dr. Terry Maple, Director of Zoo Atlanta, contacted USDA and asserted that at least one of the bears had been imported under a false identity. The use of doctored or fabricated records is grounds for denying the circus a permit to exhibit.

In August, during the hottest days of summer, the Puerto Rico Department of Natural Resources filed animal cruelty charges against the circus for keeping the bears in 113 degree heat without access to water or air conditioning. Additional charges have been added for maintaining the bears in "dirty or parasitic conditions". Their trial date is scheduled for January 22, 2002.

In October, the Marine Mammal Commission again wrote to USFWS and APHIS and outlined the numerous violations of federal law and expressed a fundamental concern about the appropriateness of using polar bears outdoors in a tropical climate. In their letter, the Commission noted violations of the Animal Welfare Act reported by APHIS on eight separate inspections. These violations included serious charges including inaccessibility to water and fans, a lack of structural integrity in the holding pens, and a lack of veterinary care.

Just two weeks ago, APHIS testified before the Resources Committee that it has inspected the circus at least eleven times since June—as compared to the average number of inspections being one per year. The USDA has documented a clear pattern of non-compliance with the bare minimum standards of the Animal Welfare Act.

Mr. Speaker, these polar bears are clearly suffering and need relief. These animals should be confiscated and placed in facilities that are capable of caring for their unique needs. Members of the House and Senate, including the Delegate from Puerto Rico, are circulating letters to colleagues and to the federal agencies requesting urgent action in this case, including an investigation and confiscation of the polar bears.

Puerto Rico is no place for polar bears.

RECOGNIZING EAST SAN DIEGO COUNTY'S HEROES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. HUNTER. Mr. Speaker, I rise today to recognize some real heroes from my district. Since the terrorist attacks on September 11, America has witnessed the best that our Nation has to offer. Men and women from every walk of life and every background have come together to help those in need and to comfort those who have experienced loss.

A group of individuals from my district have contributed to this effort. These men and women, from firefighting agencies all over East San Diego County, recently traveled crosscountry to New York assisting in efforts to rescue victims in the World Trade Center attacks. For four and a half days, these brave firefighters gave help wherever it was needed.

My fellow colleagues, join me in recognizing Jeff Beeler, Daryn Drum, Ted Kakuris, Marco Maldonado, Scott Springett, Paul Mascoso, Don Anderson, Steve Swaney, Mike Scott, Gerry Brewster, Mike Blood, Beverly Harrell-Bruder, Paul Hyde, Rich Leap, Brian Kidwell, Buz Miller, Jon Handley, Perry Peake, Steve Peters, Jerry Sadler, David Tegardine, Eric Swanson, and David Williams for all their efforts and sacrifices.

Firefighters across this country serve their communities every day with the unofficial motto of, "Leave Nobody Behind." Regardless of who you are, these individuals risk their lives to protect those in danger. Today, more than ever, the children of our Nation are saying with pride that they would like to be firemen and women when they grow up. On behalf of San Diego County, I want to thank these firefighters from our community whose actions serve as a strong reminder that America has a good heart and that we will continue to take care of those in need.

HONORING THE CITY OF WESTMINSTER'S ROCKY FLATS COORDINATOR MARY HARLOW

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important work of Mary Harlow, the Rocky Flats Coordinator for the City of Westminster, Colorado.

Mary, known to her friends and colleagues as "Mickey", is leaving this post after nearly seven years of service to her community on the vast array of issues regarding Rocky Flats—the Department of Energy's former nuclear weapons production facility located just west of Westminster. I join with her friends and co-workers in wishing her well in her future endeavors, which I understand may involve retiring to North Carolina.

The site was originally used for processing plutonium and other materials to fashion triggers for nuclear weapons in a nearly 400 acre industrial complex surrounded by a 6,000 acre open buffer zone. That mission now is done, and DOE is working to clean up Rocky Flats so it can be closed. This is a complex, highly technical, and politically charged project—one of the more extensive cleanup efforts in Colorado and the nation, and one that poses unique and serious challenges. Mickey has met these challenges and developed a mastery of the issues and effective strategies to influence the decisions affecting the cleanup to ensure protection for the citizens of Westminster and people throughout the Front Range region.

She also has been very effective in building coalitions with other surrounding communities and citizen groups to address pressing issues. Many have relied on her to sift through the thick, technical documents and provide input. Her work has resulted in better plans and approaches to the cleanup and closure and enhanced citizen involvement at the site—not to mention the valuable advice she has provided to Westminster officials.

Mickey began her work on Rocky Flats for the city in 1994. Since then she has recorded many accomplishments. Among other things, she served as an official with the Rocky Flats Citizens Advisory Board, represented Westminster on a task force to determine potential future uses of the industrial area of the site, and helped create a focus group to evaluate the cleanup agreement governing the site. In addition, she co-chaired the oversight panel that evaluated the proper and safe level for the cleanup of radioactive contamination of the soil at the site. On the national level, she participated with representatives from other nuclear weapons sites to develop long-term stewardship of DOE nuclear weapons sites, examine the effects of low-level radiation, and promote development and use of innovative cleanup technologies.

For all of this and more, especially her positive outlook and personable demeanor, Mickey has been a valuable asset in our efforts to ensure a thorough, effective and safe cleanup of Rocky Flats. Her legacy of service will help Colorado and the nation to transform Rocky Flats from a problem into an open space and wildlife asset for generations to come.

TRIBUTE TO SISTER NANCY MORRIS, RSCJ ON BEING AWARDED THE 2001 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Sister Nancy Morris, RSCJ, a distinguished citizen and a resident of San Mateo County, who is being honored on November 6, 2001 by the Sacred Heart Schools of Atherton, California, with the 2001 St. Madeleine Sophie Barat Award.

Sister Nancy Morris, RSCJ was born and raised in Piedmont, California and is a graduate of the University of California at Berkeley. She entered religious life and the Society of the Sacred Heart in 1951. She began her illustrious career in school administration in 1961 when she became Principal at Sacred Heart Broadway in San Francisco. Five years later she was named head of the San Diego College for Women which is now the University of San Diego. In 1971, Sister Morris became the Director of Schools in Atherton, a position she held with distinction for eighteen years. During her tenure, the boarding school was closed, and in 1984 Sacred Heart Preparatory admitted boys for the first time in its history.

She continues to be an active, vital member of the Sacred Heart community, preserving its history and traditions for today's students and their families. She is widely revered as a woman of uncompromising integrity who has the highest standards for anyone who works with children, including herself. Her understanding of the spirit of St. Madeleine Sophie Barat is unmatched and her knowledge of the history of Sacred Heart Schools Atherton is unequaled.

Mr. Speaker, it is a great privilege to honor Sister Nancy Morris as she receives the 2001 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has strengthened our country.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, in recognition of Domestic Violence Awareness Month, I rise to speak on this social disease and the harm it imposes on our communities.

Domestic violence is an unyielding presence in our society and has extended past the status of a law enforcement issue into a global health problem with far-reaching effects. Domestic violence triggers a seemingly endless string of physical, sexual, and psychological strain that occurs regardless of race, class, age, sexual orientation, and religion, and tends to transmit patterns of violent behavior to children who witness or are victims to domestic violence.

The numbers of victims involved are staggering. Last year six out of ten rapes were committed by an intimate male partner, relative, friend or an acquaintance. A woman is raped every 6 minutes and is physically abused by her husband every 9 seconds. Each year, approximately 1.5 million women are raped and may be physically assaulted by an intimate partner. In 1999, 1218 women were killed by a current or former partner. According to the Department of Justice, nearly half of the violent crimes against women are not reported to the police. Victims of domestic violence are often economically dependent on their offenders and are forced to remain with them and endure abuse. Many women who flee abusive homes and turn to shelters are turned away due to lack of resources. Even wealthier women may find their personal funds inaccessible after leaving a violent situation.

Domestic violence particularly plagues our children. One in five child murders was committed by a family member. An estimated 70 percent of men who abuse their female partners also abuse their children. Children of battered women are 12 to 14 times more likely to be abused sexually by their mother's partner. In homes where spousal abuse occurs, children are abused at a rate 1500 percent higher than the national average. These figures may be shocking statistics to some of us, but for many Americans domestic violence is a harsh reality.

In Guam, of the 2,090 violent offenses reported to the Guam Police Department, 661 arrests were made for family violence. In 1999, the Guam Child Protective Services received 1,908 referrals, and between 1997 and 1999, the Guam Adult Protective Services received 907 referrals for the elderly and persons with disabilities.

Domestic violence is an epidemic that we can no longer afford to tolerate. Every woman, man, and child has the right to a healthy and safe environment. Numerous national and state organizations have contributed to efforts in raising awareness, conducting programs encouraging preventive mechanisms, providing counseling services, and building centers or shelters for victims and their families.

In recognition of this growing concern and the need to address this issue, October has been declared "Family Violence Awareness Month" by the Governor of Guam. This annual proclamation and commemoration has included a Silent Witness Ceremony in honor of domestic violence victims, a "Hands Across Guam Rally" for island-wide community outreach, a Family Violence Conference for the general public and professional staff, and a Poster Exhibition for Elementary Schools including children's artwork on family and love.

Guam has also benefitted from the $300 million in Services, Training, Officers and Prosecution (STOP) Violence Against Women grant funds, which were awarded by the U.S. Department of Justice's Violence Against Women Office to 4,715 grant recipients nationwide. Of these funds, 51 grants were awarded to agencies and organizations in Guam, totaling more than $2.5 million.

Domestic violence is a widespread and growing problem needing urgent and constant attention. Together we must all work to educate and eliminate domestic crimes so that women, children, and families can live in a safe and nurturing home environment. Therefore, I urge my fellow colleagues to stand together in support of this issue for all victims of domestic violence and for the health and safety of our entire Nation.

PROCLAMATION FOR JOEL LIPSY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Joel Lipsy. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Sunday, November 18th.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Joel Lipsy, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Joel and his family.

INTRODUCTION OF THE ACCIDENTAL SHOOTING PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. LANGEVIN. Mr. Speaker, today I am joined by 43 of my colleagues in introducing the "Accidental Shooting Prevention Act" to address the large number of firearm injuries and deaths that occur when users mistakenly fire guns they believe are not loaded. This sensible bipartisan legislation would require that all semiautomatic firearms manufactured after January 1, 2005, which have removable magazines, be equipped with plainly visible chamber load indicators and magazine disconnect mechanisms.

As with many other consumer products, firearm design can reduce the risk of injury. But unlike other products, gun design decisions have been largely left to manufacturers. Fortunately, firearms manufacturers have already produced many guns with safety devices, such as chamber load indicators and magazine disconnect mechanisms, which can help reduce the risk of accidental injuries.

A chamber load indicator indicates that the gun's firing chamber is loaded with ammunition, but to be effective, a user must be aware of the indicator. Generally, chamber load indicators display the presence of ammunition via a small protrusion somewhere on the handgun. Unfortunately, most chamber load indicators do not clearly indicate their existence to untrained users or observers. We must ensure these indicators are easily visible to all gun users, and my legislation will do just that.

By comparison, a magazine disconnect mechanism is an interlocking device which prevents a firearm from being fired when its ammunition magazine is removed, even if there is a round in the chamber. Interlocks are found on a wide variety of consumer products to reduce injury risks. For example, most new cars have an interlocking device that prevents the automatic transmission shifter from being moved from the "park" position unless the brake pedal is depressed. It is common sense that a product as dangerous as a gun should contain a similar safety mechanism.

This is an issue of great importance to me. At the age of sixteen, I was left paralyzed when a police officer's gun accidentally discharged and severed my spine. Had the gun involved in my accident been equipped with a chamber load indicator, the officer would have known that the weapon was loaded. Clearly, mistakes can happen even when guns are in the hands of highly-trained weapons experts, which is why safety devices are so critical.

I urge my colleagues to join me and the 43 original co-sponsors of this bill in reducing the risk of unintentional shootings. Please cosponsor this responsible measure, and help make guns safer for consumer use while protecting those unfamiliar with the operation of guns.

TRIBUTE TO MR. AL SMITH

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of the contributions to Kentucky Journalism one of the great citizens and most notable journalists of the Commonwealth of Kentucky, Mr. Al Smith.

Al Smith has been a major player in Kentucky Journalism since 1958 when he arrived in our Commonwealth after having covered New Orleans government. His first position was editor of the Russellville News-Democrat in Logan County. He learned about grassroots politics by spending time with the wing of the Kentucky Democratic Party headed by Logan Countian Emerson 'Doc' Beauchamp, who was the political enemy of Governor A.B. Chandler.

In 1968 Smith and some partners started their own newspaper, the Logan Leader, in competition with the News-Democrat. In a few weeks they owned both papers and began biweekly publishing. Then came the purchase of newspapers in Morgantown, Cadiz, and Leitchfield as part of Al Smith Communications.

Smith served as chairman of the Kentucky Oral History Commission and the Kentucky Arts Commission. He also became moderator of Kentucky Educational Television's "Comment on Kentucky" which he still heads 27 years later.

Mr. Speaker, Al Smith had grown up an admirer of the Tennessee Valley Authority and actively sought a seat on its board. Instead, he was named federal co-chairman of the Appalachian Regional Commission by President Jimmy Carter. He also served in that capacity temporarily under President Ronald Reagan.

Upon his return to Kentucky, he purchased the Sentinel Echo in London and moved there. After the sale of Al Smith Communications to Park Newspapers in the mid-80's, he and his wife Martha Helen moved to Lexington where he produced and was host of the statewide radio talk show AOK Primeline. He continues to live in Lexington and one of his home towns, Sarasota, Florida.

Al Smith has been honored by several groups, awarded an honorary doctorate by Cumberland College, and named to the Kentucky Journalism Hall of Fame.

Mr. Speaker, on Thursday, November 1, 2001 Logan County will honor Kentucky's most notable journalists featuring Al Smith and those he has been a mentor to including The Courier Journal's Al Cross who is now national president of the Society of Professional Journalists; Larry Craig, President of the Kentucky Press Association and a Hall of Fame journalist; his daughter Catherine Hancock, who became a reporter for the Tennessean before going to law school; and News-Democrat & Leader Editor Jim Turner, who has won over 62 awards in the journalism profession.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. WOOLSEY. Mr. Speaker, I inadvertently did not vote on Roll Call #414 during its vote series yesterday. Had I voted, I would have voted "yes."

Mr. Speaker, I ask that this statement be inserted in the CONGRESSIONAL RECORD at the appropriate place.

TRIBUTE TO LORRAINE C. HORN ON BEING AWARDED THE 2001 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Lorraine C. Horn, a distinguished citizen and resident of San Mateo County, who is being honored on November 6, 2001, by the Sacred Heart Schools of Atherton, California, with the 2001 St. Madeleine Sophie Barat Award.

An alumna of Sacred Heart School, Atherton, and San Francisco State University, Lorraine Horn served as Chair of the Board of Trustees of Sacred Heart School, Atherton from 1987 until 1991. In 1998, she gave generously of her time and talents to the Sacred Heart community as Chair of the yearlong centennial celebration of the School's founding. Lorraine is an active and vital participant in numerous community service projects, including the Peninsula Bridge Program, Families in Transition and the Peninsula Auxiliary of the Medical Mission Sisters. Lorraine Horn is passionately committed to education. She is the devoted mother of three and the doting grandmother of two. Lorraine and her husband Albert have earned well-deserved reputations as outstanding volunteers and philanthropists within our community.

Mr. Speaker, it is a great privilege to honor Lorraine C. Horn as she receives the 2001 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community and our country.

RAINBOWS FOR ALL CHILDREN—GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, grieving is a natural process brought about by emotional loss. Unexpressed grief usually takes its toll with problems surfacing in a person's behavior, academic performance, as well as his or her physical and emotional condition. It is for this reason that an international not-for-profit organization was instituted to offer training and curricula for establishing a peer support group for children and adults who are undergoing painful transitions in their family life. Rainbows For All Children has helped guide individuals through the initial feelings of hurt towards a stage of healing in order to foster a feeling of hope. The objective of this program is to furnish participants with an understanding of their new family unit, to assist in building a stronger sense of self-esteem and to direct them towards a healthy resolution of the changes that have taken place in their personal lives.

For the past thirteen years, the organization's local chapter, Rainbows For All Children—Guam, has been able to help thousands of children, youth, and adults in my home island of Guam. Throughout this period, the chapter's director, Mrs. Marie Virata Holloran, a registered nurse, has trained over four hundred volunteers assigned to Guam's public schools.

The individual problems encountered by the volunteers usually stem from a difficult transition in life caused by the loss of a loved one caused by a wide range of situations such as death, divorce, separation, abandonment, incarceration, illnesses and accidents. Administered free of charge, the program consists of fourteen to eighteen week sessions gradually guiding individuals through the process of grief and loss.

Through lean times caused by lack of funding, the Rainbows organization managed to carry on their admirable work. As the group mainly relies upon privately donated funds and volunteer service, the list of coordinators and facilitators oftentimes fluctuates. At present time 250 committed and caring Rainbow volunteers donate their time to help grieving children on Guam. In the past year alone, Rainbows has helped 880 children from thirteen public schools.

Mr. Speaker, I would like to take this opportunity to recognize the Guam Chapter of Rainbows For All Children. I commend them for excellent work and their contributions to our island. I would like to submit for the RECORD, the names of Certified Site Coordinators currently involved with Rainbows in Guam's public schools.

RAINBOWS FOR ALL CHILDREN—GUAM

Marie Virata Holloran, RN, Registered Rainbows Local Director, Elaine Eclavea, Early Intervention System.

Certified Site Coordinators: Annie Arevalo, Tamuning Elementary School; Rosie Sgambelluri, Lyndon B. Johnson Elementary School; Hernalin Analista, Harry Truman Elementary School; Regina Ragan, Agueda Johnston Middle School; Alma Neglerio, Marcial A. Sablan (Agat) Elementary School; Anna Marie Toves, Ordot Chalan Pago Elementary School; Frank Meno, F.B. Leon Guerrero Middle School; (Yigo) Tess Borja, Upi Elementary School; Marie Salas, Agana Heights Elementary School; Cathy Escalera, M.U. Lujan Elementary School; Nichol Tanaka Napoleon, Carbullido Elementary School; Amy Leddy, Wettengel Elementary School; Josepha Lizama, Mt. Santa Rosa Elementary School; Diana Dungca, Astumbo Elementary School; Debbie Abrenica, J.Q. San Miguel Elementary School and Michelle dela Rosa, George Washington High School.

RECOGNIZING JIM GALLAGHER FOR OUTSTANDING PUBLIC SERVICE

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Jim Gallagher, who is retiring after 33 years of public service with the Sonoma County Assessor's Office.

Mr. Gallagher joined the Assessor's Office in May of 1968. After fully familiarizing himself with every aspect of the office, he ran for County Assessor in 1986. He did such an outstanding job during his first term in office that he ran unopposed in 1990, 1994 and 1998.

During his tenure as County Assessor, the office graduated from manual processing of documents to electronic processing. Through his leadership, he ensured that the department was always on the leading edge of electronic technology.

He and his staff created a public service program that earned them the reputation as "Being the Exception to the Public's Perception of Government Service."

In addition to his duties as County Assessor, Mr. Gallagher has been an active participant in a multitude of community organizations, including the Sonoma County Foster Parents Association, the Sonoma County Mental Health Organization, the Catholic Youth Organization, the Santa Rosa Democratic Club, the Young Men's Institute, the Santa Rosa Chamber of Commerce, the Sonoma County Real Estate Appraisers Association, the California Assessors Association and the Knights of Columbus, among others.

Mr. Gallagher is the proud father of Theresa, Heidi, Jeanne-Marie and Brian and the grandfather of Todd and Trevor.

Mr. Speaker, because of Jim Gallagher's innovative approach to county government, his many contributions to his community and his devotion to his family, it is appropriate that we honor him today.

HONORING THE AMERICAN LUNG ASSOCIATION'S HEALTH ADVOCATES OF THE YEAR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the American Lung Association of Michigan-Genesee Valley Region's 2001 Health Advocate of the Year honorees. The awards will be presented to the Corporate Health Advocate and the Individual Health Advocate at a banquet to be held on November 7th.

McLaren Health Care Corporation is the recipient of the Corporate Health Advocate Award. In addition to being recognized in the Top 10 integrated health networks in the United States by Modern Healthcare Magazine, McLaren's Pulmonary Rehabilitation Program was the first in Michigan to be accredited by the American Association of Cardiovascular and Pulmonary Rehabilitation.

The Pulmonary Program is part of a five year National Emphysema Therapy Trial through the University of Michigan, studying the surgical benefits of Lung Volume Reduction surgery for emphysema. Concurrently, the MaLaren Pulmonary Program partners with several lung transplant programs to provide pre and postoperative care to transplant patients.

McLaren's community involvement encompasses their participation in a mini-grant program to teach youngsters about the dangers of smoking, participating in the Freedom from Smoking classes sponsored by the American Lung Association, working with the American Lung Association of Michigan Asthma Committee, the SMART Coalition, the Greater Flint Health Coalition, Open Airways for Schools, Kids on the Block, and a having a representative on the American Lung Association of Michigan Regional Board of Directors.

Dr. Cory Cookingham is the recipient of the Individual Health Advocate of the Year Award. Dr. Cookingham met the criteria to be honored with this award by his continued involvement and advocacy for health lung issues.

After graduating from medical school in 1953, Dr. Cookingham served internships and residencies in Hawaii, Flint and Ann Arbor. In 1958 he completed an allergy residency and went on to found the Allergy Clinic at Mott Children's Health Center. He continued his work at Mott Children's Health Center for several years until he entered private practice in 1961. During this time he was the Allergy Fellow at the University of Michigan Hospital as an instructor in the Department of Pediatrics.

In 1963 Dr. Cookingham started the first Smoking Withdrawal Clinic. Since that time, he has been certified by the Pediatric Allergy Board, and the American Board of Allergy and Immunology. He has served as the President of the Genesee Valley Lung Association, the Director of the Michigan Lung Association, the President of the Flint Rotary Club, a Clinical Associate Professor at the Department of Pediatrics and Human Development—Michigan State University and as a Clinical Professor with the same school.

Dr. Cookingham has published several articles and professional papers during his medical career. He has expanded his private practice and now serves patients in four locations, Flint, Clarkston, Frankenmuth and Port Huron. He has worked tirelessly to promote better care for patients with compromised pulmonary function. His advocacy on behalf of his patients has sensitized many to the need for preventive care and an improved environment.

Mr. Speaker, I ask the House of Representatives to join me today in honoring both McLaren Health Care Corporation and Dr. Cory Cookingham along with the American Lung Association. We owe them a debt of gratitude for the tremendous work they perform every day improving the quality of life for all Americans.

HONORING MS. JANE TEMOSHOK FOR HER PARTICIPATION IN THE NOAA/NSF TEACHER AT SEA PROGRAM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the accomplishments of Jane Temoshok for her successful completion of the NOAA/NSF Teacher at Sea program.

As a resident of Alexandria, Ms. Temoshok has made everyone in the Eighth District proud of her achievement as one of two teachers nationwide to be chosen for this program. Ms. Temoshok, a science teacher at Lyles-Crouch Elementary in Alexandria, left on October 2nd from Huatutelco, Mexico flying aboard the NSF C–130, a research plane, heading for the Galapagos Islands. There she joined the EPIC Research Cruise to Arica, Chile aboard the vessel the RON BROWN. She returned to Washington, DC on October 27th.

Ms. Temoshok's purpose during her voyage revolved around interviewing scientists and interpreting their research in a way that can be understood by students. From her findings she constructed lesson plans for her pupils. Ms. Temoshok continued to instruct her students during the trip via the Internet, posting daily photos, journal writings and a questions and answers forum.

The NOAA/NSF Teacher at Sea program has afforded Ms. Temoshok an unparalled opportunity to provide her students with a hands on education, grounded in her unique experience. The lessons learned on the NSF C–130 and the RON BROWN will stay with Ms. Temoshok for the rest of her teaching career, acting as an inspiration from which she will always be able to draw strength and creativity.

CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATION ACT, 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to express my support of the Treasury Postal Appropriations Conference Report, but would like to note several exceptions.

The first provision that I support is the contraception coverage for employees under the Federal Employees Health Benefits (FEHB) plan. This provision, which passed as an amendment in 1998, has been threatened every year. This year, President Bush eliminated this provision in his Budget Blueprint. Fortunately, this Congress realized its significance and worked to keep it in this conference report.

The Federal Government is the nation's largest employer and the FEHB program is the basic health plan for federal employees and their families. The contraception coverage provision is an important component of this plan because family planning is a vital family issue.

Family planning should not be a political issue, but a personal issue. Contraception coverage helps women to plan their families responsibly. Adequate contraception access makes planned pregnancies possible.

Contraception access is also crucial to preventing the risk of contracting a sexually transmitted disease and unintended pregnancies.

Approximately 1.2 million women rely on this program for their medical care. Women of reproductive age spend more in out-of-pocket health care costs than men.

Also Mr. Speaker, I support the provision that bars the use of funds made available for the Customs Service in this Act to allow the importation of any good produced or manufactured by forced or indentured child labor.

Another important provision includes the Breast Cancer Research Stamp Act of 2001, which allows the reauthorization of the issuance of the breast cancer research postage stamp at a special rate of postage.

It is important to recognize and support the September 11 Heroes Stamp Act of 2001, which this bill does. Through this stamp, assistance will be provided to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001. In the same vein, I introduced H. Con. Res. 228 to expedite Federal services and benefits to the children who lost a parent or guardian as a result of the attacks.

I also support the provision appropriating $1.3 million to implement the African Growth and Opportunity Act.

One exception to this Conference Report is the provision that prohibits the use of federal funds to pay for an abortion through FEHB. I strongly oppose this.

For those who rely on the FEHB program for their medical care, they are unable to take advantage of the same reproductive health care services that are available to private sector employees.

The current provision discriminates against women in public sector service. Federal employees should not be denied this legal health procedure simply because of the political nature of abortion. For a government employee faced with the decision about a serious fetal health condition, this provision leaves her with few options.

Although the provision contains exceptions for cases of rape and incest or cases where the life of the mother is in danger, this language contains no health exception. This omission places many women in the painful decision to continue a potentially health-threatening pregnancy.

Mr. Speaker, my biggest disappointment concerning this legislation is its failure to address the real crisis facing the Postal Service today. There are Members of Congress who have joined together in a bipartisan fashion to draft legislation that address critical security issues facing the Postal Service.

I sit on the Homeland Security Task Force and serve as Vice-Chair of the Domestic Law Enforcement Working Group of this Task Force. Our legislative initiative, the Bioterrorism Protection Act of 2001 (BioP Act) will be introduced this week.

The BioP Act authorizes $250 million dollars to address the threats to the operation of our mail delivery system. The Act's proposed solutions include developing and deploying faster scanning technologies that can be widely implemented in local sorting facilities.

Another solution to these biological threats is the implementation of improved mail tracking abilities to track suspicious packages to their source, and to investigate "treating" mail with radiation or other methods to reduce or mitigate threats posed by mail.

The Act strongly encourages the Administration to respond urgently to the needs of the Postal Service and its employees.

Mr. Speaker, we live in dangerous times. We must do our best as legislators to be proactive. I urge my colleagues to support passage of the Treasury and Postal Operations Conference Report.

TRIBUTE TO DONNA GILBOA ON BEING AWARDED THE 2001 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Donna Gilboa, a distinguished citizen and a resident of San Mateo County, who is being honored on November 6, 2001, by the Sacred Heart Schools of Atherton, California, with the 2001 St. Madeleine Sophie Barat Award.

A graduate in history from Ohio State and Columbia Universities, Donna Gilboa went on to teach at various educational institutions, including a private school in Detroit, Michigan, Portland Community College, and Portland University in Oregon. She became a member of the faculty of Sacred Heart Preparatory in 1975. For twenty-five years, Donna Gilboa served as Chair of the Social Sciences Department at Sacred Heart, instilling in her students a love and a deep appreciation of history.

Donna Gilboa is best known at Sacred Heart for her legendary World Civilization course. Delivered with uncompromising detail and a witty sense of humor, her lectures never fail to inspire. My daughter Karen, now Academic Dean at St. Joseph's School, credits Donna Gilboa with instilling in her a lasting love of history, leading her to ultimately choose education as a career. Karen considers herself exceptionally fortunate to teach with her today.

Mr. Speaker, it is a great privilege to honor Donna Gilboa as she receives the 2001 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community. We are indeed a better community, a better county, and a better country because of her.

RECOGNIZING THE ACCOMPLISHMENTS OF IVEY RANCH ELEMENTARY SCHOOL

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize and congratulate the Ivey Ranch Elementary School and the Oceanside Unified School District for its achievement in earning recognition as a National Blue Ribbon School. Ivey Ranch Elementary is the first school in the Oceanside Unified School District to receive National Blue Ribbon recognition. This makes their achievement all the more significant and remarkable, and I am pleased to have this opportunity to share the news of their success with my colleagues in this distinguished body.

Ivey Ranch Elementary is a model of excellence in my district, the state of California, and the nation. It has consistently demonstrated a strong commitment to educational excellence for all students. Ivey Ranch is the first school in the Oceanside Unified School District to surpass the state's goal of an 800 Academic Performance Index for all schools. Ivey Ranch students have raised their standardized test scores significantly in the past four years. Math scores at the fourth grade level increased from the 50th percentile in 1998 to the 82nd percentile in 2001. Third-graders are currently scoring above the 86th percentile in math. Overall, the school's Academic Performance Index has increased from 759 in 1999 to 829 in 2001.

In granting National Blue Ribbon status, the Secretary of Education has recognized the dedication and commitment of the administrators, teachers, support staff, and parents to the continued improvement and excellence of this school In the midst of all the recent news that is so often discouraging, it is imperative that we acknowledge this superb effort by the team that has made Ivey Ranch Elementary a National Blue Ribbon school. While there may be evil in this world, we know that there are many more people who are committed to making this world and our country a better place. Ivey Ranch Elementary is evidence that there are good people out there, doing very good work, and providing an excellent education to the children who represent our nation's future. Mr. Speaker, I am honored and proud to represent the students, teachers, administrators, and parents who contributed to this achievement. These good people deserve strong recognition of their achievements. May Ivey Ranch Elementary remind all of us that ours is a nation of hard workers and good people. Well done Oceanside Unified School District; great work Ivey Ranch Elementary.

TRIBUTE TO OFFICER FERDINAND J. IBABAO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to recognize a former student of mine, Ferdinand J. Ibabao. A former police officer on Guam, Ferdinand recently distinguished himself by doing a heroic act while stationed in Kosovo.

I have personally known this man for a long time and I can attest that he was a great asset while serving at the Guam Police Department. Upon his retirement from the island's police force, he secured an assignment as a police officer for the United Nations mission in Kosovo. While serving at this post, Ferdinand and a partner were assigned to provide security for an Austrian judge who presided over war crimes and high level criminal cases.

The incident happened late at night as the officers escorted the judge to her home. As his partner led the judge towards her quarters, Ferdinand noticed a suspicious looking individual moving towards the judge's direction. Upon being confronted by Ferdinand, the man gruffly claimed he spoke no English. Without a second thought, Ferdinand pushed him away from the judge and patted him down for weapons.

A scuffle ensued after Ferdinand ascertained that the individual had a loaded gun. Quickly, he managed to warn his partner of the impending danger. Upon Ferdinand's warning, his partner was able to quickly usher the judge safely to her residence. Ferdinand was able to subdue the armed man who was almost twice his size. His partner was able to assist him as soon as he made sure that the judge was safely inside her house.

Meanwhile, a crowd had gathered to watch the commotion. Although he had fears of an accomplice within the growing group of bystanders, Ferdinand and his partner were able to contain the crowd until the Kosovo Police Service, the local police, arrived to place the individual under custody.

For his actions, he received a commendation from the Deputy Regional Commander of the United Nations Mission in Kosovo Civilian Police Force. His commendation partly read: ". . . the detection and arrest of an armed suspect close to the home of the VIP that you were escorting [has enhanced and improved] the image of UNMIK CivPol and the Kosovo Police Service . . . You should be proud that you have brought honor and credit to yourself, your uniform and above all the country that you represent."

At present Ferdinand and his family have relocated to Arizona where his wife is working towards a bachelor's degree in Criminal Justice at Arizona State University. She plans to attend law school in the near future while Ferdinand is looking forward to being selected for the Sky Marshal Program.

Mr. Speaker, I take great pride and pleasure in commending the acts of Ferdinand Ibabao. He represents the best of what the island has to offer. I wish him the best of luck in his endeavors and urge him to keep up the good work.

H.R. 3206, THE HOME OWNERSHIP EXPANSION AND OPPORTUNITIES ACT OF 2001

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mrs. ROUKEMA. Mr. Speaker, today, I introduced H.R. 3206—The Home Ownership Expansion and Opportunities Act of 2001. It is my intent, by introduction of this bill, to create a healthy and vibrant debate about the future home ownership opportunities for our citizens pursuing the American dream. While the home ownership rate is at its highest level ever—nearly 68 percent, there are pockets in our community who hover around the 40th percentile, because of geography, income or other factors. These unconquered pockets are the last frontier to be explored through what I believe could be public and private home ownership partnership initiatives.

H.R. 3206 is just one example of perhaps how Congress can explore new ways of thinking. It goes without saying that new sets of challenges require new ideas and different solutions.

H.R. 3206 would provide authority to the Government National Mortgage Association (GNMA) to guarantee securities of certain conventional mortgages above an 85 percent loan-to-value ratio, up to the conventional mortgage loan limits already established by existing law. This guarantee is conditioned on these hybrid mortgages meeting certain guidelines established by GNMA and insured both by private sector mortgage insurance and the Federal Housing Administration (FHA). These mortgages would meet rigorous underwriting and insurance guidelines to ensure that no undue and unresponsible risk is placed on the Federal government.

I also note that Senator WAYNE ALLARD of Colorado and Ranking Member of the Senate Subcommittee on Housing and Transportation will introduce a companion bill in that chamber today as well. While the concept in both bills is similar, differences exist.

This concept is unique and has not been tested before. If we as a legislative body believe, however, that we must further public policy to advance increased home ownership opportunities, than we must also agree to certain paradigm shifts, whether it is this idea or another put forth.

There is no question that this country has the best home ownership system in the world, having created a secondary market to provide needed capital to meet both consumer/buyer demands and finance costs. Moreover, FHA, designed to meet the needs of those creditworthy home owners locked out of the conventional markets, is a great supplement to the private mortgage finance system.

However, we can do better. This bill is not intended to carve out winners and losers, but to spark a debate on the future of our mortgage finance system and how we can penetrate those markets that, up until now, have not been impacted, even with the best home ownership initiatives we have. Out of this debate, I am confident that new ideas will percolate and move all of our citizens onward and upward toward the American dream.

RECOGNITION OF MEN AND WOMEN OF THE UNITED STATES ARMED FORCES AND THE 3RD ANNUAL MILITARY APPRECIATION MONTH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to honor the men and women of the United States Armed Forces and to recognize the 3rd annual Military Appreciation Month in Northwest Florida.

The events begin tonight with the Kickoff ceremony at the National Museum of Naval Aviation and continue throughout the month with events such as the Blue Angel Homecoming Air Show, Veterans Day Parades across the Panhandle, and a performance by "The President's Own" United States Marine Band.

The strength of the United States is a direct result of the vigilance of the United States Armed Forces throughout the years. It is important for our nation to reflect on the sacrifices of so many throughout our history and also to pay respect to and be grateful for those who currently serve. While we always appreciate the men and women of the military, it is altogether fitting that we set aside time to do so publicly. Recognizing the contributions of members of the United States Armed Forces will increase our awareness, and in doing so our admiration, of the sacrifices they and their families have made to preserve the freedoms and liberties that we as Americans hold so dear.

I thank the members of our Armed Forces and their families for their service, sacrifice and dedication to our nation and the values that we hold so dear; and I commend the Chambers of Commerce, business owners, and the numerous organizations and volunteers throughout Northwest Florida for their efforts to recognize the brave men and women of the United States Military.

HONORING THE VOLUNTEERS OF THE MICHIGAN VIETNAM MONUMENT COMMISSION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ROGERS of Michigan. Mr. Speaker, the Michigan Vietnam Monument Commission (MVMC) was established by the Michigan Legislature in 1988 to conceptualize, design, fund and build a fitting monument on a site donated by the state of Michigan near the Capitol in Lansing. The project has been a collaboration between the public and private sectors in honoring and celebrating the patriotism of the 2,654 Michigan citizens who served, suffered, died, were imprisoned or are missing because of America's longest war. Plans to build the monument began in July of 1988 and will culminate on November 11, 2001, Veterans Day, with a formal dedication.

The volunteers who comprise the MVMC have raised more than half of the $3.4 million in project costs from private donations. The Michigan Legislature, in cooperation with Governor John Engler, appropriated $1.5 million in support of the monument. Other major contributors include several private businesses and labor unions.

As a veteran and former Chairman of the Michigan Senate Labor, Human Resources and Veterans' Affairs Committee, I am thrilled that the families of those who made the ultimate sacrifice for their country will have a monument to visit in memory of their loved ones. I look forward to participating in the dedication of the monument on Veterans Day which promises to be a fitting tribute to those who have served and are serving our great country.

THE VITAL ROLE OF TRAVEL AGENCIES

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ISRAEL. Mr. Speaker, I rise in support of H.R. 2945, the Ancillary Airline Industry Relief Act of 2001.

Soon after the September 11th attacks, this body passed a bill to save the airline industry from economic disaster. I supported that legislation because of the impact airlines have on our national infrastructure. But while the airlines received billions in aid, other related industries have been left to pick up the scraps.

Among those groups are the travel agents. Industry leaders say as many as 100,000 could lose their business. These men and women are the backbone of our tourism industry. They arrange for most of the air travel and almost all of the packaged tours and cruises. Even considering travel web-sites, airlines simply cannot manage the burden of arranging travel without travel agents.

Immediately following the attacks, travel agents were indispensable to their clients—helping thousands of stranded passengers. We should not leave them behind now. If we are to get America traveling again, we need to address the needs of America's travel agents. I urge my colleagues to support this legislation.

BREAST CANCER AWARENESS MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise today in recognition of Breast Cancer Awareness Month. Breast cancer is a serious health concern for all women.

With the exception of skin cancer, more women in the United States are diagnosed with breast cancer than any other cancer each year. This year alone approximately 192,200 new cases of invasive breast cancer will be diagnosed among women, as will nearly 47,100 additional cases of in situ or noninvasive breast cancer.

After lung cancer, breast cancer is the second leading cause of cancer-related deaths among women. This year, 40,200 women are expected to die from the disease. However, few know that breast cancer also affects men. Approximately 1,500 men will be diagnosed with this type of cancer and 400 will have a terminal form of the disease.

In my district of Guam, 44 new cases of breast cancer were reported last year, for an incidence rate of 54.4 persons per 100,000 population. Since 1984, 391 women on Guam have been diagnosed with breast cancer according to the Guam Cancer Registry.

The good news is that since 1985, breast cancer incidence rates among women have continued to decline at an average of 1.3 percent each year. This decline has been attributed to both improvements in breast cancer treatments and the benefits of mammography screening. As more breast cancers are diagnosed while in situ, we should continue to see a decline in the rates of diagnosis and of fatalities.

Although there is no proven method for reducing the incidence of breast cancer, the best line of defense for the prevention of breast cancer for women is to have regular mammograms, increase physical activity, minimize alcohol intake, and avoid obesity. Women and men are encouraged to remain vigilant about early detection.

The American Cancer Society, the Susan G. Komen Breast Cancer Foundation, Avon Breast Cancer Crusade, and several other organizations offer a host of resource programs for breast cancer patients and their families. These organizations have also played an extensive role in conducting valuable research and raising awareness about this killer disease and should be recognized and commended for their valuable proactive work.

Advances in treatment and early detection methods have made significant improvements in the health of women and men affected by breast cancer. A decade ago, a breast cancer diagnosis was often viewed as a terminal illness. Ten years later, more patients are conquering breast cancer than ever before. There are now more than two million breast cancer survivors in the United States today.

Therefore, I urge my colleagues to join in celebrating and commemorating the battle against breast cancer and support initiatives that help Americans across our nation survive the challenges of this deadly disease. Let us reach out across the nation in support of Breast Cancer Awareness Month for all American families throughout the country who have been affected by or are at risk of breast cancer and pay tribute to those who's lives have been cut short by this disease.

CONGRATULATING JUSTINA BORBA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Justina Borba for receiving a 2001 Common Threads Award. This award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Justina Borba has been involved in her family's farm on the Westside of California's Central Valley since the early 1940's. She and her husband, Ross, raised three children who run the farm today. She has been involved with several community organizations, including the Girl Scouts, American Cancer Society, American Heart Association, Marjaree Mason Center, Agricultural Education Foundation, American Epilepsy Foundation, Valley Children's Hospital, and Community Hospitals of Fresno. St. Agnes Hospital awarded Justina the "Christ the Healer" award for her community involvement.

Mr. Speaker, I rise today to congratulate Justina Borba for earning a 2001 Common Threads Award. She has shown outstanding involvement, not only in agriculture, but also in strengthening her community. I urge my colleagues to join me in wishing Ms. Borba a bright future and continued success.

HONORING THE CHURCH OF OUR LADY OF THE DIVINE SHEPHERD IN TRENTON, NEW JERSEY ON THEIR 60TH ANNIVERSARY CELEBRATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor Our Lady of the Divine Shepherd Roman Catholic Church in Trenton, New Jersey, as they celebrate their 60th Anniversary.

In 1941, 60 years ago, in response to a petition by the African-American community, The Most Reverend William A. Griffin, Bishop of Trenton, established Our Lady of the Divine Shepherd Church to accommodate the spiritual needs of a local Trenton community who sought solace and guidance in their Roman Catholic Faith and black heritage.

This new Parish had its beginnings in the former Masonic Temple on Pennington Avenue, where it remains today. On June 14, 1941, Bishop Griffin blessed the new Church and officiated the first Mass. Since its beginning, the Society of the Divine Word has staffed Our Lady of the Divine Shepherd Church. The Society of the Divine Word has the great distinction of being the first congregation to create seminary opportunities for black men. At present, there are about 6,000 members in the Society of the Divine Word working in 62 countries around the world.

One of the hallmarks of this vigorous religious family is its international character and multi-cultural congregation. Teams of missionaries are made up of members from many different nations and cultures working together for the Kingdom of God as a concrete sign for our divided world that such cooperation is both possible and desirable.

Mr. Speaker, for 60 years, Our Lady of the Divine Shepherd has faithfully served its parishioners, ministering and providing services to the community. I ask all of my colleagues to join with me in congratulating Our Lady of the Divine Shepherd and to thank them for all of their contributions to the rich heritage and culture of Trenton, the Capital city of New Jersey.

HONORING ST. GEORGE SERBIAN ORTHODOX CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. LEE. Mr. Speaker, I rise today to honor and celebrate the 75th Anniversary of the St. George Serbian Orthodox Church in Oakland, California.

During World War I, many Europeans, including Serbians, faced the unspeakable horrors of war. Some were fortunate to escape a world of intolerance and hatred. It isn't surprising that many Serbians came to the United States, a symbol of hope and freedom, in search of a better life and future for themselves and their children.

New to the San Francisco Bay Area, Serbian men and women valued a strong sense of community and continued and maintain the Orthodox faith, Serbian language and culture. They affiliated themselves with the central office in Sarajevo, Bosnia, and their constant communication enabled them to maintain a connection to their homeland.

The leaders of Oakland's Serbian community understood the need to retain cultural traditions and Serbia's history as a nation, particularly since many young Serbian children were immersed in popular American culture. In an effort to preserve and pass on the rich Serbian culture and history to future generations, a local school was established for Serbians. This school was named the Serbian Society of Education in Oakland.

On February 29, 1924, the Society sought to purchase a piece of church property in order to realize their mission to retain and further cultivate their orthodoxy. This church was named the St. George Serbian Orthodox Church.

For over seventy-five years, St. George has been the home for Serbian families, immigrants and refugees. The Church and its members also formed the Saint George Athletic Club, Women's Auxiliary and St. George's Church Choir. These groups are regarded for their contributions to social campaigns and political activism.

The St. George Serbian Orthodox Church encourages and nurtures love and peace among its members and instills a strong sense of family in our community. Today I stand with Oakland's Serbian community as we celebrate 75 years of service to the community by St. George Serbian Orthodox Church. We honor their rich history and strong faith and trust in God. May St. George continue to kindly lead its members in the spirit of peace, love and equality.

IN HONOR OF THE CHILDREN'S DISCOVERY MUSEUM

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor the Children's Discovery Museum of San Jose for being awarded the 2001 National Award for Museum Service, as announced in Washington DC on Monday, September 17, 2001.

The Institute of Museum and Library Services, a Federal agency, annually presents the National Awards for Museum and Library Services, honoring three museums and three libraries that demonstrate extraordinary service to their communities. Recipients have innovative approaches to public programming reaching beyond the expected levels of community outreach and traditional services. These awards are presented by the First Lady to demonstrate the level at which these institutions are enriching lives and connecting people to one another and to the world.

In receiving this award, the Children's Discovery Museum of San Jose joins just 21 museums in the Nation which have been bestowed this honor since its inception in 1994. The Children's Discovery Museum is the only museum in California to receive this prestigious award, clearly demonstrating San Jose's leadership in creating cultural resources that truly enrich the learning and lives of its children, families and schools.

This award establishes San Jose's beloved "purple" museum for children as a premier institution in the Nation and as a leader in the museum and library service fields. It honors the community of San Jose, which deeply cherishes and supports the Museum's services, and inspires the dedicated and talented Museum staff to continue their work in creating bright futures for the children of San Jose.

JOB WELL DONE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. MATSUI. Mr. Speaker, I rise today to express my sincere appreciation for the tremendous job that the Chairman of the Energy and Water Appropriations Subcommittee Representative SONNY CALLAHAN and Ranking Member, Representative PETER VISCLOSKY, and the conferees have done in preparing the FY 2001 Energy and Water Appropriations Conference Report. Congress is certainly no stranger to the constant public safety threat that potential floods pose to my constituents and I am most thankful for the continued support of this body in helping to greatly reduce these risks. Thanks to your efforts and the efforts of this Committee, Sacramento remains on track with providing improved flood protection.

Sacramento's immediate flood risk consistently ranks highest among major metropolitan areas in this nation. A catastrophic flood in Sacramento would impact $40 billion of property, including the California State Capitol, six major hospitals, 26 nursing home facilities, over 100 schools, 3 major freeway systems, and approximately 160,000 homes or apartments. As Congress continues to determine the best long-term solution, I remain grateful that this year's conference report is consistent with capability estimates developed by the Army Corps of Engineers and the Sacramento Area Flood Control Agency.

While this legislation provides continued funding for a number of crucial flood protection projects, I am particularly grateful for the inclusion of construction funds for the South Sacramento Streams Project. This "new start" is of vital importance as the 100,000 people and 41,000 structures that reside in this area are extremely susceptible to devastating floods.

These funds will enable this area to eventually increase its woefully inadequate 50-year protection level to an acceptable 500-year protection level.

Increasing Sacramento's mere 85-year level of protection is a daunting task, but the support of my colleagues to protect my constituents has been unwavering and strong. Time and again, the federal commitment has risen to the occasion. On behalf of my constituents, and myself I thank you for recognizing the grave danger that Sacramento faces and acting to alleviate those threats.

REGARDING H.R. 3204, THE "INTELLECTUAL PROPERTY PROTECTION RESTORATION ACT OF 2001"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. COBLE. Mr. Speaker, today Representative HOWARD BERMAN and I are introducing H.R. 3204, the "Intellectual Property Protection Restoration Act of 2001." Senator LEAHY is also introducing the same legislation in the Senate today. This important legislation takes a balanced and minimal approach to solving the complex problem of preventing the individual States from infringing intellectual property with impunity. This bill simply prevents the award of damages for infringement of intellectual property owned by a State if that State has not waived its immunity under the Eleventh Amendment. Currently, private parties are unable to sue and receive damages for infringement by States. H.R. 3204 will level the playing field without curtailing States' rights. It is my hope that H.R. 3204 will be enacted into law during the 107th Congress.

Finally, Mr. Speaker, on July 27, 2000, in the 106th Congress, the Subcommittee on Courts and Intellectual Property held a hearing on this issue. My statement from that hearing is included below.

STATEMENT OF HON. HOWARD COBLE, CHAIRMAN, SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTY REGARDING STATE SOVEREIGN IMMUNITY AND PROTECTION OF INTELLECTUAL PROPERTY

Good Morning. The Subcommittee will come to order. Today, we will discuss state sovereign immunity and protection of intellectual property.

To the great benefit of the United States, the authors of the Constitution understood how the creative arts and sciences would be valuable to the American people, both financially and culturally. The Constitution gives Congress the power to enact laws that give authors and inventors rights in their respective creations for a limited time. Congress has enacted such laws since 1790, resulting in the development of American intellectual property that is the envy of the world. It is one of the top U.S. exports, generates billions of dollars in revenue, creates jobs, and enriches the lives of the American people and the world.

Since the enactment of the first intellectual property laws, it was universally understood that these laws applied to the states, which would be subject to suit in federal court for damages resulting from infringement. Historically, Congress assumed its Article I powers enabled it to abrogate states sovereign immunity under the 11th Amendment. However, after the Supreme Court ruled that the intent to abrogate based on Article I must be explicitly evident in the relevant statute, some district courts held that the 1976 Copyright Act did not effectively abrogate state sovereign immunity.

To close this loophole, Congress enacted three laws between 1990 and 1992 to abrogate state sovereign immunity: the Copyright Remedy Clarification Act; the Patent and Plant Variety Protection Remedy Clarification Act; and the Trademark Remedy Clarification Act.

In 1993, the Copyright Remedy Clarification Act was challenged. Before the 5th Circuit made a final ruling, the Supreme Court handed down several decisions that had a direct impact on the case. In *Seminole Tribe of Florida* v. *Florida*, the Court overruled previous case law and held that Congress could not use its Article I powers to abrogate state sovereign immunity. In *Florida Prepaid Postsecondary Education Expense Board* v. *College Savings Bank*, the Court voided the Patent and Plant Variety Protection Remedy Clarification Act. While the Court held that abrogation was possible under the Enforcement Clause of the 14th Amendment, the Act was not a proper exercise of that power. Finally, in *College Savings Bank* v. *Florida Prepaid Postsecondary Education Expense Board*, the Court voided the Trademark Remedy Clarification Act to the extent it abrogated state immunity with regard to false advertising claims. Based on these rulings, the 5th Circuit subsequently held that the Copyright Remedy Clarification Act was unconstitutional.

The import of these decisions is very serious for intellectual property owners, since states now have the ability to infringe copyrights, patents, and trademarks with impunity. These potential infringements add up to millions of dollars of lost revenue to intellectual property owners. Adding to the unfairness of the situation is the fact that states can and do own copyrights, patents, and trademarks. A state may bring an infringement suit in federal court against a private individual but a private individual may not sue that state for the same transgression. This result creates an uneven playing field and otherwise conflicts with the spirit of Article 1, Section 8 of the Constitution.

In conclusion, this hearing is not intended to focus on a definitive solution to this problem, rather, it represents the first step in doing so. The hearing is intended to educate the Subcommittee about this important issue: its background, the implications of current case law on the subject, and those efforts to find a solution to the problem of consistently protecting intellectual property rights in a constitutionally permissible manner.

HONORING JAN C. MENNIG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jan C. Mennig for his extensive career in public service. Mr. Mennig has decided to retire after serving in many capacities in the public and private sectors.

Mennig has a notable educational background. He graduated with honors from the University of Southern California with a degree in Public Administration. He went on to earn his M.S. and Ph.D. degrees. He also completed many advanced courses while a Colonel in the United States Army Reserve. Mennig is a U.S. Army Certified Logistician and received an Honorary Doctor of Laws Degree from August Vollmer University.

While living in Southern California, Mr. Mennig served as Assistant Chief and Chief of Police in the Culver City Police Department for over twenty years. While in Culver City, he served on many boards, including the Executive Committee for the California Police Chiefs Association and the Los Angeles County Regional Criminal Justice Planning Board. Mennig also served as President of the Culver City Lions Club and Chairman of the Board of Culver Palms Family YMCA.

In 1987, Mennig retired from the Culver City Police Department and the U.S. Army Reserve and moved to Mariposa, California. Since relocating to Mariposa, Mr. Mennig has served in many positions, including President of the Mariposa Wine Grape Growers Association and as a member of the Mental Health Board of Mariposa County. Mr. Mennig retired as the Executive Director of the Mariposa County Chamber of Commerce on June 30, 2001.

Mr. Speaker, I wish to congratulate Jan C. Mennig for his extensive career as a public servant. I urge my colleagues to join me in wishing Jan C. Mennig a happy retirement and continued success.

THE WORLD OF AFGHAN WOMEN

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. CUMMINGS. Mr. Speaker, imagine a world where you are: banned from revealing any skin and are required to be fully covered even in stifling heat; and banned from wearing white shoes because it is the color of your nation's flags; or shoes that are high heels because they may make noise.

Imagine a world where you are: unable to leave your home without permission; and where working and gaining education are illegal.

Imagine a world where a woman is: banned from men-only hospitals, even in the severest of medical emergencies and the hospitals that are available have no oxygen, clean water, intravenous equipment, medicine, or x-ray machines.

Imagine a world where: you attend a sporting event but cannot display any emotion and may experience the interruption of the event for the purpose of a "public execution" of a woman; possibly carried out by her own family member and witnessed by her children and other children in attendance.

Finally, imagine a world where: it is taboo to read the religious book that is used to set these rules.

For some people this is not an imaginary world. For Afghan woman this is their reality. Women in Afghanistan have suffered an assault on their human rights during more than

20 years of war and under the repressive rule of the Taliban, which emerged as a military force in 1994 and declared itself the government of Afghanistan.

Taliban decrees have basically restricted women in all aspects of their lives. These restrictions are religiously and institutionally sanctioned and include: (a) Dress codes; (b) prohibitions against work and education; and (c) various acts of violence against women. In fact, violence against women in Afghanistan has reached pandemic proportions. Women and girls are systemically subjected to rape, kidnaping, forced marriage or prostitution. As expected, the mental health of these women has severely deteriorated and some have committed suicide.

Many women were educated before the Taliban took power and they represented 70 percent of all teachers, 50 percent of civil servants, and 40 percent of medical doctors. These same women can no longer practice their trades or work at all and have been basically relegated to non human status.

I am sure it is difficult for many Americans to imagine the existence of these women. But we must attempt to understand their pain. America is a land that stands for justice and human rights and as the leaders of this great nation, I ask my colleagues to be committed to maintaining these principles in our nation and around the world. We must work to safeguard women's human rights and ensure that individuals, terrorist groups, government forces and armed groups are prevented from committing human rights violations. That is why I commend my colleague in organizing this Special Order to bring this grave and serious issue to light.

September 11, 2001 has changed all of our lives. We are fighting a war against terrorism and in defense of our homeland. However, we must remember that terrorism comes in various forms and includes violations of human rights. The Afghan women are currently being terrorized by the Taliban. It is my hope that, as we fight this war we are not only fighting against the Taliban because they may harbor terrorists, but also because their restrictions and atrocities against women in Afghanistan are, in fact, terrorist acts.

It is my hope that we will one day be able to imagine a world where Afghan women are able to live freely as first class citizens of a progressively democratic society, a world where we are free of terrorism, and a world where peace is the norm. I urge my colleagues and the international community to unite towards this goal and make it a reality.

CONGRATULATING GUAM LITTLE LEAGUE AND GUAM SENIOR LEAGUE ALL STARS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, as this year's baseball season comes to a close, I would be remiss if I failed to make mention of the accomplishments of a number of impressive young individuals from Guam. This year Guam's Little League and Senior League competed in the World Series tournaments of their respective leagues. Guam's Little League All Stars finished third in the annual tournament held in Williamsport, Pennsylvania while their Senior League counterparts finished fourth in the tournament held at Kissimmee, Florida. Both tournaments were held last August.

After winning the Guam Major Little League All-Island Tournament, Guam's Central Little League All Stars went on to represent the island in the Pacific Tournament held in Hong Kong between July 26, and August 3, earlier this year. Guam emerged from this tournament as the Pacific champions earning this group of enthusiastic ballplayers a trip to the annual Little League World Series in Williamsport, Pennsylvania. By beating the Philippines at the 2001 Major Little League Pacific Tournament at Tsingyi Sports Ground in Hong Kong with a score of 15–0, the Central All Stars earned for Guam its first ever berth in the Little League World Series. This evoked much pride for the island as the young men competed at a higher level of competition.

The Guam team made an impressive debut as they beat Mexico with a score of 6–5 in their opening game. Their next game was a shut out—beating the European champions, Russia with a score of 5–0. They went on to overcome a 3-run deficit in their third game to beat Canada 6–5. After advancing to the semi-finals with a 3–0 record, the Central All-Stars were defeated by Curacao to finish third in the series. Although there were some feelings of disappointment among this group of little leaguers, they have come to a consensus that their performance was nothing short of exceptional.

Their Senior League counterparts also have a reason to hold their heads up high. Already the five-time defending Far East champions, Guam's Senior League team, earned its fifth consecutive trip to the Annual Senior League Baseball World Series by beating the Commonwealth of the Northern Mariana Islands in a best-of-three series during the Senior League Far East Tournament. Out of the nine teams that participated, Guam, representing the Far East, finished fourth.

Upon their homecoming, the young men received a heroes' welcome at the A.B. Won Pat International Airport. For their performances in and out of the ballfield, they were hailed as goodwill ambassadors for the island. They came back as better players after having been exposed to a higher level of competitions while, at the same time, being acquainted with extra-ordinary discipline, gaining self respect, and learning how to perform under pressure in front of thousands of spectators. Under the direction of former Mayor Greg Calvo, the Guam Little League Baseball, Inc., along with the support of the teams' managers, coaches, family members and the community should be commended for all of their support and commitment to the local baseball program.

Baseball is truly the American past time. This is best demonstrated by young men playing the game competitively while still untainted by cynicism and commercialization. As illustrated by the Senior League and Little League World Series Tournaments, the game brings friends, families, communities, and the world together. I am both proud and pleased that young men from my home island of Guam are able to contribute and participate in this experience and in the end take pride in their performance.

Mr. Speaker, I commend and congratulate these young men along with their managers and coaches for their accomplishments and for giving the island of Guam additional reasons to be proud of their island. I would like to submit for the RECORD the team rosters of the 2001 Far East Senior League Champions and the 2001 Pacific Little League Champions.

2001 GLL SENIOR DIVISION

Central LL President: Frank J.C. Camacho.

Central LL Vice-President: Lurline White.

Manager: Tony Calvo.

Head Coach: Joe Hernandez.

Assistant Coach: Andy Quintanilla.

Players: Michael Dene Aguon, Jaylon Alvarez, Keith Castro, Eric Cepeda, Joshua Cruz, Chris Duenas, Joe Guerrero, Tommy Hernandez, Brian Manibusan, R.J. Miner, Mark Reyes, Luis San Nicolas, Gerald Santos, Miller Santos.

2001 CENTRAL DIVISION ALL-STARS (LITTLE LEAGUE)

Manager: Ramon C. Aguon.

Head Coach: Michael R. Aguon.

Assistant Coach: Stephen Barcinas.

Players: Derwin Aguon, Eugene Aguon, Matthew Barcinas, Freddie Cepeda, Derek Daga, Darryl Delgado, Alejandro Diaz, Kurt Diaz, Kristopher Kaneshiro, Michael Peredo, Samuel Roberto, Henry Salas, Aaron Sanchez, Robert Weekly.

COMBATING ILLEGAL GAMBLING REFORM AND MODERNIZATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today legislation that represents a bipartisan effort to address the ever increasing problem of illegal Internet gambling in our Nation.

The Internet is a revolutionary tool that dramatically affects the way we communicate, conduct business, and access information. As it knows no boundaries, the Internet is accessed by folks in rural and urban areas alike, in large countries as well as small. The Internet is currently expanding by leaps and bounds; however, it has not yet come close to reaching its true potential as a medium for commerce and communication.

One of the main reasons that the Internet has not reached this potential is that many folks view it as a wild frontier, with no safeguards to protect children and very few legal protections to prevent online criminal activity. The ability of the World Wide Web to penetrate every home and community across the globe has both positive and negative implications—while it can be an invaluable source of information and means of communication, it can also override community values and standards, subjecting them to whatever may or may not be found online. In short, the Internet is a challenge to the sovereignty of civilized communities, States, and nations to decide what is appropriate and decent behavior.

Gambling is an excellent example of this situation. It is currently illegal in the United States unless regulated by the States. As such, every state has gambling statutes to determine the type and amount of legal gambling permitted. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. No longer do people have to leave the comfort of their homes and make the affirmative decision to travel to a casino—they can access the casino from their living rooms.

Since 1868, the federal government has enacted federal gambling statutes when a particular type of gambling activity has escaped the ability of states to regulate it. For over one hundred years, Congress has acted to assist states in enforcing their respective policies on gambling when developments in technology of an interstate nature, such as the Internet, have compromised the effectiveness of state gambling laws.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino was built right next door. Online gambling can result in addiction, bankruptcy, divorce, crime, and moral decline just as with traditional forms of gambling, the costs of which must ultimately be borne by society.

Gambling on the Internet is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youths—who make up the largest percentage of Internet users—from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites. In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard, likens the Internet to new delivery forms of addictive drugs: "As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced." Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

I have long been a champion of the Internet and an advocate of limited government regulation of this new medium. However, that does not mean that the Internet should be a regulatory free zone or that our existing laws should not apply to the Internet. I think we can all agree that it would be very bad public policy to allow offline activity deemed criminal by states to be freely committed online and to go unpunished simply because we are reluctant to apply our laws to the Internet.

Gambling on the Internet has become an extremely lucrative business. Numerous studies have charted the explosive growth of this industry, both by the increases in gambling websites available, and via industry revenues. A study by the research group Christiansen/Cumming Associates estimated that between 1997 and 1998, Internet gambling more than doubled, from 6.9 million to 14.5 million gamblers, with revenues doubling from $300 million to $651 million. More recently, Bear, Stearns & Co. Inc. reported that there were at that time as many as 1,400 gambling sites, up from 700 just a year earlier. Other estimates indicate that Internet gambling could soon easily become a $10 billion a year industry.

Most of the more than 1,400 Internet gambling sites are offshore. Virtual betting parlors accepting bets from individuals in the United States have attempted to avoid the application of United States law by locating themselves offshore and out of our jurisdictional reach. These offshore, fly-by-night Internet gambling operators are unlicensed, untaxed and unregulated and are sucking billions of dollars out of the United States.

In addition, the FBI and the Department of Justice recently testified that Internet gambling serves as a vehicle for money laundering activities and can be exploited by terrorists to launder money. The FBI currently has at least two pending cases involving Internet gambling as a conduit for money laundering, as well as a number of pending cases linking Internet gambling to organized crime.

Current law already prohibits gambling over telephone wires. However, because the Internet does not always travel over telephone wires, these laws, which were written before the invention of the World Wide Web, have become outdated. My legislation simply clarifies the state of the law by bringing the current prohibition against wireline interstate gambling up to speed with the development of new technology.

In addition, my legislation will add a new provision to the law that would prohibit a gambling business from accepting certain forms of non-cash payment, including credit cards and electronic transfers, for the transmission of illegal bets and wagers. This provision provides an enforcement mechanism to address the situation where the gambling business is located offshore but the gambling business used bank accounts in the United States. The bill also provides an additional tool to fight illegal gambling by giving Federal, State, local and tribal law enforcement new injunctive authority to prevent and restrain violations of the law.

The legislation I am introducing will return control to the states by protecting the right of citizens in each State to decide through their State legislatures if they want to allow gambling within their borders and not have that right taken away by offshore, fly-by-night operators. The regulation of intrastate gambling is within the jurisdiction of the states, so the bill leaves the regulation of wholly intrastate betting or wagering to the states with tight controls to be sure that such betting or wagering does not extend beyond their borders or to minors.

The 104th Congress created the National Gambling Impact Study Commission and charged it with conducting a comprehensive legal and factual study of gambling, including an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet. The Commission recommended to Congress that federal legislation is needed to halt the expansion of Internet gambling and to prohibit wire transfers to known Internet gambling sites, or the banks who represent them.

As the National Gambling Impact Study Commission has documented, and Senate and House hearings have confirmed, Internet gambling is growing at an explosive rate. It evades existing anti-gambling laws, endangers children in the home, promotes compulsive gambling among adults, preys on the poor, and facilitates fraud. The "Combating Illegal Gambling Reform and Modernization Act" will put a stop to this harmful activity before it spreads further. I urge my colleagues to support this very important legislation.

TRIBUTE TO JOE ZUCCA ON BEING AWARDED THE 2001 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Joe Zucca, a distinguished constituent of the 14th Congressional District of California, who is being honored on November 6, 2001, by the Sacred Heart Schools of Atherton, California, with the 2001 St. Madeleine Sophie Barat Award.

Joe Zucca has given generously of his time and talents to educating children for fifty years. A science teacher at Carlmont High for many years, he came out of retirement in 1981 to become a member of the faculty of St. Joseph's School. Joe Zucca has left a lasting impression upon generations of students including my daughter Karen, now Academic Dean at St. Joseph's, and my son, Paul. The founder of Zucca's Institute, a five day trip to Yosemite National Park for eighth graders, Joe Zucca created the program to give students the opportunity to learn more about the biology and geology of the park.

Joe Zucca has also worked tirelessly to educate members of our community on the ecological richness of our surroundings. The publisher of An Encyclopedia of Plants and Animals on the Sacred Heart Campus, he is currently developing the Butterfly and Hummingbird Garden on the St. Joseph campus.

In addition to his extraordinary contributions in the field of education, Joe Zucca has also served as an active participant in local government. A former Mayor of Belmont, he has also served as a Trustee for the Belmont Elementary School District.

Mr. Speaker, it is a great privilege to honor Joe Zucca as he receives the 2001 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting him and thanking him for his extraordinary service to our community. We are indeed a better community, a better county and a better country because of him.

EXPRESSING PROFOUND SORROW OF THE CONGRESS FOR DEATH AND INJURIES SUFFERED BY FIRST RESPONDERS IN AFTERMATH OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. HASTINGS of Florida. Mr. Speaker, it is with a heavy heart that I rise today in strong support of House Concurrent Resolution 233. Indeed, on September 11, the lives of every American, and every person in the world for that matter, changed forever. To those who lost loved ones, I can only express my deepest and sincerest sympathy. I can also assure the family, friends, and loved ones of these victims that their actions and memories will live on in the American spirit forever.

No one will ever forget where he or she was on the fateful morning of September 11. No one will ever forget what the firefighters, police officers, paramedics, and rescue workers were doing when the two towers of the World Trade Center collapsed and just minutes after the Pentagon was hit by a hijacked plane. No one will ever forget the selfless acts of heroism that occurred on United Airlines flight 93, as the actions of several individuals possibly saved the lives of thousands. No one will ever forget the compassion, patriotism, comraderie, unity, and grief that can be felt in our country today.

There is an old saying that the worst often brings out the best in us. Well, Mr. Speaker, I think the same can be said for September 11. As the events of that fateful morning continued to unfold, the first things that came to my mind, like many of you, quickly turned to my family and loved ones. Once I knew that my mother and children were safe, I quickly began to focus on the safety of the rest of our country.

Looking back, I guess that you could say I went through a process, a checklist if you will. First to may family and loved ones, then to my district. The checklist was nothing more than instinct. And in an emergency such as September 11 when chaos overwhelms order, many of us depend on instinct.

For the more than 20,000 firefighters, police officers, paramedics, and rescue workers, they too relied on nothing more than their instinct. They came from near and far in New York, New Jersey, Connecticut, Virginia, Washington, DC, Maryland, and Pennsylvania. While we all know that they were thinking of their families as they did their jobs, they never let us know. Their instinct told them to get into the World Trade Center and the Pentagon, and do what ever they could to get people out of these buildings—alive.

As reports were coming in that the towers in New York were about to collapse, rescue workers continued helping people out of the burning buildings because that is what their instinct told them to do. As reports were coming in that the Pentagon might crumble, rescue workers continued working to pull survivors out of the rubble because that is what their instinct told them to do. And when it became apparent that the only way to beat the hijackers was to crash their plane with them inside of it, the heroic passengers of United Airlines flight 93 put the lives of thousands in front of their own because that is what their instinct told them to do.

Mr. Speaker, today we honor and remember the true American heros of September 11. For 50 days, these incredible individuals have been working at ground zero, in New York, Virginia, and Pennsylvania. On behalf of the people of Florida's 23rd District, I say thank you to these heros. More so, I ask them to continue doing what they are doing, not only out of instinct, but out of passion and conviction, and for the American people.

The work that America's rescue workers have done in the past 50 days, and will continue to do in the days, weeks, months, and years to come, serves as an example to the rest of our country. The irony of the terrorist attacks of September 11 is that the same terrorists who succeeded in destroying our buildings only made stronger the spirit that they had really hoped to break.

I know that this is true not only because my instinct tells me, but because my head and heart do as well. In the homes, offices, schools, and streets of this great country, the American spirit is stronger today than it has ever been in my lifetime. The actions of those at ground zero on September 11, and the actions of this country in the past 50 days, send a clear message to the rest of the world that America will not back down from anyone or anything. It never has, and it never will.

I urge my colleagues to support this resolution, and may God bless America.

RECOGNIZING JUDGE RICHARD LEE McMECHAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Richard Lee McMechan, retiring Superior Court Judge of Mariposa County.

Judge McMechan began his education at Fullerton Junior College, and soon after, earned a Bachelor of Science degree in Police Science from California State University of Long Beach in 1960. He proceeded to earn his law degree from Western State University College of Law in Anaheim in Orange County. During and after law school he served as a detective and traffic officer in Garden Grove from 1958–62. From 1962–72 he served as a Claims Manager/Supervisor at Kemper Insurance Company in Santa Ana. Judge McMechan also proudly served his country from Private to Sergeant in the U.S. Army and U.S. Army Reserve from 1956–62.

Judge McMechan was admitted to the California Bar Association on January 5, 1972. From 1972 to 1974 he handled insurance defense for Hunt, Liljestrom & Wentworth. Between 1974 and 1982 he was a sole practitioner for San Juan Capistrano and Santa Ana, in California. McMechan also served as the Deputy District Attorney, part time, in Mariposa County from 1979–82. He served as Judge of the Sierra Judicial District Justice Court in Madera County from July 13, 1982 to November 16, 1987. On October 29, 1987 Judge McMechan was appointed to the position of Superior Court Judge and was officially elected Superior Court Judge on June 7, 1988.

Judge McMechan was born October 15, 1937 in Brea, California. He married Carol A. Wojciechowski on May 12, 1962. The couple have four successful children: Diedre, Kirsten, Darin and Bryan.

Mr. Speaker, I rise to recognize Judge Richard Lee McMechan for his tremendous contributions to his community. I urge my colleagues to join me in wishing Judge Richard Lee McMechan many more years of continued success.

TRIBUTE TO THE HARVARD LIVING WAGE CAMPAIGN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. BERMAN. Mr. Speaker, I want to commend to my colleagues a beautifully written article by Benjamin L. McKean recounting the success earlier this year of the Harvard Living Wage Campaign.

Mr. McKean is a remarkable young activist who joined with many of his classmates in support of the campaign of low-wage workers at Harvard University to improve their wages, benefits, and working conditions. At a university which prides itself on training future leaders for the world at large, Mr. McKean and his young classmates decided to exercise leadership right at home on behalf of the less privileged in the Harvard community.

I submit Mr. McKean's article for insertion into the CONGRESSIONAL RECORD.

[From the Crimson, May 9, 2001]

THE BEGINNING OF THE END

(By Benjamin L. McKean)

We have organized and won something tremendous in Harvard Yard these past three weeks. Since I entered Massachusetts Hall on April 18, workers at Harvard have seen countless victories. As part of the sit-in settlement, our janitors will begin negotiating a new contract more than a year early and any future pay increases will be retroactive to last week. The University committed to a good contract for our dining hall workers. The administration completely backed off from its threat to reclassify more than 100 of our dining hall workers at the Business School. They agreed to increase access to its English as a Second Language program and to immediately consider health care premiums for low-wage workers. Harvard agreed to a moratorium on outsourcing directly hired employees to subcontractors—and outsourcing has been the primary way the University has slashed wages and benefits for years. Alumni have donated more than $10,000 to the Harvard Workers Center, which provides free legal aid and support to Harvard's poverty wage employees. And the University agreed to a committee to discuss the living wage with student and worker representation. Whatever concerns I have about this committee, it makes a big difference knowing that some of the people on the receiving end of Harvard's poverty wages will be there to tell the other members of the committee exactly what that's like.

Perhaps most importantly, it is no longer possible for power to operate at Harvard without acknowledging the principle that people deserve a living wage. Our community has a responsibility to treat all its members decently, and we have told the people who thought they led our community that they must do that. Everyone in the Harvard Living Wage Campaign—workers, students, faculty, alumni, area residents—said no to indecent treatment, and to poverty wages. We said stop. All of us.

The past 21 days are not significant just because dozens of people occupied the President's office. The past 21 days are significant because of what happened outside of this building. Dining hall workers electrified Harvard Yard; worker-student solidarity is so strong that they want to have one of us help bargain their new contract. Faculty came together; about 400 of Harvard's famously individualistic professors together signed a letter calling for a living wage, and supporting the sit-in. Undergraduates turned out in record numbers for the largest rallies that the Yard has seen in decades, and students from every single graduate or professional school organized themselves in support in a completely unheralded way. Thousands of alumni called University President Neil L. Rudenstine, and even temporarily occupied the Harvard Club of New York. And our janitors and custodians organized rallies, trained themselves in civil disobedience and demanded decent treatment. And we all did it together. And so in the last 21 days we have won two victories: one in the form of substantive gains for Harvard workers, and the second a promise made today by this community—a promise to continue to fight for a living wage.

But our extraordinarily modest and simple demand for $10.25 an hour makes a world of difference. On this campus, in this country, people have long fought for the principle that people should be treated without regard to race or to gender or to sexuality. That's because respecting the dignity of all people is the fundamental principle of any community, especially of an educational community. We think an education is valuable because we think people are valuable enough to educate. And for the past 21 days, this whole community came together to say that every one of us is valuable. Every one of us deserves a living wage. And all of us together, in solidarity as never before, told the people who said no that they must say yes.

We—all of us—have made this a time when power stopped. For 21 days, we occupied the offices of the people who thought they could block the consensus of our entire community. We asked power to justify its operation, and power found that it couldn't. For 21 days, the people who thought they could run this place without regard for students, for workers, for faculty, for alumni and for the Cambridge-area community—those people did not have a clue what to do. For 21 days it was not business as usual in the halls of power. We should have no illusions: this sit-in was all about coercion. We all decided that we would not go along with the Corporation's coercive power any more, that we would not let them force indecent poverty wages on members of our community.

While this tremendous victory marks the end of one phase of our campaign for a living wage, we do not expect the Corporation's coercive power to disappear, and we do not expect this fight to end. We do not need to harbor a utopian fantasy in order to recognize that Harvards' administrators can and must treat people better and pay them better. So today's victory cannot be anything but partial.

Recognizing that, all of us should look ahead together to the day when we have won a living wage for all Harvard workers, and to the fights beyond that. Together, we can change not just the dialogue, but the reality of the conditions of Harvard's workers. We can turn the coercive power of the Corporation with the force of our collective yes. Together, in solidarity, we can make Harvard's power productive, make it a positive force and take it for workers. We have organized and won something tremendous here in Harvard Yard, because we have organized and won each other. And to keep winning—to win a living wage for all Harvard employees—we've got to keep organizing. Workers, students, faculty, alumni, parents, all community members energized from this victory should together build from here until everyone joins us in saying: Living wage now!

TRIBUTE TO THE MUSIC AND ENTERTAINMENT COMMUNITY FOR EFFORTS IN FUNDRAISING TO BENEFIT THE HEROES AND VICTIMS OF SEPTEMBER 11

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. FOLEY. Mr. Speaker, I come to the well of the House to congratulate the many people whose hard work and sacrifice resulted in a series of successful concerts to benefit the heroes and victims of the September 11th tragedies.

Last month, the music and entertainment worlds joined forces to raise funds to help those affected by the September 11th tragic events. On October 20th, Madison Square Garden hosted "The Concert for New York City." On October 21st, a second all-star benefit concert, "United We Stand," was held here in our nation's capital while a third concert, "The Country Freedom Concert" was hosted in Nashville.

These three concerts raised well over $20 million in ticket sales, viewer pledges, and other donations. Proceeds from these shows will benefit the American Red Cross, the Pentagon Relief Fund, the Salvation Army and the Robin Hood Relief Fund.

This weekend of concerts joined many of the world's greatest performers with Clear Channel Entertainment to raise money in support of the recovery efforts from the September 11 attacks. These concerts in New York, Washington and Nashville featured appearances by Billy Joel, Paul McCartney, Bono, Elton John, the Backstreet Boys, James Taylor, Michael Jackson, NSYNC, Eric Clapton, James Brown, Ricky Martin, John Mellencamp, Marc Anthony, Aerosmith, Mariah Carey, Tim McGraw, Vince Gill, George Strait and countless others.

These concerts offered America another chance to help in our recovery efforts and national healing. I am proud to join these individuals in standing up for America. I urge my colleagues and all Americans to watch the rebroadcast of the "United We Stand" concert tonight on ABC at 8 pm EST. Finally, I support this effort and commend the efforts of those in the music and entertainment community for their efforts.

INTRODUCTION OF THE SECURING AMERICA FOR EFFECTIVE TRANSPORTATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. PAUL. Mr. Speaker, today I am introducing the Securing America For Effective Transportation, or Safety, Act. This legislation is in stark contrast to the bureaucracy laden approaches of other bills. My bill would not create new federal spending nor new federal bureaucracies. The actions taken by this legislation fit into a few broad categories. First, it would give airline pilots the right to defend themselves, their aircraft, and their passengers by permitting them to bear arms. Second, it would clearly define the act of skyjacking as an act of piracy and provide appropriate punishment for any such act, up to and including capital punishment. Next, this legislation would provide appropriate strengthening of regulation of airline security in a fashion consistent with our constitutional framework. This would be done by requiring, for example, that law enforcement personnel be posted at screening locations rather than simply in the confines of an airport, and by requiring the production of passenger manifests for international flights. Finally, this bill would give airlines a strong incentive to improve passenger security, not by giving them taxpayer funded grants nor by creating new bureaucracies tasked with making administrative law, but rather by providing a tax incentive to airlines and other companies performing screening and security duties.

One example of my approach is how it treats employees. Rather than the Senate approach federalizing the work force or the House approach of subsidizing private security firms via federal contracts, my bill raises the take-home pay of airline security personnel by exempting their pay from federal income taxes.

Mr. Speaker, the House bill, while a slight improvement over the Senate version, is still a step in the wrong direction. By authorizing a new airline ticket tax, by creating new federal mandates and bureaucracies, and by subsidizing the airline industry to the tune of another $3 billion dollars, this bill creates a costly expense that the American people cannot afford. We appropriated $40 billion dollars in the wake of September 11, and I supported that measure as legitimate compensation for individuals and companies harmed by the failure of the federal government to provide national defense. Soon thereafter we made another $15 billion available to the airlines, and now we have a House bill that further victimizes the taxpayers by making them pay for another $3 billion dollars worth of subsidies to the airline industry.

We need to stop this spending spree. President Bush correctly has indicated that the best way to deal with economic stimulus is not to spend more federal dollars but rather to engage in tax cuts. Yet, by creating this new airline ticket tax, we are going in the opposite direction. I oppose this new tax and it is not included in my bill. Instead, the approach taken in my bill uses tax reductions to ensure airline safety and promote further economic growth. By granting tax incentives for safety initiatives, we gain the advantages of new security precautions without creating onerous new regulations or costly and burdensome new bureaucracies. I proudly offer this bill for consideration.

SAFE DRINKING WATER ACT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mrs. WILSON. Mr. Speaker, I rise today to introduce the Safe Drinking Water Act.

The U.S. Environmental Protection Agency yesterday announced plans to increase arsenic standards in drinking water from 50 parts per billion (ppb) to 10 ppb.

I've always shared the concerns of the operators of our water systems throughout New Mexico that the high costs of complying with stricter new standards could raise water bills so high that New Mexicans can no longer afford treated water. The federal government must help cover the cost of these new standards.

Mayors throughout the western states, including Albuquerque Mayor Jim Baca, have repeatedly expressed their concern about the effects higher standards will have on consumers and on city coffers that are already stretched.

Today I am introducing the Safe Drinking Water Act to ensure that communities throughout the United States can continue to enjoy safe and clean drinking water. My legislation will provide grants to communities that need to come into compliance with the new drinking water standards announced today by the Bush administration.

We all want, expect, and deserve safe and clean drinking water that is affordable. Through a combination of the EPA's new standards and federal assistance, I believe we'll continue to get just that.

TRIBUTE TO CONGRESSMAN GERALD B.H. SOLOMON

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. QUINN. Mr. Speaker, I rise today in memory of our good friend and colleague, Congressman Gerald B.H. Solomon.

From 1979–1999, Congressman Solomon served his country in the United States House of Representatives. Like so many Members here today, I am truly thankful for the example and leadership that Congressman Solomon demonstrated every day on behalf of his constituents.

A successful businessman, decorated Veteran, and leader both here and in his community, he set an enduring example of commitment, integrity, and service. His career was one that truly made a difference in the lives of those he represented. He was a zealous advocate on behalf of our American Veterans, a leader in scouting, and a foremost expert on education issues.

That outstanding commitment was an important reason that Congressman Solomon was named Chairman of the House Rules Committee. He used the authority afforded that position to fight for Veterans' benefits, a strong military, sound foreign policy, and fiscal responsibility here in Washington. Back home, he fought equally hard to promote pride, patriotism, civic duty, and volunteerism.

I am truly saddened by my friend's passing. But I will work hard here in Congress to carry on his fight for Veterans, and will work hard every day to emulate his overwhelming commitment to service and leadership. We are truly blessed to have known him, and truly fortunate to have the unique opportunity to carry on his proud tradition of advocacy and patriotism.

Mr. Speaker, today I join with the New York delegation, Members from both sides of the aisle, and indeed, a grateful Nation to honor Jerry Solomon for his outstanding service and leadership. I know I join with every Member in extending to Freda and his entire family my deepest sympathies, and would ask that my colleagues in the House of Representatives join with me in a moment of silence.

HONORING KIM SUTTERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Kim Sutters for being named "Registered Nurse of the Year" by the Central Valley Coalition of Nursing Organizations. Sutters will receive the award in the Advanced Practice category.

Kim is known as the "pain guru" of Valley Children's Hospital. Staff, physicians, pharmacists and patients rely on her expertise in this area and she is regularly called upon to consult in pain management. She has developed a pain brochure, which was translated into 3 different languages. Kim currently serves on multiple committees, including the Restraints Task Force, Infection Control Committee, Nursing Practice Team, Pain Management Sub-Committee, I.V. Procedures Task Force, Clinical Nurse Specialist Job Performance Standards Committee and the Medical/Surgical Core Curriculum Revision Task Force.

Kim is currently an Adjunct Assistant Professor at the University of California, San Francisco, Department of Physiological Nursing. She has also taught at California State University of Fresno's Nursing Program. Kim is well recognized as a published author in multiple journals. She is currently the principal investigator in a study with the National Institutes of Health titled "Home Care Management of Pediatric Pain."

Mr. Speaker, I rise to congratulate Kim Sutters for being named "Registered Nurse of the Year" in the category of Advanced Practice by the Central Valley Coalition of Nursing Organizations. I urge my colleagues to join me in wishing Kim Sutters many more years of continued success.

TRIBUTE TO RIVERSIDE URBAN SEARCH AND RESCUE TEAM

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. CALVERT. Mr. Speaker, the tragedies that befell our country on September 11, 2001 claimed many lives. The impact of this loss of life rippled out across this great land of ours. These ripples brought back waves of support from our friends and allies across the world. However, the sweat and labor of those who toiled to rescue our fallen, take care of the injured and clean up the destruction left behind in the aftermath belong primarily to the good people of America.

The communities of Riverside County, California, have always had a giving spirit. The attacks of September 11 brought out the members of the Urban Search and Rescue (USAR) Task Force 6 from our own communities of Riverside County. One of eight task forces commissioned by the Federal Emergency Management Agency and coordinated through the California Governor's Office of Emergency Services, Riverside USAR Task Force 6 consists of highly motivated and expertly trained search, medical, rescue and technical specialists and are utilized as resources to local communities and work directly for the local fire department commanders.

Riverside can be proud of its USAR Team, which was part of the first Task Force groups to arrive at "Ground Zero" in New York City. They departed from March Air Reserve Base at 10:45 the evening of September 11 to assist the rescue efforts. Riverside USAR arrived at McGuire Air Force Base in New Jersey and were immediately escorted by police to New York City.

These men and women belong to a very special group, and the memories unique to their experience at Ground Zero will remain with them all their lives. They will always remember those who paid the ultimate price. I pray that we will never forget the profound debt of gratitude we owe to them, and to all who responded by giving their best in this time of the Nation's great need. Their acts of bravery and their commitment to the Nation and to their fellow men exemplify the highest and best tradition of fire and rescue workers everywhere.

Now that they are safely home in Riverside County, I join the community in paying them special tribute. We as a nation commend Riverside USAR Task Force 6 and thank them for their selfless courage. They have made us proud.

Therefore, it is with great pride that I submit the following names of volunteers from the

Riverside Urban Search and Rescue Task Force 6 Team: Division Chief Dave Austin, Riverside Fire Department (RFD); Engineer James Avina, Norco; Eng. Fred Bayer, RFD; Captain Steven Beach, California Department of Forestry and Fire Protection (CDF); Capt. Gary Beese, RFD; Eng. Walt Bleszczad, RFD; Eng. Greg Bluma, RFD; Capt. Steve Brooker, CDF; Firefighter/Paramedic Tim Buckley, CDF; FF Anthony Burciago, RFD; Eng. Raymond Center, Corona; FF/Paramedic Darryl Cleveland, Corona; Eng. Roland Cook, PSPFD; FF/Paramedic B. Scott Dall, Norco; Capt. Frank deBoer, Norco; Capt. Richard F. Egerman, CDF; Battalion Chief Mike Esparza, RFD; Eng. Greg Feinberg, RFD; Eng. Todd Fetters, Hemet; Shana Gattas, OES; Capt. Mark Gilman, Norco; Eng. Todd Gooch, RFD; David Graves, REC; FF/Paramedic Peter Habib, RFD; Div. Chief George Hall (Retired); Paul S. Haynie, AMR; Eng. LaWayne Hearn, RFD; FF Wayne Hess, RFD; Eng. Tim Heying, RFD; Capt. Clarence Homer, CDF; FF Scott Huchting, RFD; FF Scott Hudson, Hemet; Bill Hughes, BECHTER; Capt. Dirk Jensen, RFD; Capt. Steven Jeremiah, RFD; Eng. Jorge Juarez, CDF; Capt. Mike Koury, RFD; Capt. Gary Lane, Hemet; FF Andy Lanyi, RFD; Capt. Don Lee, RFD; Capt. Dave Lesh, RFD; Eng. Robert Linden, RFD; John Linstrom, FRWORD; Eng. Charles Luna, RFD; Capt. Randy Malacarne, RFD; Joe Manzo; Dr. Landy Mazur; Eng. Dave McClellan, RFD; Sheila McKee, OES; FF/Paramedic Steven McKinster, RFD; Eng. Lauren S. Miller, Corona; Eng. Tim Rise, RFD; Capt. Jerry Rodman, CDF; Dr. Peter Sanders; Karl Sauer; FF Steven Scotti, RFD; Batt. Chief James Snodgrass, Hemet; Eng. Charles Tasker, CDF; Eng. John Thomas, Murrieta; and, Scott Underwood.

Thank you, my friends, for your kindness, decency, sweat and tears. You are patriots in your own right. God bless.

CAROLL W. FLORES, 2002 GUAM TEACHER OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate Caroll W. Flores for having been selected as the 2002 Guam Teacher of the Year, an honor annually bestowed to the island's top teacher. This program is part of the prestigious National Teacher of the Year Program which honors teachers across the country.

Having been a teacher for over two decades, Caroll is a firm believer that a teacher is given a considerable and unique chance to have a profound impact on her students. Throughout the years, she developed the ability to nurture the minds, bodies, and souls of the students placed under her guidance. This is a task as well as a gift that Caroll gladly accepts and highly appreciates.

As the instrumental music instructor and band director at F.B. Leon Guerrero Middle School for the past seventeen years, she has committed to making a positive impact on each and every child who has been in her band program. She has taken the role of a leader in an educational adventure wherein she is able to instill a strong sense of belonging and teamwork for her students. Her classroom is designed to provide opportunities for students to assume a variety of roles and responsibilities. In addition to their music lessons, Caroll's students take part in important tasks such as taking attendance, handling class funds, and making minor repairs to their musical instruments.

Caroll also tries to make a positive influence in her students' outside activities. She has taken advantage of her unique role to encourage students to participate in community affairs. Together with students and family members, Caroll has been a longtime member of the "Voices for God" Choir. She is also actively involved with the local chapter of Mothers Against Drunk Driving and the Territorial Band Board of Directors. In addition, she also finds time to teach Catechism to adults at the Santa Barbara's Catholic Parish in Dededo, Guam.

Along with Caroll, a number of other special teachers also deserve mention. John Randolph Coffman of P.C. Lujan Elementary, Maria Cummings of Simon Sanchez High School, Alpha Espina of F.B. Leon Guerrero Middle School and Barbara Roberto of John F. Kennedy High School were named as finalists for Teacher of the Year. Mr. Speaker, I commend these people for their exemplary work. I would like to take this opportunity to extend my congratulations for a job well done.

RECOGNITION OF LIBERTY COMMON SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize and honor Liberty Common School in Ft. Collins, Colorado, for its recent designation as a John Irwin Colorado School of Excellence. Liberty Common School, an elementary and junior high charter school, has received the John Irwin School of Excellence award for two consecutive years—an outstanding achievement for any school and a true testament to the high academic performance of the growing number of charter schools across the country.

Administered by the Colorado Department of Education, the John Irwin Colorado Schools of Excellence award program rewards schools with exemplary academic records. Recipients of the award are recognized for achievement in five categories: (1) performance on the Colorado Student Assessment Program (CSAP); (2) multiple local measures of academic growth; (3) effective strategies for closing achievement gaps; (4) other accreditation indicators related to academic excellence; and (5) parent/community satisfaction. The John Irwin School of Excellence award is truly a distinguished honor as only nineteen schools in Colorado, including Liberty Common School and five other charter schools, received the award this year.

Founded in 1997, Liberty Common School students have consistently performed near the top of state test scores in almost all grades and subjects. The third grade CSAP reading scores for 2001 placed 100 percent of all Liberty Common School third graders at or above proficiency. In comparison, only 72 percent of the state's third graders and 81 percent of the school district's third grade students achieved similar levels of reading proficiency.

Liberty's success can be attributed to its locally controlled educational program, dedicated teaching staff and committed parents. The school bases its academic curriculum on the Core Knowledge Sequence, a classical liberal curriculum encompassing the subjects of language arts, history, geography, mathematics, science and fine arts. Liberty parents are given the opportunity to help shape specific curriculum components and class requirements—a level of parental involvement not found in most traditional public schools. I commend Liberty Common School's Headmaster, Joe Ricciardi, and the school's committed board of directors, teachers and parents for their dedication and sacrifice, which has been critical to the school's success.

Mr. Speaker, thank you for this opportunity to celebrate the recent recognition of Liberty Common School as a recipient of the John Irwin School of Excellence award. Liberty Common School's academic achievement serves as an example to this body of why we should continue to promote greater educational choices for parents and children across this country.

80TH BIRTHDAY OF MRS. JEAN PAULE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize Mrs. Jean Paule of Los Angeles, California. I would like to acknowledge Jean Paule on the occasion of her 80th birthday. After completing a distinguished career at Occidental College in Los Angeles, she made a historic journey across America.

She has visited the birthplace and library of every United States President. I would like to commend her on this most historic and patriotic journey. In addition to her travels throughout the United States, she has visited every continent of the world, including Antarctica.

I wish her well in her future journeys as she continues to travel and serve as the Historian of Occidental College.

TRIBUTE TO THE PEOPLE OF THE REPUBLIC OF KAZAKSTAN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. WEXLER. Mr. Speaker, I want to congratulate the people of the Republic of Kazakstan who celebrated their tenth year of independence as a nation on October 25, 2001. This important occasion highlights Kazakstan's economic, political, and cultural growth over the past decade. In light of the many difficulties facing the people of Kazakstan following the collapse of the Soviet Union, this resourceful nation of over fourteen million people has persevered by overcoming numerous obstacles to emerge as one of Central Asia's most dynamic nations.

As the people of Kazakstan continue the process of building their nation on the foundation of democracy and economic liberalization, they should know that the United States will be there to assist them in their efforts. Following the barbaric attacks on the United States on September 11, 2001, the government of Kazakstan immediately offered its unconditional assistance to the United States in our fight against the international scourge of terrorism. Their heartfelt support for the American people in our greatest time of need has only served to strengthen United States-Kazakstan relations.

The future success of a democratic and free Republic of Kazakstan will directly benefit the United States by helping to create stability and increased prosperity in the Central Asian region. Many of the nefarious international terrorist organizations, like al Qaeda, that seek to inflict harm on the United States and our allies are also trying to destabilize Central Asian nations like Kazakstan. The United States and the international community must not miss this opportunity to assist Kazakstan as she takes courageous steps to build a democratic society with an open market economy in a region of the world that is rife with terrorism and discord.

Fortunately, Kazakstan has brought much needed stability to the region. As a moderate and tolerant Muslim nation, Kazakstan, has already joined like-minded nations in Central Asia and the Middle East in opposing the use of Islam for terrorist purposes. As Kazakstan's President Nursultan Nazarbayev said on October 24th before the eighth session of the Assembly of the Peoples of Kazakstan, "In the current situation, it is more important to separate Islam from terrorism. The terrorists whatever slogans they use have nothing in common with Islam, its basic commandments, including non-violence, justice, tolerance and equity."

Mr. Speaker, I wish the people and government of the Republic of Kazakstan the best success as they build on their impressive accomplishments of the past decade. As a Member of the House International Relations Committee, I join many Americans in celebrating the tenth year of Kazakstan's independence and look forward to increased cooperation and relations with this emerging Central Asian nation.

COMMENDING THE JEFFERSON COUNTY POLICE DEPARTMENT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mrs. NORTHUP. Mr. Speaker, I rise today to commend the hard work and dedication of the Jefferson County Police Department as they received the 2001 "Civil Rights Award for Racial Profiling" from the International Association of Chiefs of Police.

The Jefferson County Police Department has served as an outstanding example to our community and the rest of Kentucky as they have fought to make Louisville a safe and secure environment. With the help of new In-Car Video cameras, made possible by the generosity and confidence of this Congress, the police officers of Jefferson County have carried out their duties faithfully and reliably and have earned the international recognition they were awarded yesterday in Toronto, Ontario.

While In-Car Video Cameras have truly enhanced the police work conducted in Jefferson County, cameras were only the first step. It has been the diligent work of Chief Carcara and his department that has improved overall cooperation between the police and the community. They have implemented a proactive program that has successfully sought to reduce civil rights violations while promoting public trust and confidence in policing. Their efforts have even been recognized by the local paper, the Louisville Courier-Journal, stating, "The willingness of the Jefferson County police department to monitor itself for evidence of racial profiling is heartening . . ."

Now more than ever, it is important that we, as a Congress and as a nation, recognize and applaud the efforts of local police departments, such as that in Jefferson County, who work tirelessly every hour of every day to make our communities as safe as possible. As our nation strives to define a new "normal" and seeks ways to cope with the tragedies that have befallen us in the last two months, we must remember and commend those who choose to spend their lives protecting all Americans. They are the true heroes, and deserve our unbridled gratification.

Thank you, Jefferson County Police Department, for all you do for our community. You have earned this award, as well as our trust and gratitude.

H.R. 3204, THE INTELLECTUAL PROPERTY PROTECTION RESTORATION ACT OF 2001

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. BERMAN. Mr. Speaker, today, I join Representative COBLE in introducing the Intellectual Property Protection Restoration Act of 2001. Introduction of this legislation coincides with introduction of a companion bill in the Senate by our distinguished colleague, Senator PATRICK LEAHY. These bills will rectify a serious inequity in intellectual property protection resulting from recent Supreme Court decisions.

These recent decisions held that, under the Eleventh Amendment of the United States Constitution, states have sovereign immunity in state and federal courts against money damages suits for intellectual property infringements. The Supreme Court came to this conclusion despite unequivocal Congressional intent to abrogate state sovereign immunity through enactment of the Copyright Remedy Clarification Act (CRCA), Patent Remedy Act (PRA), and Trademark Remedy Clarification Act (TRCA) in 1992.

While immune from suit for money damages when they infringe the intellectual property rights of others, states can still secure protection for their own patents, copyrights, and trademarks under federal law, and can sue infringers of their rights for money damages. I believe it is a serious inequity to allow a State to sue infringers of its intellectual property rights when the State itself can infringe the rights of others with impunity.

Last month, the GAO released a study entitled "Intellectual Property: State Immunity in Infringement Actions." This report provides strong evidence of the need for the legislation we introduce today.

Since 1985, at least 58 intellectual property lawsuits have been brought with a State as one of the defendants, and a larger number have been settled out of court. It is important to note that when these suits occurred, it was largely assumed, or explicitly mandated in federal law, that states were subject to suit for intellectual property infringement. While I do not believe states will become rampant, willful infringers as a result of the recent Supreme Court decisions, it is reasonable to assume that the incidence of State infringements will increase. Conversely, the dramatically growing patent, copyright, and trademark portfolios of State entities foretell a corresponding increase in intellectual property suits brought by States. In other words, the facts indicate that the inequity will increase as time progresses unless Congress takes action.

As I noted, Congress previously passed legislation to correct the inequity created by State immunity from suit for intellectual property infringements, and the Supreme Court struck down these Acts on constitutional grounds. The legislation my colleagues and I introduce today represents a well-considered attempt to correct the identified inequity in a constitutionally permissible manner.

Senator LEAHY, Chairman of the Senate Judiciary Committee, and his staff deserve the greatest measure of credit for their hard work in developing this legislation. Also deserving credit are the many constitutional scholars, policy advocates, and government agencies that contributed their time, thoughts, and drafting talents to this effort.

I am pleased that a consensus emerged among the various collaborators in support of the "waiver" approach embodied in the legislation. During a hearing before the House Judiciary Subcommittee on Courts and Intellectual Property last summer, I opined that the "waiver" approach appeared the best mechanism to rectify the inequity in our intellectual property laws. By creating a "waiver" requirement—that is, requiring a State to waive its sovereign immunity from suits for intellectual property infringement in order to secure the ability to bring such suits itself—we avoid constitutional pitfalls and still manage to create an even playing field for all intellectual property owners.

Though we developed this bill in a highly collaborative and deliberative manner, I by no means maintain that it is a "perfect" solution

Thus, I will remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences. However, I am firmly committed to moving this legislation during the remainder of the 107th Congress.

TRIBUTE TO THE SHEET METAL WORKERS LOCAL #20 OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On November 2, 2001, in a salute to their workers' durability and longevity, the Sheet Metal Workers Local #20, of Gary, Indiana, will honor their members with fifty, forty, and twenty-five years of continued service. These individuals, in addition to the other Local #20 members who have served Northwest Indiana so diligently for such a long time, are a testament to the proto-typical American worker: loyal, dedicated, and hard-working.

The men and women of Local #20 are a fine representation of America's working families. I am proud to represent such dedicated men and women in Congress. The Sheet Metal Workers Constitution states, ". . . to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness and security to which every citizen is entitled in return for his labor, from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay." For fifty years, the following individuals have followed this creed: Robert Molnar, Eugene Rucker, and Leland Thompson, In 1961, Donald Odell and Gerard Wardell began their own forty years of membership in the Sheet Metal Workers trade union. In addition to the great service and dedication displayed by the fifty and forty-year Sheet Metal Workers Local #20 members, the individuals with twenty-five years of continued service that will be honored include: Bruce Bassett, Richard Beres, Michael R. Birky, Randall Bohn, George Fedorchak, Joseph P. Lain, Nancy Fields, James P. Fredianelli, Jeffrey R. McClelland, Paul Popa, Jay K. Potesta, Mark E. Williams, and James A. Zimmer. I would also like to congratulate those individuals that graduated from the Residential Apprentice program. These individuals include: William Aicher, Jason Atwood, Brian Bajda, Daniel Elkins, Daniel Geeding, Timothy Howard, Richard Mann, Rober McGuire, David Mostello, Daniel Nelson, Shawn Novak, Mark Rehtorik, and William Wolfe.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, upstanding members of the Sheet Metal Workers Local #20 for their hard work in fulfilling the "American Dream." I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made Northwest Indiana a better place in which to live and work.

AN AMERICAN YOUTH DAY CELEBRATION—ANCIENT CITY KIDS' DAY, ST. AUGUSTINE, FLORIDA

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. CRENSHAW. Mr. Speaker, in April, I introduced a resolution to encourage communities nationwide to observe an annual American Youth Day. In June the U.S. House of Representatives passed that legislation by unanimous vote.

American Youth Day seeks to promote local and national activities that fulfill the five promises of America's Promise—the Alliance for Youth, which was founded by Secretary of State Colin Powell. America's Promise calls for a concerted effort from every segment of society to address the most notorious difficulties facing the youth of America. The five promises to America's youth include (1) fostering ongoing relationships with caring adults; (2) providing safe places with structured activities during non-school hours; (3) building a healthy start and future; (4) teaching marketable skills through effective education; and (5) providing opportunities to give back through community service.

This past Saturday, the Fourth Congressional District hosted its own version of American Youth Day as part of St. Augustine's Ancient City Kids' Day in St. Augustine, Florida. St. Augustine's Ancient City Kids' Day brought together children's service agencies and businesses in celebration of the St. Johns County's commitment to the well-being of its children. Our nation's oldest city showed its youngest citizens how special they are.

I was proud to join over 50 organizations that provided information for parents and fun and games for the children. Ronald McDonald was there to make us laugh. Lisa Mack emceed entertainment provided by Pak's Karate Club and the Saints Cheerleading Squad. The Puppet Man put on shows, the Junior Women's Club helped children make hats, and the Communities in Schools program held a basketball tournament and read stories to youngsters.

The St. Johns County Sheriff's Office, the Fire Department and EMS all had equipment displays for the more than 3,500 visitors to view and admire. Other groups, like EPIC Community Services and Project Northland, had marble painting, baseball tosses and an obstacle course. It was a carnival atmosphere founded on family fun.

St. Johns Ancient City Kids' Day is exactly the type of event that we need across America to highlight our children and the groups and individuals who give of their time and money to guide them.

I salute our nation's oldest city on their unselfish commitment to our youth and challenge all the great cities in America to establish their own youth day celebrations.

AMERICAN LIVER FOUNDATION DISTRICT OF COLUMBIA CHAPTER'S 3RD ANNUAL LIVER WALK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mrs. MORELLA. Mr. Speaker, I rise today, in honor of the American Liver Foundation, District of Columbia Chapter's 3rd Annual Liver Walk. The walk is designed specifically to raise awareness and funds necessary to combat liver diseases such as hepatitis and bilateral atresia. I ask my colleagues to join me in support of the American Liver Foundation and their tireless work and dedication to eliminate liver disease.

The American Liver Foundation is a national, voluntary nonprofit organization dedicated to the prevention, treatment, and cure of liver disease through research, education and advocacy. Nearly 4 million Americans are infected with Hepatitis C and 8,000 die each year as a result and the number of fatalities is expected to reach 30,000 annually within the next two decades. In 1998, 573 liver transplants were performed on children in the United States and over 80 percent were under the age of two years old. A child's liver transplant will cost $200,000 to $300,000 during the first year of care. An increase in research can make it possible to develop improved treatments and find cures and a major effort is necessary to control the increase in liver diseases.

Mr. Speaker, it is estimated that 1 in 10 individuals in the Washington, D.C. metropolitan area suffer from liver disease. Broad-based chapter support and activities generate support in our communities that will result in more effective treatment and prevention, improved care to those afflicted, and cures for those who now have only hope. The Greater Washington DC Chapter of the American Liver Foundation offers hope and assistance to the many suffering with liver disease and their families through programs such as their upcoming "Liver Walk." I applaud their efforts and I am proud to lend my support to this program.

SIXTH DISTRICT IS PROUD OF AMERICAN EXPRESS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. COBLE. Mr. Speaker, after the terrorist attacks on September 11, 2001, approximately 150 Telephone Service Center representatives who work at the American Express Service Center in Greensboro, North Carolina, demonstrated their strong sense of caring and compassion for their displaced, unsettled colleagues at the American Express Company Headquarters in New York City. The entire Sixth District of North Carolina is proud of their efforts.

The Greensboro Telephone Service Center team began a telephone calling initiative to locate approximately 4,700 of their New York colleagues who were forced to evacuate their offices in the World Financial Center the morning of the attacks. The purpose of the initiative was to check on the welfare and safety of as many of the headquarters staff (at their home phone numbers) as possible.

During the initiative, the representatives' commitment was steadfast. Sometimes they could not get through because telephone lines were down, or because they received a busy signal or no answer. The representatives, however, continued to return calls, day and night, as often as necessary until contact was made. Eventually, they were able to locate all but 11 New York employees who had been working in a client's offices on the 94th floor of 1 World Trade Center.

A group of specially trained American Express employees contacted the family members of these employees. Their role was to offer any assistance to the families of those 11 employees during this difficult time. Several days later, the Greensboro representatives were assigned to contact all of their N.Y. colleagues by phone again to invite them to an afternoon town hall meeting, hosted by American Express Chairman and Chief Executive Kenneth I. Chenault, at Madison Square Garden on September 20.

The response to the phone calls was overwhelmingly positive. Some New York employees were so moved by the gesture that they wept tears of joy. A few of them had no family members, so they were especially grateful to receive the calls. All of them commented on how much they appreciated the caring, reassuring calls from other members of the American Express extended family hundreds of miles away.

Employees at the American Express Service Center in Greensboro further demonstrated their concern for their New York colleagues in another way. They signed large banners with personal messages of hope, love and support. A few employees illustrated their messages with tiny American flags and hearts. On October 15, Greensboro employees shipped the colorful banners to the new quarters that the American Express Headquarters staff recently occupied in New York, New Jersey and Connecticut. As you can imagine, they were well received.

The Sixth District of North Carolina has always been proud to be one of the homes of American Express. That pride is even stronger now that we know about the caring employees who work there. Congratulations to everyone in the American Express family for sticking together during difficult times.

TRIBUTE TO DAVID BOISE HUDSON AND LOIS CUNNINGHAM HUDSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the United States House of Representatives to join me in paying tribute to a very special couple, David and Lois Hudson, who will be honored this weekend in Newark, New Jersey. Mr. Hudson has recently celebrated his 90th birthday and Mrs. Hudson her 85th birthday.

Married for over six decades, David and Lois Hudson are the proud parents of Dorothy Lee Bacon of Colonia, New Jersey and Betty Louise Smalls of Great Falls, Virginia and Fort Lauderdale, Florida and proud in-laws of Roscoe C. Bacon and Douglas T. Smalls. They also take great joy in their three grandchildren: Douglas Timothy Smalls, Jr. of Great Falls, Virginia; Sabrina Lynne Bacon of Randallstown, Maryland; and Kyle Erik Bacon of Owings Mills, Maryland.

I had the pleasure of getting to know Mr. Hudson a number of years ago in the 1950s when we worked side by side at Port Newark, as I followed in the tradition of my father and grandfather who had both worked there during the late 1940s and throughout the next few decades. Mr. Hudson was a popular co-worker who established an excellent professional reputation as the best Big Fork Lift Operator in the business. It was always great to see him and his wonderful wife Lois throughout the years. I was also fortunate to form a friendship with their daughter, Dorothy Lee Bacon, when we were both active in the NAACP Youth Councils and College Chapters. I also had the privilege of knowing Betty and Doug Smalls for many years and we reestablished our close ties when I came back to Washington, D.C.

Mr. Hudson was born on October 29, 1911 to William and Katie in Killian, South Carolina and raised in Blythewood, South Carolina. His early education took place in a two-room schoolhouse until the Great Depression required that he remain at home to help out. He became an active member of Bethel Baptist Church, serving as Sunday School Superintendent, Choir Leader, Deacon, and member of the Usher Board. In 1937, he joined the Tabernacle Baptist Church in Newark, where he served as President of the Choir, President of the Gospel Chorus, and Chairman of the Deacon Ministry. His career at the Atlantic Terminal in Port Newark, where he served on the Local Union 825 Negotiating Committee, began in March of 1937 and continued until his retirement in 1976. He was a member of the St. James Lodge, The Royal Arch Chapter #4, the Shriners Temple and The Rebecca Court.

Mrs. Hudson was born in Blythewood, South Carolina where she attended Bethel Baptist Elementary School. After her marriage, she was also active in the Tabernacle Baptist Church, serving on the Young Women's Guild; the Gospel Chorus; the Missionaries; the Willing Workers, the Women's Ministry; and in the position of Church Clerk and currently, Deaconess. Trained as an Operation Room Technician, Mrs. Hudson worked at Union Hospital in New Jersey for seven years, the second African American to hold that position. For several years, Mr. and Mrs. Hudson owned and operated Watson Avenue Seafood Market in Newark and were also the proprietors of Dav-Lo's Restaurant. She contributed her time and talent to her community through volunteer work in positions such as Air Raid Warden, Finger Printing Technician, ambulance driver for the Roselle Volunteer Ambulance Corporation and member of the Roselle Service Women's League.

Mr. Speaker, let us send our congratulations and best wishes to this remarkable couple, Mr. and Mrs. Hudson, and wish them continued health and happiness.

TRIBUTE TO FIFTH AND SIXTH GRADERS AT BERLIN MEMORIAL SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor the fifth and sixth grade students and faculty members at the Berlin Memorial School. In memory and recognition of the thousands of men and women who have bravely served our country, they are holding a special Veteran's Day program on November 2, 2001.

The students, teachers, and Principal Ellen Power have dedicated a lot of time and energy into making the program a truly special event. The students have learned more about our veterans by interviewing men and women who have served our country in the Armed Forces during World War II, the Korean War and the Vietnam War. Many of the students have chosen to interview grandparents and other family members and in doing so have learned so much about, not only their country, but about their own family as well.

This program has enabled the community of Berlin to come together and celebrate Veteran's Day with posters and displays involving the students, Girl Scouts, Boy Scouts, the school band and the veterans. Berlin Postmaster Heidi Salmon will unveil the new U.S. Veteran's Day Postage Stamp as well. The program will be a fitting tribute to those that have served.

It is with great pride that I recognize the students and faculty at the Berlin Memorial School for all of their effort and hard work in honoring our veteran's and the dedication they have made to our country.

TRIBUTE TO CAPTAIN TIM WILLIFORD

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mrs. THURMAN. Mr. Speaker, I am here to pay tribute to the work of Captain Tim Williford who serves in the Florida division of the Salvation Army. In the wake of the September 11th attacks, he was called upon to assist his country. From September 20th until October 2nd, Captain Williford served his nation by overseeing food distribution at a portion of the Pentagon crash site called Camp Unity. He also assisted the rescue workers at the site by procuring any supplies that they might need.

For the past ten years, Captain Williford has helped those affected by disaster by serving as a member of the Salvation Army's Disaster Emergency Response Team (DERT). As a member of this team, he is called upon to assist anyone affected by crises. He has served in the aftermath of disasters such as the ValuJet crash in Southern Florida, as well as floods, fires, tornados, and hurricanes.

In order to fully capture Captain Williford's amazing contribution to the Pentagon relief effort, I would like to submit an article written by reporter Joy Davis-Platt of the Hernando Times, published on October 15, 2001.

Salvation Army Hails Captain's Homecoming

(By Joy Davis-Platt)

BROOKSVILLE.—Complete with an all-American picnic in the park, Hernando County's Salvation Army welcomed home one of its own on Sunday.

Capt. Tim Williford, head of the Salvation Army's Hernando County corps, recently spent two weeks in Washington, D.C., helping with terrorism relief efforts.

Besides returning to his wife, Denise, and daughters, Lindsey, 7, and Caitlyn, 2, on Oct. 2, Williford came back to the congregation at the Salvation Army's church where he preaches. "The support I've gotten has been really great," said Williford, who is expected to receive a proclamation from Hernando County commissioners and a congressional recognition from U.S. Representative KAREN THURMAN. "The support and thanks were more than I could have ever imagined."

Standing on the park's white band shell, Williford recounted the time he spent in the nation's capital helping to keep six mobile canteen trucks stocked and ready to feed 6,000 relief workers three meals a day.

After several days of helping feed relief workers, Williford's assignment changed to procurement.

Much like the Grape Nehi-drinking Cpl. Walter "Radar" O'Reilly in the television series M.A.S.H., Williford said he was charged with finding all manner of necessary items for law enforcement and military personnel. During his tour, he scrounged everything from tool belts to sunglasses to industrial fans.

"People started calling me Radar," he said. "Anything they told me to get, I'd find a way to go out and get it."

Unlike other disasters during which he has joined relief efforts such as the storm of March 1993 and the ValuJet crash in South Florida, Williford said this assignment left him and his family feeling apprehensive.

When his daughters ask if he is going to fight in a war, Williford, 38, said he tells them he is too old to fight in battle, but not too old to do his part. Their part, he tells them, is to support him and wait for him to come home.

"This one is much more emotional," said Williford's wife, Denise, who is also a captain with the Salvation Army. "It's not like any other natural disaster."

Williford expects to be called to help with recovery efforts in New York sometime after Easter. When he goes, his wife said, she will take care of things at home.

"We're preparing for that," she said. "That's all we can do."

Salvation Army volunteer Les Varwig was up at 4 a.m. on Sunday making sure the turkey was ready for the afternoon picnic. During his two years in Brooksville, Williford has gained the love and admiration of his congregation, Varwig said.

"We are all awfully proud of the captain," he said. "He's a real go-getter."

For three years, Salvation Army volunteer Harriet Varwig has helped out with local emergencies like sinkholes and fires and said she understands why Williford feels compelled to help.

"It's such a blessing to be able to help people," she said. "In many ways, we get more out of it than the people we serve."

Williford said the image that will stay with him is of the Washington Monument lit against the nighttime sky. Nearby, the Pentagon building was lit with bright lights while investigators continued their efforts into the night.

"Driving past, there was a moment when the monument looked as if it was rising out of that gaping hole in the side of the Pentagon," he said. "It was the ultimate symbol of power next to the ultimate symbol of freedom. That's when you see what the cost of freedom really is."

Mr. Speaker, please join me in honoring this man, who stepped in to help others in need. Captain Tim Williford truly represents the very best of our great, loving, kind, and giving nation.

APPLAUDING THE GAO

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. FLETCHER. Mr. Speaker, The challenges this country has faced in recent months are unlike any in our history, and have called on all Americans to answer challenges they never expected to face. The GAO and its employees have performed above and beyond their mission, and deserve Congressional recognition. I encourage my colleagues to join me in applauding their efforts.

The GAO website states that it "exists to support the Congress in meeting its Constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds, evaluates federal programs and activities, and provides analyses, options, recommendations, and other assistance to help the Congress make effective oversight, policy, and funding decisions. In this context, GAO works to continuously improve the economy, efficiency, and effectiveness of the federal government through financial audits, program reviews and evaluations, analyses, legal opinions, investigations, and other services."

The service the GAO and its employees have provided likely goes far beyond what was ever imagined by "other services". In these past few weeks, 130 Members of the House of Representatives, various House Committees and their staffs have been relocated from their offices in the Longworth House Office Building. In order to create space for these displaced Congressional offices, hundreds of GAO employees have been moved. In allowing Congressional staffs into their personal offices, these public servants have significantly inconvenienced themselves, sacrificing some of their personal space to further their commitment to good governance.

My staff and I would especially like to thank Greg Carroll, Linda L. Harmon, Chet Janik, Patricia J. Manthe, Karia J. Springer-Hamilton, and William Updegraff. We sincerely appreciate what an inconvenience it is to not have access to your own office, and thank them for their efforts, and the efforts of all the GAO, to make us comfortable enough to continue to do our work for the American people.

I would like to thank and publicly recognize the employees of the U.S. General Accounting Office who have been relocated in order to create office space for Congressional members and staff. My staff and I truly appreciate their efforts and are thankful for their dedication to this nation help.

PERMANENT ENDOWMENT CEREMONY OF FRED LEBOW STATUE, FOUNDER OF NEW YORK CITY MARATHON

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I rise today to pay tribute to the permanent endowment ceremony of the Fred Lebow monument, to honor the late founder of the great New York City Marathon, the world's greatest marathon which will take place on November 4, 2001.

Seven years ago, Mr. Daniel S. Mitrovich spearheaded the effort to honor Fred Lebow, founder of the New York City Marathon, by erecting a statue of the visionary athlete. I was honored to have been a part of the monumental event that commemorated the creator of this great race. Fred Lebow, as Director of the New York City Road Runners Club, Inc., founded the marathon and nurtured it from a 126-runner race to one the largest and most well-known marathons in the world. This year, the grand monument will be waiting at the finish line to greet weary runners and will later find a permanent home at the 67th Street entrance to Central Park, fulfilling the promise Mr. Mitrovich made 10 years ago when he said that he would ensure that a statue of Fred Lebow would someday stand in Central Park.

Mr. Speaker, I am grateful for the continued dedication of the New York Road Runners Club, Inc. and the New York City Marathon Tribute Committee. Their work is essential to maintaining the spirit of the New York City Marathon and helps fuel the great spirit of the city itself. The New York City Marathon has never been more important than it will be this year. Organized under the theme "United We Stand," this race of endurance and power represents the will and essence of the city, New Yorkers, Americans, and of peace-loving people all over the world. We are all indebted to Mr. Lebow, who lost his battle with brain cancer on October 9, 1994, for organizing and fostering a great athletic and humanitarian event and the permanent endowment of his likeness in Central Park is fitting and worthy of celebration. Also, as proof of his accomplishments, Mr. Lebow was inducted in the 2001 National Distance Running Hall of Fame.

The New York City Marathon has united people across all walks of life since its inception 31 years ago because it is both a test of perseverance and a celebration of life. Runners vary in athletic ability, age, race and religion but share a common desire to run New York City. This year, runners will share something else as well. They will share an understanding that they are integral parts of New

York's resurrecting spirit and perhaps that knowledge will energize flagging feet as they cover the great length of New York City. The sense of unity among the human family will be invincible when over 30,000 runners from around the world join in New York City to bond with it as only runners can do.

I ask my colleagues to join me in honoring Fred Lebow's life achievements and the permanent endowment of his statue in Central Park, as well as commending the continued efforts of Daniel Mitrovich to preserve the integrity and excellence of the New York City Marathon.

COLLIER ELEMENTARY EXCELS AS BLUE RIBBON SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RODRIGUEZ. Mr. Speaker, educators from Collier Elementary School, which is located in my congressional district, recently visited Washington, D.C. to accept the 2000–2001 Blue Ribbon School of Excellence Award. At this time, in particular, we must remember and honor the many men and women who daily are entrusted to enrich the lives of our children. Collier earned this prestigious award because of its unique dedication to academic excellence, quality teaching, parental involvement, and community support.

Collier Elementary is located in the heart of a working class community in the Harlandale Independent School District in southeast San Antonio. As a former Harlandale school board member, I understand the social and economic challenges facing students, teachers, and administrators. I am greatly pleased that Collier is a model neighborhood school where children can master the basics with adequate textbooks and equipment in an environment that is safe, disciplined, and drug-free.

Schools are a reflection of our community and it takes everyone working together to make them quality institutions. The administration, teachers, staff, students and their families should be commended for their hard work and dedication to making Collier an exemplary school. The entire Collier Elementary community deserves due praise for being designated by the Department of Education as a Blue Ribbon School of Excellence.

HONORING MS. JENNIFER RICHARDS OF VISTA, CA, FOR COMPLETING BACK-TO-BACK VOYAGES AS A NOAA/NSF TEACHER AT SEA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize one of my constituents, Ms. Jennifer Richards of Vista, CA, for recently completing back-to-back voyages as a National Oceanic and Atmospheric Administration/National Science Foundation Teacher at Sea (NOAA/NSF Teacher at Sea).

The NOAA/NSF Teacher at Sea program places a school teacher on a NOAA research vessel to participate in the scientific research being conducted on board and to record their experience. Jennifer is a High School Earth Science Teacher at Guajome Park Academy, Vista, California, who recently participated in the first leg of the EPIC Research Cruise on the NOAA vessel, the *Ronald H. Brown*. She departed from San Diego, California on September 5, 2001, and sailed to the Galapagos Islands completing her cruise on October 6, 2001. She then stayed in the Galapagos Islands conducting research until October 11, 2001. Throughout her cruise Jennifer provided lessons concerning her cruise varying in topics from longitude and latitude to signal flags. Jennifer also kept daily logs describing her trip to her students back home in Vista.

The Teacher at Sea program receives an average of 165 applications for 35 voyages, which is approximately the same ratio of competitive grants that are funded by NOAA and NSF. Jennifer was selected from a competitive pool of approximately 35 elementary and secondary education teachers who were interested in this particular voyage. To qualify, Jennifer was required to complete an application which includes 2 professional recommendations and questions regarding the applicant's ability to use this voyage as a teaching tool to benefit her students and colleagues.

As a former teacher, I understand how tough it is to engage children as active participants in their lessons. Jennifer's proven creative ability to communicate science and research to her students was the reason that she was selected for this research voyage. I applaud Jennifer Richards for dedication to her students and her efforts to improve science education.

THE CHARITY ACCOUNTABILITY ACT, H.R. 3192

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 3192, the Disaster Relief Charities Accountability Act.

Mr. Speaker, seven weeks have passed since the barbaric attacks on the World Trade Center, the Pentagon, and the thwarted hijacking attempt in Pennsylvania, yet victims and their families have not received the funding they desperately need.

Initial reports have indicated that more than $1.2 billion has been collected by 196 charitable organizations.

While this overwhelming support by Americans has been gratifying, there is a great deal of concern that the funds raised may not be going directly to the intended beneficiaries—the victims and their families—and instead are being diverted or, worse yet, miss their intended goal.

More than 100 families in my congressional district have been affected by the horror of the September 11th attack in New York. Many of these families have been calling my office requesting information and assistance on how and where to go to receive these donated funds.

Accordingly, I am introducing H.R. 3192 to provide a full accounting of:

All funds received to date;

The amount spent and distributed and for what purpose;

The criteria used for disseminating these funds;

The percentage of funds donated that will actually go to the victims; and

The administrative costs for allocating these funds.

In addition, the Charity Accountability Act will provide both the victims and their families, as well as those wanting to donate, with a clearinghouse of all charitable organizations participating in this important fund-raising initiative.

It is my intention that this legislation will insure that the money raised to assist Americans during any disaster event will go to the intended beneficiary.

Specifically, this legislation will establish a five member board to: (1) Collect and provide information to assist both the victims and those wishing to contribute to various disaster funds; (2) collect and maintain an on-going accounting of all funds collected and disbursed; (3) obtain and review the criteria used by the various relief funds to pay out these funds; and (4) report to both the President and the Congress on the status of these funds.

The outpouring by the American people to the disastrous events of September 11th should not be wrought with confusion or cynicism on how the funds are being distributed or possibly misdirected. It is obvious that Americans want their donated funds to go directly to the victims and their families. Any funds collected for this intended purpose and spent otherwise would place a black mark on the entire philanthropic community, dissuading and jeopardizing any future donations.

Accordingly I encourage my colleagues to review this important legislation and welcome their support.

HOUSE OF REPRESENTATIVES—*Monday, November 5, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. OTTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 5, 2001.

I hereby appoint the Honorable C.L. "BUTCH" OTTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, our refuge and our strength. You have guarded this Nation with steadfastness in the past. Make Your presence known to us now and in the future.

Guide the Members of this House in their decisions to ensure the safety and security of people on this hill and across this Nation. Bless their efforts and protect Your people.

Lord, in past weeks many people here have worked diligently to create safe space for workers and sacrifice themselves and precious time to care for others, but few have worked longer hours or spent themselves more tirelessly than the Capitol Police. They have been our watch, day and night, awaiting the dawn of a new and peaceful time.

Listen to their prayers and the prayers of their families. Reward them for their daily exercise of responsibility to watch, guide, investigate, and protect.

May grateful hearts bring joy to the Capitol Police and all in public service.

We give You praise and thanks for their service to this Nation, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 2, 2001 at 12:01 p.m.

That the Senate agreed to conference report H.R. 2311.

That the Senate agreed to conference report H.R. 2590.

That the Senate agreed to conference report H.R. 2647.

Appointment: National Historical Publication and Records Commission.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, November 2, 2001:

H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on November 2, 2001 he presented to the President of the United States, for his approval, the following bills:

H.R. 2311. Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590. Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2925. To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 6, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Post 1996 Rate-of-Progress Plan and One-Hour Ozone Attainment Demonstration for the Philadelphia—Wilmington—Trenton Ozone Nonattainment Area [PA-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

4185; FRL-7089-2] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Nonattainment Area; Ozone [TX-126-1-7477; FRL-7092-2] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Oregon [Docket Nos. OR 68-7283a, OR 37-2-6301a, and OR 37-1-6301a; FRL-7035-6] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4500. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plans; Correction [SIP Nos. MT-001-0024; MT-001-0025; MT-001-0026; MT-001-0034; MT-001-0035; FRL-7093-6] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4501. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; One-Hour Ozone Attainment Demonstration for the Baltimore Ozone Nonattainment Area [MD 072-3086; FRL-7088-9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4502. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans; Indiana; Ozone [IN136-2; FRL-7088-5] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans; Wisconsin; Ozone [WI108-7338; FRL-7094-3] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas: Motor Vehicle Inspection and Maintenance Program [TX-134-3-7528; FRL-7092-9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4505. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas Mass Emissions Cap and Trade Program [TX-133-1-7543; FRL-7092-3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4506. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4507. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "Personnel Pay and Qualifications Authority for Department of Defense National Capital Region Civilian Law Enforcement and Security Force"; jointly to the Committees on Armed Services and Government Reform.

4508. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled, "Federal Efforts to Eradicate Employment Discrimination in State and Local Governments: An Assessment of the U.S. Department of Justice's Employment Litigation Section," pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

4509. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation entitled, "To amend Title XXVIII of the Act of October 30, 1992, in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation"; jointly to the Committees on Resources, the Judiciary, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 3169. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes; with an amendment (Rept. 107-265). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3167. A bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; with an amendment (Rept. 107-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1491. A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah (Rept. 107-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 400. A bill to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes (Rept. 107-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2488. A bill to designate certain lands in the Pilot Range in the State of Utah as wilderness, and for other purposes; with an amendment (Rept. 107-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1230. A bill to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; with an amendment (Rept. 107-270). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on Nov. 2, 2001]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2541 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on Nov. 2, 2001]

H.R. 981. Referral to the Committees on Rules and Government Reform extended for a period ending not later than November 9, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEPHARDT (for himself, Ms. Norton, Mr. Serrano, Mr. Wexler, and Mr. Wynn):

H.R. 3228. A bill to amend the Air Transportation Safety and System Stabilization Act to provide compensation to victims of terrorist-related anthrax infections following the terrorist-related aircraft crashes of September 11, 2001; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H. Con. Res. 261. Concurrent resolution expressing the sense of the Congress that the United States should support the establishment of a Palestinian state in the Middle East; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 792: Mr. Towns, Mr. Turner, and Ms. Eshoo.

H.R. 981: Mr. Otter.

H.R. 1256: Mr. Simmons.

H.R. 1307: Mr. Filner.

H.R. 1782: Mr. Upton and Mr. Hyde.

H.R. 1786: Ms. Hooley of Oregon.

H.R. 2623: Mr. Burton of Indiana, Mr. Evans, and Mr. Gutierrez.

H.R. 2629: Mr. Coyne, Mr. Waxman, Mr. Foley, and Ms. Dunn.

H.R. 2690: Ms. Solis.

H.R. 2725: Mr. Barrett, Mr. Camp, and Mr. Baird.

H.R. 3015: Mr. Blumenauer.

H.R. 3041: Mr. Udall of New Mexico, Mr. Ehrlich, Mr. Boucher, Mr. Calvert, Mr. Wamp, Mr. Filner, Mr. Paul, and Mr. Gonzalez.

H.R. 3085: Mrs. Johnson of Connecticut.

H. Con. Res. 228: Ms. Carson of Indiana, Mr. Baca, Mr. Stark, and Ms. Kaptur.

H. Res. 235: Mr. Walsh and Ms. Berkley.

SENATE—*Monday, November 5, 2001*

The Senate met at 3 p.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, in a world of crises and change, we are grateful that You are the same, yesterday, today, and forever! Your love is constant and never changes. You have called us to belong to You, to trust You, and to serve You.

With renewed dependence on You we accept our Nation's role as a defender of freedom in the world. We need Your guidance and strength for the present war against terrorism. We have been attacked by a terrorist movement with religious fanaticism. They call us infidels and harbor historic hatred against us. Our deep commitment is to free Afghanistan from the tyranny of the Taliban and the terrorism of al Qaeda. When our enemy claims to have divine approbation for its destructive cause, we reaffirm our historic conviction that our Nation's calling is to seek to be on Your side, rather than glibly presume that You are always on our side. Help us to keep our priorities straight: to seek to serve You first above all and to battle for righteousness, justice, and freedom. Bless our President and all who work with him in sorting out the strategy of this just war. Lead on, O Sovereign Lord; we are one Nation under You, indivisible and invincible only with Your power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 5, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
PRESIDENT PRO TEMPORE.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 5:45 p.m., and the time is to be equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. As the Chair announced, there will be a period of morning business until 5:45. At that time, the Senate will begin consideration of the nomination of Executive Calendar No. 515, Larry Hicks, to be a United States district judge. There will be 15 minutes of debate equally divided between the chair and ranking member of the Judiciary Committee or their designees, and we will vote at 6 p.m.

I ask my friend from Wyoming if he wishes to speak. I will give a few remarks that will take a little bit of time. I do not want to have the Senator wait.

Mr. THOMAS. Go right ahead. I am not in any hurry and I am desperate to hear the remarks of the Senator.

GRATITUDE TO SENATE EMPLOYEES

Mr. REID. Mr. President, we in the Senate take a number of things for granted that we should not. There have been a number of speeches and remarks made on the floor and other public venues regarding how we depend on our Capitol Police. They do such a remarkably good job. Since September 11 they have worked endless hours, night and day, literally, 7 days a week, making not only Members feel secure, but the thousands of people who visit this Capitol complex and the thousands of employees we have. We have 26,000 employees working in the 3 Senate office buildings and 3 House office buildings. Again, I underscore and emphasize how indebted we are to the Capitol Police.

Within the Senate we have a lot of people who render invaluable service to the Senate. One of the most important features of the Senate is that we are always in line on parliamentary issues. The Chair rules, but at the present time we have just two Parliamentarians who are experts on the rules of the Senate. They do a remarkably good job. They are bipartisan in nature. Their rulings are grounded in precedent and have no regard for party affiliation. We never hear the Parliamentarians say a word yet their duties are essential to the operation of the U.S. Senate. The Chair rules, and always rules correctly. The reason for that is they have the backup of these two fine Parliamentarians, Alan Frumin and Elizabeth MacDonough. I am speaking for the entire Senate when I say what an outstanding job they do day in and day out. Perhaps we take these two people, this fine young woman Elizabeth MacDonough and this fine man, Alan Frumin, for granted. We should not do that. They do outstanding work. If the Senate is in session, Elizabeth and Alan are on duty. These past couple of months have been trying times for many. These two outstanding individuals have risen to the occasion. Their tireless service to the Senate deserves our recognition and expressions of appreciation. Their job is not easy and often involves making the toughest of the calls. They are fair, balanced and wise and their invaluable contribution to the U.S. Senate merits our praise.

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, in America, for all the advances that have been made, women still have a little ways to go. They still earn only 74 cents for every $1 a man makes doing the exact same work. Women pay 68 percent more in out-of-pocket costs for health care than men. Almost half of all large health plans do not cover any form of contraception. Although women make up over half of our population, Federal funding for specific illnesses that relate to women has not kept pace with health needs. That is an understatement.

While I cannot overstate the importance of achieving gender equality in the United States, these issues pale in comparison to the gender apartheid the Afghan women experience under the Taliban. The difference between the problems of American and Afghan women is the difference in height of Mount Everest and Death Valley. The separation is as large as it can be on this Earth, the difference between night and day.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Gender apartheid is not unlike racial apartheid in South Africa where the black majority suffered appalling human rights violations. In South Africa, people of color were deprived of legal and economic rights, mixed marriages were forbidden by law, residential areas were segregated, and many were forced to live in slums. One of the most far-reaching consequences of apartheid in South Africa was its impact on education. Children of color were educated at a very low level, if at all. Children were taught things such as dishwashing and weeding flower beds.

It is difficult to imagine a system worse than apartheid in South Africa. Sadly, this is the case for Afghan women suffering unthinkable violations of their most basic human rights. While I don't in any way diminish what went on in South Africa, what is going on in Afghanistan is every bit as bad as, if not worse than, what went on in South Africa.

Why do I say that? By virtue of decrees by the Government in power, the Taliban, every aspect of a woman's right in Afghanistan, from their behavior to their dress, is under edict, under rule. For example, women cannot work outside the home. Women are not allowed to receive any education. They cannot even be home schooled; that is a violation of law. Women in Afghanistan today cannot leave their homes unless they are accompanied by a close male relative such as a father, a brother, or a husband. When they do leave their homes, women must be covered from head to toe in a burqa. When I say head to toe, I mean they cannot have a strand of hair showing. Their eyes do not show.

Every Senator will get in the next day or so a little package that shows this piece of cloth with holes in it. This is what the women wear over their eyes so that people cannot see their eyes. Think of how unsanitary, how humiliating it is to have every inch of their skin covered. But that is the way it is in Afghanistan. Every woman must have every part of her skin covered.

So when they do leave their homes, they are covered from head to toe. Women who disobey this rule will be subject to verbal abuse, beatings, whippings. There was a film put out by the Feminist Majority, and I watched Friday in my home this videotape of the treatment of women. It is hard to comprehend in this modern world that women are beaten with sticks; they are stoned, stoned to death on occasion, for doing things that are not within the rules.

Women cannot deal with male shopkeepers. If they go out, even with their husband or brother or father, they still cannot buy anything unless the transaction is made by somebody who is with them. They cannot be treated by male doctors. Women who let their ankles show for some reason—they stumble, they fall, they sit, and an ankle shows—are whipped, and they are not whipped privately; they are whipped in public. Women accused of having sex outside of marriage—accused of having sex outside of marriage—by their husband or someone else will be stoned. I saw this on the videotape. They are killed by being stoned.

No cosmetics. This includes deodorant, and certainly nothing on their face. Women who have their nails painted have had their fingers cut off. Women are banned from talking or shaking hands with men. Women are prohibited from laughing. No stranger should hear a woman's voice.

I wish I were making this up, but I am not. Women cannot wear high heels. But even to carry this to a further extreme, you cannot hear a woman when they walk. A man must not hear a woman's footsteps. They cannot ride in a taxi without a close male relative. A woman's presence in radio, television, or public outings of any kind is forbidden. Women certainly can't play in sports, enter a sports club. Women are banned from riding bicycles or motorcycles, even with a close relative. And remember, that is the only mode of transportation in some places.

Women cannot wear brightly colored clothes, even though the burqa covers every part of their body, because in Taliban terms these are considered sexually attracting clothes—bright colors. Women are prohibited from gathering for festive occasions or for any recreational purpose. Women cannot wash clothes in rivers or in public places. Women are banned from appearing even on balconies of their apartments or houses. And to carry it even further, in homes where the women live, you have to paint the windows so that people cannot see in, for fear you could see a woman inside the home. Male tailors cannot take women's measurements or sew women's clothes.

One of the few things women could participate in was to take baths. They don't have private baths but they have public baths. No more. Since 1995 that is all through. No more public baths. Males and females cannot travel on the same bus. Public buses are designated "males only" or "females only." Flared or wide-legged pant legs even under their burqas are not allowed. Women cannot be photographed or filmed. Women's pictures cannot appear in newspapers or books or even be hung on walls in houses or shops.

The only thing worse than these restrictions that the Taliban Government has placed against women is the punishments of those who dare to disobey. Penalties include public beatings, torture, stoning, as I have already talked about, and of course executions.

Let's be very clear. This is not a question of cultural differences. The Taliban's inhumane treatment of women has nothing to do with religion and everything to do with power. Nowhere does the Islamic religion say women cannot be educated or employed. In fact, the President of the world's largest Islamic nation, Indonesia, is a woman.

The toll the Taliban's rule has taken on Afghan women is profound. The rate of illiteracy among girls now is over 90 percent. Women have no access to health care. As a result, an estimated 45 women die every day from pregnancy-related causes.

Afghanistan—there may be other countries—is the only country I know where the life expectancy for a woman is shorter than for a man. To show what that country has gone through and is going through, the average life expectancy for a man is 48 years. For a woman it is lower.

Ninety percent of Afghan women suffer from severe depression, and the suicide rate among the Afghan women is too large to count. Sadly, many women resort to killing themselves, and what they have found is, they use caustic soda that burns away the throat; it takes 3 torturous days for a woman to die. The only surgeon who can do anything about this in Afghanistan is in a hospital that is closed to women.

In Kabul there are over 40,000 widows as a result of the war. Because the Taliban forbids women from working, they are forced into begging, and under penalty of death some of these women resort to prostitution; it is the only way they can support themselves and their children. That does not last very long because they normally are caught and killed.

The tragedy is intensified by the fact that prior to the Taliban takeover of the country, Afghan women were 70 percent of the Nation's schoolteachers, 40 percent of the Nation's doctors, 50 percent of the civilian government workers, and 50 percent of the college students in Kabul were women.

Just a few years ago, Afghan women were scientists, professors, members of Parliament, and university professors. They led corporations and nonprofit organizations. Today, these same women cannot show their faces in public or leave their homes alone.

In spite of the Taliban's harsh edicts, some Afghan women are risking their lives and some have lost their lives trying to run home schools and health clinics.

Let me read a few accounts of Afghan women. This is a woman who escaped a Taliban death decree. She said:

> "The Taliban's take over of Afghanistan affected women more than any other sector of Afghan society. Women suffer in Afghanistan because they are forced to abandon their social lives and live as prisoners in their own homes. Women suffer in Afghanistan because they no longer have their freedom of movement, freedom to work, freedom to be educated and the right to live free from

> violence. Widows, often times are the sole providers for their families and suffer even more because of the Taliban's edicts that outlaw women's employment. Women watch their children suffer from malnutrition, disease, and even death. Women in Afghanistan suffer from war crimes because they are raped, murdered, trafficked, kidnapped, and forced to marry against their will.

A lot of them are 10-year-old girls. This is an account of a teenager when the Taliban took control of her village.

> The Taliban's rule in Afghanistan has been the most terrifying experience in my life. I remember with fear that day in 1995 when the Taliban took over my city, and life for women forever changed. I remember the day that I was forced to wear the burqa, the day schools were closed to women, the day learning and work became forbidden to women; and darkness engulfed the lives of all women living in Afghanistan. I remember that I was beaten by the Taliban for going to the public bath and the day women in my city demonstrated against the closing of public baths and schools. The Taliban retaliated by murdering ten of those women and arresting forty others, who since that day have not been seen nor located.

This is by an Afghan woman who was beaten by the Taliban.

> "During the first week of the Taliban's capture of Kabul, friends and neighbors helped my family with shopping because I only had sisters and no brothers and my father was dead. One day I decided to go for shopping alone because my neighbors could no longer help out with shopping. I wore a long dress and covered my face and head with the chadori. I went shopping for food at a market near my home. When I arrived at the market I was approached by a man with a long beard, a black turban, a gun on his shoulder, and a long stick in his hand. This man was Taliban. He asked me why I was out alone and who else was with me. When he saw that there was no man with me, I immediately tried to explain that I had no man in my house and that my family was without food to eat. The Talib would not listen to my explanations. He began to beat me with his stick as he shouted at me to go home and leave here. My entire body ached from the bruises and slashes of the stick.
>
> In Afghanistan, women have been stripped of their most basic human rights. The Taliban has prohibited women and girls from working, attending school and leaving their home without a close male relative. Women's punishment for violation of Taliban decrees include brutal beatings, imprisonment and even death.

As we continue life after the terrible day of September 11 and try to bring our life to some degree of normalcy, we cannot forget that the women of Afghanistan are the first victims of the Taliban. Every day, we are doing things to free that country and to restore its government. Our Government has no desire to have any degree of governmental control over Afghanistan. Our war is not against the people of Afghanistan, but it is against the Taliban. They are cruel and unusual in their dealings with people. But they are worse than that in their dealings with women. Every day that we do something to bring about the restoration of the Afghan Government which doesn't involve the Taliban, we are doing society a favor. The women are the first victims of the Taliban.

We must demonstrate our support through humanitarian relief for the women of Afghanistan and the scores of Afghan refugees in the surrounding regions. As we look toward the future of Afghanistan, we have to recognize that women must play a role in rebuilding of the post-Taliban Afghanistan.

There are people who were educated, and they are still educated. They are not being educated, but they are educated. They are women who were teachers, doctors, nurses, and scientists. They should play a part in that new government. And there will be a new government.

We simply can't forget that women are being brutalized by the Taliban, and we must redouble our efforts to help restore human rights to the people of Afghanistan, and especially the women of Afghanistan.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I certainly appreciate the comments of my friend from Nevada. I agree with what he has to say. He certainly describes one of the reasons that we are involved in seeking to find out where those terrorists are, and those countries that harbor them, and doing something about terrorism around this world.

THE SENATE AGENDA

Mr. THOMAS. Mr. President, I would like to comment on where I think we are today and where I think we need to go.

Certainly I am very proud of Americans since September 11. I think it has been amazing how everyone in this country has come together with a commitment. I am proud of their work and their dedication to find where we are with these terrorists and to do something about it and to get rid of terrorism around the world.

As I go home to Wyoming, I am very pleased that even though Wyoming is quite a ways from here, those folks are just as committed, just as involved, and just as interested as the rest of us. I am very pleased about that.

When we are challenged and attacked by terrorists, this country demonstrates its commitment to freedom and its commitment to doing away with the things around the world that cause terrorism.

I am very proud of this Congress after September 11. Everyone in both parties in the House and the Senate came together to do the things that were necessary, to do the things the President asked of us regardless of party lines, to do the things for defense, and to do the things for New York and Virginia in terms of the need because of what happened, and then to continue to do that. I am very pleased about that.

Obviously, in the Senate and the Congress, everyone has different ideas about how we should go forward. Once we get past the emergency kinds of things, we, of course, go back to not having universal agreement on everything that we talked about doing. That is the way it is. That is the way it should be. We are here to represent different views as we have different views on things that should be undertaken.

I believe we have a number of things that we ought to accomplish before we leave, and indeed it seems to me that we should. One of the reasons we have done the things we have done is so that we can continue to live a relatively normal life as well as meet our emergencies. I think one of the things that calls for normalcy is for us to leave and go home after Thanksgiving and during Christmastime. I suspect that rather than sine die, we will be leaving at the call of the Chair. I will support that. If it is necessary for us to return, we could do that.

But we have a number of things we must do. One of them is certainly appropriations, on which the Presiding Officer has given leadership. Obviously, appropriations are a very important and vital part of what we do in Government. I think we completed 5 of the 13 appropriations bills. We are moving forward. We need to continue to do that.

We need to have an economic stimulus package. Our economy, of course, about a year ago began to weaken. Then, of course, with the September 11 tragedy, it took a rather sharp decline. We have to do something about that decline, and we can.

I think it is necessary for us to complete the airport safety bill that we have passed in the Senate and now has been passed in the House. We have to come together on some differences that exist.

So these are the issues I think we need to complete. Quite frankly, most of the other issues we have before us are not necessarily issues that have to be done prior to the beginning of next year's session, in my opinion. Obviously, not everyone agrees with that opinion.

Also, at the end of a session—any session; and I think particularly this one where there are things that have to be passed—we are going to find ourselves with items that anyone has ever wanted to be passed hoping to be attached to a vehicle for passage. Frankly, that is wrong. We ought not to legislate that way.

I hope that in the appropriations process we stay within budget. Obviously, we are going to have special spending that is outside the budget. We recognize that. We have authorized that. I think we have spent $55 billion in one of the first shots, and we will probably spend another $75 billion, or more, in this stimulus package. Those are obviously special things that need to be addressed.

We have said we will stay within the budget except in times of emergency, and this is a time of emergency. But I hope we do not use this as a reason for expanding our normal spending, for building permanent programs that might only be needed right now. I believe it is quite important to be careful.

I believe the economic stimulus package should be defined as to what its purpose is, what we want to have accomplished with it, and that is basically to have some sort of immediate impact on the economy.

I have to admit—and I am a member of the committee that deals with this—even though we have talked to some of the most knowledgeable economists in the whole country, not everyone is quite sure what has the greatest impact immediately. But we need to do the best we can to make sure the things we do will have an immediate impact.

I hope we do not end up with a Christmas tree. There will be lots of interest in tacking on everything that anyone has ever thought of passing, whether it be long-term taxes or health care programs that will go on for whatever. I hope we will limit that spending basically to the package for which the President has asked. We should do that. It is not a time to put in a program that is attractive but will go on forever after the economic crisis is over.

We are going to have to put some dollars in the package. The tax proposals will not do it entirely. We have to put some dollars in there to help extend unemployment insurance for those who need it when that expires, although relatively few have had and will have theirs expire in the next several months.

We certainly have to do something about health insurance for those who are unemployed and have lost their health insurance. But I hope we do not develop a whole new Government health insurance program that goes on forever. We ought to use a technique to help people in this fairly short term of what we should do in an emergency.

Also, we are dealing, of course, with energy. I do not know whether it will happen—there is considerable difference of view about an energy bill—but I happen to think, in this instance, energy is one of the most important issues we have to deal with; it has been for some time. We have needed an energy policy. Now we have gotten involved in the Middle East; knowing that nearly 60 percent of our oil comes from overseas, we find ourselves more at risk. So energy has become part of this matter of economic development and security.

Here again, there seems to be a good deal of resistance over a couple of issues, such as ANWR and so on, which are not the biggest issues in the world but they seem to hold up something that might very well move right along as part of this package.

Interestingly enough, there is a good deal of discussion about agriculture and an Agriculture bill. The Agriculture bill that is presently in place does not expire until September of next year. Nevertheless, the House has passed a bill that would last for 10 years, as a matter of fact. I am hopeful we can do something that does not last quite that long so we can have another opportunity in 5 years to look at the issue; it has been our history to reevaluate bills to see how they have worked.

There are lots of ideas and very little agreement on the Agriculture bill. I am hopeful, quite frankly, that we do not do it this year. I think we have to have more time to take a look at it. We have eight or nine different titles. We have only dealt with one title in terms of a markup. It would be a very stressed situation to now try to deal with all these different programs.

Most of all—and this is not something that is new nor unique to our situation now—I hope, as we look at these issues and we look at the problems, we will try to see if we can get a little forward vision into what we want to have happen over a period of time.

Over the last 6 or 8 months, I have had a series of meetings in Wyoming we have called Vision 20/20. We began to try to talk to people in communities about what they would like to see in terms of their families, in terms of their communities, in terms of their State in 10 or 20 years. Then, as they begin to get a vision of what they would like to see, where they would like to be, then it makes it much easier to make the decisions now and to measure whether those decisions, in fact, lead to where they want to go over time.

One of the real obvious issues this applies to is agriculture. What do we want agriculture to be? Obviously, all of us who have farmers and ranchers—and I come from an agricultural background—want to make it economically suitable for them to exist, to be a very important part of our economy in Wyoming and other places as well.

We hope agriculture is part of a conservation movement where we have trees and fields and where we have planned growth in open spaces. Agriculture can contribute to that greatly. These are the things we want to see over time.

I think we want to see an economic safety net for agriculture. On the other hand, certainly we would like to see agriculture responding to the marketplace. That is where all businesses ought to be. We ought to be building more and more markets as we can overseas. We are going to have to have agriculture that fits with today's trade issues.

WTO is meeting right now. It is fairly easy to sit down and say: Hey, we have some real problems; we need to do this right now. But then you ask yourself, where will that lead.

It is the same thing with energy. Where do we want to be with energy? Obviously, we want to have energy available for us. It should be available, to a large extent, domestically so we are not totally dependent on imports. We ought to have energy that is created in an environmentally sound manner to have the multiple use of public lands, for example, having energy produced there as well as preserving the lands.

Those are the kinds of things that I think all of us want to see over time. We would like to have conservation so that we find ways to do the things we want to do in our lives with less energy, if we can. And I suspect we will find new ways over time.

I remember being in a meeting in Caspar, WY, years ago where somebody made a point which I have always remembered: We have never run out of a fuel. Before we run out, we always find something else that moves us forward. We started with wood, then coal, then gas. We have nuclear. We have had all these sources of fuel. We will continue to have sources of fuel, I am sure, over time.

I know it is difficult—and I certainly am not critical—but I do think it is necessary that we address ourselves to those issues that should have a priority for us before we leave this session of Congress somewhere near our normal time. I think it is up to the leadership and up to the rest of us to do that, and to get those issues on the floor and to come to some agreement—which is not easy, I understand—to deal with them. After that, we can then move on to do other things.

Mr. President, thank you for the time.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1629 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAYTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent that Senator KYL be recognized following my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPORTANT ISSUES FACING CONGRESS

Mr. DORGAN. Mr. President, we will begin this week with a vote at 6 o'clock this evening, and we will turn to other issues. I want to make some comments about the most important issues we face in Congress and what I think we ought to be doing to address them.

I just flew in from Chicago a few moments ago and noticed in the Chicago papers this morning that yesterday a man got through the screening process at Chicago O'Hare Airport with nine knives and a stun gun. He was selected for advance screening at the gate in addition to going through the metal detectors.

When they opened the baggage of this particular person, they found nine knives and a stun gun that had been missed at the screening as the individual entered the concourses.

That ought to demonstrate, as so many other studies have demonstrated, that the current system for screening passenger baggage and passengers is not working. That is quite clear.

The largest company that employs workers to screen baggage at airports has been found guilty of violating all kinds of FAA rules and regulations. They have violated training. They have hired ex-criminals. They have not adequately supervised them. They have falsified records. They were fined by the Federal Government for their behavior and 2 years later, after being put on probation, were discovered to have violated their probation with the same problems. This is the largest company in this country that hires these workers. In fact, it is a foreign company, but it is the largest employer of screeners in America.

One wonders why this company is still working at airports screening passengers when it has already been fined, when it falsified reports and then violated the probation that was established for it.

My point is that we have just had a significant debate in the U.S. House of Representatives on the issue of airport security and baggage screening. We in the Senate passed legislation 100–0—all Republicans and all Democrats supported it. Then we had a couple of our friends from a southern State, Texas, whom I shall not name, who decided that the legislation was not good and needed to be altered. God forbid somebody was going to make Federal workers out of the screeners. So they ramped up a huge effort in the House of Representatives to defeat the proposal we passed 100–0 in the Senate.

My hope is that in the next week or so—in the next few days, in fact—we will convene a conference and work aggressively and to immediately pass an aviation security bill. It is unforgivable we have taken this long. After September 11, everyone understood we had a new requirement, a new duty, and a new responsibility to pass an aviation security bill, and that legislation has not yet passed despite the fact we passed it through this body with every Republican and Democrat supporting it—100–0 only to have it languish week after week in the other body.

I regret the House did that, but now that they have passed legislation that will get us to conference, it is very important that we take this seriously and find a way to develop the compromise necessary so the American people will feel confident that when they walk through airports about to board an airplane, there is not some goofball someplace carrying nine knives and a stun gun.

This person explained he had forgotten. How do you forget you have nine knives and a stun gun, for God's sake? How do you forget you have that in your luggage? How do you qualify to fly if you have a mind like that—that you take nine knives and a stun gun to the airport?

In any event, having said that, that is just the latest information in this morning's paper. Last week, it was the audit that was done at Dulles Airport and the screeners who missed what they should have known.

Why does all this happen? Because people leave screening jobs to fry hamburgers so they can make more money. These are low-paying jobs. The people are ill trained by companies that want to put the least cost employees in those positions and make good money doing it.

I am not interested in that. I am interested in accountability and security for the American traveling public. That is all I am interested in. I am not interested in the debate about for whom they work. All I am interested in is accountability.

We have had a circumstance where these employees have been working for very large firms, one of which I already described that has been fined by the Federal Government and is guilty of falsifying records. We have already had that experience. We know that does not work. So perhaps we ought to try what the Senate has suggested in the legislation it passed 100–0.

That is what is in front of us in the next few days, and I hope, as a member of the committee that generated the bill that passed the Senate unanimously, with the help of Senator HOLLINGS and Senator MCCAIN leading the effort, we can find a way to solve this very quickly.

Let me turn to the next challenge we have in addition to aviation security. The other challenge we have is to pass a stimulus package. What does "stimulus" mean? Stimulus means pass legislation that will provide some incentives to help boost this economy of ours.

Last Friday, we received word that another 415,000 people lost their jobs in the last month. Mostly, these are people at the lower end of the economic ladder. These are not people making a lot of money, in most instances. These people and their families know about second jobs, secondhand, second mortgages, and second shifts. They are the same people who during tough times find they have lost their jobs. Then they find out, at least with some people in the U.S. Congress, they are also second choice. There are some people in Congress who do not want to help them very much because they say that would not provide the incentive for those families to look for work again.

In my judgment, these people who are laid off during a very difficult and soft economy require our help. We have always, during a severe economic downturn, extended our hand and said: We will extend unemployment benefits to help those who have lost their jobs and are down and out.

That is stimulative. That money is spent immediately by the families who have lost their incomes and are struggling. That is a way to stimulate this country's economy. We must do that when we construct a package of incentives to provide lift to this economy.

What are the other incentives we could provide that would help this economy? We can do traditional things, such as tax credits that would incentivize investment. We can do things that will incentivize consumption. We can do things that will incentivize production. There are all kinds of menus with which to do that: Expensing, bonus depreciation, and targeted investment tax credits, for example.

In addition to tax credits and other incentives in the Tax Code, we can stimulate economic activity by building roads and bridges, by repairing schools, and by making other public investments that put people back to work so that at the end of the time when we have enacted a stimulus package and made those investments, we can look back and say: We not only stimulated the economy, we have something to show for it.

My colleague, Senator BYRD, the chairman of the Appropriations Committee, is working with a number of us in the Senate. He has taken the leadership position on the infrastructure needs and the investment in infrastructure as part of a stimulus package. That is important as well.

We have the issues of extending unemployment benefits, health care issues for the unemployed, the issue of what kind of tax cuts might be employed to stimulate and lift this economy, and then the issue of what kind of infrastructure investment we can make that puts people back to work building, repairing, and making things. All of these should come together in a package designed to stimulate this economy.

This economy is in much more trouble than most people understand. It was a very soft economy prior to September 11, and September 11 cut a hole right through the belly of this economy. We are beginning to see the evidence of that now each day with each additional number that describes the condition of our economy.

It is going to have an impact in every part of this country. It will touch virtually every family. So the question is, What can we do and how can we do it? How can we lift this drowning economy?

President Bush has said he wants Congress to act and act quickly. He is right about that. We should. We must. But just acting, if it is not the right thing, will not be the right approach. If we do not do the right thing, taking action is pretty irrelevant. What we need to do is take action now to do the right thing to give help to this country's economy. The House of Representatives passed what they called a stimulus package. I describe it as leftovers.

My mother used to talk about leftovers when she was talking about the supper table. What is for supper? We called it supper in my hometown. When she said leftovers, we all understood in our family what leftovers meant.

Well, I view the stimulus package that the House passed almost the same way, as leftovers. It is all the things they had left over from previous tax bills that they did not get, but they always wanted to do. It did not have very much at all to do with whether it is going to help this economy, whether it is going to stimulate this economy, whether it is going to lift this economy. It was just leftovers.

In fact, I will mention one. I will not go into great depth. One of them, at a cost of $21 billion, was stuck in the House-passed stimulus package to incentivize investments overseas. Now, tell me how that stimulates the economy in this country. It is a big giveaway to companies that move and keep needed investment capital overseas and earn income overseas and do not want to repatriate the money. Now talk about the nth degree of goofy. At a time when our economy is on its knees, we have the U.S. House passing a tax provision that incentivizes additional investments overseas. Our investments ought to be to incentivize creating jobs in the United States, not elsewhere.

So we have a big job ahead of us to try to pass legislation that provides a real lift to this economy. The President is right, we need to do it. It would be unforgivable, in my judgment, if Congress left town sometime between now and Christmas, whenever we finish our work, and had not passed a stimulus package to try to provide some lift to this country's economy.

I know some will argue we have economic stabilizers that we did not used to have in this economy and that recessions are not quite as deep as they used to be. We do not know that. We do not know what the consequences of September 11 will be on this economy. We do know that going into September 11, we were in the business cycle and we were on the contraction side of a business cycle. It is inevitable that there is expansion and contraction, and we were on the contraction side of that business cycle.

Then September 11 occurred. We shut down the airline industry. The entire travel industry in this country is in a huge amount of trouble. Some of us have proposed some loan guarantees to try to provide assistance in those areas. This economy took a huge body blow, and I think most do not understand how deep this likely recession could be or how long it could last if all of us do not now do the right thing.

This is not about Democrats or Republicans. It is about good ideas, having the capacity to employ opportunities for investment and consumption in this economy to try to rev this economic engine once again.

We went through unprecedented growth in our country for a good many years. We were blessed with that. In fact, some looked at those numbers and they looked at NASDAQ and the stock market and they thought this economy only goes one way.

It is true of the President. It was true of the Congress. Everybody said: You know something, we are going to have surpluses for 10 years in a row. The next 10 years we are going to do so great we are going to have surpluses every year. So let us put in a very large tax cut anticipating surpluses for the next 10 years.

That was just months ago. Those surpluses are very quickly vanishing, regrettably, and this economy has changed in a very significant way. I hope we can get back to the position where we have economic strength and opportunity, hope for American families who have lost their jobs and a growing economy that provides new opportunities for others in this country who are going to enter the job market. At this point, this Congress has no choice but to be with this President and, between the two parties, construct a stimulus package that really does give a lift and some hope to the American economy. If we do not do that, the American people should judge us harshly, in my judgment. Between now and when we leave this year, we have a responsibility to do that.

AMERICA'S FARMERS NEED A FARM BILL NOW

Mr. DORGAN. My colleague from Arizona is coming back to speak, but before he does I will mention the issue of the farm bill. We have had a substantial amount of discussion in recent days about the farm bill.

I mentioned aviation security, which we need to get done quickly. I mentioned the stimulus package, which we have a requirement to enact, and now a farm bill. We have the Secretary of Agriculture who has left, I believe, for Qatar. It is a country whose name most of us cannot pronounce. They are having the WTO meeting in Qatar because they cannot have them anywhere else. It is a country with very few hotel rooms, and so they will therefore accommodate very few demonstrators. These demonstrators tend to show up wherever they are discussing trade anywhere in the world, so they are having this meeting in Qatar. But we had hoped to meet with the Secretary of Agriculture last week.

We think it is very important to pass a farm bill in the next 3 or 4 weeks. The House of Representatives did so. It is better than current law. It is not good enough yet for wheat and feed grains and some of the things we need to do to improve it, but we have a responsibility to pass a farm bill, one that works for family farmers.

There are some who are counseling, as the Secretary of Agriculture, the head of the Office of Management and Budget and others have, that, oh, do not worry, do not do it now, do it next spring; the money will still be there. Nonsense. That money is in the budget this year, and it reserves a place this year and in future years, but it will not be there next year. Next year, we face an entirely different economy when we begin constructing a new budget. So we have a responsibility to do a farm bill in the next 2, 3 to 4 weeks as well, and some of us are going to fight like the devil to make that happen.

I prefer it be a farm bill that comes out of the Agriculture Committee. Senator HARKIN is leading the way, and I want to work with him. If it does not come out of the committee, then there is a farm bill sitting at the desk we could bring before the Senate and amend. It came from the House of Representatives. One way or another we owe it to the American farmers to write a farm bill that works.

I see my colleague from Arizona is in the Chamber, and I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Arizona.

ARIZONA DIAMONDBACKS, THE WORLD SERIES CHAMPS

Mr. KYL. Mr. President, I thank my colleague from North Dakota for arranging my time to speak. I will talk about two things: First is the victory last night in the bottom of the ninth inning of the Arizona Diamondbacks in the baseball World Series. Naturally, we Arizonans are very proud of the Arizona Diamondbacks.

I am proud of the New York Yankees, and I am proud of the people of the city of New York. Ever since I was a little kid, I was a New York Yankees fan because my grandfather used to listen to the games on the radio back in the Midwest I became familiar with the statistics of all of the great players of the New York Yankees throughout the years, mostly through the good but through both the good and the bad.

They have been the most successful franchise in baseball history, of course, and when the events of September 11 occurred in New York City, all of America, in a sense, became New York Yankees fans. When they won the American league pennant and went to the World Series for the first time probably in their history, Americans were pulling for the New York Yankees rather than the other team which, of course, had always before been the underdog, and mostly Americans pulled for the underdog. But this time, they were pulling for the New York Yankees; everybody except, that is, the Arizona Diamondbacks fans.

Four years ago, Arizona got a baseball team. At that point, I became, at least in the National League, an Arizona Diamondbacks fan. My fantasy was to have a World Series that involved the American League champion, the New York Yankees, and the National League champion, the Arizona Diamondbacks, in which both teams would do very well and which would be won by the Arizona Diamondbacks in the bottom of the ninth inning of the seventh game.

Lo and behold, that is exactly what happened, a dream come true for a baseball fan all of my life and somebody who likes both of these teams very well.

Obviously, I rooted for the Diamondbacks. I understand the disappointment of the New Yorkers who lost but, of course, as we all know, New Yorkers have more often than not been on the other side and have tasted the fruits of victory.

All Americans appreciate the valiant battle both teams put up and certainly what the New York Yankees were trying to achieve for not only themselves as a team but the people of New York. In a larger sense, all Americans participated in this series fully aware of what it meant to the people of New York and, frankly, it meant that same thing for all of the people of America because we could not go to the series with the Yankees playing without thinking of the events of September 11.

Yet in another way, the series having been won by a new, fresh team, the Arizona Diamondbacks, I think also is a great thing for America. As a Diamondbacks fan, it is especially gratifying that after just 4 short years, the Arizona Diamondbacks won the baseball World Series, the shortest period of time ever in the history of baseball.

It was not by accident. The Arizona Diamondbacks wanted to play the very best in the World Series. They wanted to play the New York Yankees; they got that chance. They wanted to beat the very best, and in Mariano Rivera, the New York Yankees' relief pitcher, that is who they had to beat in the bottom of the ninth. And they did. It takes nothing away from Rivera or the rest of the Yankees who are truly a class act, but what it shows is that there has now begun a new dynasty in baseball—the Arizona Diamondbacks. They won 100 games in their second season, did not win the National League pennant but did very well.

Naturally, we were very proud of them. Now to win it all in the World Series really caps it off for Arizona fans.

My hat goes off to the general partner of the Arizona Diamondbacks, Jerry Colangelo. Jerry is known in the sports world as a very successful sports entrepreneur, a real fan, and also a participant. He himself played ball in his youth and, coming from Chicago, obviously was involved in the key franchise of the Chicago Bulls, came to Arizona, and helped create the Phoenix Suns, a very successful franchise in its own right.

He was the natural person to whom the leaders of Phoenix came when they wanted to put together a major league baseball team. And he said: I really have my hands full with the other things I'm doing, including the Phoenix Suns and in getting a new stadium, a new place for the Phoenix Suns to play ball; and he said: We would have to have a brand new ballpark: that would take a lot in terms of public support, and I would rather not be involved in it.

But he was the logical choice, and reluctantly he agreed to take the leadership in bringing together the Arizona baseball franchise. He did that. He raised the money. He provided the leadership. He got the BankOne ballpark built with a beautiful stadium in downtown Phoenix with a retractable roof that goes back and forth in 6 minutes, a beautiful natural turf ballpark in which to play.

His philosophy was to create a winner. Jerry Colangelo is about winning. He is not a guy who just wants to field a team and then perhaps take 20 years to get to the World Series. He thought the Arizona fans deserved a winner at the very beginning, and that is what he set about to create. Naturally, it did not come free, and as a result, because a new major league baseball franchise cannot participate in most of the revenues from the league for I think it is about 5 years, it was very costly to the people who supported the team, and financially, obviously, they are not in as good shape as some other teams that have been there a lot longer.

So this will be a big boon to them not just from a fan support base but financially as well. Therefore, I really appreciate what has happened for Jerry Colangelo. He deserves the very best, as does his management team, his son Bryan, and all the others who worked to make that a great family and a great team in the State of Arizona.

I note that I talked to Jerry Colangelo this morning. He had received a congratulatory call from President Bush, himself a great baseball fan. And hopefully some of the Diamondbacks will be able to get to Washington in the not too distant future to meet with the President. He is also on the way to Chicago for the baseball owners meetings, and there are some big decisions the owners have to make about this great American pastime.

I just wanted to share with my colleagues my joy, and I am sure I speak for all the people in Arizona, the way they feel about the Arizona Diamondbacks this year, the way they have kept together as a team. They have had to play a very tough National League Western Division, the Los Angeles Dodgers and the San Francisco Giants, who were challenging them every step of the way. San Diego was a tough team for them, as were the Colorado Rockies.

All of those teams deserve a lot of credit. But in the end it was the Arizona Diamondbacks who marched through the other teams and ended up beating Atlanta to take the pennant and I think, in facing the New York Yankees, faced the best the American League had to offer. It was obviously a victory in which all of Arizona can take a great deal of pride. And I hope fans across the United States who may have been pulling for the Yankees for other sentimental reasons this year will take a good hard look at the upstart Arizona Diamondbacks who deserve a lot of credit, having beaten the best, and will be around for a long time to come as a great baseball team playing our great national pastime.

A final word on this. I was talking to somebody this morning who said: You know, during this series, which has to go down as one of the greatest series in the history of baseball, the way the games were won in Yankee Stadium and in the bottom of the ninth in the seventh game in Phoenix, a lot of America was focused on having fun with our national pastime and not thinking about some of the more serious and difficult issues we have had to face. One of the ways we can show the terrorists that they can have absolutely no chance of beating the American spirit is to continue to do what we enjoy, and that includes enjoying our great national pastime, baseball. So my hat is off to the Arizona Diamondbacks.

NOMINATION OF JOHN WALTERS

Mr. KYL. Mr. President, the other subject I want to talk about today is also, I hope, good news in that it involves what I think the Senate will be able to take up very soon, and that is the nomination of the last of the President's Cabinet officers, who is John Walters to be the Director of the Office of National Drug Control Policy, often known as the drug czar.

John Walters has a great history of service in the area of drug control policy. He is a superb nomination of President Bush. His nomination has been around now for over 5 months. The President nominated him on June 5. We are now 5 months later and he has not yet been confirmed by the Senate.

His hearing was held on October 10, a month after it had originally been scheduled on September 11, and this hearing lasted I think over 3 hours. He was asked a lot of questions by a lot of the members. I think anything that had been on anybody's mind was adequately covered. I think subsequent to that time he has answered over 60 questions with a lot of subparts that have gone into further detail, including questions submitted by members not even of the Judiciary Committee chaired by the Presiding Officer.

I am hopeful that at our business meeting this week John Walters will be passed out of the Judiciary Committee so that he can be considered by the full Senate and we can have him confirmed and he can be in place before Thanksgiving. It seems to be not too much to ask of the Senate to confirm Cabinet officers before Thanksgiving of the year in which they are nominated, particularly when their nominations have been pending for so long.

Let me say a couple words about John Walters. And I have to say I am biased because I know this fine man.

I recently met his family. My daughter and his wife are friends. I know the Walters to be a very fine family. His service to this country has exemplified the values I know he cherishes. They are values that manifest themselves in trying to tell young people in this country why the path of drugs is the wrong path for them, trying to help people who have gotten involved in drugs get back on the right track through treatment and rehabilitation, trying to develop a national strategy that helps us keep drugs out of the country, that interdicts them and tries to deal with them in the places of their origin and tracks down the people who perpetrate the trade in drugs and traffic in them, selling them to young people, to provide punishment for those drug traffickers.

All of the aspects of the war on drugs—and that is an unfortunate term—require focus and attention by the Office of Drug Control Policy. When John Walters served in that office under President George Bush—the first President George Bush—later acting deputy director for 4 years in the Bush administration of the Office of Drug Policy, he became intimately familiar with all aspects of our war on drugs.

He participated significantly in the issues relating to drug treatment. I know one of the questions was whether he was as strongly committed to drug treatment as he was to some of the other aspects of drug control policy.

I note that there are certain parts of drug policy that are the responsibility of the U.S. Government because as a nation we deal with drug interdiction and as a foreign policy matter we deal with eradication of drugs in foreign lands and their interdiction before they come into the United States. That is a Federal responsibility; it is not performed by, for example, the city of Phoenix.

But when we get to drug education, prevention, treatment, and rehabilitation, those are shared responsibilities starting with our local communities that have a great deal to say about how those programs get carried out in each individual community, supported by the States and ultimately also by the U.S. Government.

When one examines the role of the Federal Government and the people who have worked on this issue in Washington, it is important to separate those functions which are purely and strictly of the Federal Government as opposed to those jobs which are shared by other jurisdictions. Our focus needs to be primarily on the former. We share a responsibility with all of the other States and local communities with respect to the latter. That doesn't mean we are any less committed to antidrug education, treatment, and rehabilitation.

I think there was a sense that that was perhaps John Walters' philosophy. Absolutely nothing could be further from the truth. As a matter of fact, he was one of the architects of the new drug strategy and the Federal spending plan that targeted drug treatment and treatment research when he was in the Bush administration. He was certainly behind the move to expand the budget and programs for drug prevention.

I think all of that became clarified during the hearing. There was a great deal of support in the Judiciary hearing for the President's commitment of additional resources. I believe the number is $1.6 billion for these programs.

I specifically asked him whether or not he would be a strong advocate for administering this program as the President had outlined it. He said absolutely he would. I think there is no doubt about the fact that he is committed to treatment and prevention and will strongly support the President's plan in that regard.

His work, by the way, first began in the mid-1980s when he worked on drug policy matters at the U.S. Department of Education and was actually responsible in that position for a drug prevention guide. Over 1 million copies were distributed. That is when I first became aware of his work. But of course his later work was in the Office of Drug Control Policy itself, 4 years total serving as chief of staff from 1989 through 1991, and then deputy director for supply reduction from 1991 through 1992.

I hope somebody with the long experience he has had in this area can quickly be confirmed by the Senate to assist the President in this war on drugs and to fill out the last Cabinet position in the Bush administration.

There is one other reason I come to the floor today: To make the point that has to do with our war on terrorism.

As we know—and as we can discuss in a lot more detail than we are permitted to do here in public—terrorists in several places in the world are significantly supported financially through the drug trade. It is therefore important for us, while we are fighting this war on terrorism, to not forget that a key component of terrorism financing in many places in the world is the drug trade. That is the responsibility of the Office of Drug Control Policy, primarily coordinating the different agencies of the U.S. Government in fighting the war on terrorism. It is yet another reason we need a leader at the top of that organization. It is true we have a lot of good people fighting that battle around the world today, but the direction that can come only from the director—a Cabinet officer of the President—I think is critical.

Therefore, if we are going to do everything we can in fighting the war on terrorism, which all of us like to say around here, one of the things we must do is to quickly confirm John Walters as the drug czar.

One of the key components of fighting drugs is also fighting the war on terror. That is why I conclude by urging my colleagues on the Judiciary Committee to confirm John Walters when we vote on him, presumably this week, and to quickly get his nomination before the Senate so that all 100 Senators can have a vote on the confirmation of John Walters as drug czar. I would love to have that vote before the end of this week. I am sure the President would as well. But we have to do it within the next few days, in any event. If there is any concern or objection to John Walters, I hope Members will bring those concerns to me so I can do whatever I can to ensure that he can satisfy those concerns.

The bottom line is that we need this position filled since he is the right man for the job. He has the President's confidence, and it is about time we confirmed him as drug czar. I hope my colleagues will act on that quickly.

Those are two bits of good news: The victory of the Arizona Diamondbacks and my hope that we will quickly confirm John Walters and conclude the confirmation process of the President's Cabinet.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NICARAGUAN PRESIDENTIAL ELECTION

Mr. DEWINE. Mr. President, yesterday our neighbors to the south in Nicaragua went to the polls to elect a new President. The liberal party candidate, Enrique Bolanos, appears to be the winner. With part of the vote counted this afternoon, he has 53 percent of the vote, while Sandinista leader, Daniel Ortega, trails with 45 percent. Although votes still remain to be counted, Ortega has conceded defeat.

But right up to yesterday, when people actually went to the polls in Nicaragua, the candidates were running neck and neck, we are told, in a very heated and very tight race. It is disconcerting that the race was even close at all. The very fact that Ortega, a Marxist Communist sympathizer, could come close to regaining power tells us that it is time for the United States to wake up and start paying attention to our neighbor to the south. If we do not, we will see Daniel Ortgega or another leftist radical regain power sometime in the future.

The fact is that unless we pay attention, unless we take notice, history may well repeat itself. Sometimes we in the United States have a tendency to go from crisis to crisis. We try to deal with the crisis and then, once the crisis is over, we forget about that region or that part of the world or that country. That is what I think we have done in Central America.

In the 1980s, when I was a member of the House Foreign Affairs Committee, the world's spotlight, and this Congress' spotlight, the country's spotlight was on Nicaragua; it was on El Salvador; it was on many of our neighbors in South and Central America.

The 1980s and the 1990s brought a very significant increase in democracy in this hemisphere. Many of us have come to the Chamber and talked about that. We have talked about the fact that this hemisphere is so much more democratic today than it has ever been in the past. Today, all but one of our region's 33 countries have democratically elected heads of state. But we have seen a retrenching of that in the last few years.

While we justifiably are worried about many other parts of the world, we should not forget about our neighbors to the south. In fact, a recent poll indicates a steep decline in support for democracy among Latin American and Central American countries. If we look at Nicaragua, that same poll shows that only 43 percent of Nicaraguans support democracy. That figure was at 72 percent just 3 years before, nearly a 30-percent drop.

In the same poll, Nicaragua registered the largest increase in support for authoritarian government, a 16-percent increase over the previous year's figure.

Maybe these startling figures should come as no surprise. History does offer us a sober reminder that oppressive regimes often spring from misery, despair, and joblessness. Nicaragua has never recovered from the war of the 1980s, the earthquake of the early 1970s, the droughts, the hurricanes, the political corruption, the economic collapse. If we look at the per capita income today, what we find is per capita income in Nicaragua in real terms is still less than 25 percent of the level reached in the 1970s—an absolutely unbelievable figure.

Nicaragua today is still the second poorest country in the hemisphere behind Haiti.

There is something wrong with this picture. Yes, democracy won out in Nicaragua in the 1980s, but the economic environment and political leadership were not stable enough to allow that democracy to fully take hold and thrive. In the recent election, the apparent winner was clearly handicapped by the fact that he had been Vice President for President Aleman, who has certainly been a disappointment to his country and a disappointment to the United States and other people who care about democracy.

We should think about this. Just yesterday that nation, Nicaragua, came all too close to sending Daniel Ortega back to the Presidency, the very leader under whose direction inflation rose as high as 33,000 percent.

Regretfully, the United States has not done as much as we should have over the last decade. We have done some things. We have been involved. We tried to help but, candidly, not as much as we should have. We tried to implement judicial reforms and change in the rule of law, but democracy is not a hobby;, it is a lifetime commitment. It is not enough to believe in it;, it has to be practiced every day, day in and day out.

Yesterday's elections represent a close call but also a new opportunity for democracy in Nicaragua. I believe the United States must do what we can to help our friends in Nicaragua.

With the election of Enrique Bolanos, we have a unique opportunity to bring about lasting change for the people of Nicaragua. We need to support and work closely with USAID in that effort to create economic and social conditions that will produce a greater margin of safety for the poor. Hurricane Mitch demonstrated how vulnerable the country is to natural disasters. Overall economic losses were estimated at $1.5 billion.

While growth rebounded to about 7 percent in 1999, low world coffee prices and an internal financial sector crisis caused Nicaragua more than 10-percent drop in GDP in the year 2000. There is an urgent need for Nicaragua to pay systematic and immediate attention to environmental issues and problems, including watershed management, natural resource management, reforestation, and land use. We also need to expand our food-for-work programs, strengthen our education and training initiatives, and encourage alternative crop development.

Furthermore, we need to foster economic growth by strengthening our microenterprise programs and increasing the number of rural credit unions. I know my colleague in the Chair has been a great supporter of microenterprise programs. They work in Nicaragua as they work around the world. I think we have to do more to promote them.

These are efforts that we have supported in the past, and we need to support in the future. We need to provide individual Nicaraguans the tools to permanently free themselves from poverty. We should also support soon-to-be-President Bolanos in any attempt to scale back some of the electoral and judicial reforms brought about in the late 1999 pact between the Aleman government and the Sandinistas. Specifically, we need to work towards: No. 1, restoring the autonomy of the judicial branch; No. 2, restoring the autonomy of the comptroller; No. 3, reducing barriers for third party participation and increased accountability of the Supreme Electoral Council; and finally, we need to also develop increased accountability of government officials and make aid contingent on a transparent government that proactively works to root out corruption.

Finally, we should take advantage of opportunities for bilateral and multilateral counterdrug operations with the Nicaraguan military. Operations such as these, closely monitored, not only can produce tangible results in the form of interdictions and deterrence but also could help increase the skills and professionalism of the indigenous forces in Nicaragua.

Ultimately, we need to keep a very close watch on the entire hemisphere to see what we can do to help the democratic forces. They need our help. It is in the best interests of the United States to see these countries remain democratic.

We also need to understand how very closely economic progress for the poor is tied to democracy. If we expect democracy to flourish and to grow in our neighbors to the south, it is essential that we do what we can to help their economies grow so everyone in those countries, whether it be Nicaragua, El Salvador, Honduras, or any of our neighbors to the south, anyone who lives in these countries will see they do have opportunity under democracy.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Michigan.

THE ABM TREATY

Mr. LEVIN. Mr. President, until recently, the Bush administration appeared to be engaged in a headlong rush to unilaterally withdraw from the Anti-Ballistic Missile Treaty—the ABM Treaty—and deploy a national missile defense system. That headlong rush had some serious negative implications for the security of the United States and for our relations with other nations.

If the United States decided to unilaterally withdraw from the ABM Treaty, it could:

First, lead Russia to stop dismantling nuclear weapons, and to retain or eventually increase its multiple warheads on long-range missiles;

Second, lead other nations, such as China, to speed the deployment, or increase the number, of their long-range nuclear missiles; and

Third, strain our relations with allies and friends in Europe and Asia who recognize that the ABM Treaty has allowed nuclear arms reductions and has promoted stability for many decades.

Those reactions to a unilateral withdrawal from the treaty on our part would be serious because they could result in more nuclear warheads on the territory of other nations and could lead to an increased risk of the theft or proliferation of such warheads or their materials to rogue states or terrorists.

In addition, Russia and China could respond to unilateral United States withdrawal from the ABM Treaty by producing, deploying, and possibly even selling missile defense countermeasures and decoys to our potential adversaries. A spiraling competition of countermeasures and counter-countermeasures could then ensue.

I have believed for some time that these serious negative consequences for our national security argued against our unilateral withdrawal from the ABM Treaty, and I have long been concerned by the Bush administration's unilateralist approach to this question.

As recently as August 23 of this year, for instance, President Bush declared, "We will withdraw from the ABM Treaty on our timetable, at a time convenient to America."

Then came the horrific attacks of September 11. To its credit, the administration then set out to build and sustain a broad international coalition, which includes Russia, to fight terrorism. Despite its unilateralist go-it-alone approach so prevalent before those September 11 attacks, the administration appears to have recognized that in a world of terrorism and weapons of mass destruction, the United States is more secure when we work cooperatively with allies and with nations with whom we have common interests than we are if we go it alone.

We have already witnessed that welcome new approach to foreign policy in areas as diverse as the newfound support for South Korea's effort to improve relations with North Korea, and in the administration's recent reversal and decision to join the international effort to improve the worldwide Biological Weapons Convention. This new approach has already influenced the administration's approach to national missile defense, the ABM Treaty, and our relationship with Russia, with whom the President seeks a "new strategic framework."

At his October 11 press conference, the President twice avoided giving direct answers to questions about whether he would unilaterally withdraw from the ABM Treaty. The discussions between Presidents Bush and Putin in Shanghai gave some hope that the United States and Russia can reach agreement on missile defense and reductions in offensive nuclear weapons.

Then, on October 25, Secretary of Defense Donald Rumsfeld announced that the administration had "decided not to go forward" with missile defense tests in late October and early November that might have violated the ABM Treaty. That is a significant change because the administration had said previously that we would not be constrained by the ABM Treaty but, rather, we would withdraw from it.

Last week, we read in the newspapers that the United States and Russia are near agreement on an interim arrangement that would achieve three things: No. 1, allow the administration to continue with its robust program of missile defense research, development, and testing; No. 2, preserve the ABM Treaty; and, No. 3, set goals for reducing by some two-thirds the number of each nation's strategic nuclear warheads. The story quoted one unnamed official as saying: "Testing will go on, but there will be no announcement of a U.S. withdrawal from the ABM Treaty."

If the administration has, in fact, now decided not to unilaterally dismantle a mutual security structure before a new structure is put in place, it would represent a wise shift in U.S. policy.

Presidents Bush and Putin would then have a genuine opportunity at their summit next week to make real progress towards a new security arrangement that permits both missile defense testing and significant nuclear arms reductions, and that would have strong bipartisan support in Congress.

As I mentioned, on October 25, Defense Secretary Donald Rumsfeld announced that the Pentagon had decided not to proceed with four planned missile defense test activities because they might conflict with the ABM Treaty. But, in fact, prior to Secretary Rumsfeld's announcement, the Pentagon had already decided to delay three of the test activities for technical reasons wholly unrelated to the ABM Treaty. In addition, the fourth test planned for November 14 was not a missile defense test, but a Navy radar tracking of a satellite launch vehicle, which is not covered by the ABM Treaty.

Confusing this history even further, back on June 13, LTG Ronald Kadish, the Director of the Ballistic Missile Defense Organization, briefed the Armed Services Committee on the Defense Department's missile defense plans and informed the committee that, to the best of his knowledge, there were no ballistic missile defense activities planned for fiscal year 2002 that would be in conflict with the ABM Treaty.

Then, on July 17, Deputy Secretary of Defense, Paul Wolfowitz, testified before our Armed Services Committee that three missile defense activities could "bump up" against the ABM Treaty, in his words, "in months rather than in years." One of the examples was the use of a Navy Aegis SPY-1 radar to track a strategic ballistic missile. However, his written explanation of that possibility said plainly:

> Plans to use an Aegis SPY-1 radar to track long-range ballistic missiles are currently under development and are only at a preliminary stage.

So after saying there were no tests planned that would violate the ABM Treaty, the administration then planned a series of tests that might violate the treaty. Then they changed direction for a second time on October 25 and said they would not proceed with tests that would violate the ABM Treaty. So why did the administration first strain to put these tests on the calendar and then strain to remove them from the calendar?

My analysis is shaped by my firm belief that the administration has decided it would be unwise to withdraw from the ABM Treaty anytime soon. In a number of ways, this double reversal in its course may help the President at the upcoming summit, while simultaneously avoiding criticism from those who have forcefully pressed for withdrawal from the ABM Treaty.

First, the administration looks more reasonable to the American people, the Russians, and the rest of the world, compared to their numerous declarations that they plan to unilaterally withdraw from the ABM Treaty. When the Secretary of Defense announced unilateral restraint on October 25—that is, announcing that we would forego missile defense testing in order to avoid violating the ABM Treaty—he made us look more reasonable and that may help pave the way to reach an agreement with Russia on missile defense issues.

Second, the administration has simultaneously made the case that the U.S. missile defense testing program is already now being constrained by the ABM Treaty. This could make it easier to justify a decision to withdraw from the treaty at a later time; in effect, to serve as a prelude to withdrawal in case there is no agreement with Russia.

Third, if, as expected, the administration reaches an agreement with Russia at the Crawford Summit that will permit its missile defense testing program to proceed, the Rumsfeld announcement would allow the administration to argue that the Crawford agreement removed the ABM obstacle to the administration's missile defense testing plans. That would appear to be a victory, showing the critics of the treaty that the administration succeeded in clearing away the testing constraints in the ABM Treaty. That, in turn, would make it easier politically for the administration to agree with Russia to maintain a treaty so loathed by those same critics and from which those critics are pressing the President to withdraw.

If this tactic of straining to create premature conflict with the ABM Treaty and then straining to remove the conflict by deferring the tests helps the administration reach an agreement with Russia and helps assure them of political support for the agreement from the critics of the ABM Treaty, more power to them. If that is what it takes to do the right thing, so be it.

The important point is to work cooperatively with Russia to seek an agreement that will enhance our mutual security. It looks as if that is the path we are on. I hope so, and I hope we can stay on it.

Also hopefully, any new arrangement that emerges from the upcoming summit will be based on more than just the handshake of a gentleman's agreement. I hope the two leaders can agree on a new strategic framework that will include the following specific elements.

First, any agreement should include a reduction of strategic nuclear weapons—as the President has said—"to the lowest possible number consistent with our national security." I agree with his assessment that "the premises of Cold War nuclear targeting should no longer dictate the size of our arsenals."

I would also hope that any agreement on nuclear reductions would be transparent, predictable and difficult to reverse. There is no benefit in creating a situation where we worry that it would be easy and quick for either nation to increase its nuclear forces significantly. We would be better served with an agreement that gives each side confidence that its terms are being met by the other side, and cannot easily be reversed.

Congress should permit the President the flexibility to make these reductions. Current law prevents any reductions in our nuclear delivery systems below the needlessly high START I level. President Bush and President Putin are essentially moving toward a START IV, but Congress is keeping us at a START I, Cold War level of nuclear forces. Our senior uniformed military and civilian defense leaders have wanted Congress to remove these unnecessary restrictions for years. The Senate has already acted in this year's Defense Authorization bill to remove these restrictions, and I hope the House will accept the Senate position in the conference now underway.

Second, the framework for a new security arrangement set forth by President Bush included the issue of reducing the risk of accidental or unauthorized launch of nuclear missiles. I would hope the two nations will explore a variety of steps that can move us in a more stable direction. There has already been good United States-Russian cooperation on data exchanges on missile launches, and we are improving our work on exchanging early warning data to reduce the risk of a false alert leading to a military crisis or a missile launch. We need to expand our cooperation and make sure that neither side maintains unnecessary and potentially destabilizing nuclear postures or practices. For example, both sides could agree to deactivate nuclear weapon systems that are awaiting dismantlement. As President Bush stated, "the United States should remove as many weapons as possible from high alert, hair-trigger status."

Third, there is also a great need for enhanced and expanded cooperation on reducing the threats of proliferation. There is perhaps no more operationally effective and cost-effective means of reducing proliferation threats than assisting Russia in eliminating its nuclear and chemical weapons. Earlier this year, a task force led by former Senate Majority Leader Howard Baker and former White House Counsel Lloyd Cutler concluded that "the most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home." I hope the two nations can continue to make great progress in this area, since much remains to be done.

Finally, given the current anthrax attacks in the United States and our concerns about other potential biological terrorist attacks, we should be working much more closely with Russian scientists who have great expertise in biological warfare defense. They may be able to help us develop better defenses and vaccines, and also help us with the analysis of current biological threats. There is a unique and timely opportunity for major United States-Russian cooperation in this effort.

In short, I hope that President Bush and President Putin will be bold in their effort not just to bury the Cold War, but to forge a new alliance or a mutual security agreement against the terrorist menace that threatens both our nations and the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW): Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 515, which the clerk will report.

The legislative clerk read the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, time will be evenly divided until 6 o'clock, and controlled between the chairman and ranking member or their designees.

The Senator from Vermont.

Mr. LEAHY. Madam President, my wife was kind enough to remind me that 27 years ago today I was first elected to this body. I am not quite sure I knew at the time I was first elected what I might be doing here today.

I say to the distinguished Presiding Officer, when I took office, the Senate was comprised of 99 men, with one seat vacant because of a tied race in New Hampshire. Madam President, I must say, both on my feelings as a Vermonter and as a Senator with some seniority, I am delighted to see the changing face of the Senate that the distinguished Presiding Officer, and many others, have brought to it.

We should, of course, have a far better balance of both men and women in this body, just as we have those who range across the political spectrum.

Today we will confirm another judicial nominee—actually our 13th since July 20. Since becoming chairman of the Judiciary Committee, after the delay in Senate reorganization and assignment of Committee members, I have taken seriously the responsibility to fill these vacancies on the federal courts around the country with consensus nominees.

Larry Hicks is another candidate strongly supported by both of his home State Senators. One of his home State Senators is the deputy leader among Democrats, the other a well-respected, strong Republican.

We have confirmed as many court of appeals judges as were confirmed in the entire first year of the Clinton administration in 1993—actually four more than the zero total confirmed by the Senate under other control in all of the 1996 session. We are moving forward.

I think we have hearings on five more judicial nominees this week. Of these nominees, the ABA peer reviews on several were only completed and received last week.

I remind the White House that we still have at least 10 or so nominees who do not have their ABA ratings here, having been nominated on September 10 or thereafter. The consequences of the unilateral changes that the Administration made in March to the procedures that had governed the judicial confirmation process for more than 50 years are still being felt.

Others have not finished their paperwork. We are happy to help the White House with that.

In spite of the special circumstances that have arisen this year, we remain well ahead of the pace for the confirmation of judges during the first year of the first Bush administration and the first year of the Clinton administration.

I wanted to take the floor to thank both Senator REID and Senator ENSIGN for working so closely together to bring us someone with such strong bipartisan support. I also thank Larry Hicks. I think the White House is well intentioned, but he was given poor advice on his paperwork and how to answer the written follow up questions after his hearing. After a quick phone call from Senator REID to him, he immediately faxed a letter to help complete his paperwork—the only thing holding up the nomination. I hope that will be an example to others. It took about a 3-minute phone call and a fax, and we are done. I applaud both Senators for working this out.

I yield the floor.

Mr. REID. Madam President, every Member of the United States Senate should be grateful for the hard work that Chairman LEAHY and the entire Judiciary Committee have exhibited in an effort to move judicial nominations forward as quickly as possible.

Even under the most extraordinary of circumstances, Chairman LEAHY has moved forward in a reasonable and timely fashion.

In the aftermath of the September 11 terrorist attacks, Chairman LEAHY spearheaded legislation through the Judiciary Committee that will provide our law enforcement agencies with the necessary tools to provide homeland security while at the same time protecting our most cherished civil liberties.

The Senate Judiciary Committee and its Members were also forced to endure a lengthy closure of its committee room and office space as a result of the anthrax-laced letter that was sent to Majority Leader TOM DASCHLE's Hart Senate Office.

Yet Chairman LEAHY and the Senate Judiciary Committee persevered.

They even approached the distinguished Chairman of the Senate Appropriations Committee and asked his permission to hold a hearing on judicial nominations in the Committee's historic conference room in the Capitol.

I attended that hearing in support of the nomination of Larry Hicks, of Reno, to be the next Judge on the United States District Court for the District of Nevada.

Larry Hicks is currently a partner in the Reno law firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks.

The Chairman of the litigation section, Larry has been with the firm since 1979.

He has extensive trial court, appellate court and settlement experience, having served as a settlement judge since 1998 for the Nevada Supreme Court.

Larry is also admitted to practice in all State and Federal courts of the State of Nevada, the Circuit Court of Appeals for the Ninth Circuit and the United States Supreme Court.

Prior to his private practice, Larry served the people of Northern Nevada for 11 years in the Office of the Washoe County District Attorney.

In 1975, he was elected District Attorney of Washoe County.

Larry received his undergraduate degree from the University of Nevada in Reno and received his law degree from the University of Colorado School of Law in Boulder.

He has also received numerous awards and recognition from a variety of organizations, including the Nevada State Bar, where he has served on the Board of Governors, and as President, the American Bar Association, the Association of Trial Lawyers of America and the International Association of Gaming Attorneys.

Larry and his wife Marianne have been blessed with a beautiful family. They are the proud parents of three children, Carrie, Amy and Christopher, all of whom are graduates of the University of Nevada in Reno.

He is a fine man, a fine Nevadan, and I am sure that he will be a fine judge.

I would also like to take a moment to commend my friend and colleague from Nevada, Senator JOHN ENSIGN.

Senator ENSIGN and I have discussed every candidate that he has recommended to President Bush, and I fully support his selections.

It has truly been a bipartisan approach with respect to the federal bench in Nevada, and I am so pleased that the Senate will soon vote to confirm Larry Hicks to be the next Judge on the U.S. District Court for the District of Nevada.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN, is recognized.

Mr. ENSIGN. Madam President, let me start by thanking the chairman of the committee for moving this nomination forward. I also thank my fellow Senator, the distinguished Senator from the State of Nevada, for his support in helping to move this nomination forward. This was my first chance as a brand new Senator to have input on one of the most important things we do as Senators, and that is give recommendations to the President on who the Federal judges should be in our home States.

It is my pleasure this day to lend my support to a man of the highest legal and personal distinction, Larry Hicks. A virtually lifelong northern Nevada resident, Mr. Hicks studied business administration at the University of Nevada, Reno. While he left Nevada for a few years to receive his legal education, Nevadans won't hold that against him, as we did not yet have our law school. However, I am proud to say that today Nevadans no longer have to leave their home State to receive a distinguished legal education, for the University of Nevada Las Vegas Boyd School of Law has rapidly become a recognized law school. He has used his legal aptitude to serve his community, his State, and the Nation.

Immediately following graduation from law school, Mr. Hicks went to work for one of Nevada's premier legal minds in the Washoe County District Attorney's Office. Soon, Mr. Hicks was working full time to keep northern Nevada streets safe in his capacity as the chief criminal deputy DA, a position he filled for 3 years before being elected by a substantial margin to the office of district attorney. He held this position for 4 years before entering private practice.

Mr. Hicks has been a partner in one of Nevada's largest law firms for over 20 years and has been chairman of its litigation section for the past 15. He is a fellow in the American College of Trial Lawyers, an organization which admits members by invitation only and is limited to no more than 1 percent of the lawyers in each State.

Mr. Hicks was on the Board of Governors for the State Bar of Nevada for the better part of a decade, during which time he served in many roles, most notably as president during 1993–94. In the legal community, to receive the Presidential nomination to a Federal judgeship is one of the highest honors. Mr. Hicks now has the honor of receiving such a nomination twice. President George H.W. Bush nominated Mr. Hicks to the Federal bench in 1992. Unfortunately, because of things that happened in that political year, his nomination was never acted upon. But today, Larry has the historical distinction of being nominated by that President's son, President George W. Bush.

Mr. Hicks not only takes pride in his work as a fine legal mind but also in his role as a husband and father. His three children have carried on their father's Nevada tradition and received their degrees from his alma mater, the University of Nevada, Reno. In fact, Larry's son Christopher carried on in his father's legal footsteps and attended the University of Nevada's Boyd School of Law.

Madam President, I know his wife Marianne and their children are proud of Larry, and I know Nevada is proud of Larry. Along with the senior Senator from the State of Nevada, HARRY REID, I believe Larry Hicks is someone who will make an outstanding judge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield such time to Senator REID as he may need.

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, first of all, I express my appreciation to my friend from Nevada. Senator ENSIGN is a doctor, not a lawyer but he could have not have picked anyone better than Larry Hicks. Larry Hicks is a fine lawyer. His brother is a lawyer. His brother Bud was my lawyer for a number of years when I was chairman of the Nevada Gaming Commission. He was an outstanding lawyer. They both have great personalities. He will have a fine demeanor from the bench.

Larry Hicks has wanted this job for a long time. He was almost confirmed before, but there was a change in administrations and a change in the makeup of the Senate. Even though he had been cleared by the White House, his name did not come forward. He has waited almost an additional 10 years to be a judge. He will be an outstanding judge. He now works for an outstanding firm. Some of the best lawyers in Nevada are part of the firm to which he belongs—McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks. The State of Nevada and the country will be better for having him serve.

I also appreciate my friend, Senator ENSIGN, running these names past me. I appreciate that very much. He and I have a relationship on judges that I think works well. He has reached out to me. With somebody such as Larry Hicks, it is easy. I could not have chosen anyone better than Larry Hicks myself.

Again, I applaud and commend Senator ENSIGN for this choice.

I ask unanimous consent that all time be yielded back and the vote begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. FRIST), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH), would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 322 Ex.]

YEAS—83

Akaka
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—17

Baucus
Biden
Brownback
Corzine
Frist
Hatch
Jeffords
Kennedy
Kerry
Landrieu
McCain
Miller
Smith (OR)
Torricelli
Voinovich
Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT SECURITY

Mr. DURBIN. Mr. President, I rise as if in morning business to address an issue which has been debated at length on Capitol Hill since September 11.

Since September 11, Americans have been focused on the issue of aviation security. There is no question that the system we used to cross America to that date was deficient. Whether stronger aviation security in our airports and around them might have averted that crisis is frankly unknown. But we all know that if we are going to be serious about limiting the opportunities for violence and terrorism on

America's airlines we have to change the system in our airports.

Knowing that, we have taken a close look at the system of screening at our airports and the security that is available. Historically, the airlines were responsible for security in the airports. They would hire the people who screened the passengers and the baggage. Of course, that system broke down. It broke down to the point that the General Accounting Office did a study and found there was a massive turnover of employees working at screening stations in the airports.

The worst case on record was at St. Louis Lambert Airport. In 1 year, there was over a 400-percent turnover in screening employees. We learned that the people who were working in those positions were being paid slightly more than a minimum wage. They were looking out of the corner of their eye for an opportunity at the local bakery or restaurant in the airport where help might be wanted so they could move up in their career with limited training and limited pay.

As a consequence, we didn't have the kind of security in law enforcement which we should expect, particularly in light of September 11.

In my hometown of Springfield and at many airports that I have gone through in Illinois, some of the people working in the current system could not be more conscientious. They really take their jobs seriously. I want to give them credit where it is due.

But let's be honest. In the major airports and major cities, the people who are attracted to these jobs are not the kind of people you would hire off the street for a law enforcement responsibility. This is clearly law enforcement.

I was happy when the Senate debated this issue and came forward with a bill. That was led by Senator FRITZ HOLLINGS, chairman of the Commerce Committee. It was also supported and cosponsored by his colleague and ranking member, Senator JOHN MCCAIN of Arizona. In a bipartisan fashion, it came to the Senate floor and passed by 100–0. That is rather unprecedented in this Chamber.

It was a unanimous vote to take this workforce in our airports and to say once and for all that we will hire them and train them as law enforcement professionals. They will be under the Federal Government's jurisdiction just as air traffic controllers are today. They will go through background checks. They will be subjected to training that is meaningful. They will be closely supervised by law enforcement experts. They will be held to national standards. That is what the Senate bill did, 100–0.

More than 3 weeks ago, we sent that bill to the House of Representatives, asking them to respond in a timely fashion because of the terrible problems in this industry and because of the fact that some business travelers and families didn't want to get back on airplanes.

Three weeks later, the House finally brought it to a vote at the end of last week.

In the meantime, the House majority whip, Mr. DELAY of Texas, and Mr. ARMEY, the majority leader in the House of Representatives, said they were opposed to the Senate approach.

In the words of Mr. ARMEY: Using the Senate approach will create 30,000 more union members who will work for the Federal Government.

I think that clearly told the story. That vote and that debate wasn't about the merits of the issue. It was, sadly, about politics, and it should not have been.

As a result, when it came up for a vote last week, the Senate version that passed unanimously on a bipartisan fashion was rejected by the House of Representatives by four votes. The alternative that was brought up for passage passed with a substantial margin. Now we are headed to conference.

The difference between the two bills is substantial. The Senate would take this workforce in the airports and hold them to Federal standards and Federal employment and hold them to supervision and training that is uniform across the Nation. The House makes it an option for any administration to decide what they would choose in any given airport.

I believe that was a terrible decision by the House of Representatives. It is one that doesn't reflect the reality of what families are thinking when they go to an airport and go to get on an airplane.

As one clear illustration of why the House approach to aviation security is so bad, I want to tell you what happened at O'Hare International Airport in Chicago on Saturday evening.

A gentleman from Nepal came to the airport. His name is Subash Gurung. He bought a ticket to fly from Chicago to Omaha. He went to board a United Airlines flight and went through the screening station. When he walked through the metal detector, it went off. They searched him and found that he was carrying two knives on his person. They took the knives away, and he left the screening station—after they found him with two knives. He took his bag and went to the gate.

At the gate, United Airlines employees, on a random basis, chose him to look at his bag. When they opened the bag, let me tell you what they found. At the boarding gate, the man who had two knives on his person when he went through the screening vision had in his bag seven other knives, a stun gun, and a can of mace.

This man had gone through security and had been found to be armed with dangerous weapons. His bag had gone through the screening device of the Argenbright firm that is in charge of the security at the airport. All of this was ignored. All of this slipped through. It was only because of that last search at the gate that they found those weapons on this man.

There are those who believe that while looking at this situation we can patch up the security system at American airports. I am not one of them. I don't believe law enforcement should go to the low bidder. I don't think the first line of defense against terrorism should be taken on the cheek. That is what is happening in the current system.

I might add that Argenbright and other firms have changed some of the ways they are doing business. They used to pay these screeners $6.75 an hour at O'Hare. They have now raised that wage to $10 an hour. That is a substantial increase. But they are still not attracting the people we need to protect us and to protect everyone in America.

I am aware of a news story in Chicago that is going to come out with additional information about the breakdown of the private screening companies in terms of the preparation of their employees since September 11. I know of the story because they came to interview me last week. They told me what they found. It is shocking and it is disgraceful.

To think Members of the House of Representatives want us to take this flawed and failing system and say this is the best we can do in America is just plain wrong. The obvious question is, If there are going to be Federal employees at the airport, who is going to pay for them?

Let me suggest who is going to pay for them. The passengers on the airplanes. I don't think it is unreasonable that we would pay an additional $5 as a security fee for a ticket so that we can have professional law enforcement at an airport not only screening passengers but protecting the perimeter around the airport, making certain that once and for all we put a system in place that we can trust.

I ask unanimous consent that these articles from the Chicago Tribune, the Chicago Sun-Times and USA Today dated today, November 5, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. DURBIN. Mr. President, we know that private security contractors at airports can hire quickly. But we also know that with the turnover rates they have, they will have people who will come and go. That is not in the best interest of law enforcement.

In your hometown, you would never delegate the protection of your neighborhood or your city to a contract employee. We bring people on who are public servants, people who are dedicated to law enforcement, who take the job seriously and accept the challenge of that job.

Since September 11, we have seen stories of heroes and heroines across America, and so many times they have been public employees. Those firefighters who walked up the stairs in the World Trade Center, trying to rescue people, giving their lives in the process, were public employees. The men and women in law enforcement on the ground, who lost their lives as they stood at their post trying to help people evacuate, were public employees. Many of the medical rescue workers were public employees. Sadly, the postal employees who died over the last several weeks from the anthrax bioterrorism were public employees.

It is a reminder to all of us that so many of the men and women whom we hold up in admiration and respect time and again for their dedication and courage since September 11 have been public employees.

I think the House approach to this problem is one that will not work. It will not protect America; it will not protect our airports; and it will not return people to our airlines, which we need to do so quickly.

I am going to urge Senator HOLLINGS and all the Senate conferees to stand firm and stand fast on this issue. This is a critically important issue. We need to do this and do it right. To do it in a halfhearted fashion, as the House of Representatives has suggested, is not going to restore the confidence of America's flying public.

It is important for every Member of the Senate to consider the experience at O'Hare on Saturday night, when the current system, which the House of Representatives wants to continue with some modifications and changes here and there, utterly failed and left vulnerable a lot of unsuspecting people who were just getting on an airplane for another flight from Chicago to Omaha. It is an important lesson to be learned.

Mr. President, I yield the floor.

EXHIBIT I

[From the Chicago Tribune, Nov. 5, 2001]

AIRPORT SECURITY: 7 O'HARE SCREENERS SUSPENDED OVER LAPSE

(By Tom McCann and Sean D. Hamill)

Seven O'Hare International Airport security workers were suspended Sunday and are likely to be fired after they let a Chicago man pass through a security checkpoint with seven knives, a stun gun and a can of mace in his carry-on luggage, according to city aviation officials.

The man was eventually stopped and the weapons were found before he was able to board a plane Saturday. But the incident, coming two days after the House rejected a plan adopted by the Senate to federalize airport security workers, in certain to stoke the debate over how to safeguard the nation's airports.

Subash Gurung, 27, a native of Nepal, was arrested about 7:30 p.m. Saturday while waiting to board a United Airlines flight to Omaha, said Chicago Department of Aviation spokeswoman Monique Bond. Airport police said Gurung bought a one-way ticket.

Airline employees discovered the weapons during a final bag check at the gate, Bond said, part of new procedures that several airlines have adopted since the Sept. 11 attacks.

But that was after two folding knives were discovered in Gurung's pocket when he walked through a security checkpoint metal detector, police said. Bond said the knives were confiscated and police were summoned, but Gurung was allowed to continue to his gate.

Meanwhile, his bag went through an X-ray machine, but the security staff did not notice the knives or other weapons, Bond said. A search of the bag wasn't conducted even after the two knives were found, she said.

Bond would not say what led to the later search of Gurung's bag.

"Something obviously went seriously wrong here, and we're trying to find out if it's the employees' fault or the security company's fault," Bond said. "If weapons were confiscated, he should never have been let through security."

The Federal Aviation Administration and Chicago Department of Aviation have both launched investigations into the incident and will consider whether the employees should be fired and whether United should pay a fine.

The suspended workers were all employees of Atlanta-based Argenbright Security Inc., the company that runs United's screening operations at O'Hare. Three veteran employees were working the checkpoint alongside three trainees, said FAA spokeswoman Elizabeth Isham Cory. The employees' supervisor was also suspended.

"We commend all our employees who acted to apprehend this man," said United spokesman Joe Hopkins. "They did an excellent job."

Despite heightened airport security in the aftermath of the attacks, the lapse on Saturday wasn't the first. Last month, a passenger on a Southwest Airlines flight accidentally brought a gun aboard a plane in his briefcase.

Lawmakers agree steps are still needed to improve baggage and passenger screening, but the House and Senate remain divided about how best to achieve that goal.

The Senate has approved a measure that would make security screeners federal employees. The House version adopted Thursday increased federal oversight of the 28,000 screeners, but stopped short of federalizing them.

"If the system can't detect a knife and a stun gun in luggage, then you have to ask yourself whether the people are doing their job right," said U.S. Sen. Dick Durbin (D-Ill.), who supports the Senate bill that gives the Justice Department responsibility for airport security.

"I think the technology works, but you can't pay someone minimum wage and ask them to act as a law enforcement officer on the front line fighting terrorism," said Durbin at a news conference Sunday, in which he also proposed legislation to allow federal agencies to share classified information with local police.

Gurung was charged with three misdemeanor counts of unlawful use of a weapon, attempting to board an aircraft with dangerous weapons and carrying dangerous weapons. A spokeswoman for the Cook County state's attorney's office said the case was still being evaluated and more serious charges could be brought.

Gurung was released early Sunday on $1,000 bail and is scheduled to appear in court Dec. 19. He was questioned by the FBI, who turned him over to Chicago police.

Gurung could not be reached for comment Sunday. In comments to WLS-Ch. 7, he said "It just happened out of accident, in a hurry."

He said he has worked in a warehouse but was presently unemployed.

Gurung recently moved back to Chicago with his brother, Sushil, from Minnesota, said Adam Colfax, superintendent for the apartment building in the 5700 block of North Kenmore Avenue where the Gurung brothers lived until a year ago.

Colfax said Gurung previously lived in an apartment at 1025 W. Hollywood Ave., where Ayub Ali Khan once lived. Khan has been detained by authorities as a material witness in the Sept. 11 attacks but it is unclear whether he knew Gurung.

[From USA Today, Nov. 5, 2001]

WHY RELY ON LOW-BID AIRPORT SAFETY?

(By Paul C. Light)

Now that the House has passed its own airport-security bill, the stage is set for a showdown with the Senate over who gets the 28,000 jobs. The Senate wants federal employees at the baggage machines, while the House wants private contractors.

President Bush also favors private contractors. Only days after he expressed his appreciation to federal employees for "your dedication and integrity, your commitment to excellence and your love of our country," Bush was lobbying hard to prevent passage of a measure that would have set up a new federal workforce of airport screeners.

The Bush administration, facing a civil-service system that is slow on the hiring, weak on the firing, poor on the training and sluggish on the disciplining, believes there is no other choice. As Bush has explained, the House bill provides the "quickest, most effective way to increase aviation security," particularly by ensuring "that security managers can move aggressively to discipline or fire employees who fail to live up to the rigorous new standards."

Bush's support for a contract workforce crystallizes the problems facing the federal civil service. On the one hand, federal employees would almost certainly do a better job at airport security. According to recent surveys of federal and private employees by the Brookings Institution's Center for Public Service, a federal security service would be motivated more by the job's challenge and the public good, and less by pay. Federal employees would be more satisfied with benefits and job security, and therefore less like to leave.

On the other hand, federal workers would be less likely than private employees to get the tools, training and technologies to do their jobs well. They would be hampered by a disciplinary process that their peers believe does little to address poor performance, and would join a workforce that is under-resourced, over-reformed and generally demoralized by a half-century of pay and hiring freezes.

New employees would be joining a federal workforce that is under duress. Three out of five federal workers told the Brookings center that their organizations only sometimes or rarely have the staff needed to perform well. Many believe the past few years of reinventing government made their jobs harder. And the vast majority say the federal hiring system is slow and confusing; a quarter refuse to call it fair.

The question is not whether federal employees often succeed against the odds; they do. Rather, the question is whether the federal government can find a private workforce that can outperform federal employees on anything other than fast hiring and firing.

The answer is mixed at best.

Private airport-security contractors can hire quickly, but they're poor at retaining. From 1998 to 1999, turnover among private contractors at the 19 largest U.S. airports averaged 126%, topped 200% at five and hit 416% at Lambert-St. Louis International.

Private contractors also have trouble complying with existing regulations. Just last year, one of the largest contractors, Argenbright Security, was fined more than $1 million for assigning new employees to its screening check-points in Philadelphia without background checks or an audit system to detect what the U.S. attorney's office called "the astonishing and widespread criminal activities that occurred in this case."

In the best of all worlds, private contractors would hire and supervise federal employees, avoiding an awful civil-service hiring and firing system that hasn't been reformed in decades. But given a choice between the two workforces, federal employees should get the job. No matter how stringent the oversight, airport security is too important to consign to the lowest bidder. That is how the security function fell into disrepair in the first place.

[From the Chicago Sun-Times, Nov. 5, 2001]

COPING WITH NEW TENSIONS

O'HARE ARREST TIED TO TERROR?

(By Susan Dodge)

A Nepalese man arrested at O'Hare Airport over the weekend with several knives, a stun gun and a can of Mace gave police the same home address that belonged to a suspect questioned in the Sept. 11 terrorist hijacking investigation.

But authorities were vague on whether there was any connection between Subash Gurung, who was arrested Saturday night at O'Hare, and Ayub Ali Khan, who is being held as a material witness to the attacks. Khan was one of two men with box cutters taken into federal custody Sept. 12 on a San Antonio-bound Amtrak train.

ABC–7 reported Sunday night that Gurung was being questioned for a second time by FBI officials.

He listed 1025 W. Hollywood, a Chicago apartment building, as his home address. Khan is believed to have lived at the same address for a time, authorities said. Khan, 34, is being held in a federal detention center in New York City.

Seven O'Hare Airport security workers—including a supervisor—who allegedly let Gurung pass through their checkpoint were fired Sunday, Chicago Aviation Department spokeswoman Monique Bond said.

Gurung was within minutes of boarding a United flight to Omaha, Neb., Saturday night when the stunning security breach was detected by airline employees who searched his carry-on bag, where the weapons were located, officials said.

Security officials confiscated two knives at a security check-point, but Gurung made it to the boarding gate with seven other knives, a stun gun and Mace in his carry-on, said Bond.

Police Supt. Terry Hillard and Thomas J. Kneir, head of the local FBI office, spoke about Gurung's arrest but decided they could not charge him with a federal crime "because he didn't board an airplane," said Chicago police spokesman David Bayless.

Gurung was arrested Saturday and charged with three misdemeanors: unlawful use of a weapon, attempting to board an aircraft with a weapon and carrying a dangerous weapon, said Chicago Police Officer Matthew Jackson, a department spokesman.

Exactly how did the 27-year-old Edgewater resident make it through the terminal checkpoint, which supposedly is more secure since the terrorist attacks?

"That's the million-dollar question," Bond said Sunday.

Equally uncertain was why Gurung was allegedly carrying the items.

The Federal Aviation Administration, the city's aviation department and United Airlines all were investigating the security breach.

United gate employees checked Gurung's carry-on bag as a random bag search, part of the airline's enhanced security measures, said United spokesman Joe Hopkins.

Gurung was questioned by the FBI and then released on bond early Sunday, police said. The FBI declined to comment Sunday, referring all questions to police.

Gurung 27, told police that he's unemployed and originally from Nepal. He is scheduled to appear in court Dec. 19.

The breach was the latest by Argenbright Security Inc., which operates the checkpoint for United and has been roundly criticized for lax security and hiring workers with criminal backgrounds.

It came as Congress debated how to tighten airport security. The security lapse bolsters the case for making airport security workers federal employees, who would be higher paid and better trained, Illinois Sen. Dick Durbin said, adding, "You can't do it on the cheap."

But House Republican leaders argue that federalizing the security would expand bureaucracy and make it tougher to fire bad workers. House and Senate officials are expected to come up with compromise legislation on airport security.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISA ENTRY REFORM ACT

Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1267, the Visa Entry Reform Act of 2001. I am pleased to be an original cosponsor and to have contributed to the drafting of this important immigration control measure.

This bill will help America get back control of our borders. Illegal immigration has long been a serious problem in our country. Census data indicates that there are now about 7 or 8 million illegal aliens in the United States, and the problem is getting worse. This is at least double the number of illegals that were here in 1990.

The terrorist attacks of September 11 have demonstrated how dangerous it can be for us to fail to know who is coming into our country. Of the 19 men who apparently hijacked the commercial airliners on September 11, the Director of Immigration and Naturalization Service last month testified that his agency had no record of how some of them came to the United States.

The legislation would create one centralized database of all noncitizens. It would be updated as aliens entered and left the United States through a modern system of quickly swiping a card at border crossings.

Also, the database would be integrated with law enforcement and intelligence information so that all relevant agencies could share and have access to critical data. Morever, all airlines, cruise ships, and cross-border bus lines would have to submit passenger manifests prior to departure so that foreigners could be pre-screened on the database before their arrival.

This bill would help address the rampart problem of document fraud, especially for immigration documents. It would require that all Federal identification and immigration papers, including visas and social security cards, be fraud and tamper-resistant. Using modern technology, immigration documents would have to contain biometric data, such as photographs and fingerprints.

Further, the legislation would impose greater controls on foreigners who are here on student visas. It is noteworthy that, according to media reports, one of the hijackers from September 11 came into this country on a student visa but did not attend classes. This bill would help prevent this problem by requiring schools to report quarterly to the INS on the student's classes and whether he or she had problems with law enforcement during that period. If a foreign student dropped out, or failed to register or attend classes, the school would be required to notify the INS immediately. Further, background checks would have to be conducted prior to visas being issued, and additional background checks could be done when visas were renewed. The increased government costs for the student reforms would be paid in part through increased application fees for foreign students.

Anther important provision would prohibit any visas from being issued for students from terrorist countries. While this is a significant first step, I believe we need to go further in the future and prohibit any visas from being issued to terrorist nations, except for limited refugee and humanitarian reasons.

One provision of the bill that was included at my request requires a General Accounting Office study on returning to annual registration of aliens. Annual registration is needed to determine whether temporary aliens are actually here for the reasons they were authorized to enter, such as attend school. This was a World War II-era program that was essentially abandoned about twenty years ago, although the Attorney General maintains the authority to require any classes or groups to register. I believe this reform could be very beneficial to our security. The terrorism threat we face today is no less serious than the more conventional wars we fought in the past.

I would also like to note a related problem. Increasing penalties for illegal immigration has little meaning if the laws are not followed. In a hearing which I chaired in the last Congress in the Criminal Justice Oversight Subcommittee of the Senate Judiciary Committee, we showed that many criminals, especially illegal aliens at the Southwest Border, are routinely being sentenced far below what the law requires. To control the huge number of cases on the dockets in many border states, many defendants are being sentenced far below the ranges established in the Sentencing Guidelines in exchange for guilty pleas. Often, guilty pleas are for charges much less serious than the government could provide in court.

To address this problem, we need to increase judicial and related resources in these areas. We should increase the number of authorized judgeships at the Southwest Border, which has already been proposed, and the Senate should quickly consider judicial nominations from the President for existing vacancies in these areas. Also, these areas have inconsistent policies, and the Justice Department needs to work with these districts to create consistency. It is critical that we strictly enforce the immigration laws that are already on the books.

We need to do more this year to address the growing threat of illegal immigration. This bill is an important part of that effort, and I encourage my colleagues to support it.

TRIBUTE TO DR. FRED SAALFELD

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision and public service of Dr. Fred Saalfeld who is retiring from the Senior Executive Service, SES, where he serves as Executive Director and Technical Director of the U.S. Navy Office of Naval Research, ONR. It is a privilege for me to recognize the many outstanding achievements he has provided the Office of Naval Research, the Navy, and our great Nation.

In times of adversity and challenge, America has always been blessed with men and women who have stepped forward to fight our battles and serve our country. Dr. Fred Saalfeld is such a man, much like those Founding Fathers who were patriot scientists and dedicated public servants. I wish we had more like him.

The foundation of his professional career was laid at Southeast Missouri State University where he earned a B.S. degree cum laude with majors in Chemistry, Physics and Mathematics in 1957 and was a standout intercollegiate basketball player as well. Fred Saalfeld matriculated to Iowa State University, where he earned his M.S. in 1959 and Ph.D. in 1961, majoring in Physical Chemistry, with minors in Inorganic Chemistry and Mathematics.

Dr. Saalfeld joined the Naval Research Laboratory, NRL, in 1962, where he conducted and directed research in physical chemistry. From 1963 to 1976, he headed the Mass Spectrometry Section and later, the Physical Chemistry Branch. His research led to innovations in atmospheric monitoring and life support now widely used in nuclear submarines, firefighting gear, spacecraft and other equipment using recirculated air. In 1976, he was selected as Superintendent of the NRL Chemistry Division, where he directed programs involving approximately 250 chemists and a $16 million budget. Dr. Saalfeld was selected as Chief Scientist and Scientific Director at the ONR Branch Office in London for the period 1979 to 1980. He returned to NRL from this special assignment. By 1982, he was Associate Director of Research for Material Sciences and Component Technology, involving over 600 scientists and a $90 million budget.

Dr. Saalfeld was appointed Director of ONR's Research Department in 1982 and Associate Director of ONR in 1985. He was responsible for the Navy's $220 million contract research program mostly aimed at basic research in American universities. From 1987 until 1993, Dr. Saalfeld was Director of ONR, responsible for the Navy's basic research and NRL. In 1993, he was appointed Technical Director of ONR and Deputy Chief of Naval Research. The title changed to Executive Director and Technical Director in 1998. As such, Dr. Saalfeld became responsible for the Navy and Marine Corps science and technology program. In effect, Dr. Saalfeld was the Chief Operating Officer of the Office of Naval Research, a "Department of Navy Corporation," including a budget of nearly $2 billion and oversight of three international offices and the renowned national laboratory, the Naval Research Laboratory.

Dr. Saalfeld became a charter member of the Senior Executive Service, SES, under President Carter. President Reagan named him to the Presidential Meritorious Executive Rank in 1986, named to the Presidential Distinguished Executive Rank by President Bush in 1989, and Presidential Distinguished Executive Rank for a second time by President Clinton in 1996.

Dr. Saalfeld has been awarded Department of the Navy Meritorious, Superior and Distinguished Civilian Service Awards, and the Department of Defense Distinguished Civilian Service Award. In addition, Dr. Saalfeld has been recognized with the Captain Robert Dexter Conrad Award, the Navy's highest award for scientific achievement. He has won the Southeast Missouri State University Alumni Merit Award in 1988, been recognized by Washington Technology as one of the area's top technologists in 1989, and selected by the Federal Executive Institute as Federal Executive of the Year in 1991.

During his long and exemplary career, Dr. Saalfeld authored and co-authored more than 500 research papers, reports and presentations. He is active in scientific societies, including the Society for Applied Spectroscopy, the American Society for Mass Spectrometry, and the American Chemical Society. He is a fellow of the American Association for the Advancement of Science, served as Secretary of the American Society for Mass Spectrometry, and served as President of the Chemical Society of Washington.

I could go on and on about the contributions made by Dr. Saalfeld throughout his long and distinguished career. There are almost too many to recount. I have in mind not only his professional, technical and scientific attainments and achievements, but also the courage with which he faces personal challenges, and the easy grace with which he wins friends. For Dr. Fred Saalfeld considers the entire community of military personnel, civilian employees and contractors who serve at ONR headquarters, at the NRL, and ONR offices and facilities throughout the world to be his family. He supported their research, provided opportunities to exercise initiative in diverse scientific fields, and championed their achievements. But most importantly, he has been friend, counselor, and mentor to many hundreds of people in the Navy and scientific communities.

Dr. Saalfeld's most lasting legacy may not be his own discoveries, and may not even those that took place under his direction and supervision, although that record would be a great legacy for any person. His most lasting legacy may be achievements in science and technology that take place in the future, realized by scientists encouraged to serve the Navy and their country by following the example of Dr. Fred Saalfeld. Dr. Saalfeld has spent four decades ensuring our nation and its naval forces have been equipped with technological supremacy to ensure victory over America's enemies. As America enters the 21st Century and faces new and unsettling changes, the scientific discoveries and technological achievements Dr. Saalfeld has nurtured will continue to ensure our strength and freedom.

There are many impressive scientists and leaders in technological innovation in America. It is a feature that keeps America a global leader and a prosperous, secure society. There are few who have dedicated their lives to ensuring that we make necessary investments to guarantee future leadership. Fred Saalfeld is one who has exhibited this dedication. In the university and federal research community, Dr. Saalfeld is a living legend and the "soul of federal research investment."

We in the Senate wish Dr. Saalfeld all the best in his future endeavors, with fair winds and following seas as he sets off to address new challenges and makes even more contributions to this land of liberty. May God continue to bless Fred Saalfeld, his loving wife Liz, and the United States of America.

LEGISLATIVE BRANCH APPROPRIATIONS

Mr. DORGAN. Mr. President, I rise to thank the managers of this bill for including $1.25 million for the Congressional Cemetery in the fiscal year 2002 legislative branch appropriations bill. I particularly want to recognize the good work of Chairman DURBIN and Carrie Apostolou of his staff for their efforts to include funding for repairs and upgrades to the Congressional Cemetery. I also appreciate the assistance I have received from the Architect of the Capitol and the Congressional Cemetery Association as I have worked with my colleagues to secure this funding.

Earlier this year, I spoke on the floor of the Senate about the need for some funding to make some repairs to the Congressional Cemetery east of Capitol Hill. The cemetery has fallen into some disrepair over the years and it is in some ways a rather forlorn place. When I spoke on this issue last April, I asked my colleagues to find the resources to restore dignity to our Congressional Cemetery. I am very pleased that this bill contributes to this effort.

My interest in this funding began after seeing a Library of Congress exhibit on the Congressional Cemetery. In particular, I became interested in learning more about the Native Americans who are buried in that cemetery and through research, I came across the name of Scarlet Crow. Scarlet Crow, a member of the Wahpeton-Sisseton Sioux Tribe, died in Washington, DC, under mysterious circumstances in 1867, and was buried in the Congressional Cemetery.

So I visited the cemetery last spring to locate his tombstone. This visit prompted me to ask my colleagues on the Senate Appropriations Committee for this funding, and I am very pleased with their response.

It is my hope that this funding will honor the memory of Scarlet Crow by restoring dignity to his final resting place. This funding is a tribute to this dedicated Native American, Scarlet Crow, whose life came to such a tragic and untimely end in our Nation's Capital.

HOLD TO H.R. 3211

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have lodged an objection to the Senate proceeding to H.R. 3211 or any other legislation dealing with financial netting contracts inside and outside of bankruptcy. While I support these changes to financial netting, I strongly believe that these changes must be enacted as a part of the comprehensive bankruptcy reform bill. I would hate to see the opponents of bankruptcy reform our financial markets at risk solely to satisfy the ideological objections of some members of Congress.

My advice to those advocates of a netting-only bill is that if they would put as much effort into getting the entire bankruptcy bill passed as they have put into the separate netting bill, the netting provisions would have been law months ago.

ADDITIONAL STATEMENTS

SHOLL'S CAFETERIA

● Mr. CLELAND. Mr. President, I come before you today speaking not simply for myself, but on behalf of the countless thousands of people who have frequented Sholl's Cafeteria in the seventy years since it opened. It is easy enough to use the word "served" when speaking of what almost any restaurant does; when speaking about Sholl's, though, the word takes on a very special and unique meaning.

The history of Sholl's here in Washington is one of community, great food, and a deep caring for all patrons. Aside from established prices that afford nearly everyone an opportunity to enjoy a hot meal, Sholl's also has a policy of never turning away a hungry person. As Sholl's fights against modern economics in hopes of staying alive, it is essential that we rally to help this great institution.

At this time I ask to have printed in the RECORD a letter from Jim McGrath to the Washington Post which I believe helps shed more light on what this establishment means to Washington and its citizens.

The letter follows.

> As the nation mobilizes to combat the insidious foe of terrorism, another drama of a far different kind and scope is playing itself out in downtown Washington—the struggle for survival of Sholl's Cafeteria. Despite heroic sacrifice and Herculean labors by many—most notably its beloved proprietors, George and Van Fleishell—absent a substantial financial remedy, Sholl's will be forced to close its door as soon as Oct. 31.
>
> The Sholl's story could easily get lost amid the tumult of our national preoccupation and suffering in the wake of September 11, but that would be a profound shame, because the cafeteria's story has been one of special triumphs: of old-fashioned, all-American food, wonderfully prepared and wonderfully served; of human pricing, so that nearly anyone can afford to eat there; of multiculturalism, with terrific employees, many there for generations, reflecting every spectrum of the human family; of kindness, with an atmosphere that welcomes everyone. It is a story of the triumph of charity. Sholl's has given away enough free food to feed an army 100 times over. During the past several years, however, Sholl's has suffered from the decline in downtown dining. Its tour-bus trade has eroded because of the weak economy. It has endured bus-unfriendly parking restrictions. It has had to deal with prolonged building renovation and reconstruction while paying a huge rent. It has been put through the economic wringer.
>
> Now another mobilization is needed to save this beloved institution. I am not alone in expressing those sentiments. They have been voiced by many, from the high and the mighty to the mighty humble. They have come from legions of senior citizens, bus loads of squealing kids and homeless people.
>
> On August 10, 1999, for example, the World Bank wrote to the cafeteria's owners: "You are correct to characterize Sholl's as a charitable landmark. It would be a significant loss to our neighborhood if you were to close your doors, particularly for the large number of senior citizens, young kids, disabled and homeless people whom you serve."
>
> On July 8, 1998, U.S. Sen. Max Cleland of Georgia read into the Congressional Record, "Patrons of Sholl's have described members of the Sholl family, who have owned and operated Sholl's over the last 70 years, as having the biggest hearts in Washington."
>
> On March 7, 1999, Mike Kirwan, the late, great apostle to the homeless, said, "The stories I've heard from people on the streets, their quiet moments of dignity, respect, warmth and a full and nourishing meal at the hands of this wonderful cafeteria could fill a book of essays."
>
> Possibly, the one who said it best, though, was a child who, on arrival from Pennsylvania on a school bus, told a WTOP reporter, "If it weren't for Sholl's Cafeteria, we couldn't afford to come to Washington."
>
> The hour is late, and the odds are long. Although some say the time for Sholl's has past, I profoundly disagree, and I hope others do too. Long live Sholl's Cafeteria.●

COMMENDING THE SERVICE OF NORTHEAST-MIDWEST INSTITUTE BOARD MEMBER STEVE ADAMS

● Ms. COLLINS. Mr. President, I rise to commend the service of Steve Adams, who is ending his term on the Board of Directors for the Northeast-Midwest Institute. Steve has offered exceptional service to the Institute, and in the process helped to improve our region's economic development and environmental quality. The Northeast-Midwest Institute provides policy analysis for the bipartisan Northeast-Midwest Senate Coalition, which I co-chair with Senator JACK REED of Rhode Island. Steve Adams, whom I met when he directed the Maine State Planning Office, is now with the Pioneer Institute in Boston. He was formerly a vice president with the Initiative for a Competitive Inner City, debt management assistant in the Office of the Treasurer for the Commonwealth of Massachusetts, and a senior policy analyst with the Massachusetts Taxpayers Foundation.

I want to thank Steve Adams for his leadership on the Northeast-Midwest Institute's Board of Directors. He has provided valued service and helped increase that organization's reputation and effectiveness.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 18, 1993 in Auburn, AL. A gay man allegedly was taunted and beaten at a restaurant. The assailant, Wayne Johnson, was convicted of harassment, fined $100 plus court costs and given a 30-day suspended sentence.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 2, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Under the authority of the order the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 2, 2001.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4511. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the pending accession to the World Trade Organization of the Republic of Vanuatu; to the Committee on Finance.

EC-4512. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the notification of the growth of real gross national product during the third calendar quarter of 2001 indicated that growth was less than 1.0 percent; to the Committee on the Budget.

EC-4513. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Executive Office for Immigration Review; Review of Custody Determinations" (RIN1115-AG41) received on October 31, 2001; to the Committee on the Judiciary.

EC-4514. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Annual Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4515. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2002-03, relative to Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC-4516. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Immigrants Under the Immigration and Nationality Act, As Amended—Issuance of New or Replacement Visas" (22 CFR Part 42) received on October 31, 2001; to the Committee on Foreign Relations.

EC-4517. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Labor Organization Convention Number 183 and Recommendation Number 191 concerning the Revision of the Maternity Protection Convention (Revised), 1952; to the Committee on Foreign Relations.

EC-4518. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4519. A communication from the Senior Regulations Analyst, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Disability in Air Travel" (RIN2105-AC81) received on October 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4520. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Denial of Vessel Transfer to Foreign Registry Upon Revocation of Fishery Endorsement" (RIN2133-AB44) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4521. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mosby, MO; confirmation of effective date" ((RIN2120-AA66)(2001-0164)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4522. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Kalispell, MT" ((RIN2120-AA66)(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4523. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Operational Quality Assurance Program" ((RIN2120-AF04)(2001-0001)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4524. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stafford, VA" ((RIN2120-AA66)(2001-0167)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4525. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sharon, PA" ((RIN2120-AA66)(2001-0166)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4526. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ankeny, IA; direct final rule; request for comments" ((RIN2120-AA66)(2001-0165)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4527. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Clinton, AR; direct final rule; confirmation of effective date" ((RIN2120-AA66)(2001-0170)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4528. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway V-358; TX" ((RIN2120-AA66)(2001-0163)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4529. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pittsburgh, PA" ((RIN2120-AA66)(2001-0168)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4530. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta SpA Model A109E Helicopters" ((RIN2120-AA64)(2001-0537)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4531. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 206L-4 Helicopters" ((RIN2120-AA64)(2001-0536)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4532. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA 365N1, SA 365N2 and SA 366G1 Helicopters" ((RIN2120-AA64)(2001-0535)) received on October 31, 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Mark W. Everson, of Texas, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 1629. A bill to provide farmers with better prices and higher profits through the marketplace; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CARNAHAN (for herself, Mr. GRASSLEY, Mr. LEAHY, Mr. BOND, Mr. HARKIN, Mr. SESSIONS, and Mr. BROWNBACK):

S. 1630. A bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mrs. CLINTON):

S. 1631. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to conduct a study to determine the resources that are needed for development of an effective nationwide communications system for emergency response personnel; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 1632. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance of predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households; to the Committee on Environment and Public Works.

By Ms. COLLINS:

S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS:

S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage , and for other purposes.

S. 895

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1094

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1094, a bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1556

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1556, a bill to establish a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11, 2001.

S. 1600

At the request of Mr. DAYTON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

S. 1627

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAYTON:

S. 1629. A bill to provide farmers with better prices and higher profits through the marketplace; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DAYTON. Mr. President, I rise today to introduce The Farm Income Recovery Act. Its objective is to produce better prices and higher profits through the marketplace. It thus addresses the principal failures of the current farm law, the so-called Freedom to Farm bill which was passed by the Congress in 1996.

Freedom to Farm has, unfortunately, contributed to disastrously low market prices for agricultural commodities. Congress has thus been forced to appropriate disastrously high taxpayer subsidies in order to save American farmers from bankruptcy.

Mr. President, Freedom to Farm was conceived with a laudable goal—to get the Federal Government out of agriculture. Farmers were free to plant whatever crops they chose, and commodities supports were then to be phased out during the life of the legislation. Unfortunately, U.S. domestic farm prices collapsed in the aftermath of Freedom to Farm.

In October 1996, just before the Freedom to Farm legislation began, the price of a bushel of soybeans in Minnesota, my home State, was $6.84. In October of 2001, just last month, the price of that same bushel of soybeans was $4.05. In October of 1996, a bushel of corn brought Minnesota farmers $2.68. In October of 2001, it was only $1.60. The price of a bushel of wheat fell during those same 5 years from $4.27 to $3.

In order to prop up farm income, Federal payments have soared during these 5 years. Last year, total Federal payments for all of agriculture totaled nearly $30 billion—by far, a record high—which almost equaled total net farm income. In other words, without Federal subsidies, there would be no net profit in American agriculture. Clearly, we must find another strategy, and that is the enormous task confronting the Senate Agriculture Committee, on which I am proud to serve.

Our distinguished chairman, Senator HARKIN, and the previous chairman, now our ranking member, Senator LUGAR, have held many worthwhile hearings throughout this year. Just about every farm organization has testified. My colleague from Minnesota, Senator PAUL WELLSTONE, also a member of the Agriculture Committee, and I have held field hearings throughout Minnesota. Additionally, both of us have held many meetings with groups of farmers, producers, and processors throughout our State.

The product of all of the hearings, meetings, and discussions with Minnesota farmers is, for me, this Farm Income Recovery Act. As I said before, its objective is to help produce higher prices in the U.S. domestic commodity markets so that farmers can earn real profits, thus reducing or eliminating the need for Government subsidies. That is the best way to reduce the costs of farm programs—to reduce the need for them. And until we restore market prices to profitable levels, our choice will continue to be between either more subsidies or more bankruptcies.

My Farm Income Recovery Act has four major components. The first is higher loan rates: $3.88 for wheat, $2.40 for corn, $5.36 for a bushel of soybeans, $2.40 for sorghum, $2.40 for barley, $60.65 a hundredweight for cotton, and $8.61 a hundredweight for rice.

Secondly, it targets these higher loan rates, limiting them to certain amounts of production. It does not prevent farmers from producing more and more, but it says that we are going to limit these nonrecourse market loans to certain levels of production, which are set forth in the legislation. If a farmer wants to get bigger, wants to produce more and more of these commodities, he or she is certainly entitled to do so, but then they are on their own. The amount of production above these levels is subject to recourse loans, which have to be repaid with interest to the Federal Government. This means if the producers who want to get larger and larger decide to do so, they are not then going to be dependent upon the taxpayers of America; they are going to be standing on their own.

Third, it establishes commodity reserves in order to help control the supply and, thus, help farmers decide at what prices they want to sell their commodities. It re-establishes a farmer-owned reserve program, which was one of the best features of previous farm legislation and which was one of the unfortunate casualties of the 1996 farm bill.

It establishes a humanitarian food reserve fund through the Federal Government, through which the Federal Government can hold food commodities in reserve for the kinds of humanitarian efforts we see underway today in Afghanistan.

It sets up a renewable energy reserve—which ties in nicely with another important feature of the farm bill which Senator HARKIN has championed over the years and in our discussions of the last few months, alternative and renewable fuels in our country—to really boost the Federal incentives and support for ethanol, soy diesel, another promising biofuel which I have introduced other legislation to promote.

As we encourage the use of these alternative and renewable fuels in our country, we are going to need to hold food commodities in reserve so we can assure consumers that there are going to be sufficient resources. We may reach the day in this country where we have such demand for ethanol and for soy diesel, that we need to go into this Government-held energy reserve in order to generate the additional supplies necessary to meet that demand. Not only would that be good for our oil independence, it would be a great contribution to a cleaner environment. It would boost domestic prices for corn, soybeans, and for other commodities that can be used for either ethanol or soy diesel production in ways that would, again, stimulate our domestic markets and reduce the need for taxpayer subsidies.

Finally, the Farm Income Recovery Act establishes a voluntary program that, in periods of increased supply, will allow the Secretary of Agriculture to raise these loan rates for farmers who voluntarily set aside a certain percentage of their acreage for conservation; thus, in combination with our existing conservation programs, it will encourage better conservation practices by farmers, again, through positive marketplace incentives.

Mr. President, I ask unanimous consent that a summary of my legislation, as well as the actual legislation, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. DEFINITIONS.

Section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) CONSIDERED PLANTED.—The term 'considered planted' means—

(A) any acreage that producers on a farm were prevented from planting to a crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; and

(B) such other acreage as the Secretary considers as fair and equitable";

(1) by striking paragraph (4) and inserting the following:

"(4) CONTRACT ACREAGE: LOAN ACREAGE.—The terms 'contract acreage', and 'loan acreage' mean (at the option of eligible owners or producers on a farm)—

"(A) the total crop acreage bases established for all contract commodities and loan commodities under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) that would have been in effect for the 1996 crop (but for suspension under section 171 (b)(1)); or

"(B) the average number of acres planted and considered planted to all contract commodities and loan commodities, respectively, during the 1996 through 2001 crop years, excluding any crop year in which such commodities were not planted or considered planted, on the farm.";

(2) by striking paragraph (9) and inserting the following:

"(9) FARM PROGRAM PAYMENT YIELD.—The term 'farm program payment yield' means the average yield per planted acre for a crop for a farm for the 1996 through 2001 crop years, excluding any crop year during which—

"(A) producers on the farm were prevented from planting the crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm; or

"(B) the crop was not planted or considered planted on the farm.

SEC. 201. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

AMENDMENT TO THE AGRICULTURAL MARKET TRANSITION ACT.—Title I of the Agricultural Market Transition Act (7 U.S.C. 7201) is amended by inserting after Subtitle H the following new subtitle:

"Subtitle I—Counter-Cyclical Economic Assistance for the 2002 Through 2008 Crops—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

"SEC. 131A. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS.

"(a) NONRECOURSE LOANS AVAILABLE.—For each of the 2002 through 2008 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 132A for the loan commodity.

"ELIGIBLE PRODUCTION.—Any production on a farm of a program participant of a loan commodity shall be eligible for a marketing assistance loan under subsection (a) subject to the limitations established in paragraphs (1), (1)(A), (1)(B) and (2) conditions established in section 202.

"(1) Except as provided in section 202, the producers on a farm shall be eligible for a marketing assistance loan for a quantity of a loan commodity for a crop year under subsection (a) obtained by multiplying—

"(A) the number of acres planted to each loan commodity on the farm; by

"(B) the farm program payment yield for the loan commodity on the farm.

"(2) MAXIMUM NUMBER OF ACRES.—The producers on a farm shall not be eligible for a marketing assistance loan for production on acres planted to loan commodities in excess of the total program crop loan acreage for the farm.

"(b) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with the applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

"(c) ADDITIONAL OUTLAYS PROHIBITED.—The Secretary shall carry out this subtitle in such a manner that there are no additional outlays as a result of the reconstitution of a farm that occurs as a result of the combination of another farm that does not contain eligible cropland covered by a production flexibility contract for the 1996 through 2002 crops.

"(d) OPTION TO PARTICIPATE WITH RESPECT TO 2002 CROP.—Under such terms and conditions as may be prescribed by the Secretary, a producer may terminate the production flexibility contract in effect for the 2002 crop, and thus forgo any right to a contract payment for the 2002 crop, in order to participate in the marketing loan assistance provided under this subtitle for the 2002 crop.

"(e) FULL PLANTING FLEXIBILITY PROVIDED.—Notwithstanding section 118 of Subtitle B, or any other provision of this Act, any commodity or crop may be planted on contract acreage or other acreage on a farm.

"(f) USE OF COMMODITY CERTIFICATES.—Notwithstanding any other provision of law, including section 115 of this Act, the Secretary may not make use of commodity certificates or the commodity loan redemption certificate program for the purposes of this subtitle, or any other purpose.

"SEC. 132A. LOAN RATES FOR MARKETING ASSISTANCE LOANS.

"(g) GENERALLY.—Loan rates for crops eligible for marketing assistance loans under section 131A for any loan commodity, as defined in section 102, to mean wheat, corn, grain sorghum, barley, oats, upland cotton, rice, extra loan staple cotton, and oilseeds, including soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, and other oilseeds, if designated by the Secretary, shall be established in accordance with this section.

"(h) ANNUAL DETERMINATION.—The Secretary shall, for each of the 2002 through 2008 crops, make an annual determination, in accordance with subsections (c) and (d), to establish the national and individual loan rate for each loan commodity.

"(i) NATIONAL AVERAGE LOAN RATE.—The national average commodity marketing loan rate for each loan commodity shall be established at a rate—

(1) after making weighted county loan rate adjustments, that is not less than 80 percent of the three year moving average of the full economic cost of production per unit per planted acre, and annually adjusted for both the percentage change in variable production input expenses, and productivity changes as determined by the Economic Research Service using the best and most recently available data

"(2) for each of the 2002 crops, the national average loan rate is not less than—

"(A) for Wheat: $3.88 per bushel;

"(B) for Corn: $2.40 per bushel;

"(C) for Soybeans: $5.36 per bushel;

"(D) for Upland Cotton: $60.65 per hundredweight;

"(E) for Rice: $8.61 per hundredweight; and

"(3) for the 2002-2011 crops of feed gains and other loan commodities closely related to those identified in paragraph (2), the Secretary shall determine the rate at a level that is fair and reasonable in relation to the rate provided for the closely related commodity.

"(j) For producers of program commodities who exceed the limitations established in Section 202 of this Act, the Secretary shall provide, recourse commodity marketing loans subject to the agreement of eligible producers as a condition for receiving such commodity marketing loans that the producer agrees to repay the Commodity Credit Corporation, on or before the maturity of such loans, the full amount of the loan principal plus any accrued interest on those loans."

"INDIVIDUAL MARKETING LOAN RATES.—The national average commodity marketing loan rates established under subsection (c) shall be adjusted to establish individual marketing loan rates for eligible producers in accordance with the provisions of this subsection.

(1) "PAYMENTS IN LIEU OF LOANS.—For payments under this subtitle taken in lieu of loans, including loan deficiency payments made under section 135A of this subtitle, the Secretary shall develop a similar methodology as described in paragraphs (1) through (3). The methodology shall assume for the purposes of establishing the loan deficiency payment that the marketing loan was actually taken by the producer.".

"SEC. 133A. TERM OF LOANS.

"(a) TERM OF LOANS.—In the case of each loan commodity (other than upland cotton and extra long staple cotton), a marketing assistance loan under section 131A shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

"(b) SPECIAL RULE FOR COTTON.—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

"(c) EXTENSIONS ALLOWED.—The Secretary may extend the term of a marketing assistance loan for any loan commodity for the purpose of establishing or maintaining any of the commodity reserves established under the Agricultural Act of 1949.

"SEC. 134A. REPAYMENT OF LOANS.

"(d) REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.—The Secretary shall permit a producer to repay a non-recourse marketing assistance loan under section 131A for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

"(2) a rate that the Secretary determines, consistent with the policies and purposes of section 110A of the Agricultural Act of 1949, will—

"(A) minimize potential loan forfeitures;

"(B) minimize the accumulation of stocks of the commodity by the Federal Government;

"(C) minimize the cost incurred by the Federal Government in storing the commodity; and

"(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

"(e) REPAYMENT RATES FOR UPLAND COTTON AND RICE.—The Secretary shall permit producers to repay a non-recourse marketing assistance loan under section 131A for upland cotton and rice at a rate that is the lesser of—

"(1) the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary); or

"(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

"(f) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132A, plus interest (as determined by the Secretary).

"(g) PREVAILING WORLD MARKET PRICE.—For purposes of this section, the Secretary shall prescribe by regulation—

"(1) a formula to determine the prevailing world market price for each commodity, adjusted to United States quality and location;

"(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity;

"(3) further adjustments to the prevailing world market price for upland cotton, as described in subsection (e) of section 134 of this Act.

"SEC. 135A. LOAN DEFICIENCY PAYMENTS.

"(a) Availability of Loan Deficiency Payments.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a non-recourse marketing assistance loan under section 131A with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this section.

"(b) Computation.—A loan deficiency payment under this section shall be computed by multiplying—

"(1) the loan payment rate determined under subsection (c) for the loan commodity; by

"(2) the quantity of the loan commodity that the producers on a farm are eligible to place under the non-recourse commodity marketing loan but for which the producers forgo obtaining the loan in return for payments under this section.

"(c) Loan Payment Rate.—For purposes of this section, the loan payment rate shall be the amount by which—

"(1) the loan rate established under section 132A for the loan commodity; exceeds

"(2) the rate at which a loan for the commodity may be repaid under section 134A.

"(d) Exception for Extra Long Staple Cotton.—This section shall not apply with respect to extra long staple cotton.".

SEC. 202. PROGRAM TARGETING.

(a) Applicability of Payment Limitations.—Except as provided in subsections (b-d), the provisions of sections 1001 through 1001C of the Food Security Act of 1985, as amended, shall be applicable to contract payments made under this Act for the 2002 crops.

(b) Single Attribution.—The Food Security Act of 1985 is amended by adding after section 1001E, the following section—

"(b) Single Entity.—Notwithstanding any other provision of this Act, the limitations on payments provided in Sections 1001 through 1001C shall apply to a single farming or ranching entity. Payments to a single farming entity shall not exceed the payment limitations provided under this Act, the Agricultural Act of 1949, or any other law.

"(c) Use of Tax Identification Number.—The Secretary shall promulgate regulations to ensure that the payment limitations of this title are enforced through a single attribution rule. Payments to a single farming or ranching entity, as described or identified by employer tax identification number, shall not exceed the applicable payment limitation amount. Notwithstanding any other provision of law, such regulations issued by the Secretary shall eliminate the multiple or three-entity allowance.

"(d) Partnerships and Related Entities.—With respect to partnerships and related entities which are not organized as sole-proprietorships, benefits available under the marketing loan provisions of Subtitle I of the Agricultural Act of 1949 shall be allocated according to the share of production and market risk assumed by each member of the entity.".

(c) Limitation on Eligibility of Other Entities.—No individual, organization or institution with annual gross income in excess of $2 million shall be eligible for commodity marketing loan program benefits if agricultural production does not account for at least 75% of that entity's annual gross income.

(d) Limitation on Eligibility for Non-Recourse Commodity Marketing Assistance Loans.—Notwithstanding any other provisions of sections 1001 through 1001C of the Food Security Act of 1985 and subject to the provisions contained in Section 202, subsections (a) through (d) of this act, the Secretary shall establish a maximum number of commodity production units for each program crop per individual producer that are eligible for non-recourse commodity marketing assistance loans.

(e) In fulfilling the requirements of subsection (d), the Secretary shall ensure producer flexibility to determine which crops and the percentage volume of those crops on which the producer may receive program benefits, except that in no instance shall a producer be entitled to receive benefits on a volume of production that exceeds one hundred percent of the production for an individual crop or the sum of percentages of the maximum eligible volume of production from two or more eligible crops.

(f) The quantity limitations established by the Secretary shall not be more than ten percent greater or ten percent less than the quantities for each crop described in subsection (a).

(a) Wheat—125,000 bushels, Corn—225,000 bushels, Sorghum—225,000 bushels, Barley—225,000 bushels, Oats—250,000 bushels, Rice—75,000 hundredweight, Upland Cotton—10,500 hundredweight, Extra Long Staple Cotton—12,500 hundredweight, Soybeans—100,000 bushels, Minor Oilseeds—60,000 hundredweight.

SEC. 203. COMMODITY RESERVES.

Amendment to the Agricultural Act of 1949.—Title I of the Agricultural Act of 1949 is amended by adding after section 110 the following new section:

"(g) Sec. 110A. Commodity Reserves.

Farmer Owned Production Loss Reserve.—

"(1) Purpose.—It is the purpose of this subsection to create a farmer owned reserve to provide—

"(A) stocks to be released to the marketplace when prices rise to appropriate levels; and

"(B) a reserve that may be utilized to provide additional production assurance and economic support to supplement the Federal Crop Insurance Program, and for other purposes.

"(2) Establishment.—The Secretary shall establish and administer a farmer-owned and farmer-stored reserve program under which producers of agricultural commodities will be able to—

"(A) store agricultural commodities when those commodities are in abundant supply;

"(B) extend the time period for the orderly marketing of the commodities;

"(C) provide for adequate carry over stocks to ensure a reliable supply of commodities;

"(D) replace lost production or declines in crop yields for agricultural producers that participate in the Federal Crop Insurance Program; and

"(E) such other purposes which will assist farmers bear the economic uncertainty of agricultural production, or provide for the orderly marketing of agricultural commodities.

"(3) Name.—The agricultural commodity reserve established under this subsection shall be known as the "Farmer Owned Production Loss Reserve".

"(4) Reserve open.—The reserve shall initially be open to all agricultural producers to enter up to 20 percent of average annual individual production of crops determined eligible by the Secretary. Additional amounts may be accepted up to the maximum allowable national level established under paragraph (9). No individual may enter more than 20 percent of average annual production of the commodity.

"(5) Equitable participation.—The Secretary shall ensure that equitable participation opportunities are provided to all eligible producers within the limited scope of the reserve program authorized by this subsection.

"(6) Price support loans and direct entry.—In carrying out this section, the Secretary shall provide both—

"(A) for direct entry into the reserve; and

"(B) extended price support loans, and loan discounts, for agricultural commodities. An extended loan shall be made to a producer after the expiration of the original 9-month price support loan, and the loan shall be extended at no less favorable terms than the current rate of support for the commodity.

"(7) Production losses.—

"(A) Generally.—The Secretary shall administer a program to utilize the commodity reserve authorized by this subsection to allow agricultural producers that participate in the Federal Crop Insurance Program to—

"(i) under certain conditions, redeem and market reserve commodities at a discount to the entry level price; and

"(ii) use stocks in the reserve to offset a portion of actual insurable production losses not indemnified through multi-peril or other buy-up crop insurance policies.

"(B) Loan repayments.—Under the program authorized by this paragraph, the Secretary shall discount the repayment amount of the loan or extended loan if the actual production of the commodity on the farm for any crop year, as provided in paragraph (C), is less than the actual production history established for the farm. The amount of this discount shall be determined by the Secretary after considering anticipated payments from the Federal Crop Insurance program, costs of production, and other factors in order to provide support to the producer for the full value of lost crop or reduced yield.

"(C) Replacement for production.—The Secretary shall utilize the reserve to fully replace lost production for a producer when actual production yields for the commodity for the crop year on the farm is less than 95 percent of the actual production history established for the farm.

"(D) Limitation.—At no time may the reserve be utilized to assist any producer in excess of 20 percent of individual annual production.

"(8) Storage payments.—The Secretary shall also provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

"(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

"(C) not be less than comparable commercial rates, except as provided by paragraph (B).

"(9) Quantity of commodities in program.—The Secretary shall establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved. In no event may the reserve exceed 20 percent of the average annual production of the agricultural commodity.

"(10) Discretionary exit.—A producer may repay a loan extended under this section at any time.

"(h) HUMANITARIAN FOOD ASSISTANCE RESERVE.

"(1) PURPOSES.—It is the purpose of this subsection to create a food reserve that will—

"(A) ensure the capacity of the United States to fulfill its current and future commitments for humanitarian nutrition assistance programs;

"(B) support the International School Lunch Program which will seek to prevent hunger and malnourishment and improve educational opportunities among the estimated 300 million needy school children around the world; and

"(C) for other purposes to meet domestic and international humanitarian food relief needs, and to establish and maintain a food reserve to enable the United States to meet its emergency food assistance needs.

"(2) ESTABLISHMENT.—The Secretary is authorized to establish and administer a government-owned and farmer-stored reserve program under which producers of agricultural commodities will be able to—

"(A) sell agricultural commodities authorized by the Secretary into the reserve; and

"(B) store such agricultural commodities.

"(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the "Humanitarian Food Assistance Reserve".

"(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

"(A) such commodities are in abundant supply; and

"(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

"(C) it is otherwise necessary to fulfill the needs and purposes of the domestic and international nutrition assistance programs administered or assisted by the Secretary.

"(5) LIMITATION.—Purchases under this subsection shall be limited to amounts of agricultural commodities needed to fill one-year estimated needs and commitments of the nutrition programs supported by the reserve. Otherwise, the Secretary may establish maximum quantities of commodities in such reasonable amounts as will enable the purposes of the program to be achieved.

"(6) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

"(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers that wish to store agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

"(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

"(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

"(8) QUANTITY OF COMMODITIES IN PROGRAM.—The Secretary may establish maximum quantities of commodities that may receive loans and storage payments under this subsection in such reasonable amounts as will enable the purposes of the program to be achieved.

"(9) MANAGEMENT OF COMMODITIES.—Whenever fungible commodities are stored under this subsection, the Secretary may buy and sell at an equivalent price, allowing for customary location and grade differentials, substantially equivalent quantities of commodities in different locations or warehouses to the extent needed to handle, rotate, distribute, and locate the commodities that the Commodity Credit Corporation own or controls. The Secretary shall make purchases to offset such sales within a reasonable time, and shall make public full disclosure of such transitions.

"(i) RENEWABLE ENERGY RESERVE.

"(1) PURPOSES.—It is the purpose of this subsection to create a reserve of agricultural commodities to—

"(A) provide feedstocks to support and further the production of the renewable energy; and

"(B) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

"(2) ESTABLISHMENT.—The Secretary is authorized to establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

"(A) sell agricultural commodities authorized by the Secretary into the reserve; and

"(B) store such agricultural commodities.

"(3) NAME.—The agricultural commodity reserve established under this subsection shall be known as the "Renewable Energy Reserve".

"(4) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

"(A) such commodities are in abundant supply; and

"(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

"(C) it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

"(5) LIMITATION.—Purchases under this subsection shall be limited to—

"(A) the type and quantities of agricultural commodities necessary to provide approximately one-year's estimated utilization for renewable energy purposes;

"(B) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

"(C) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

"(6) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

"(7) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this subsection. Storage payments shall—

"(A) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(B) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

"(C) not be less than comparable local commercial rates, except as may be provided by paragraph (B).

"(j) COMMODITY CREDIT CORPORATION.—The Secretary shall use the Commodity Credit Corporation, to fulfill the purposes of this subsection. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this subsection, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.".

SEC. 204. DISCRETIONARY INVENTORY MANAGEMENT AND PROGRAM COST-CONTAINMENT.

(a) SHORT TITLE.—This section may be cited as the "Discretionary Inventory Management, Program Cost-Containment, and Fiscal Responsibility Act of 2001".

(b) AMENDMENTS TO THE FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT.—Subtitle F of title I of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7201) is amended by—

(1) striking out the subtitle heading and inserting the following new heading—

"Subtitle F—Permanent Authorities

"Chapter 1—Price Support; and

(2) by adding at the end the following new chapter—

"Chapter 2—Discretionary Inventory Management and Program Cost-Containment

"SEC. 173. DISCRETIONARY INVENTORY MANAGEMENT AUTHORITY.

"(a) GENERALLY.—Notwithstanding any other provision of this Act, or the Agricultural Act of 1949, the Secretary may establish a voluntary inventory management program for loan commodities under the provisions of this section. Such program shall be established on a whole farm basis and shall include total program crop acreage for the farm.

"(b) INCENTIVES OFFERED.—The Secretary may offer incentives, as defined in subsection (f), to agricultural producers of loan commodities that agree to forgo production on a specified percentage of the acreage planted to eligible commodities. The production management program may be announced when the Secretary determines that the estimated total supply of loan commodities for the next crop year, in the absence of such a program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(c) ACREAGE DEFINED.—Inventory management acreage must be acreage that either—

"(1) has previously been under a production flexibility contract, or

"(2) was previously planted an eligible loan commodities for at least three of the last five years.

"(d) CONSERVATION USES.—Inventory management acreage shall be devoted to approved conservation and wildlife uses, as defined by the Secretary. Adequate safeguards from weeds, and wind, soil, and water erosion must be provided.

"(e) ACREAGE OPTIONS.—If announced, the inventory management program shall offer the producer a range of acreage participation options. Under such a program, the Secretary shall offer producers the option to set-aside 5 percent, 10 percent, 15 percent, or 20 percent of total commodity acreage. Total program acreage shall include applicable inventory management acres from the previous crop year.

"(f) INCENTIVE DEFINED..—

"(1) The incentive offered by the Secretary for agreement to forgo production on a specified percentage of loan commodity production acres shall be an increase in the marketing loan rates for eligible commodities for the individual producer in an amount that is equal to one half of the percentage of the percentage inventory management or acreage option selected under subsection (e).

"(2) The increase in the marketing loan rate for an individual producer, shall be as follows—if the inventory management acreage is—

"(A) 5 percent, then the marketing loan rate shall be increased by 2.5 percent.

"(B) 10 percent, then the marketing loan rate shall be increased by 5 percent.

"(C) 15 percent, then the marketing loan rate shall be increased by 7.5 percent, and

"(D) 20 percent, then the marketing loan rate shall be increased by 10 percent.

"(g) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

CROSS COMPLIANCE AND OFFSETTING COMPLIANCE.—The Secretary shall require that compliance on a farm with the terms and conditions of any other commodity, conservation, or any other program is required as a condition of eligibility for inventory management incentives provided under authority of this section.".

THE FARM INCOME RECOVERY ACT

BETTER PRICES AND HIGHER PROFITS THROUGH THE MARKETPLACE

Since the commodity market collapse in the late 1990's, farmers in Minnesota and the rest of the country have learned a hard lesson: the 1996 "Freedom to Farm" Act lacks an adequate safety net for farmers struggling with severe price fluctuations. As a result, year after year, the Federal Government has been forced to pass billions of dollars in emergency funding, barely enough to allow many of these farmers to survive.

We cannot continue this pattern—it is hurting our farmers, and its is fiscally irresponsible, costing taxpayers close to $33 billion in emergency assistance over the past five years.

The goal of the Farm Income Recovery Act is to raise market prices for farmers, with the added benefit of reducing the cost of the taxpayer. It provides farmers with a secure safety net that can offset severe price fluctuations and can help manage uncertainties in the marketplace by boosting marketing assistance loan rates. It creates a sound reserve program, allowing producers to store their commodities when they are in abundant supply, so market prices do not continue to spiral downward. And it is counter cyclical, so it kicks in to help farmers when prices are low, but phases out when prices increase.

BOOSTING MARKETING ASSISTANCE LOAN RATES

The Farm Income Recovery Act boosts marketing loan rates, establishing an equitable, counter cyclical assistance program based on costs of production.

Instead of basing loan rate calculations on an arbitrary snapshot of community prices in a given year, the bill directs the Secretary of Agriculture to establish marketing loan rates at not less than 80 percent of the economic cost of production, allowing loans rate to adjust annually to changes in both producer input costs and productivity.

The loan rates in the Farm Income Recovery Act are far more equitable than current rates, as well as the rates proposed in the Farm Bill passed by the House of Representatives and even those being suggested by the Senate Agriculture Committee:

Crop and unit	Current loan rate	Farm Income Recovery Act	House passed	Senate Ag committee[1]
Wheat (bushel)	$2.58	$3.88	$2.24–2.58	2.94
Corn (bushel)	1.89	2.40	1.64–1.89	2.05
Sorghum (bushel)	1.71	2.40	1.44–1.89	1.98
Barley (bushel)	1.65	2.40	1.40–1.65	1.98
Soybeans (bushel)	5.26	5.36	4.06–4.92	5.20
Upland Cotton (Cwt)	51.92	60.65	51.92	54.50
Rice (Cwt)	6.50	8.61	6.50	6.90

[1] As of 10/31/01.

To discourage overproduction, the Farm Income Recovery Act directs the Secretary to establish limits on the crop amounts for which individual producers can receive nonrecourse marketing loans. This limit is calculated by multiplying a producer's 1996–2001 crop years average acreage base by the 1996–2001 crop years average yield base.

TARGETING HELP TOWARD FAMILY FARMERS

The Farm Income Recovery Act is designed to target its benefits to family farmers by limiting the amount of a crop for which farmers can receive nonrecourse loans. Production that exceeds limits would be eligible for recourse loans, which must be paid back, with interest, to the Federal Government: Wheat, 125,000 bushels; Corn, 225,000 bushels; Sorghum, 225,000 bushels; Barley, 225,000 bushels; Oats, 250,000 bushels; Soybeans, 100,000 bushels; Rice, 75,000 hundredweight; Upland Cotton, 10,500 hundredweight; Extra Long Staple Cotton, 12,500 hundredweight; and Minor Oilseeds, 60,000 hundredweight.

The targeting provision also prohibits program participation by anyone whose annual gross income exceeds $2 million of which agricultural production accounts for less than 75 percent.

USING COMMODITY RESERVES TO ACHIEVE POLICY OBJECTIVES

In the past, commodity reserves languished in Government stockpiles unless high prices triggered their release into the market—which would often result in depressed prices.

Under the Farm Income Recovery Act, commodity reserves would not enter the free market, where they could have a depressive effect on prices; instead, they would be used exclusively to achieve other policy objectives as follows:

The Farmer-Owned Production Loss Reserve allows producers to store a specified amount (up to 20 percent of their annual production) of program commodities when they are in abundant supply, and supplements the Federal Crop Insurance Program by providing additional risk protection to producers who suffer production losses.

The Humanitarian Food Assistance Reserve allows the Federal Government to purchase, store, and utilize commodities to ensure the capacity of the United States to fulfill current and future humanitarian nutrition assistance commitments and stimulate economic development in the neediest parts of the world. The quantity that may be purchased by the government for the reserve is limited to approximately one-year's estimated commitments. Some examples of humanitarian programs that may benefit from this reserve are the Food for Peace Program, United Nation's World Food Programs, and the proposed McGovern/Dole Food for Education Program.

The Renewable Energy Reserve allows the Federal Government to purchase, store, and utilize commodities such as corn and soybeans that are used to create renewable fuels like ethanol and biodiesel when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases. The quantity that may be purchased by the government for the reserve is limited to approximately one-year's estimated utilization for renewable energy purposes.

COST CONTAINMENT THROUGH CONSERVATION

In times of overproduction, the Farm Income Recovery Act authorizes the Secretary of Agriculture to establish a voluntary program that would further increase loan rates for producers who voluntarily set aside a percentage of their acreage for conservation as follows:

Acreage set aside	Percent increase of loan rate
5 percent	2.5
10 percent	5
15 percent	7.5
20 percent	10

COST ESTIMATE

The Congressional Budget Office is currently calculating a cost estimate for the Farm Income Recover Act. However, the Agricultural Policy Analysis Center at the University of Tennessee has estimated the 10-year cost of a very similar program at about $50 billion over current expenditure levels for the next 10-year budget cycle. By comparison, the House Farm Bill's Commodity Title, which covers comparable issues, has been scored at $48.8 billion.

Mr. DAYTON. In summary, this legislation, which was developed in close consultation with the National Farmers Union and the Minnesota Farmers Union, really bears the imprint of the farmers in Minnesota, with whom I have consulted over the last several months—really over the last 20 years. It accomplishes what farmer after farmer in Minnesota has told me that he or she is searching for, and that is a farm program that encourages market prices to levels where farmers can make a profit in the marketplace.

I come from a business family, and I know you don't stay in business if you cannot earn a profit for what you produce and sell. Unfortunately, the ability and the opportunity to earn a profit is what has been taken away from farmers in Minnesota and across this country.

I am humbled by the fact that for 60 years Members of this body, from both sides of the aisle, have endeavored to create a Federal agricultural policy that would best serve the interests of Minnesota and other American farmers. Sometimes they have succeeded in doing so; sometimes their efforts have fallen short.

I do not know if this legislation provides the right answer for all the farmers across this country, but I do know it is a step in a better direction from what we have today. It is a step toward higher prices in the marketplace; it is a step toward lower taxpayer subsidies; it is a step toward putting agriculture in this country back on its own economic feet so it is not dependent on Government programs and not dependent on every decision we make in Washington to dictate what the next course of action will be.

I look forward to working with colleagues on this legislation.

By Ms. COLLINS:

S. 1633. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of land in the north to the small woodlots of the south, forest land helps shape the character of our entire State. While our commitment to stewardship has preserved the forest for generations, there is a new threat to Maine's forest that requires a new approach.

The threat is suburban sprawl, which has already consumed tens-of-thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land. The problem is particularly acute here in southern Maine where a 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the "sprawl capital of the Northeast."

I am alarmed by the amount of working forest land and open space that has given way to strip malls and cul-de-sacs. Our State is trying to respond to this challenge. The people of Maine have approved a $50-million bond to preserve land through the Land for Maine's Future Board, and continue to use scarce local funds and contribute their time and money to preserve important lands and to support our State's 88 land trusts.

The people of Maine are forging a new approach to preserving our working forest and protecting our communities from sprawl. It is time for the Federal Government to support these efforts.

Today I am introducing the Suburban and Community Forestry and Open Space Initiative Act. The legislation, which was drafted with the advice of land owners, conservation groups, and community planners, establishes a $50-million grant program within the U.S. Forest Service to support locally-driven projects that preserve working forests. State and local governments, as well as nonprofit organizations, would compete for funds to purchase land or conservation easements to keep forest lands, threatened by development, in their traditional use.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. The legislation requires that Federal grant funds be matched dollar-for-dollar with State, local, or private resources. The grant program will help promote sustainable forestry and public access to forest lands. My legislation protects the rights of property owners with the inclusion of a "willing-seller" provision and it allows non-profits, States, and municipalities—but not the Federal Government—to hold title to land or easements purchased under the program.

The $50 million that would be authorized by my bill would help achieve a number of stewardship objectives. First, my legislation would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most important industry. Second, the resources made available as part of my legislation would be a valuable tool in communities that are struggling to manage growth and prevent sprawl. Currently, if the town of Gorham, ME or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decision-making at the State and local level.

We can all be proud of the work being done in Maine to protect our working forests for the next generation, and I am grateful that many of the people and organizations that are leading this effort are supporting my legislation. By enacting the Suburban and Community Forestry and Open Space Initiative Act Congress can provide a real boost to conservation initiatives, help preserve sprawl, and help sustain the vitality of natural resource-based industries.

By Ms. COLLINS:

S. 1634. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce The Imported Food Safety Act of 2001. Food safety has been a serious public health concern in America for some time, but our awareness of the vulnerability of our food supply has been heightened since September 11.

I have long been concerned about the adequacy of our Nation's imported food supply system. In 1998, in my capacity as chairman of the Permanent Subcommittee on Investigations, I began an in-depth 16 month investigation into the safety of food imports. This investigation revealed much about the government's flawed food safety net. Regrettably, in the intervening three years, little has changed, and now we must acknowledge that those systemic shortcomings can also be used by those who wish to perpetrate acts of bioterrorism.

As part of the investigation, I requested the GAO to evaluate the federal government's efforts to ensure the safety of imported foods. In its April 1998 report, the GAO concluded that "federal efforts to ensure the safety of imported foods are inconsistent and unreliable." Just last month, the GAO reiterated that conclusion in testimony before the Senate's Subcommittee on Oversight of Government Management.

During five days of Subcommittee hearings, we heard testimony from 29 witnesses, including scientists, industry and consumer representatives, government officials, the General Accounting Office, and two persons with first-hand knowledge of the seamier side of the imported food industry, a convicted Customs broker and a convicted former FDA inspector.

Let me briefly recount some of the Subcommittee's findings which make it clear why this legislation is so urgently needed: weaknesses in FDA import controls, specifically the ability of importers to control food shipments from the port to the point of distribution, make the system vulnerable to fraud and deception and clearly to a terrorist attack; the bonds required to be posted by importers who violate food safety laws are so low that they are considered by some unscrupulous importers as the cost of doing business; maintaining the food safety net for imported food is an increasingly complex task, made more complicated by previously unknown foodborne pathogens, like Cyclospora, that are difficult to detect; our recent experience with anthrax has taught us that there is much more public health officials need to know to ensure the safety of our food; because some imported food can be contaminated by substances that cannot be detected by visual inspection, grant programs need to be established that will encourage the rapid development of food safety monitoring sensors that are capable of detecting chemical and biological contaminants; since contamination of imported food can occur at many different places from the farm to the table, the ability to trace outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his Administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. And the Secretary of Health and Human Services, Tommy Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate's Governmental Affairs Committee, and testified about the Federal Government's efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported foods, as vulnerable areas that require further strengthening. Similarly, at a recent hearing before the Health, Education, Labor, and Pensions Committee, public health experts were unanimous in expressing concern about the vulnerability of our food.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than one percent of all imported food shipments that arrive in our country. Those shipments are sent from countries around the world, most of whom wish us no harm. Yet, because of the hard lessons we have had to learn since September 11, we must be more vigilant about protecting ourselves. It is vital that we take the necessary steps to close the loopholes that unscrupulous shippers have used in the past and that bioterrorists could exploit now.

I first became concerned about the safety of the U.S. food supply in 1998 when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illnesses that sickened thousands of Americans. Regrettably, those type of outbreaks are far too common. The Centers for Disease Control and Prevention, CDC, estimate that 76 million cases of foodborne illnesses occur each year. Fortunately, the majority of these incidents are mild and cause symptoms for only a day or two. Less fortunately, the CDC also estimates that over 325,000 hospitalizations and 5,000 deaths result from those 76 million cases. And as astonishingly high as those numbers are, they are estimates, and the truth may be even more deadly.

It was because of my concern that I began the Subcommittee's investigation of the adequacy of our country's imported food safety system. During the Subcommittee's hearings, the testimony I heard was troubling. The United States Customs Service told us of one particularly egregious situation. It involves contaminated fish and illustrates the challenges facing federal regulators who are charged with ensuring the safety of our Nation's food supply.

In 1996, Federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, Salmonella, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by Federal authorities. Alarmingly, in fact, it had arrived at our border two years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for two years before attempting to bring it into the country again, by a different route.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose we should be thankful that the perpetrators were caught in this case. After all, the unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Custom's bond, which some importers now consider no more than a "cost of doing business," does little to deter unscrupulous importers from trying to slip tainted fish that is two years old past overworked Customs agents.

It is imperative that Congress provide our Federal agencies with the direction, resources, and authority necessary to protect our food supply from acts of bioterrorism and to keep unsafe, unsanitary food out of the United States.

I have worked with the FDA, the Customs Service, and the CDC to ensure that my legislation corrects many of the vulnerabilities that have been identified in our imported food safety system. Let me describe what this bill is designed to accomplish.

My legislation will fill the existing gaps in the food import system and provide the FDA with stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. My bill would authorize FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences, and is likely without systemic changes to cause disease again.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of "port-shopping," and would require that boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill also would require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill would give "teeth" to the current food import system by establishing two strong deterrents, the threats of higher bonds and of debarment, for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's "bad actors" be able to profit from endangering the health of American consumers.

Finally, my bill would authorize the CDC to award grants to state and local public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants would also be available for universities, non-profit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We are truly fortunate that the American food supply is one of the safest in the world. But our system for safeguarding our people from imported food that has been tainted, either intentionally or inadvertently, is flawed.

Finally, I am very pleased to also be working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply and public health. I believe that the measures provided for in my Imported Food Safety Act of 2001, and the bipartisan bioterrorism bill, will significantly reduce the threat to our country. I hope that we will pass both pieces of legislation this year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2088. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2088. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table; as follows.

On page 47, line 19, strike the closing quotation marks and the second period.

On page 47, between lines 19 and 20, insert the following:

"SEC. 1403. ALLOCATION OF RESOURCES

"In carrying out this title, the Secretary of Transportation shall ensure that not less than $2,000,000 in loans and loan guarantees under section 1401, and not less than $6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(k)(8)) during each of the fiscal years 2002 through 2006.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on November 6, 7, and 8, 2001, in SR–328A at 8:30 a.m. The purpose of these business meetings will be to continue discussion on the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, November 14, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

Those wishing to submit written testimony for the hearing record should e-mail it to *Sam*_Fowler@Energy.Senate.Gov or fax it to 202–224–9026.

For further information, please call Sam Fowler on 202/224–7571.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, November 14, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to *shelley*_brown@energy.senate.gov or fax it to 202–224–4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, November 5, 2001, at approximately 6:15 p.m., following the first vote of the day, for a business meeting to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1586, and the measure then be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that the previous order regarding the convening hour of the Senate, on Tuesday, November 6, be changed to 2:15 p.m.; that there be 15 minutes of debate equally divided between Senators DASCHLE and LOTT or their designees in relation to the Daschle-Kennedy collective bargaining amendment to the Labor-HHS Appropriations Act prior to a 2:30 p.m. cloture vote on the amendment; further, that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, as a reminder, notwithstanding the convening hour of the Senate on Tuesday, second-degree amendments to the Daschle-Kennedy amendment must be filed prior to 1 p.m.

I say to those within the sound of my voice, both parties will still have their usual Tuesday caucuses from 12:30 p.m. to 2:15 p.m. There is a lot of other Senate business that can be conducted prior to the 2:30 vote.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, with the exception that Senator NICKLES be allowed to speak for up to 12 minutes and the Senator from Tennessee, Mr. THOMPSON, be allowed to speak for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank the Chair and my colleague, Senator REID, for his cooperation.

THE DASCHLE-KENNEDY AMENDMENT TO LABOR-HHS APPROPRIATIONS

Mr. NICKLES. Madam President, tomorrow, at 2:30 p.m., the Senate will vote on the Daschle-Kennedy amendment which deals with collective bargaining for municipal employees. I say "municipal employees," meaning public safety employees in the States.

I used to be a State legislator. I was in the State senate for 2 years. We dealt with collective bargaining in my State. Almost every State has dealt with that issue. Some States prohibit collective bargaining for police, firefighters, sheriffs, and emergency personnel. Most States allow it.

But I am looking at the legislation that Senator KENNEDY and Senator DASCHLE are trying to put on the Labor-HHS appropriations bill, and they go a lot further than most of the States.

Then I think, wait a minute; one, we are not supposed to legislate on appropriations bills. We passed a rule, Senate rule XVI, saying we are not going to legislate on appropriations bills. This is clearly legislation on an appropriations bill. It is brand new legislation creating a new title. It says this title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001." It is brandnew legislation. It is dealing with collective bargaining on public safety employees. It does not belong on this bill. It has been reported out of the Labor Committee.

Senator DASCHLE is the majority leader. He can call it up at any time. It should not be on an appropriations bill. I checked the parliamentary procedures, and I was told the Parliamentarian would say there is underlying language in the House bill, so maybe it would be germane, and therefore we would have a vote on germaneness. In other words, it is OK to legislate on this appropriations bill. I do not agree with the result, but, anyway, the net result is, we are talking about legislating on dealing with collective bargaining that almost all the States do. Why are we doing it on the Federal level?

I read the Constitution and the 10th amendment to the constitution says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Why is the Federal Government getting ready to do something that it has never done? We are going to take over what the States and what the cities have done. We are going to dictate collective bargaining rights; there is a whole series of rights. I do not disagree with any of them particularly; I just think it should be done by the State, not by the Federal Government.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States' laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal statute. It should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

There is language in this bill that most States are not aware of and most individual Senators, who may have said they would support this amendment, are not aware of. There is requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

I will tell you, as State legislators, we fought for a long time on whether we would have binding arbitration. This amendment is basically saying you have to have something like binding arbitration. Wow. I wonder if people are aware of that.

My point is, this amendment that we are going to be voting on, the Kennedy-Daschle amendment, dealing with public safety, employer-employee relations, is not a Federal issue. It has never been a Federal issue. Yet some people are trying to make it that. And they didn't do a very good job legislating.

I mention that they dictate a lot of things that a lot of States do not have. They affect a lot of individuals who have never been in collective bargaining.

They go to very small cities. Somebody says: We exempt those small cities. Yes, a population of less than 5,000. That is way too small. Oh, yes, we will exempt employee groups if they have 25 people or less.

Wait a minute. The Federal Government is going to now get involved in employer-employee negotiations on units in small towns with a population that is greater than 5,000 people? Or if they have 26 or more employees, we are going to dictate: Here are your collective bargaining procedures? And, yes, there is a new Federal agency that is going to dictate the rules for negotiating contracts for elections. We are going to make that a Federal issue?

There is no reason to do it. There are lots of reasons not to do it.

I urge my colleagues to look at these letters. I will ask to have them printed in the RECORD.

I will read part of the letter from The United States Conference of Mayors:

> However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

The National Volunteer Fire Council:

> The National Volunteer Fire Council is a non-profit membership association representing the more than 800,000 of America's volunteer fire, EMS, and rescue services.

They are not exempt in this bill. As a matter of fact, the unions that this bill purportedly is trying to help do not really care for volunteers. As a matter of fact, people who join their union cannot be a volunteer. Lots of small communities have volunteer firefighters, volunteer police organizations, sheriff volunteers. The volunteers—I will just read from the letter—are very opposed to this amendment. Part of the letter says:

> As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. . . .
>
> Currently, the International Association of Fire Fighters Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters.

The National Volunteer Fire Council believes these provisions are a violation of first amendment rights: "Once again, we urge you to oppose the Daschle amendment unless language is inserted to" exempt volunteers.

For my colleagues' information, if cloture is invoked, we are going to have a lot of amendments to fix this language. It should not be in here. I have already stated that this is legislation on an appropriations bill. This is the right jurisdiction for the States, not the Federal Government. If we are going to legislate, we are going to do it right. So we are going to have a lot of amendments. I am aware of the fact that Senator SPECTER kept offering amendments that were going to be hotly debated and contested and take a long time.

If cloture is invoked tomorrow, then we are going to have a lot of amendments. I think having an exemption that says 25 or fewer is way too small. I am going to have an amendment to increase that. I think the exemption for communities being as small as 5,000 is way too low. So I am going to have an amendment to increase that. I am going to have an amendment, along with Senator GRAMM, making sure people are not coerced into joining the union. Nobody should be compelled to do that. Some might say: Wait a minute; why is that a Federal issue? It should not be, but this bill tries to turn it into a Federal issue.

We are also going to have an amendment to make sure people are not compelled to pay dues. If they want to, that is great; I have no objection to that. We want to have an amendment making sure volunteers are exempt. We should not discourage volunteers, but that is the net impact of this legislation. This legislation doesn't belong on this bill. The States have legislative bodies. Let them decide. They have done it. Already two States have said, no, they don't believe in collective bargaining for public service employees. Those States are North Carolina and Virginia. The volunteers, the firefighters, and safety employees of Virginia did an outstanding job. So whether they are union or nonunion, they did a great job. I compliment all of the relief workers. We had relief workers from Oklahoma in New York, and they were union and nonunion.

This amendment should not be on this bill. We should allow the States, as the Constitution provides in the 10th amendment, to dictate this policy. It should not be resolved on the Federal side. But if it is, we are going to have to have several amendments on the Kennedy-Daschle amendment to improve it substantially, to exempt volunteers and smaller communities, and a greater number of people and allow people the freedom to join unions and/or the freedom not to pay dues.

I urge my colleagues, let's not preempt States, tell the States we know better with one quickly drawn amendment that does not belong here, and that we are going to superimpose our will on the States. Many of them have wrestled with collective bargaining for their cities and counties. I would venture to say most sheriffs departments are not unionized in most States. Under this bill, they would be encouraged to do so. I don't think that is our job. Let the States decide that. And the same goes for emergency workers, ambulance workers, and so on. If they want to unionize, let the States wrestle with that issue. We should not be making those decisions. Allow the States to decide what groups should have collective bargaining rights, how far the rights should go, and whether they should have binding arbitration or other remedies as provided for in this bill.

I don't think this bill is right. I think it should be preserved to the States. I encourage people, if you want to unionize, do it under State laws. Almost all States allow collective bargaining but not in the same manner as dictated in the amendment proposed by Senators DASCHLE and KENNEDY.

Finally, this side has shown some restraint on nongermane amendments to the underlying bill. I urge our majority leader, Senator KENNEDY, and others to show restraint as well and hopefully withdraw this amendment. If not, I urge my colleagues to vote no on cloture tomorrow at 2:30.

I ask unanimous consent to have the letters I have referred to printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNITED STATES CONFERENCE OF MAYORS,
Washington, DC, November 5, 2001.
Hon. DON NICKLES,
Assistant Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The United States Conference of Mayors opposes Amendment 2044 to the Labor-Health and Human Services-Education Appropriations bill.

It is our position that this measure, if passed, would be a preemption of local authority and would impose an unfunded mandate on a large number of our nation's cities. While the costs may not be evident at first glance, they would be significant in that time-tested working personnel systems would have to be significantly modified.

No one can dispute the valuable contribution our public safety forces make daily, especially after their outstanding work in the wake of the September 11 attacks on our Nation where their contributions received deservedly high level attention. However, the federal government should not impose collective bargaining procedures and practices on those local governments that have chosen over time to develop alternative methods for the management of the human resource and personnel administration needs.

On behalf of The U.S. Conference of Mayors, I thank you for your assistance on this important matter. If you have any questions, please contact Ed Somers or Roger Dahl with the Conference staff at (202) 297-7330.

Sincerely,
J. THOMAS COCHRAN,
Executive Director.

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, October 31, 2001.
Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the more than 800,000 members of America's volunteer fire, EMS, and rescue services. Organized in 1976, the NVFC serves as the voice of America's volunteer fire personnel in over 28,000 departments across the country. On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of Public Safety Employer-Employee Cooperation Act (S. 952/H.R. 1475) to the Labor-HHS-Education Appropriations Bill (H.R. 3061).

As you know, firefighters, 75% of which are volunteers, are our nation's first responders to all types of emergencies. Most volunteer departments serve small, rural communities and are quite often the only line of defense in those communities. The brave men and women of these departments, who risk their lives in the name of public service, save local taxpayers an estimated $36 billion per year.

Currently, the International Association of Fire Fighters (IAFF) Constitution includes a provision prohibiting its members from becoming volunteer firefighters or advocating that other members become volunteer firefighters. We have found that in some collective bargaining negotiations in the past, local unions have incorporated similar provisions in their agreements with their local governments. As such, a union may prevent its firefighters from serving as volunteers and a union may negotiate for a provision in a collective bargaining agreement preventing all firefighters working for the employer from serving as volunteer firefighters. The NVFC feels that these types of provisions are a violation of First Amendment rights.

One of the largest problems faced by America's volunteer fire service is recruitment and retention. Even though fire department call volumes continue to increase, the number of volunteer firefighters has declined over 10% since 1983. Major factors contributing to the decline include increased fundraising and time demands, more rigorous training standards, and the proliferation of two-income families whose members don't have the time to volunteer. Therefore, any legislation that may lead to the prohibition of volunteerism is contrary to the interests of the volunteer fire service and must be opposed by the NVFC and its membership.

Once again, we urge you to oppose the Daschle amendment unless language is inserted to explicitly protect a person's right to serve as a public safety volunteer. If you have any questions, please contact Craig Sharman, NVFC's Government Affairs Representative, at (202) 887-5700. We appreciate your continued support of America's volunteer fire service.

Sincerely,
PHILIP C. STITTLEBURG,
Chairman.

NATIONAL RIGHT TO WORK COMMITTEE,
Springfield, VA, November 1, 2001.

DEAR SENATOR: On behalf of the 2.2 million members of the National Right to Work Committee, I am writing you today to request your full-fledged opposition to the deceptively titled "Public Safety Employer-Employee Cooperation Act" (S. 952, now masquerading as Amendment 2044, to the Labor/HHS Appropriations bill H.R. 3061, pending on the Senate floor).

Senator, if enacted, this language would represent the most far-reaching expansion of union officials' power to corral workers into unions in decades.

S. 952/Admt. 2044 is a dangerous, freedom-crushing bill that must be stopped.

It is designed to install union officials as the "exclusive" bargaining agents of police, firefighters, county paramedics and other public-safety officers in all 50 states.

It would by federal fiat force public-safety officers, including many who have chosen not to be union members, to accept union officials as their "exclusive" negotiators in employment contract talks.

Effectively, Organized Labor thus obtains a monopoly over employees' participation in the bargaining process.

Twenty-seven states have so far either refused completely to grant union officials monopoly power over public-safety employment, or have acquiesced to a more limited form of "exclusive" bargaining than is mandated by S. 952/Admt. 2044.

If this bill is enacted, hundreds of thousands of police, firemen and paramedics will be stripped of their freedom to negotiate on their own behalf.

And the personal safety of millions will be jeopardized as a result of these employees' loss of freedom.

One predictable result of enactment of S. 952/Admt. 2044 would be the decimation of volunteer firefighter departments currently protecting countless communities that cannot afford to hire enough professional firefighters to meet their needs.

The constitution of the International Association of Firefighters union (IAFF/AFL-CIO) bars its 245,000 members from becoming volunteer firemen.

IAFF officials who are already empowered by state law to act as "exclusive" bargaining agents for taxpayer-funded firemen regularly demand and obtain contract provisions barring these firemen from volunteering on their own time.

The fact is, 75% of all firemen are volunteers.

And more than half of these volunteers are professional firemen who offer their spare time to help their communities, saving local taxpayers an estimated $37 billion annually.

Such unselfish professional firemen, who are already trained and experienced, are the backbone of volunteer units.

Enactment of S. 952/Admt. 2044 would ultimately force volunteer departments across the country to disband or to operate while severely understaffed.

This bill merits no consideration by Congress, especially at a time when communities of all sizes must face the possibility of having to rescue victims of terrorist attacks.

And the grave harm S. 952/Admt. 2044 would inflict on volunteer fire departments is only the tip of the iceberg.

State and local taxpayers could expect to be hit up for hundreds of millions of dollars just to pay for the direct costs of the "exclusive" bargaining process.

And the bill would predictably inspire a spate of illegal, dangerous police and firefighter strikes.

States adopting laws mandating public-sector "exclusive" bargaining endure, on average, four times as many strikes against vital public services once the law takes effect, according to the Public Service Research Council of Vienna, VA.

Legal provisions allegedly intended to ban strikes have proven useless.

Union officials simply refuse to call off illegal strikes against vital services until they win amnesty for having broken the law.

If S. 952/Admt. 2044 is adopted, its so-called "no-strike" provisions are sure to prove equally useless.

Senator, by promptly taking a clear public stand against this Amendment language, you can strongly discourage union lobbyists from delaying congressional action on truly important national issues in order to get it to your desk.

I'm sure you agree with me that Congress's focus over the next year should be on protecting Americans' lives and liberty, and not on expanding forced unionism.

That's why I hope you will oppose the Daschle Amendment, Admt. 2044 to the Labor/HHS Appropriations bill.

If you have any questions abut this measure, please call me or Mark Mix, the Right to Work Committee's Senior Vice President for Legislation, at 703-321-9820.

Sincerely,

REED LARSON.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 31, 2001.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: The National League of Cities is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services-Education Appropriations bill. We believe that this measure should not be included as an authorizing provision in the spending bill. Furthermore, several state municipal leagues strongly believe that this amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights, without the need for federal intervention.

The National League of Cities applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NLC's *National Municipal Policy* does not support this approach through Amendment No. 2044.

NLC believes that the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NLC opposes Amendment No. 2044.

Thank you for your consideration of the National League of Cities' position on this matter.

Sincerely,

DON BORUT,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Denver, CO, November 5, 2001.

Reference: Amendment No. 2044 to the Labor/HHS Appropriations bill (H.R. 3061).

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. TED STEVENS,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS BYRD AND STEVENS: The National Conference of State Legislatures is writing in opposition to Amendment No. 2044 to H.R. 3061, the Labor-Health and Human Services and Education Appropriations bill. The amendment would federalize a critical area of labor law best left to state and local governments. We believe that this measure should not be included as an authorizing provision to the spending bill. This amendment would preempt state and local authority, where many state laws sufficiently cover collective bargaining rights.

The National Conference of State Legislatures applauds the heroism of firefighters and all public safety personnel, especially in the wake of the September 11 terrorist attacks on America. However, NCSL reminds Congress that absent a compelling reason for preemption, abandoning a commitment to balance in the state-federal partnership is uncalled for and shortsighted.

NCSL believes that the federal government should not undermine state and municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions. The federal government should not mandate collective bargaining rights, legalize strikes, or require compulsory binding arbitration. In view of the labor protections provided by state laws, labor agreements, city government civil service systems and municipal personnel procedures, NCSL opposes Amendment No. 2044.

Thank you for your consideration of the National Conference of State Legislatures' position on this matter.

Sincerely,

WILLIAM T. POUND,
Executive Director.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 12 minutes.

Mr. THOMPSON. Madam President, the Daschle amendment is simply another amendment in the long tradition of amendment after amendment basically federalizing things that have been under the purview of State and local government for many years. Usually, we choose a politically opportune moment to do this; we give lipservice all the time to the concept of federalism. We have tort reform debates, where it comes up many times in many different ways, and many proponents of the Daschle amendment and I have joined together in pointing out that we should be slow to federalize things that have been under the purview of State law for 200 years.

We give lipservice to the fact that State and local governments are closer to the people and the Federal Government doesn't have the solution to all problems. All the time, while we are giving lipservice, we are slowly, bit by bit, amendment by amendment, passing things that go against the entire concept of federalism.

Those who are promoting this amendment a short time ago, during the Patients' Bill of Rights debate, were taking the position that State liability law should apply; that State courts should be the ones to determine State liability. Federalism was a good thing back then. Federalism was a good thing when we considered issues on tort reform. But now we have an amendment that basically federalizes and preempts State and local laws regarding the unionization of public safety officers.

It seems that some of us want to be Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Sundays. So we have this amendment before us, and it is an amendment that is a significant intrusion on the rights of States to set their own rules. As we know, the National Labor Relations Act applies to unionism in the private sector employment. No Federal statute regarding unionism applies to State and local Government employees. It has always been within the purview of States and local communities to create laws governing the employment of police officers and firefighters.

The Daschle amendment would be an unprecedented expansion of Federal authority at the expense of State and local communities. It basically gives Federal labor relations the authority and the power to determine whether or not a State's laws are up to par. If they determine that the State's laws are not up to par or in compliance with Federal standards, the Federal Labor Relations Authority will establish collective bargaining standards that will apply to the States.

Madam President, this amendment would require changes to the laws of over half the States in the Nation—the laws that they have been administering all this time. Two States have passed laws that explicitly prohibit public safety unions. We are all familiar with the debates we have concerning whether or not it is a good idea for people in certain public professions to unionize, whether or not we are more likely to be faced with strikes and things of that nature which go against the public welfare. Different States have reached different conclusions as to whether or not this is a good idea, whether or not it is a good idea to allow them to unionize. Of course, that is what States do. They do different things, depending on what the people in the States want.

Many other States, including my home State, are silent on the issue of union rights of public officials, which allows counties, cities, and other local communities to determine whether or not they will allow unions to collectively bargain with them or not.

In my view, this is exactly where these decisions should be made. Surely, questions about hiring decisions and the qualifications of the people who provide services that safeguard the community should be made by the people who live in those communities.

I have received letters from a dozen communities in Tennessee from Fayetteville to Johnson City, Smyrna, Germantown, and many others. Many of those letters were sent by police departments expressing their concern over the adverse impact of this legislation on their communities.

No one can doubt the tremendous service that is provided by our firefighters and police officers. They put their lives on the line every day to ensure our safety. But this amendment is not a fitting response to that service. It is not a fitting response to subvert the basic relationship between the States and the Federal Government or the local communities and the Federal Government. It is not a fitting response to fundamentally alter a system that has been established and has served us well for 200 years.

This amendment essentially writes State laws for States and requires the States to pass them or have the Federal Government apply their own standard. It is not the place of the Federal Government to make decisions that are closely tied to the needs of traditional responsibilities of States and local communities.

This amendment is an unwarranted intrusion on self-government. I urge my colleagues to oppose it.

I yield the floor.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:15 p.m. tomorrow.

Thereupon, the Senate, at 7:11 p.m., adjourned until Tuesday, November 6, 2001, at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROSZNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHRYN SHAW.

PEACE CORPS

JOSEPHINE K. OLSEN, OF MARYLAND, TO BE DEPUTY DIRECTORS OF THE PEACE CORPS, VICE CHARLES R. BAQUET III, RESIGNED.

DEPARTMENT OF EDUCATION

JACK MARTIN, OF MICHIGAN, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE DONALD RAPPAPORT, RESIGNED.

CONFIRMATION

Executive Nomination Confirmed by the Senate November 5, 2001:

THE JUDICIARY

LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

EXTENSIONS OF REMARKS

TRIBUTE TO MASTER SERGEANT DAVID VAZQUEZ

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Master Sergeant David Vazquez, a decorated Veteran, retired from the United States Marine Corps after 22 years of service. The ceremony to acknowledge this Marine's retirement and to celebrate his accomplishments occurred November 1, 2001 in Willow Grove, Pennsylvania.

Master Sergeant David Vazquez was born in Sabana Grande, Puerto Rico on March 29, 1959. An already well-traveled young Marine, he married his lovely wife, Viviana, seventeen years ago. MSgt and Mrs. Vazquez have two children. Vashty and Daviana. Mr. Speaker, military families develop the ability to make a home anywhere in the world and the Vazquez family is no exception. They have made a home to a host of nations, including Madagascar, Brazil and Japan.

MSgt. Vazquez attended boot camp at the notorious Parris Island in South Carolina and from there was assigned to First Marine Division at Camp Pendleton, California. Following a tour overseas, he served as a Marine Security Guard in Mouroubia, Liberia, The Hague in Holland, and Saint George, Granada. MSgt. Vazquez shifted his MOS (Military Operational Specialty) to Aviation Electrician for CH 46 helicopters. This new MOS got him an assignment in Kaneohe Bay, Hawaii. After an assignment in San Diego, California, MSgt. Vazquez was sent to the Persian Gulf to serve in operations Desert Shield and Desert Storm. Upon return from the Persian Gulf, the Vazquez family embarked on some more world-traveling before settling down in Willow Grove, Pennsylvania where it looks like they may have made their last home.

Mr. Speaker, MSgt. Vazquez will not retire from the United States Marines without having left his mark. His sharp-shooting skills won him a record of 247 bull's-eye shots out of 250 and allowed him to shoot a perfect score in the Marine Security Course. MSgt. Vazquez also holds the record for the highest number of sit-ups done by any member of the Armed Forces. This Marine astonished everyone when he completed 2101 sit-ups in 58 minutes.

He was runner-up for Drill Instructor of the year in 1989 and part of the winning Detachment of the Year while serving in Anavanario, Madasgascar. MSgt. Vazquez's accomplishments throughout his 22 years of service go on and on. He is the epitome of a Marine; valiant, noble, and dedicated to going beyond the call of duty.

I ask all of my colleagues to join me in thanking MSgt. Vazquez for his 22 years of service to our country and in congratulating him on his much-deserved retirement.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes:

Mr. WYNN. Mr. Chairman, I rise to oppose H.R. 3150, the Secure Transportation for America Act, and express my strong support for the Democratic alternative.

Today, we face a critical choice in aviation security—private profit versus public safety. Private airport security firms failed the American people on September 11th and continue to fail to provide adequate security for our nation's airports. For instance, on Tuesday October 23rd, a 68-year-old man departing from the New Orleans airport was able to carry a gun onto an airplane without setting off alarms. Similarly, in late September, a 63-year-old man made it through a checkpoint with a pistol in his pocket. This is unacceptable!

Private airport security companies are concerned with profits. They have cut corners and hired the least qualified workers as cost-saving measures. Subsequently, private firms have failed to conduct background checks and have hired felons. In the face of this crisis, we do not have the time, nor the luxury, of "monitoring" a failed private system.

Some argue that we should follow the "effective" European model of airport security that consists of private contractors. Our system has more than 400 airports and requires 20–30,000 screeners. In contrast, a typical European country has only three or four airports with no uniform security standards from country to country. Moreover, people who argue that the European system works well are wrong. Reports indicate that last month, a nine-inch knife, a sharp metal nail file, and even a 12-inch knitting needle bypassed security and were taken on British Airways flights.

Similarly, people argue that we should follow the Israeli model of airport security, which consists mainly of public security and some private security. The Israeli model, however, is effective because nearly all of its security personnel, public and private, served in the Israeli Defense Force and are well oriented and trained in security issues. In contrast, our general workforce proportionally does not contain as many workers with rich security backgrounds.

Nearly all, 82 percent, favor the federalization of airport security, while at the same time, the United States Senate voted 100–0 to federalize airport security. The choice before us is obvious—federalize the workers.

Our economy is failing in large part because people are not flying. People are not flying because they are not confident in our airport security. And, people are not confident in our airport security because of significant security lapses on and since September 11th.

Americans understand that in order to fully restore consumer confidence in air travel, we must restore consumer confidence in the security system that protects them. Today, we face a critical decision. We must opt for a public system that works. Federalize our nation's airport security and protect the American people.

MORICS LAUDED BY LOCAL BUSINESS GROUP

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. KLECZKA. Mr. Speaker, on November 12, 2001 the Milwaukee South Side Business Club will honor Wally Morics as its "Man of the Year."

W. Martin "Wally" Morics was born in Hanau, Germany. At the age of four, he immigrated with his parents to Chicago. He spent his childhood there, and attended Northwestern University as an undergrad and later earned his masters degree in business administration from the University of Michigan.

Wally started his professional career with the large Public Accounting firm of Peat, Marwick, Mitchell & Company. He worked there for several years until he was lured away by the Rocky Mountains of Colorado and an opportunity to work at small "hometown" firm. During his time in Colorado, Wally discovered his reckless side, and purchased a Formula Ford that he raced competitively. His racing career was short-lived however, as he eventually totaled the car in an accident.

An ad for a vacancy in the Milwaukee Office of Deputy Comptroller lured Wally and his family back to the Midwest in 1976. He served as Deputy Comptroller under James McCann for sixteen years. McCann's retirement in 1992 opened up the opportunity for Wally to run for Comptroller, and he is currently serving his third term.

In addition to his elected service, Wally's dedication to the community is evident through his service on *many* boards and committees. These include, the International Arts Festival, the Milwaukee Economic Development Corporation, The Milwaukee World Festivals/Summerfest Board, St. Anthony Foundation and the Southside Business Club, just to name a few.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Wally has distinguished himself as a leader in the community, as well as a leader and expert in the professional community. He is frequently asked to speak at national conferences on topics ranging from municipal debt financing to investments for pension systems. He is also a regular guest on WISN radio's "Money Sense." Wally has been married to his wife Cathy for over 32 years.

I am pleased to join with the South Side Business Club of Milwaukee in honoring my friend, Wally Morics, as their Man of the Year for 2001.

TRIBUTE TO THE HON. GERALD B.H. SOLOMON

SPEECH OF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. DUNCAN. Mr. Speaker, Jerry Solomon was a great American. I think those of us who had the privilege to serve with him in the Congress know that he would consider this one of the finest compliments he could receive.

He loved this Country. He was a Marine and proud of it. He was a patriot in the very best sense of that word.

He was a loyal Republican who fought hard for the things he believed in. But he also had as many friends on the other side of the aisle as anyone in the House.

I always called him my Leader, because I respected him so much that I always watched to see how he voted and then usually followed his lead.

This Nation is a better place because of Jerry Solomon. He was one of the finest men I have ever known, and I want, in this small way, to express my great appreciation for his service and my heartfelt condolences to his family.

TRIBUTE TO THE HON. GERALD B.H. SOLOMON

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. BURTON of Indiana. Mr. Speaker, on Friday, October 26th, my good friend Jerry Solomon passed away after suffering congestive heart failure. What a great loss for this institution and for the constituents he once served.

Jerry was a Member of this Chamber for 10 terms serving from 1979–1999. Ask anyone who served with him, and they will remember him as an outspoken and tenacious advocate for his views and constituents.

I knew Jerry well and he was second to none in this Chamber. In losing Jerry, we lost a tremendous patriot and committed public servant. He was often referred to by his fellow colleagues as "the Pit Bull of the House."

And, although he enjoyed his work in Washington and in the International arena, he always said his greatest enjoyment came from successfully helping people back home in his district cope with problems they had with the Federal bureaucracy.

He was very proud of the often repeated comments on the streets back in his district that "you may not always agree with Jerry Solomon, but you sure as hell know where he stands on the issues." His commuting back home every weekend catapulted him to reelection usually by overwhelming 3–1 margins during his ten terms in Congress.

Jerry Solomon also devoted more than fifty years of his life in active involvement with the Boy Scouts of America, having been a Cub Scout, Boy Scout, scoutmaster, and serving as an advisor to numerous scout councils.

In support of the scouting movement he also founded the Gerald B.H. Solomon Freedom Foundation as a not-for-profit charitable organization whose goals are to preserve and promote freedom and democracy and to specifically provide college scholarships to high school students who attain Boy and Girl Scout's highest awards. He was recently honored by Twin Rivers Council Boy Scouts of America where he received the James E. West "Good Scout Award" for almost six decades of service to scouting.

During his Congressional career, which spanned 20 years serving in the House of Representatives, Jerry devoted most of his time to the issues of veterans, senior citizens, foreign policy, national defense, the war on drugs, and the budget.

During the 1980's, Jerry was one of thirteen House members that served on President Ronald Reagan's group of congressional advisors and floor generals for foreign policy, national defense and budgetary initiatives.

As a veteran member of the Foreign Affairs Committee, a Committee on which I also served, and as chairman of the National Defense Task Force, Jerry Solomon was instrumental in helping to develop President Reagan's "Peace Through Strength" policies that helped bring down the Soviet Union.

During President Reagan's tenure, he appointed Jerry Solomon to serve in dual capacities as Ambassador Delegate to the United Nations and Congressional Advisor to the U.N. Session on Disarmament.

Starting in 1980, Jerry served for 18 years as the Republican representative to the North Atlantic Assembly, the political arm of NATO. He also served as chairman of the U.S. House of Representatives NATO Observer Group, responsible for promoting the enlargement of NATO.

After the break-up of the Soviet Union, Jerry co-chaired the Task Force on Developing Parliamentary Institutions where he helped establish libraries and computer communications systems for twenty-one former communist countries like Poland, Hungary, the Czech Republic, and the Baltics.

Jerry Solomon recently parlayed his vast knowledge and years of experience into a book, "NATO in the Twenty-First Century."

During his entire Congressional career, Congressman Solomon, Jerry to all his friends and colleagues, was recognized as one of the most fiscally conservative members of Congress, fighting deficit spending, long before it became fashionable, forcing his own balanced budget onto the floor of the House of Representatives. He also authored a book on how and why a balanced budget is needed.

In his capacity as Chairman of the Rules Committee, he revamped the rules under which the House operates, abolishing proxy voting, opening all meetings to the media and the public, making Congress subject to the same laws that the American people live under and he reduced the size and power of Congress by eliminating many Committees and Subcommittees resulting in one-third fewer Congressional employees.

As a young man Jerry enlisted in the Marines where he served for 8½ years on active and reserve duty. As a Congressman, his fondness and respect for the Marines never waned. As the Ranking Republican on the Veterans' Affairs Committee, he was recognized by the veteran's community as one of their strongest advocates.

He authored the bill that created the cabinet level Department of Veterans' Affairs and co-authored the establishment of the new peacetime G.I. Bill.

Two awards presented to him that he cherished most were being selected by the United States Marine Corps and Marine Corps League to receive the coveted "Iron Mike Award" previously given to a select few like John Wayne, Bob Hope, Howard K. Smith, and several former commandants of the Corps.

The other recognition being the Distinguished Citizen Award presented to him by the National Congressional Medal of Honor Society for his legislative successes on behalf of the United States military and veterans issues.

Who do you call when the U.S. Supreme Court ruled that laws prohibiting the burning of the flag was unconstitutional? Jerry Solomon, the "Pit Bull of the House" was given the assignment to pass a constitutional amendment prohibiting desecration of the flag. The Solomon Amendment passed overwhelmingly in the House but failed by one vote in the Senate.

It is with great sadness that I bid my good friend, Jerry Solomon, farewell. May he always be remembered for the good father and husband that he was, and his relentless efforts to promote pride, patriotism and volunteerism. He proudly and unabashedly showcased his love for his family and his country every day of his life.

ADVANCING INNOVATON—GUARANTEEING THE LONG TERM VIABILITY OF AMERICA'S HIGH-TECH ECONOMY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to state my support for the settlement reached between the Justice Department and Microsoft last Friday. This deal will bring to a close the long-standing anti-trust battle that has affected the entire computer technology industry. Though some wish the deal had gone further, I believe it strikes the necessary balance, respecting Microsoft's strength and success while maintaining healthy competition in the technology sector. I believe it is an important step to restoring our nation's dynamic economy. I agree with Microsoft's Chairman Bill Gates that the settlement is fair, reasonable, and the right thing for the software industry.

Microsoft has long been an innovative leader. Microsoft stands as an example of the excellence of American enterprise. I respect Microsoft's role provided they leave the door open for the significant contribution and innovation of other firms. I admire Microsoft's commitment to the settlement and its ongoing commitment to improving its revolutionary software. I am confident that Microsoft will make the necessary changes to assuage and prove false its competitors who attack the company's cutting-edge productivity products as predatory. I am glad that both parties could come to an agreement that respects the important contributions Microsoft has made and will continue to make and that insures free competition, the hallmark of America's economy.

I am sure everyone involved would have preferred for this arrangement to be reached earlier. Still, the settlement is an important step in closing Microsoft's legal battles and allowing them time to focus on improving the way America does business. Both Microsoft and the Justice Department made significant compromises during the course of the settlement; I am pleased with the efforts of both parties and look forward to the energy this settlement will undoubtedly bring to the technology sector.

More than either party, consumers will benefit with Microsoft to focus fully on technological innovation, and with a more open market. Microsoft's settlement comes at a particularly advantageous time for New York and the rest of the country. America's premier software firm has much to offer the country through our current economic downturn. After substantial negotiations, the settlement has already strengthened the Stock Exchange and our economy. I am sure that Microsoft and her many competitors will be a crucial piece in leading our nation back to economic prosperity.

PRESENTATION OF PUBLIC SAFETY OFFICER MEDAL OF VALOR IN RESPONSE TO TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. WALSH. Mr. Speaker, I also rise in support of H. Con. Res. 243 sponsored by Congressman JOSEPH CROWLEY. My wife DeDe and I would like to extend our deepest sympathies to Congressman CROWLEY and his family for the tragic loss of his cousin, John Moran, a Battalion Chief in the New York Fire Department, who died during the attacks on the World Trade Center.

Since September 11 we have listened to a myriad of accounts focusing on courageous men and woman, often referred to as "guardian angels" who lost their lives during sheer acts of bravery at the World Trade Center and Pentagon. We have continued to watch firefighters, law enforcement officers, and emergency assistance personnel work around the clock as they tirelessly assist in the rescue and recovery efforts. We have been able to listen and focus on these heroes who have put their lives first and have displayed true loyalty and dedication to their role as emergency leaders.

The Medal of Valor is a symbol of our country's appreciation to all of those who have served over and beyond their basic duty and have helped us to rise from this great challenge. This medal ensures that these acts of courage on and after September 11 will never be forgotten. Their endurance and bravery has given us the unconditional strength to move forward and to focus on the positive energy that so many role models have displayed during these tragic times. Whether it be those who lost their lives or those who continue to assist in recovery projects, we have been able to look up to these heroes who have motivated us to reach out and unite.

IN HONOR OF THE CITY OF ELIZABETH'S FIRE DEPARTMENT RESCUE COMPANY #1

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Rescue Company #1 from the Elizabeth, New Jersey, Fire Department for their bravery and valor in the wake of the September 11th terrorist attacks. On November 7th, the Greater Elizabeth Chamber of Commerce will honor Rescue Company #1 with a special ceremony at the New Loews Theatre at Jersey Gardens Mall.

Rescue Company #1 was among the group of first responders to the World Trade Center after units from the New York Fire Department Rescue Squad parished in the collapse of the buildings. From September 11th until September 20th, this crew assisted in the hazardous recovery efforts. Working lengthy shifts and risking their own lives and well-being; this crew searched for survivors in smoldering heat and dangerous structures.

Since 1837, men and women from the Elizabeth Fire Department have continuously put themselves in harm's way to save lives and property. Through their courageous efforts, the Elizabeth Fire Department has served with honor and bravery.

The spirited and valiant efforts of our nation's firefighters are often overlooked or taken for granted. Therefore, I would like to extend my sincerest thanks and gratitude to the Elizabeth Fire Department for all they have done to ensure the safety and welfare of those who reside in New Jersey's 13th Congressional District.

Today, I ask my colleagues to join me in honoring Rescue Company #1 for their immeasurable contributions. The Greater Elizabeth Chamber of Commerce could not honor a more deserving group than Rescue Company #1—remarkable individuals, who continue to inspire a nation.

TRIBUTE TO MR. WILBERT TEE LAWTON

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilbert Tee Lawton. Mr. Lawton is the organizer of the Annual Legislative Breakfast which is hosted by Mount Hope Housing Company, a remarkable community development organization based in the Bronx, New York. This year, the 3rd Annual Legislative Breakfast takes place on November 2, 2001.

This annual breakfast brings together hundreds of legislators, business representatives, and community activists interested in the future of the Bronx. Ideas are shared, plans are made, and a spirit of change and empowerment is rampant as great minds come together at this event. The spirit of unity has always been present in the Bronx, but in the wake of the recent tragedies, it now reigns. This year's breakfast manifests a deeper sense of unity. Participants of the 3rd Annual Legislative Breakfast will continue to advance the resurgence of the Bronx community. They are aware that reaching our full potential as a community will serve as a stabilizing force for local business and educational initiatives and will also provide invaluable benefits to Bronx youth.

Mr. Speaker, Mr. Tee Lawton has been committed to making the Bronx a safer and more enjoyable place to live for over 20 years. He serves on a host of advisory boards and chairs the Echo Park "Drug Free, Proud To Be" Day, along with other youth-oriented events in the Bronx community. Mr. Lawton has made significant changes in the areas of drug abuse treatment, housing, local business development, environmental protection, health, and education.

Mr. Lawton has been a dynamic force in the Bronx and his experience is extensive. Mr. Lawton is an active member of the Goodwill Baptist Church, where he coordinates youth programs including the supervision of internship placements. He is fund-raising chairman for the Crotona Park Family Day. Mr. Lawton also sits on board of directors of Bronx Lebanon Hospital. He is active in several tenants associations and sits on advisory boards for Con Edison and Bell Atlantic. Mr. Speaker, I've mentioned only a portion of Mr. Lawton's civic activities. Remarkably, Mr. Lawton does all of these things while being an attentive husband and father. His dedication to social change makes him a valuable asset to the Bronx.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Tee Lawton on his many outstanding achievements and in wishing him continued success.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 3150, the Secure Transportation Security Enhancement Act of 2001. Mr. Chairman, this legislation is a misguided attempt to provide security for our nation's airport system. This legislation continues to rely on federal oversight of airport security rather than taking the additional steps to make airport security a federal responsibility. Therefore, H.R. 3150 does not meet the stringent test needed for adequately protecting the public.

Mr. Chairman, H.R. 3150 is about seven weeks late in making its way to the floor of the House of Representatives. We all realize that patience will be required in our current war against terrorism. This will be a long journey. Nevertheless, this Congress must be diligent to put forth timely legislation that will protect the public and sustain our economy. Although I am pleased that we are voting on this measure today, I am disappointed that H.R. 3150 does not address the security needs of our nation's airports.

For these reasons, I urge my colleagues to support the Oberstar Amendment which will be offered in the nature of a substitute. The Oberstar Amendment incorporates the text of S. 1447, as passed by the Senate.

The Oberstar substitute contains a number of provisions that would significantly improve airport security.

First, under the Oberstar substitute, FAA is directed to develop a program leading to 100 percent screening of checked baggage. While this program is being developed, FAA is required to make increased use of positive passenger bag match.

Secondly, the Oberstar substitute mandates cockpit doors and locks that cannot be opened by anyone other than the flight crew, with no in-flight access, except for entrance and exit by members of the flight deck crew.

Thirdly, the Oberstar substitute authorizes the Department of Transportation to place Air Marshals on all aircraft. Finally, this substitute provides anti-hijack training for flight crews.

Mr. Chairman, the Oberstar substitute would require Under Secretary of Transportation for Security to develop a personnel system for airport screeners employed by the Transportation Security Administration. When fully implemented, these screeners will be equipped with the equipment and skills to protect the public. These screeners, Mr. Chairman, will be paid well and directly accountable to the Under Secretary for Transportation. I believe that this provision is a balanced approach to meet airport security concerns because the Secretary would be able to hold the employees accountable for their service and work product.

Mr. Chairman, H.R. 3150 does not take this approach. In fact, H.R. 3150 does nothing to make Americans feel safe to fly again, even though 82 percent of the American public favors a system where federal security screening personnel are employees of the Transportation Security Administration. I was recently on a flight that had only 16 passengers. After the September 11th terrorist attacks on America, Americans have grave concerns about the safety of airline travel.

While Argenbright Security Inc. says it followed regulations for screening the highjacked flights, aviation experts say the company is part of a system badly in need of a more fundamental fixing—a system where the work goes to the low bidder, not to the company with the most experience.

H.R. 3150 perpetuates the problems of the current airport security system whereby the bottom line is money rather than security. This system leaves traveler's safety to a system of screeners who are paid less than fast-food restaurant workers, and who leave the job as fast as they come. This market-oriented federal supervision of airport security must come to an end. Furthermore, Mr. Chairman, the future of airport security lies in Biometrics—a method of measuring a person's physical characteristics such as fingerprint patterns or the geometry of the hand or face. I am confident that screeners, under the current system, will not be properly trained to handle advanced technologies such as Biometrics.

Mr. Chairman, we still have considerable unfinished legislative business to conduct as a result of the September 11th attack on America. We need to move quickly to provide extended unemployment and health insurance benefits to more than 100,000 airline industry employees who have lost their jobs.

Mr. Chairman, we need to pass the Hastings legislation that would include the extension of unemployment benefits from 26 weeks to 78 weeks. Also, the Hastings legislation would extend job training benefits from 26 weeks to 78 weeks, and provides up to 78 weeks of federally subsidized COBRA premiums.

Also, we need to pass H. Con. Res. 228 because the children who lost a parent as a result of the attack on America are in need of services such as foster care assistance, adoption assistance, medical, nutritional and psychological care.

The children of these families may have developed Post Traumatic Stress Disorder as a result of experiencing or witnessing the horrific deaths caused by these tragic events.

This resolution prioritizes the delivery of such federal services already available under current law. To expedite the fastest possible delivery, this resolution expresses the sense of Congress urging the head of each Federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days of the date of the determination of the death of the child's parent or guardian.

Also, Mr. Chairman, we need to pass legislation to protect our homeland from terrorist attacks. As a member of the Homeland Security Task Force and Vice-Chair of the Domestic Law Enforcement Working Group, I helped develop a legislative initiative entitled "The Bioterrorism Protection Act of 2001" (BioP Act). We need to bring this legislation to the floor as soon as possible so that we can ensure Americans that this country is serious about every aspect of our safety.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 6, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 7

8:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to markup S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

SR–328A

10 a.m.

Judiciary

To hold hearings on the nomination of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, the nomination of Clay D. Land, to be United States District Judge for the Middle District of Georgia, the nomination of Frederick J. Martone, to be United States District Judge for the District of Arizona, the nomination of Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, the nomination of Julie A. Robinson, to be United States District Judge for the District of Kansas; and the nomination of James Edward Rogan, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SD–226

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine international aviation alliances, focusing on market turmoil and the future of airline competition.

SD–226

Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold hearings on S. 1602, to help protect the public against the threat of chemical attack.
SD–406

Budget
Business meeting to consider S.J. Res. 28, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.
SD–562

Foreign Relations
To hold hearings on the nomination of John Marshall, of Virginia, to be Assistant Administrator of Management, the nomination of Constance Berry Newman, of Illinois, to be Assistant Administrator for Africa, both of the United States Agency for International Development; the nomination of Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank; the nomination of Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank; and the nomination of Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.
SD–419

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine current and future weapons of mass destruction proliferation threats.
SD–342

3:30 p.m.
Intelligence
To hold closed hearings to examine intelligence matters.
S–407, Capitol

NOVEMBER 8

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.
SR–328A

9:30 a.m.
Armed Services
To hold hearings on the nomination of R. L. Brownlee, of Virginia, to be Under Secretary of the Army; the nomination of Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and the nomination of Peter B. Teets, of Maryland, to be Under Secretary of the Air Force.
SR–222

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine the financial conditions of the U.S. Postal Service.
SR–385

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere.
SR–253

NOVEMBER 13

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine how the Immigration and Naturalization Service processes persons arrested for illegal entry into the U.S. outside ports of entry.
SD–342

NOVEMBER 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Kathleen Burton Clarke, of Utah, to be Director of the Bureau of Land Management, Department of the Interior.
SD–366

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.
SD–366

NOVEMBER 15

9:30 a.m.
Governmental Affairs
To hold oversight hearings to examine the Medicare payment policies for ambulance services of the Centers for Medicare and Medicaid Services of the Department of Health and Human Services.
SD–342

SENATE—*Tuesday, November 6, 2001*

The Senate met at 2:16 p.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, who knows what is going on in our minds, we thank You that more than providing our surface needs, You meet our deepest needs. Help us to put and keep things in perspective. Thousands of men and women of our armed services are in harm's way in a just battle against terrorism and despotism, and hundreds of thousands are on alert. Meanwhile, so much has changed for our life here in the Senate. An anthrax scare has gripped us, our routines have been disrupted, temporary offices cause frustration, and the instability of everyday conveniences unsettle us. In a time like this, we learn that faith and flexibility are inseparable. Our trust is in You and not in having everything in our control. While we pray for those who are making a much greater sacrifice than we, we also ask for the qualities of greatness rooted in Your goodness and grace. Thank You for this new day in which to find our security in You, our serenity in Your peace, and our strength in Your power. You have taught us to seek first Your Kingdom with the assurance that all things necessary for our joy would be added to us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Madam President, the Senate will resume consideration of the Labor-HHS Appropriations Act with 15 minutes of debate in relation to the firefighters amendment. The Senate will vote on cloture on the amendment at approximately 2:30 this afternoon. We hope to complete action on the Labor-HHS appropriations bill today. Then it would be my intention of moving to the D.C. appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

> Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivision.
>
> Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers, and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 15 minutes for debate to be equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President. I yield myself 3½ minutes.

Madam President, I urge my colleagues to vote no on the Daschle-Kennedy amendment. This is an amendment which, for the first time in over 200-some-odd years in our Nation's history, we have the Federal Government trying to pass a law dealing with collective bargaining for cities, counties, and States for fire, police, sheriffs, and emergency personnel.

We have never done it before. We shouldn't do it now. That is and should be the prerogative of the States. The 10th amendment to the Constitution says all of the rights and powers are reserved to the States and to the people. It doesn't say: States, you have been doing this for all these years, but now we will have the Federal Government pass a collective bargaining law that also says you should have remedies, arbitration, and so on.

Why is the Federal Government doing that when States should be doing it? The States are doing it. Why should we tell the States they are not doing it well enough? We will have a bureaucrat go in and review the State's laws and say, maybe your State doesn't comply. Some people have estimated 26 to 30 States don't comply. Maybe the State of Missouri will have to rewrite its collective bargaining law or the State of Oklahoma. Frankly, over half of the States have local options where the State legislatures have said: We will leave that up to the cities. And now the Federal Government will say: No, that is not good enough; we will have the Federal Government come in and make that decision.

This bill says we will exempt small communities. Communities that have less than 5,000 will not be covered by this law. If we don't get cloture, we will have an amendment because I will raise that number. I think 5,000 is way too small. We will exempt cities with fewer than 5,000 employees. I think that is too small. We will have to have a bigger exemption. The legislation forgot to exempt volunteers. Why should we cover volunteers? So we will have to have an amendment dealing with volunteers. There are over 800,000 volunteer firefighters and police officers in the country.

Why should we mandate that people contribute to an organization against their will? We need voluntary contributions.

This bill is legislation on an appropriations bill. It should be dealt with separately. It doesn't belong on this appropriations bill. Let me read comments from a couple of organizations.

The U.S. Conference of Mayors:

> However, the federal government should not impose collective bargaining procedures

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> and practices on these local governments that have chosen over time to develop alternative methods for the management of human resource and personnel needs.

The National Volunteer Fire Council:

> . . . representing over 800,000 Members of America's volunteer fire, EMS, and rescue services. . . . On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

The National League of Cities:

> . . . the Federal Government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions.

From the Vermont League of Cities and Towns, written to Senator JEFFORDS:

> The Vermont League of Cities and Towns strongly urges you to oppose the amendment. The amendment would create a Federal collective bargaining law that applies to State and local government employees. We believe strongly this is an issue better dealt with in the Statehouse in Montpelier than in Washington. This amendment is not only intrusive but has the potential of causing confusion with conflicting and overlapping statutes.

They said it well. The League of Cities said it well. The Conference of Mayors said it well. The National Conference of State Legislatures said it well. Leave this area of jurisdiction to the States, where it has always been, not trying to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. DASCHLE. I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Madam President, on September 11, Americans were riveted not only by the extraordinary act of terrorism that struck this country and the extraordinary loss of life, but also they were struck by the extraordinary heroism and bravery of firefighters, police officers, and rescue workers, but particularly the firefighters.

There may be those who want to suggest reasons we shouldn't permit firefighters to be able to bargain collectively in the public interest. What is the record when these firefighters have been able to bargain collectively? First of all, there is greater safety for not only the public but for the firefighters. Second, the number of deaths per firefight has gone down. The numbers clearly reflect that. Third, where this has been permitted in States, we have seen the costs for fire protection have actually gone down.

Madam President, this is most of all about fairness and decency. This is about respect for workers in our country who have demonstrated day in and day out that they are prepared to lay down their lives in order to save other lives. We don't need any lectures about that in the Senate.

The real question now is whether the Senate will permit these extraordinarily brave and courageous individuals to get together in order to have an adequate and decent living. They are not asking for the Moon. If there is going to be an impasse, there are procedures to work out that impasse. We do think they are entitled to the kind of coming together and speaking to the interests and the safety of firefighters which they deserve.

I cannot think of a place in our society that has demonstrated a stronger commitment to the public good. They are not asking for very much. All they are asking for is to be treated decently and fairly in the workplace. That is what this is about. Are we going to permit firefighters in our country to be treated decently and fairly in the workplace?

If Members believe in that, support the Daschle amendment. That is what this amendment does.

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader's amendment to the Labor-HHS appropriations bill. I have listened to a great deal of debate about how this amendment would affect State and local police, fire, and emergency services officers. After the devastating attacks of September 11, we know that these men and women are the true heroes of America.

The issue before the Senate, mandating that State and local governments allow public safety officers to unionize and collectively bargain, raises many passions on both sides of the aisle. In Alaska, this issue has been resolved. Our State and local employees are allowed to unionize and engage in collective bargaining and I very much support the right of Alaska police, fire and emergency service personnel to unionize.

So as far as this Senator is concerned, the issue raised by Senator DASCHLE is one of principle, not labor/management principles but principles of constitutional proportions.

Senator DASCHLE's amendment preempts the laws of 27 States. These States have decided that they do not believe their police, fire, or emergency service workers, employees of State and local governments, should be allowed to engage in union activities. By what constitutional right does the Federal Government have the authority to tell State and local governments what the terms of employment should be for State and local workers?

Here is how the amendment attempts to address the Constitution: "The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce."

This amendment does not pass the laugh test when it comes to constitutionality. If the standard of the Commerce clause can be satisfied with the previously quoted finding, then there is absolutely no area where the Federal Government can preempt States.

I think it is clear from the recent decisions of the Supreme Court that the Commerce clause is alive and well and that Congress should be legislating in areas that have real impacts on interstate Commerce, not phony made-up attempts to preempt all State decisions.

Because this amendment clearly contravenes the Constitution, I have decided that I will not vote to invoke cloture.

Mr. WARNER. Madam President, I rise to offer a few comments before we vote on cloture on the Daschle amendment. I have and always will be strongly committed to our Nation's fire, police and emergency rescue personnel. Career emergency workers and the individuals who are members of our Nation's over 22,000 all volunteer fire stations are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

Virginia is a Right to Work State and has passed laws explicitly prohibiting public safety unions. Passage of the Daschle amendment would impose an unfunded Federal mandate on States and preempt the existing guidelines and laws in the 27 States which do not have comprehensive collective bargaining rights for public safety employees.

States and localities must retain the flexibility to operate effectively and manage their public safety workforce as it is most appropriate for their particular needs.

It is not the right time for the Federal Government to intervene with the rights of State and local governments, burdening them with additional requirements which may strain the limited financial resources of our local governments.

In particular, many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which are fire rescue personnel deal with on a daily basis.

Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two-thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

In Virginia, many professional fire and rescue workers also volunteer at their local volunteer station. Their presence is invaluable to these communities.

If Senator DASCHLE's amendment passes, however, these paid firefighters would be prohibited from serving as volunteers elsewhere.

Over the past month, I have heard from a great number of professional firefighters present at the Pentagon that day and the days following. Volunteers and paid professionals worked side-by-side in the wake of the tragedies which occurred on September 11, 2001, in New York, Pennsylvania, and at the Pentagon in Virginia. Volunteer stations from throughout Virginia also helped to serve communities when the fire and rescue personnel from that area were on duty at the Pentagon.

I am pleased to be actively involved in several legislative initiatives to support our Federal, State and local fire and rescue services.

We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protected.

I am pleased to be an original cosponsor of legislation, S. 1617, introduced by Senator DODD on November 1, 2001, that will provide States and localities with the necessary funding to hire additional firefighters. The Staffing for Adequate Fire and Emergency Response Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

In addition, our fire and rescue services have a critical role in our homeland defense initiatives. I am pleased to have cosponsored an amendment offered to the fiscal year 2002 Defense Authorization legislation to increase funding for the fire program from $300 million to $600 million in 2002. Funds from the fire program are granted to local fire departments from the Federal Emergency Management Agency for, among other things, training of firefighters and emergency response personnel, toward the purchase of new equipment, and upgrading fire stations and fire training facilities. With the existing and emerging threats our Nation is facing, it is now more important than ever that our firefighters receive the necessary training and resources.

Please know that I recognize the sacrifice firefighters, police, and all emergency personnel make in Virginia and across the Nation. I will continue to support initiatives that will help our Nation's firefighters and emergency workers.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Madam President, I am opposed to the Daschle amendment on both substantive and procedural grounds.

First of all, in terms of substance, the Daschle amendment actually empowers a Government agency, the Federal Labor Relations Authority, to override State law. It allows this Authority in some 25 States in the Union to make a determination that would override established State law and State constitutions and impose a unionization process which the States have rejected.

In my State, we have a local option, so the question of collective bargaining and unionization of the local fire department and sheriff's department is a matter for local voters. They have a referendum. That is our procedure. That is the way we do it in Texas. It has served us well.

The Daschle amendment would override State law, override county ordinances, and empower a government regulatory body, the Federal Labor Relations Authority, to override State law.

I think this violates everything we claim to believe about federalism. It is very bad policy. It violates the spirit of the tenth amendment of the Constitution, and I think it is profoundly wrong.

Second, let me say on procedural grounds, we are in the process of trying to finish appropriations. We were encouraging our Members to put aside controversial and extraneous matters until we had an opportunity to complete the appropriations process. This bill could be brought up freestanding. The majority leader has the unilateral power to do that. But to put it on an appropriations bill, it seems to me, disrupts what we are trying to achieve and encourages others to follow suit. If this amendment is clotured, there will be a dozen amendments offered to it that have to do with labor law in America.

This is another debate for another day. We will end up having to cloture this bill. There will be a lengthy process that will use up our time and energy that would better be spent on something else.

I understand this is a time when we appreciate our firemen and we appreciate our policemen, but forcing people to pay union dues is not a way I show appreciation to people.

We have the right in Texas and every State in the Union has the right to write its State constitution and to write its laws. Laws related to local labor relations and the relationship of the city, the county, and the State with their employees is something that should be set by the cities, counties, and States, not by the Federal Government.

I urge my colleagues, on substance this amendment is profoundly wrong and wrongheaded. And on procedure, it puts us into a collision course.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I thank our leader once again for coming forward with a very timely amendment. I would like to add my support.

I know people from all over the country were riveted on the great work of our firefighters as well as our police and rescue workers in New York. They did a wonderful job.

I can tell you—and I have talked to hundreds of them—the words are very inspiring. But they also need help. They are trying to feed families. They are trying to get the kind of benefits that so many others have. In place after place after place in America, they don't get them.

If we want to show our real feelings, if we want to put our money where our mouth is, if we really want to help the firefighters—go ask them. Don't rely on some kind of broad ideological mantra. If we want to help the firefighters, we should not tell them how we are going to help them. Let them tell us how we are going to help them. They want this proposal. They are right. I am for it.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from North Carolina.

Mr. EDWARDS. Madam President, this is not a complicated question. The American people have watched as these firefighters have put their lives on the line for us. They have provided all of us, all of our families, and families all over this country, with the security we need and expect.

Now these firefighters have come to us, the Senate, and asked that we provide them and their families with the same kind of security American workers have all over this country.

This is not a complicated question. It is a simple question. The American people have watched the heroism of these firefighters. It is time for our Senate to provide them with the same kind of security they have been providing to American families forever.

I yield the floor.

Mr. DASCHLE. Madam President, I will use whatever leader time I may require to close out the debate on this amendment.

As my colleagues have noted, every day firefighters, police officers, and emergency workers literally risk their lives to protect our safety. In 18 States, public safety workers do not currently have the legal right—the legal right—to sit down with their employers and talk about their own health and about their own safety. That is why we offer this amendment this afternoon, the Public Safety Employee-Employer Cooperation amendment. It is identical to the bipartisan bill offered by Senators GREGG and KENNEDY, who both spoke in favor of this amendment last week.

The amendment is very simple. It guarantees that public safety officers have the right to form and join a union; have the right to bargain collectively over hours, wages, and conditions of employment—period.

Studies have shown, as Senator KENNEDY and others have noted, that fewer firefighters are killed in the line of duty in States where collective bargaining exists, States where public safety officers have a say in their working conditions. Our proposal expressly forbids strikes or lockouts by public safety workers.

Contrary to assertions by some of the opponents of this amendment, our proposal does not override State right-to-work laws. The opponents of this amendment say that allowing public safety workers to join a union will somehow jeopardize public safety. Tell that to the 344 unionized firefighters and paramedics who died trying to save the lives of people at the World Trade Center. Tell the unionized Capitol police who guard this building and protect our lives every day of the week.

These men and women deserve our thanks. They deserve a vote on this important issue. Instead, when we offered this amendment, we were informed opponents would not give us a vote. So let there be no mistake. This cloture vote is the vote on the merits. It is a vote on whether or not we stand with firefighters, the police, and those who protect us day in and day out. This gives all firefighters, regardless of where they live, the opportunity to do what they ought to be able to do in this country—to bargain collectively for their rights, for their safety, for their lives in some cases.

Madam President, I urge a "yes" vote. I hope our colleagues will support this cloture vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3 minutes under the Republican leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Some people have equated this with a patriotic vote because we appreciate the firefighters in New York and Virginia. Certainly we do. The firefighters in Virginia were nonunion. The firefighters in New York were union. That is not the issue. The issue is whether or not the Federal Government is going to go in and preempt States or dictate to the States collective bargaining laws for public employees.

We have never passed a law that says we are going to have collective bargaining dictated by the Federal Government for State employees or for city employees. We have never done it in 225 years. We never passed such a law.

We have never passed a law that says: Sheriffs, officers, you can have collective bargaining.

We have never done that, but we are getting ready to do it. We have never done it to all cities. Right now, this legislation goes to cities with populations of greater than 5,000. Other States have different laws.

Every State has a law dealing with collective bargaining, but now we are saying we are going to tell the States what to do, and the States have to pass laws that are basically, substantially equivalent with this law or else it doesn't apply. A Federal bureaucrat is going to decide whether the existing State laws are in compliance.

Some States have a local option. The majority of States have a local option. They let cities make that decision. We are trying to say: Cities, you can't make it. Small towns in North Dakota, South Dakota, Oklahoma, you can't make that decision. We are going to make it for you.

I think that is a serious mistake. I applaud the bravery of firefighters, police officers, people who work in the ambulance system, the sheriffs, officers, but I don't think we, on the Federal level, should dictate their collective bargaining arrangements. That has been done by the States, done by the cities, done by the counties. They have done a good job. We should not tell them how to do it.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Preserving the prerogative of the majority, I want to close out this debate. Let me respond in a couple of ways.

First of all, this amendment does not federalize state labor laws. This amendment says if a state has a right-to-work law, we will respect it.

What this amendment also says to every firefighter in the country: If you want to negotiate in a collective bargaining arrangement with your employer, you have the right to do so.

The process is not dictated. There is no requirement that employers agree with those firefighters who want to enter into a collective bargaining arrangement.

Who would deny the right to a firefighter today to enter into a collective bargaining arrangement if he or she chooses to do so? That is all we are suggesting. We protect right-to-work laws. We protect rights of the State. I think we ought to protect the rights of all firefighters too.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor, HHS appropriations bill:

Maria Cantwell, Joe Biden, Barbara A. Mikulski, Patrick J. Leahy, Patty Murray, Paul Sarbanes, Debbie Stabenow, Max Cleland, Joe Lieberman, Bill Nelson, Harry Reid, Paul Wellstone, Barbara Boxer, Jack Reed, Daniel K. Akaka, Kent Conrad, and Tom Daschle.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor-HHS appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—44

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Craig
Crapo
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Mr. President, I have long been a supporter of collective bargaining rights.

Although worthwhile, I oppose cloture on the Daschle amendment (SA 2044) because it would have further delayed the already backlogged fiscal year 2002 appropriations process. More than one month into the fiscal year 2002, we have sent only 5 of the 13 annual appropriations conference reports to the President. We must finish our work and pass these appropriations bills.

While I support the Daschle amendment, the Labor-HHS appropriations bill was not the proper vehicle to address this issue.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the matter now before the Senate is the Labor-HHS Appropriations Act; is that true?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2044, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent to withdraw the Daschle amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that there be no further amendments in order to H.R. 3061, the Labor-HHS appropriations bill, the bill be read a third time, and the vote on final passage occur immediately, notwithstanding rule XII, paragraph 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on H.R. 3061.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

FARMWORKER HOUSING PROGRAM

Mr. COCHRAN. Mr. President, I have a question about the migrant and seasonal Farmworker Housing Program. I have worked for a number of years to ensure that the Labor Department provide funding for housing assistance for eligible farmworkers. There is a well-established network of local housing organizations that receive these funds. I am particularly impressed by the work of the organization in my State, the Delta Housing Project. The Senate Report accompanying this bill recommends $5,000,000 for farmworker housing. This amount represents an increase of $1,000,000 over the fiscal year 2001 level. In fiscal 2001 the committee increased the fund from $3,000,000 to $4,000,000 representing the first increasee since 1982. I am pleased that the committee has recently increased the funding to this worthwhile program so that grant recipients can use these funds for important housing projects. However, despite the fact that in fiscal year 2001 the program was increased by 20 percent, most all grant recipients received less money than they have consistently relied upon for the past 17 years. This does not seem fair.

Mr. HARKIN. I agree. We need to continue this program so that the well-established network of local housing organizations can continue to provide these needed services. That is why our subcommittee provided an additional $1,000,000 specifically for housing priorities.

Mr. COCHRAN. It is my intent that these funds be used by the Department of Labor for the expansion of funding among the network of farmworker housing grantees. It is my understanding that it is the intent of this committee that these funds be used for those grantees and that any funds for migrant rest center activities would come from other discretionary sources. Would the chairman clarify this understanding?

Mr. HARKIN. Yes. The legislation is intended to provide funds to the network of housing providers in the migrant community and not to be used for discretionary purposes.

COMPASSION CAPITAL FUND

Mr. REED. Madam President, I rise to inquire about the Compassion Capital Fund, which is funded in this bill at $89 million. As my colleagues know, this fund was requested by the President as part of his Faith-Based Initiative. This is a significant amount of money and I want to note that the Senate has not yet considered legislation authorizing various aspects of the President's Faith-Based Initiative, including provisions which might alter longstanding rules on government funding of religious organizations.

Therefore, I would like to clarify several points with the chairman and ranking member of the subcommittee about the uses of these funds. It is my understanding that this fund is supposed to provide grants to organizations for the purpose of advising charitable organizations on expanding their operations effectively and providing guidance on how to emulate model social service practices. Am I correct on that point?

Mr. HARKIN. The Senator is correct. The Compassion Capital Fund will provide grants to public/private partnerships to help charitable organizations develop "best practices" as a social service agency. The goal of grantees of the Compassion Capital Fund will be to improve the effectiveness of social programs and community initiatives around the Nation. The Senate has not yet debated the President's Faith Based Initiative, and the Senator is correct that this fund is only for the development of model best practices.

Mr. SPECTER. I appreciate the chairman and Senator from Rhode Island for clarifying these points. It is important to note that this appropriations bill is not changing any of the rules or standards for government funding of religious organizations and we have funded the two programs in the President's Faith-Based Initiative that we believe are authorized.

Mr. REED. I thank the chairman and the ranking member of the subcommittee for clarifying these points, and I look forward to working to further clarify this matter during the conference committee process.

Mrs. MURRAY. Mr. President, I rise today to express my overall support for the Labor-HHS bill currently before us. I thank the chairman and ranking member for their continued efforts to meet our county's needs. I recognize the financial limitations we faced in the subcommittee in trying to address our many concerns in labor, health and education. This appropriations bill, more than any other bill, impacts every family and every community. The programs in this bill from education and health services to workplace safety are priorities for Washington families. While I am disappointed by some areas of the bill, overall it makes critical investments in our health, safety and welfare. I would like to highlight some of my priorities in this critical legislation, starting with education.

Although I appreciate the significant increase in education we provide in this bill, I hope that we will be able to put more money into education programs this year. The education reform bill now in conference would impose significant new requirements on our schools, and if we are going to ensure no child is left behind, we need to provide the money to back up that bill. I look forward to working with Senator HARKIN and my other colleagues on the ESEA conference committee to fully-fund IDEA.

I especially thank the Chair for working with me to ensure sufficient funding to keep our commitment of smaller classes for our young students. This investment of more than $3 billion in teacher quality and smaller classes represents the fourth year that I have successfully fought for funds to help districts continue on the path to hiring 100,000 new teachers to reduce class sizes in the early grades nationwide.

By including the class size reduction program in the appropriations bills over the last 3 years, Congress has taken an important, bipartisan step to ensure our students are learning in less crowded classrooms. The first year of Federal class size reduction funds enabled schools to hire 29,000 teachers, and last year's funding added another 8,000 to that number. As a result, about 2 million students are learning in classrooms that are no longer overcrowded. On a related note, I am pleased that this bill includes funding to continue the school renovation investments we started this year. These funds are critical to ensuring students learn in safe, modern and uncrowded classrooms.

I am also pleased to note that this bill includes funding for the Teacher Training in Technology Program. Helping our teachers learn to use technology is essential if we are going to use technology to improve education for all students. I will continue to work to secure this program in ESEA reauthorization, and appreciate the committee's support in that endeavor.

I am disappointed that this bill does not provide more funding to support some of our most vulnerable students our homeless children. I hoped we would follow the lead of the education authorizers who accepted my amendment to double the authorization for homeless education. At the current level this program is only able to serve one-third of eligible children, and less than 4 percent of districts receive direct funding. The House mark includes $50 million for this program, and I hope that the final agreement will include a significant increase over current funding. Family homelessness is increasing. The U.S. Conference of Mayors found that demand for emergency shelter increased by 17 percent among homeless families last year. Schools are having a hard time keeping up with the increasing demand for services, and I fear that the changes in our economy will only make the situation worse.

Local homeless education programs use these funds to help homeless children enroll, attend, and succeed in school in by: establishing liaisons to the homeless community to identify homeless children and connect them to school; providing school supplies and emergency needs—everything from backpacks, paper, pencils, gym clothes, math/science equipment, to eyeglasses, shoes, clothing, and hygiene supplies; offering tutorial services for homeless children at shelters and other locations; and much more.

I thank the managers for adding funding for GEAR UP in this final bill, and I hope we can include additional funds in conference to avoid a cut from the fiscal year 2001 appropriated level. I have seen firsthand the great work, this program is facilitating. Research has shown that reaching out to disadvantaged middle school students to let them know that the dream of college is within their grasp and supporting them in attaining that dream is the most effective way to ensure more disadvantaged students get a college degree. In the information economy of the 21st century we cannot leave children behind by denying them access to higher education. I believe we can and must do better for these children by providing an increase in funding for the GEAR UP Program.

Finally, I look forward to working with Chairman HARKIN and the Ranking Member, Senator SPECTER, to secure the funds necessary to operate Child Care Aware. Millions of children are in care outside of their home while their parents work. Yet child care is often more costly than college tuition, and quality care can be hard to find. Child Care Aware is a nonprofit initiative, operated by the National Association of Child Care Resource and Referral Agencies, that is committed to helping parents find the best information on locating quality child care and child care resources in their community.

Next, I would like to turn to the labor provisions of this bill. I am pleased that the bill includes $1.549 billion for the Dislocated Worker Employment and Training Activities. This is an increase of nearly $140 million from fiscal year 2001.

Unfortunately, our economy is continuing to slump. Recent indicators suggest unemployment could reach as high as 6.9 percent by the end of next year. Many of these people need help in their search for new skills and new jobs. The Boeing company has announced it will lay off more than 30,000 workers from its commercial airline business, which is headquartered in Washington. That is 30 percent of their workforce. Many other industries have announced massive layoffs. Those workers will be seeking access to the dislocated workers' program. The money in this bill is a good first step. However, we must also expand unemployment insurance, health care and job training programs to assist these newly-unemployed workers. I hope my colleagues will support such a measure as we debate an economic stimulus package.

Finally, I would like to turn to some of the progress this bill makes in the area of healthcare. For years, we have known about the important role played by the Centers for Disease Control and Prevention. During the recent anthrax incidents, many Americans have learned about some of the CDC's responsibilities. This bill boosts our investment in the CDC by providing $4.4 billion for Disease Control programs—an increase of $372 million over last year. This funding will support cancer screening and education programs, including breast and cervical cancer screening; injury control and reduction, including rape prevention and education, bioterrorism, and improving our local public health infrastructure to respond to public health threats.

This bill makes progress for local communities that are working to provide care to the uninsured and underinsured. The bill provides $1.3 billion for Health Centers, which is $175 million more than in fiscal year 2001.

While this bill makes a lot of progress on health care issues, I am deeply disappointed that this bill falls short of our commitment to the Community Access Program, CAP, which helps communities research and coordinate care to underserved populations. I can tell you that throughout Washington state, the CAP program is allowing local officials, doctors and advocates to meet the needs of underserved patients. In fact, this program is critical in meeting the needs of the growing population of uninsured. During these difficult economic times, we should be strengthening our safety net programs. That is why, earlier this year, the HELP Committee adopted the amendment I offered with Senator CLINTON, which assumes an authorization of $125 for the CAP program. Clearly, the $15 million in this bill falls short of our commitment. I am hopeful that we can work with the House in conference to meet our original commitment.

Throughout Washington State, small and rural communities are seeing hospitals close. It is becoming more difficult for people in rural areas to get the care they need. This bill invests in rural health care. It provides more than $1.6 billion to help increase and improve access to rural health care services, providers and facilities.

I am also pleased that the bill supports pediatric medical training. It provides $243 million for GME for children's hospitals. This increase of $8.45 million is important for hospitals like Children's Hospital in Seattle. In the area of AIDS, this bill provides $1.8 billion for the Ryan White AIDS programs, $75 million more than last year. This bill funds our family planning efforts at $266 million for title X, an increase of $12 million over fiscal year 2001.

When it comes to supporting cutting-edge medical research, this bill keeps us on track for doubling NIH funding by fiscal year 2003. It provides a total of $23.7 billion, an increase of $3.4 billion over last year. I am proud of the research being done in Washington state including at the University of Washington, the Hutch and many biotech and biomedical research facilities throughout the state. In fact, Washington state is one of the top five recipients of NIH funding.

In the area of poison control, I am pleased that this legislation provides a total of $24 million for fiscal year 2002, that's a $4 million increase over fiscal year and $7.5 million more than the administration requested. As one of the original authors of the Poison Control Prevention and Enhancement Act, I believe this additional funding will prevent unintentional poisonings from everyday products. This bill supports trauma care planning and development by providing $4 million, an increase of $1 million over fiscal year 01 and $1.5 million more than the administration's request. Finally, as any advocate can tell you, our country doesn't have enough shelter space to offer protection for abused women and children. This bill provides $122 million for battered women's shelters. That is an increase of $5 million over fiscal year 01 and the Administration's request.

As many of my colleagues are aware, states are struggling to fund critical health care services with rapidly declining revenues. The economic downturn has created a budget crisis for many states including my own state of Washington. We should recognize the struggle facing many of our states and act to incorporate language into this appropriations bill to prohibit or delay any effort by CMS to reduce overall Medicaid payments. I know that many of us are concerned about efforts by CMS to further restrict the Upper Payment Limit within Medicaid. I worked with the previous Administration in 2000 to resolve this matter and phase out any potential loophole. To go back on this agreement now would mean significant Medicaid cuts for several States. This is the wrong time to cut the Federal share of Medicaid. I am hopeful that we can incorporate language in this appropriations bill to prohibit any action by CMS to reduce Medicaid funding.

I believe we should be working to enhance the Federal match under Medicaid to prevent drastic reductions in health care for low income families. At a time when more families will lose health insurance, we should be acting to increase the Federal commitment to Medicaid. I realize that increasing the Federal Medicaid match is a matter which must be addressed in a stimulus package not this appropriations bill. However, we should use this appropriations bill to send a clear message to the administration that this is the wrong time to attempt to reduce Medicaid reimbursement to the States.

I am pleased that this bill continues our investment in the programs that many senior citizens and their families rely on. It boosts funding for OAA nutrition programs. Specifically, it provides an increase of $30 million over fiscal year 01 for home delivered meals (to $177 million) and congregate meals (to $384 million). It also provides a 10 percent increase for aging programs under the Administration on Aging and supports other investments that assist the elderly.

When we reauthorized the Older Americans Act last year, we created the Family Caregiver Support Program, which assists families caring for an aging relative. This bill provides a $20 million increase in the Family Caregiver Support Program to $140 million.

This bill funds efforts to use technology to expand health care access. It provides $1 million for telehealth efforts at Children's Hospital in Seattle. And in other areas important to Washington State, this bill supports the Franciscan Health System's Program Improving Care through the End of Life demonstration program. It funds the national Asian pacific center on aging continuation of funding. And it funds a health profession and nurse retention study in Washington state.

Overall, this bill makes progress for our people and our country.

Mr. LEAHY. Mr. President, today the Senate will pass the fiscal year 2002 appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies—the largest of the 13 appropriations bills before Congress this year. This measure contains support for some of the most important aspects of our Nation's work such as medical research that leads to advancements in health, the education of our youth from preschool through college, assistance to the elderly and those with disabilities, and the training of workers seeking employment. While there are many noteworthy initiatives in this bill, I would like to highlight just a few that are particularly important to Vermont.

Hope for a cure for many diseases and illnesses must come through research and I am pleased that the Senate continues to work toward our goal of doubling the Federal Government's investment in the groundbreaking biomedical research conducted by the 25 Institutes and Centers that make up the National Institutes of Health. With this strong support, NIH funding for next year will increase to $23.7 billion, an increase of $3.4 billion over last year. Millions of Americans suffering from conditions ranging from Parkinson's and Alzheimer's diseases, to cancer, diabetes and heart disease, will benefit from the research undertaken by the thousands of NIH scientists, including many in Vermont, supported by this funding.

This bill establishes an Aging Initiative that takes important steps toward assisting senior citizens in Vermont and throughout America. The Initiative is designed to increase the capacity of home- and community-based services to support a high quality life for older Americans. An Interagency Task Force on Aging Programs will coordinate and provide additional support to programs that serve older Americans. Increased funding has been provided for supportive services and senior centers, long-term care ombudsmen to prevent and address the problem of elder abuse and neglect, the National Family Caregiver Support Program, elderly nutrition programs to expand home delivered meal distribution, and Alzheimer's disease research. I am confident that this effort will result in an improved quality of life for our nation's seniors, especially for those living in rural parts of our nation.

This legislation includes important funding for education that will support learning opportunities for Vermont schoolchildren of all ages. Funding for the Head Start Program, which provides comprehensive developmental education services for pre-kindergarten, low-income children, has been increased by $400 million. We have increased funding to assist low-income students who want to receive a college education. This bill will raise the maximum Pell Grant available to American college students from $3,750 to $4,000. This is the highest Pell Grant maximum in the history of the program.

We have also increased funding for our students with special education needs by $1 billion. Although this increase brings us a step closer toward meeting our responsibilities under the Individuals with Disabilities Act, we still must do more. House and Senate Conferees on the bill to reauthorize the Elementary and Secondary Education Act currently have before them the opportunity to mandate that the federal government increase its share of special education funding to 40 percent of IDEA spending from its current level of 15 percent. I strongly urge my colleagues to support this provision. It will provide significant relief to state and local governments as they strive to pay for the quality educational services that our nation's disabled students need and deserve.

I am very pleased that the Senate has provided increased funding for the Office of Civil Rights, OCR, at the Department of Health and Human Services. OCR is responsible for the enforcement of civil rights-related provisions in health and human services programs. Earlier this year, OCR's responsibilities were vastly expanded with the release of the final medical privacy regulation by HHS. Quality enforcement of this new regulation is essential to the protection of Americans' medical privacy. This increased funding will ensure that OCR can fulfill its new medical privacy enforcement obligations without dereliction from its many other civil rights enforcement responsibilities.

Finally, I am pleased that this bill includes $1.7 billion in funds for the Low-Income Home Energy Assistance Program and an additional $300 million in emergency funds. LIHEAP is a critical program for citizens of states like Vermont, who endure long, cold winters. Last year LIHEAP helped nearly 18,000 Vermont families stay warm. I am concerned that demand for this program will rise dramatically this winter as the economy slows and incomes decline. I want to thank the Committee for including a significant increase in LIHEAP funding in anticipation of this great need.

This spending bill is not perfect. There are areas where increased funding is still needed. However, we have taken the right steps in many important health, education, and human service programs, and I am pleased to support a measure that provides such great benefit to Vermonters.

Mr. HATCH. Mr. President, as the Senate is about to adopt H.R. 3061, the Labor-Health and Human Services Appropriations legislation for fiscal year

2002, I would like to express my strong support and gratitude to Senator HARKIN and Senator SPECTER for their willingness to include an amendment to H.R. 3061 on a matter that is very important to my home State of Utah.

The Radiation Exposure Compensation Act, RECA, was signed into law in 1990 and has provided compensation to thousands of individuals, both workers and civilians, who were exposed to harmful radiation as a result of the government's nuclear testing decades ago. Some of these individuals worked in uranium mines; many drove the trucks which transported uranium ore; and many more happened to live downwind from a nuclear test site.

The RECA law was amended last year by S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. The legislation, which was signed into law last July, expanded the list of illnesses and classes of individuals who may be compensated under the RECA program. Recognizing that it is more effective, cost-beneficial, and indeed compassionate, to identify and treat at the earliest stages individuals who may have been exposed to harmful radiation, RECA 2000 also authorized a grant program for education, prevention, and early detection of radiogenic cancers and diseases. These grants would be provided through the Administrator of the Health Resources and Services Administration and would be used to screen individuals for cancer, provide education programs for detection, prevention and treatment of radiogenic cancers. The grants could also be used to give medical treatment to those individuals who have been diagnosed with radiogenic cancers and illnesses.

My amendment appropriates $5 million to HRSA for programs associated with RECA. Of that amount, $4 million will be used for the screening and prevention program I have just mentioned, which is codified under section 417C of the Public Health Service Act. In addition, my amendment provides $1 million so the Department of Health and Human Services may contract with the National Research Council in order to review the most recent scientific information related to radiation exposure and associated cancers and illnesses. The study would also make recommendations as to whether there are additional cancers or illnesses associated with radiation exposure that should be compensated under the RECA program. Finally, the study would review whether other classes of individuals or additional geographic areas should be included under the RECA program. These recommendations by the National Research Council must be completed by June 30, 2003 and will be submitted to the Senate Committees on Appropriations; Health, Education, Labor and Pensions; and Judiciary for review. The report also will be submitted to the House Committees on Appropriations; Energy and Commerce; and Judiciary.

I am pleased that this amendment has been cosponsored by both Senators REID and DOMENICI. I have also worked closely with Senate Majority Leader DASCHLE, Senator BINGAMAN, Senator CAMPBELL, and Senator JOHNSON on the RECA program. All of us have constituents who have been impacted by radiation exposure and all of us want to do everything we possibly can to be helpful to them.

I have met with many RECA claimants in my State. It does not take long to see the pain and suffering they have endured over the years. This is pain and suffering, I might add, that have taken a toll on their lives and the lives of their families as well. Most of these individuals are now retired; they live on modest incomes and fear their declining health will only exacerbate their limited family finances. Many have lost fathers, mothers, sisters, and brothers due to radiation exposure. We cannot forget these brave Americans.

It is for these reasons that this amendment is so important—it will not only provide valuable assistance to those who have been exposed to radiation exposure, it will also review current data to ensure that all of those who have been impacted will be adequately compensated. I cannot tell you how many times I have talked to constituents who don't understand why their cancer is not currently covered under the RECA law. They don't understand why living in one county allows RECA compensation but living in another county, sometimes as close as three miles away, prohibits them from being compensated as a RECA victim. I want to make sure we are using the best science possible to provide answers to these important questions. The National Research Council recommendations will help answer these questions to the best of our ability based on all current scientific data.

Again, I wish to express my gratitude to my colleagues who serve on the Appropriations Committee, especially Senator HARKIN and Senator SPECTER, for recognizing the importance of this issue. Through this amendment, we are acknowledging the plight of these Americans and letting them know that we in the Congress truly care about their welfare.

Mr. DEWINE. Mr. President, I thank Senators LANDRIEU and ROCKEFELLER for cosponsoring my amendment, which has been incorporated into the managers' amendment.

Earlier this month, my colleague from West Virginia, Senator ROCKEFELLER, and I introduced a bill to reauthorize the Promoting Safe and Stable Families Act. This is a vital program that provides grants to children services agencies to help place foster children in permanent homes, provide post-adoption services, and reunify families when appropriate.

I thank Senators SPECTER and HARKIN for working with me to increase the appropriations level for this important program. As reported out of committee, the Senate bill only provided $305 million for the program, while the House bill included $375 million. I worked with the managers to increase the Senate level to $375 million.

I am very pleased that we have increased this funding level because the Safe and Stable Families program provides critical services to at-risk children.

The reality is that many thousands of children in our country are at risk because they are neglected or abused by parents or because they are trapped in the legal limbo that denies them their chance to be adopted. Over a half-million children go to bed each night in homes that are not their own.

We have an obligation to these children. We have an obligation to protect these innocent lives.

The Safe and Stable Families program is there for these children. The funding provided to the States through this legislation is used for four categories of services: family preservation, community-based family support, time-limited family reunification, and adoption promotion and support.

These services are designed to prevent child abuse and neglect in communities at risk, avoid the removal of children from their homes, and support timely reunification or adoption. And, quite candidly, Promoting Safe and Stable Families is a very important source of funding for post-adoption services.

With a nearly 40 percent increase in the number of adoptions since the implementation of the Adoption and Safe Families Act, funding for adoption promotion and support services is especially vital. In Baltimore, MD, for example, 5 years ago, there were only 160 adoptions. So far this year, 514 adoptions have been finalized. Such increases demonstrate the need for these services and the necessity for these services to ensure that the adoptions are not disrupted, which risks further traumatizing a child.

Again, I thank my colleagues for increasing the current Senate funding level. Protecting this vital program is simply the right thing to do.

Mr. ROCKEFELLER. Mr. President, for many years, Senator MIKE DEWINE and I have worked with a bipartisan coalition to promote adoptions and to strengthen Federal funding to help abused and neglected children, especially through the Safe and Stable Families program. Senator DEWINE has been a real leader especially in the key area of defining reasonable effort to protect children. We are joined in our effort by Senators LANDRIEU and CRAIG, both well-known advocates for adoption and leaders of the Adoption Caucus.

President Bush called for an increase of $200 million for this program in his State of the Union address and his budget. In OMB's mid-session review, the administration changed its request from $200 million in mandatory money to discretionary funding. Since then, the House of Representatives added $70 million in new funding in their Labor-HHS-appropriations bill.

Children suffering from abuse and neglect are among our most vulnerable children. In 1997, Congress enacted new legislation to make the health and safety of a child paramount, and to stress the importance of providing every child a permanent home. The act imposed new time frames for States to consider adoption. Since then, adoptions from foster care have almost doubled. But these families need support to address the special needs of these children. Currently, there are over 800,000 children in foster care. About 1 million cases of abuse and neglect are substantiated each year.

In my State of West Virginia, the number of adoptions are increasing, but the statistics on abuse and neglect of children remain stubbornly high. New funding will enable my State and every State to expand their programs for adoption, family support, family preservation, and help to families in foster care.

Our goal is to secure new investments in the Safe and Stable Families Program to help these vulnerable children. I truly appreciate the cooperation and support of Senators HARKIN and SPECTER in accepting our amendment to provide new funding for this worthy cause. Chairman HARKIN and Ranking Member SPECTER have a very hard task in overseeing the Labor-HHS-Education appropriations bill. Balancing all the needs within their jurisdiction, including health care, education, worker safety, and other issues is a very difficult task, but a task they manage each year with skill and fairness. Their deep concern and compassion for children is well-known, and their willingness to work with Senator DEWINE and me further highlights their commitment to some of the most vulnerable children, those suffering from abuse and neglect. I am truly grateful for their leadership and support.

Things have changed dramatically in our country and in the Congress. We need to respond to the new challenges and the new fiscal issues. But the needs of abused and neglected children remain, and we also need to be sensitive to their problems and their needs. I appreciate the support from my colleagues.

Mr. McCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides federal funding for the Departments of Labor, DOL, and Health and Human Services, HHS, and related agencies. Many of these programs are even more important as our war on terrorism is placing this Nation at great risk, particularly on the homefront. To protect our survival, we must also ensure that adequate support and resources are provided to protect our citizens at home as well as adequately funding our defense programs necessary for engaging in this war.

I am pleased to see increased funding for many programs, many that are of an increased importance in light of our Nation's war on terrorism. This includes an increase in funding for bioterrorism activities and ensuring that our nation's public health infrastructure is given the highest priority and strengthened considerably. This funding is critical for our States, localities and our nation as a whole, to ensure that substantial investments and improvements are made in our public health infrastructure so we can readily respond to our current situation and potentially future threats as well.

There is funding to ensure our Nation's food supply remains safe and resources for helping meet the health care needs of the uninsured—many who may now be unemployed due to the horrific events of September 11th. In this time of war, we must ensure that adequate resources are available for treating and preventing potential health threats. In addition to funding key public health programs, this bill provides funds for helping States and local communities educate our children. Furthermore, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many illnesses, including Parkinson's, Alzheimer's and ALS. This bill even provides funds for ensuring our nation's most vulnerable—children, senior citizens and the disabled—have access to quality health care. Funds are also provided for important programs that assist working families needing child care, adult daycare for elderly seniors, and Meals on Wheels.

I applaud the appropriators for including very few specific funding earmarks, but I am distressed about the extensive list of directives that have been included. It is apparent that the many directives and recommendation language camouflages the number of specific projects that are given special consideration and bypassing the appropriate competitive funding process. Examples of this language include:

Language supporting the Wheeling Jesuit University NASA Center for Educational Technologies to provide technology training to all elementary and secondary West Virginia mathematics and science teachers;

Language supporting the Missoula Family YMCA in Missoula, MT, to develop the "Give Me Five" after school program;

Language supporting the Ellijay Wildlife Rehabilitation Sanctuary to expand its ecological science education programs to make them available to more students in Georgia;

Language supporting Fresno At-Risk Youth Services in California to attack the problem of at-risk youths by coordinating the city's efforts through an education program coordinator;

Language supporting the Northeast and Islands Regional Educational Laboratory at Brown University to run a Website called Knowledge Loom; and

Language supporting the Flint Area Chamber of Commerce in Michigan to establish an "e-mentoring" program designed to create a partnership between employers and students.

The bill also includes recommendation language that encourages the Department of Labor to consider supporting certain projects or institutions. Examples include:

Good Faith Fund of the Arkansas Enterprise Group in Arkadelphia, AR;

Las Vegas Culinary Training Center;

Western Alaska workforce training initiative;

Oregon Institute of Technology; and

UNLV Center for Workforce Development and Occupational Research.

While each of these programs may deserve funding, it is disturbing that these funds are specifically earmarked and not subject to the competitive grant process. But there are other job training facilities, health organizations, and educational sites in America that need financial aid for their particular programs and are not fortunate enough to have an advocate in the appropriations process to ensure that their funding is earmarked in this bill.

There are many important programs impacting the labor force, health and education of our nation that depend on the support in this bill. However, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities that have ardent advocates in members on the appropriations committee.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests which thwarts the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Mr. President, thank you and I yield the floor.

Mrs. CLINTON. Mr. President, I rise to express my dismay that a very important program to address the health care needs of the uninsured was not included in the Labor-HHS appropriations bill which we passed today. Now, when our public health infrastructure must be stronger than ever before, it is crucial that we find ways to provide care for Americans who lack health insurance.

The Health Community Access Program, or H-CAP, would build on the successful Community Access Program, CAP, demonstration program that congress funded last year. CAP has successfully provided grants to communities to encourage integration among safety net providers of care to the uninsured. More then 135 communities have taken advantage of CAP to improve health care for Americans who lack health insurance.

H-CAP allows communities themselves to design solutions for their unique safety-net needs, thus ensuring that the billions of dollars that Congress has already invested in different safety net providers, community health centers, family planning clinics, Ryan White AIDS providers, are spent as effectively as possible. By promoting the integration of health care services, H-CAP allow for more preventive care, and good disease management practices that improve overall health in the long-run and may reduce the incidence of serious and expensive health problems among H-CAP recipients later. And because grant recipients must demonstrate that their project will be sustainable without Federal funding, many communities have successfully found support through public and private matching donations, in-kind contributions, thus ensuring a relatively small Federal investment.

I have worked hard this year with several of my colleagues to permanently authorize CAP so that it will receive regular funding and support from the Federal Government. I also offered an amendment during committee markup to ensure that this program would be authorized at an adequate level.

Unfortunately, funding for H-CAP was left out of this bill. I am pleased that the House did include H-CAP in their bill, which they funded at $105 million, with an additional $15 million for State planning grants. It is my hope that the Senate will include H-CAP in the managers' package, or that this will be resolved during conference in the House's favor. I strongly urge my colleagues to make this program a priority this year.

Mr. SPECTER. Mr. President, before we go to the vote, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the subcommittee, for his extraordinary vote on this bill. I note for the record the speed with which we passed this bill and the concessions which were made by quite a few Senators to take complicated matters off this bill. We put aside the stem cell issue which I very much wanted to have resolved. We did so in the interest of concluding this bill. We have already started the conferencing issues with both staffs meeting early tomorrow afternoon and Members meeting a little later tomorrow afternoon.

From our experience in the past, we have seen how difficult it is to conference this bill, so we are moving right ahead, and it would be my hope, with the example we have set with this complicated appropriations bill—on time, with people withdrawing matters to try to expedite the process—that we would move ahead and complete our work by November 16, which is when we should finish, and we can go home and take care of business in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to respond in kind to my good friend and ranking member, Senator SPECTER, and thank him and thank all of his staff for a very great working relationship that we have had over many years, especially this year.

We have completed our bill in pretty good time. Now we have to go to conference. I am convinced we can have a decent conference and get this bill back, as Senator SPECTER said, so we will have it done before we go home for Thanksgiving. So I again thank Senator SPECTER and his staff for a great working relationship. I especially thank all of the staff: Bettilou Taylor, Mary Dietrich, Sudip Parick, and Emma Ashburn. I also thank Ellen Murray, Jim Sourwine, Erik Fatemi, Mark Laisch, Adam Gluck, Adrienne Hallett, Lisa Bernhardt, and Carol Geagley. A lot of them put in a lot of hours early this year putting this bill together.

We have a great bill. It meets the needs of Americans and labor, health and human services, education, and biomedical research. We have met our obligations. This is the bill that helps lift up all Americans, helps address the needs of our human infrastructure in this country, and I believe we have met that obligation to the people of this country in this bill.

I thank the Senator for yielding me this time.

ORDER OF PROCEDURE

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Labor-HHS bill, the Senate proceed to executive session to consider Executive Calendar No. 512, that we vote immediately, and that upon disposition of the nomination, the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that following the second vote in this series; that is, the judicial nomination, the Senate Appropriations Committee be discharged from consideration of H.R. 2944, the D.C. appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager or her designee be recognized to offer the Senate committee-reported bill as a substitute amendment; that the amendment be considered agreed to and the motion to reconsider be laid upon the table; and that the bill as amended be considered as original text for the purpose of further amendment, with no points of order being waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Mr. President, for Members, we are going to have two rollcall votes now, followed by taking up the next to the last appropriations bill of this year, the D.C. appropriations bill. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—89

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran

Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—10

Allard
Bunning
Feingold
Fitzgerald
Gramm
Helms
Nickles
Sessions
Smith (NH)
Voinovich

NOT VOTING—1

Miller

The bill (H.R. 3061), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3061) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $3,070,281,000 plus reimbursements, of which $1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which $1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including $1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; of which $3,500,000 is available for obligation October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994; and of which $20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: Provided further, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $402,000,000 under section 132(a)(2)(B) of the Act, and $87,000,000 under section 132(a)(2)(A) of the Act: Provided further, That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,751,000 for formula grants, $5,000,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: Provided further, That funding provided herein under section 166 of the Workforce Investment Act shall include $1,711,000 for use under section 166(j)(1) of the Act: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which $100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $880,800,000 under section 132(a)(2)(B) of the Act, and $179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $191,452,000, together with not to exceed $3,238,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $191,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87: Provided further, That notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,571,000, including $5,903,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $112,418,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: Provided, That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $375,164,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $31,558,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $22,590,000 for transfer to Departmental Management, "Salaries and Expenses"; $328,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $450,262,000, including not to exceed $92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $256,093,000, including purchase and bestowal of certificates and *trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $396,588,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $361,524,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $43,263,000, of which not to exceed $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,800,000, of which $7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

This title may be cited as the "Department of Labor Appropriations Act, 2002".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,496,343,000, of which $10,000,000 shall be available for construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That *grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.*

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,418,910,000, of which $250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which $154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: Provided, That $126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $348,767,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,014,044,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $281,584,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $236,408,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the

National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $306,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center: Provided, That notwithstanding any other provision of law, a single contract or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,088,456,000: Provided, That $10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle): Provided further, That $5,000,000 shall be made available for mental health providers serving public safety workers affected by disasters of national significance.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, $291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

CENTER FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federdl entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: Provided, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to the Congress of an official budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $435,224,000 to remain available through September 30, 2004: Provided, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.7 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 100–485, $8,592,496,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,600,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: Provided further, That $105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $33,000,000 is for Maternity Group Homes: Provided further, That $89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000. In addition, for such purposes, $70,000,000 to carry out such section.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,200,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,209,756,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $416,361,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; $50,000,000 is for minority AIDS prevention and treatment activities; and $15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the *capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, and 2002"; and

(B) in subsection (e), by striking "October 1, 2001" each place it appears and inserting "October 1, 2002"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: from National Institutes of Health, "National Institute of Allergy and Infectious Diseases", $25,000,000; from National Institutes of Health, "Buildings and Facilities", $70,000,000; and from Departmental Management, "General Departmental Management", $5,000,000.

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than $500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLISH A NOTICE REGARDING GOOD MANUFACTURING PRACTICES FOR DIETARY SUPPLEMENTS. (a) FINDINGS.—

(1) Over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status.

(2) Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products.

(3) Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

(4) The Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements.

(5) The Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled.

(6) Those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget for over 5 years.

(b) SENSE OF THE SENATE.—The Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease; and

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their findings.

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated Federal workers that have been exposed to anthrax, and continue to test and treat Federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 223. It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined:

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SEC. 225. For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a–9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which $1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SEC. 226. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

SEC. 227. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the "Institute"), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as "post-abortion conditions");

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

(4)(A) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

SEC. 228. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1(f)) is amended by adding at the end the following:

"(g) SHORT TITLE.—This section may be cited as the 'Donald J. Cohen National Child Traumatic Stress Initiative'.".

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2002".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $11,912,900,000, of which $4,129,200,000, shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $7,172,690,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,000,000,000 shall be available for targeted grants under section 1125: Provided further, That $649,979,000 shall be available for education finance incentive grants under section 1125A: Provided further, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 ("ESEA"); and the Civil Rights Act of 1964; $8,723,014,000, of which $1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers: Provided further, That of the amount made available for subpart 4 of part B of title V of the ESEA, $925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: Provided further, That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: Provided further, That of the funds appropriated for part F of title XI, $15,000,000 shall be available for dropout prevention programs under part H of title I and $100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula: Provided further, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather: Provided further, That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $616,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,439,643,000, of which $3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,932,617,000, of which $60,000,000 shall remain available through September 30, 2003: Provided, That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That each State shall be provided a minimum of $500,000 and each outlying area $150,000 for activities under section 101 of the AT Act and each

State shall be provided a minimum of $100,000 and each outlying area $50,000 for activities under section 102 of the Act: Provided further, That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: Provided further, That $26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,976,000, of which $5,376,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $97,000,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,818,060,000, of which $1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That $10,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: Provided further, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,826,223,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That $18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which $6,000,000 shall be used for construction and renovation: Provided further, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: Provided further, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $232,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), $431,567,000: Provided, That $53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: Provided further, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: Provided further, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, $1,500,000 shall be used to conduct a violence prevention demonstration program and $500,000 to conduct a native American civic education initiative: Provided further, That $12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 *of the Department of Education Organization Act, $38,720,000.*

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants under the heading "School Improvement Programs" in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities. (hereinafter in this section referred to as the "State entity"), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

(A) relative percentage of children from low-income families;

(B) need for school repairs and renovations;

(C) fiscal capacity; and

(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available:

If the percentage is:	*Then the Federal share shall be:*
40 percent or greater	*100 percent*
30–39.99 percent	*90 percent*
20–29.99 percent	*80 percent*
10–19.99 percent	*70 percent*
less than 10 percent	*60 percent.*

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud, waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)(8)) shall not apply to a State program during fiscal year 2001 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it—

(1) allocated all of the funds that, the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a) in fiscal year 2001.

This title may be cited as the "Department of Education Appropriations Act, 2002".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME.

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer

Service Act of 1973, as amended, $321,276,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $395,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $25,000,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

Institute of Museum and Library Services

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

National Education Goals Panel

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $226,438,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,277,412,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from

one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling $500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1).".

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the

implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term "administrative simplification requirements" means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

SEC. 519. (a) DEFINITION.—In this section the term "qualified magistrate judge" means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SEC. 520. Nothing in section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S: Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir.2001), or to permit gaming under the Indian Gaming Regulatory Act on lands described in section 123 of Public Law 106–291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

SEC. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $98,500,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Mark-to-Market Extension Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.
Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal
Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.
Subtitle B—Office of Multifamily Housing Assistance Restructuring
Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.
Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.
Subtitle C—Miscellaneous Housing Program Amendments
Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as "that Act");

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

"(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.".

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking "Secretary may provide not more than $10,000,000 annually in funding" and inserting "Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,"; and

(2) by striking "entities), and for tenant services," and inserting "entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),".

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "restructured mortgages in any fiscal year" and inserting "portfolio restructuring agreements".

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Subject to" and inserting the following:

"(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

"(2) ASSISTANCE AND MOVING EXPENSES.—Subject to".

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

"(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties."; and

(2) in the last sentence of section 512(2), by inserting ", but does include a project described in section 524(e)(3)" after "section 524(e)".

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking "(7)" and inserting "(1)"; and

(B) by adding at the end the following new paragraph:

"(2) ADDITION OF SIGNIFICANT FEATURES.—

"(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

"(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

"(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

"(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001."; and

(3) by inserting after paragraph (6) of subsection (b) the following:

"(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—".

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: "Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.".

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking "no more than the" and inserting the following: "not more than the greater of—

"(i) the full or partial payment of claim made under this subtitle; or

"(ii) the"; and

(2) in paragraph (5), by inserting "of the second mortgage, assign the second mortgage to the acquiring organization or agency," after "terms".

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: ", or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)".

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

"SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

"(a) IN GENERAL.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

"(b) RENT STANDARDS.—The rent standards described in this subsection are as follows:

"(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

"(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.".

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: "Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).".

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking "under this Act: Provided, That the principal" and inserting the following: "under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

"(A) the principal";

(2) by striking "except that (A)" and inserting "except that (i)";

(3) by striking "(B)" and inserting "(ii)";

(4) by striking "(C)" and inserting "(iii)";

(5) by striking "(D)" and inserting "(iv)";

(6) by striking ": Provided further, That a mortgage" and inserting the following "; and

"(B) a mortgage";

(7) by striking "or" at the end; and

(8) by adding at the end the following new subparagraph:

"(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or".

SEC. 616. TECHNICAL CORRECTIONS.

(a) EXEMPTIONS FROM RESTRUCTURING.—

(1) IN GENERAL.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to "Section 514(h)(1)" instead of "Section 514(h)".

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) OTHER.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking "this Act" and inserting "this title";

(2) in section 513, by striking "this Act" each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting "this title";

(3) in section 514(f)(3)(B), by inserting "Housing" after "Multifamily";

(4) in section 515(c)(1)(B), by inserting "or" after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking "; and" at the end and inserting a period;

(6) in section 520(b), by striking "Banking and"; and

(7) in section 573(d)(2), by striking "Banking and".

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) REPEALS.—

"(1) MARK-TO-MARKET PROGRAM.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

"(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.";

(2) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2006";

(3) in subsection (c), by striking "upon September 30, 2001" and inserting "at the end of September 30, 2004"; and

(4) by striking subsection (d) and inserting the following new subsection:

"(d) TRANSFER OF AUTHORITY.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.".

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

"(a) APPOINTMENT.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States

and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

"(b) VACANCY.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) IN GENERAL.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

"All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.".

(b) REPORT.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Secretary" and inserting "Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner".

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "2-year period" and inserting "1-year period".

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking "through 2001" and inserting "through 2003".

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after "insurance contract for the mortgage for such housing project" the following: "(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)".

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 101(a) of Public Law 100–77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106–400 (114 Stat. 1675) were made to "Section 101" instead of "Section 1".

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106–400 (114 Stat. 1675).

TITLE VII—MENTAL HEALTH EQUITY

SEC. 701. SHORT TITLE.

This title may be cited as the "Mental Health Equitable Treatment Act of 2001".

SEC. 702. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

"SEC. 712. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

"(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

"(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

"(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 703. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended to read as follows:

"SEC. 2705. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

"(b) CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

"(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

"(f) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant, beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

"(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

"(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

"(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 704. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 705. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. 706. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 707. CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

TITLE VIII—INFORMATION ON PASSENGERS AND CARGO

SEC. 801. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) PRODUCTION OF MANIFEST.—Any manifest" and inserting the following:

"(b) PRODUCTION OF MANIFEST.—

"(1) IN GENERAL.—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) ADDITIONAL INFORMATION.—

"(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably

necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002".

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action, and the Chair appoints Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, and Mr. DEWINE, conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider Calendar No. 512, which the clerk will report.

The legislative clerk read the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. LEAHY. Mr. President, I urge all Senators to vote for Ms. Armijo.

I also thank both Senator DOMENICI and Senator BINGAMAN for working with the committee and with the President to help complete her confirmation. In fact, when she is confirmed, we will have confirmed as many district judges since July as we confirmed in the entire first year of the first Bush administration.

I thank the Senators for working together. It made our job much easier. Both Senators strongly support her.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The question is, Will the Senate advise and consent to the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's Action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Nevada is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. today the Senate proceed to executive session to consider Executive Calendars Nos. 513 and 514; that there be 5 minutes for debate equally divided between the chairman and ranking member; that upon the use or yielding back of that time, the Senate vote on the confirmation of each of these nominations; that upon disposition of the nominations the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEAS AND NAYS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that it be in order to request the yeas and nays on the two nominations with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, prior to moving to the bill—we have the managers here on the DC bill—there has been conversation with the minority. The two managers have spoken, and we have every hope of finishing this bill early tomorrow. There are at least two amendments at this time. There has been a tentative agreement on time for those amendments, and it appears that we can start them early in the morning and finish them shortly thereafter. Hopefully, there would be nothing more.

At the appropriate time, we will have a unanimous consent in relation to the whole bill.

Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the committee is discharged from the consideration of

H.R. 2944, and the Senate will proceed to its consideration. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate-reported language is adopted as the substitute.

(The amendment (No. 2106) is printed in today's RECORD under "Amendments Submitted and Proposed.")

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, as has been agreed to, I am pleased to bring the District of Columbia appropriations bill to the floor with my colleague and partner, the Senator from Ohio, Mr. DEWINE. We will speak this afternoon as we bring this bill to the floor and then entertain any amendments which should be limited on this bill.

I say it is fine work the two of us have done with our committee members to try to reconcile some of the differences in this bill and to bring forward a bill we can support in a bipartisan fashion. I thank the Senator from Ohio for his great work and his diligence, particularly in some very important areas in this legislation that we lay out.

Also, I recognize the staff who has been very helpful to us in preparing this important piece of legislation. They will be with us in the Chamber today.

Mr. President, this total budget before us for the District of Columbia, our Nation's Capital, and one of the premier cities, if not the premier city in our Nation, is $7.1 billion. I think it is important to note for the purposes of what we are going to be discussing this afternoon that $5.3 billion of this money is raised through the local tax base, local levies, local ordinances governing tax collections and fees paid by the residents of the District and those tourists and citizens who visit the District.

We also have within this budget $1.7 billion in Federal grants, which includes all of the Federal programs that all of our cities and States participate in so readily, not the least of which is Medicaid, which is a very familiar program to many.

In addition, the area that we have concentrated our work on mostly is the $400 million included in this District of Columbia appropriations budget for criminal justice, prisons, and courts; under a recent statute the Federal Government has taken on the responsibility to hopefully do a better job—a system that was in some disarray with some unfortunate mismanagement, and to relieve the District of that financial responsibility, helping them to get back on good financial footing. So that is the general outline of the moneys in this bill. I will come back to them in some detail.

In opening, let me say—and I know Senator DEWINE shares the same hope with me—we can lead in a new way with this bill, in a new time, a momentous time for our country and for the Nation's Capital since the unwarranted and unexpected and tragic attacks of September 11. Some of the terms that have been used to describe the relationships between Congress and the District have been old ones such as "partisanship" and "bickering," a battleground for competing ideologies that might have been better fought on a broader theater or on a broader battleground.

Sometimes I think our District has been treated as a national guinea pig instead of the Nation's Capital. I hope, as we bring the bill to the floor this year, we can use new words to describe this partnership—instead of "partisanship," "partnership"—words such as "trust" and "respect," respect for local decisionmaking, which I think is so important in this relationship with the District.

Instead of a battleground, I hope we can find common ground to build on some of the principles and issues that are important not only to the District but to our country.

I would like to think this bill represents a thrust toward economic vitality. The ranking member and I believe very strongly in job creation in the District, along with the Mayor and City Council, obviously, and we want to do what we can to make sure there is vitality.

In addition, words such as accountability, transparency, excellence in management, excellence in the education system, and investments in strengthening the health care system of the District are issues about which our committee feels very strongly.

I commend the work of the Mayor and the City Council, and so many others, particularly the Chief Financial Officer and others on the financial front who have helped to lead the District to a sound financial footing.

It is important to note that this is the first budget we will be considering as a Congress in 5 years that is post-control board. The control board that was in effect and helped bring the District back to relatively strong financial health, even in a time of crisis and challenge, came to an end on September 30. This is the first budget to come forward without the control board being in place.

As the control board has moved off the scene, what has moved front and center are the authorities and responsibilities of the Chief Financial Officer. So many of the charges to keep the District in good financial stead will now lie with the Chief Financial Officer, and it is my hope that throughout this year and the coming years we will be able to strengthen that office and the systems within the DC government to make sure it is clear who is accountable for what and that there is transparency and accountability, because without strong finances the District will never be able to reach all of its many worthy goals, some of which I have just outlined.

I wanted to note that before I get into my prepared remarks.

The second principle that is embedded in this mark that I present is the elimination of some of the time-worn restrictions on the ways the District can spend some of its local funding. In our States, we all have cities and jurisdictions that want to be and should be autonomous in terms of the ordinances they propose and on what they choose to spend their money.

Too often, in my opinion, Congress has stepped in to try to micromanage, supersede, mandate, and attach too many strings to the way in which this city wanted to spend its own resources. Again, it is its own tax dollars spent by its own elected board. I have tried in appropriate ways to eliminate in this mark many of those riders or measures that were placed not because of the issues to which they pertain, but because of the principle.

I want this mark to suggest that we are entering an era, hopefully, of mutual respect and partnership, trust and respect of local decisionmaking. I would expect that for the city of New Orleans, for the city of Baton Rouge, and for the city of Lafayette. Senator DEWINE, I am sure, expects that for the city of Cleveland. We should have no less of a level of appreciation for the District of Columbia.

The third principle of this bill is a significant investment in child welfare. This has been one of the mayor's top priorities. It has been, I believe, the citizens' top priority as, unfortunately, 200 children in the last 10 years have lost their lives at the hands of people who supposedly love them, supposedly were caring for them. They have been murdered, tortured, and abused because the system in DC is not strong enough. This bill represents an extremely significant investment in that respect.

Counting what the city is putting up and what the Senator from Ohio and I have determined is an appropriate investment reaches almost $40 million in new money to create and to strengthen the court system creating a new family court that will be complementary to this effort in hopes to correct this terrible situation and reverse this trend. I can state this is one of the best provisions in this bill.

In addition, particularly due to 9-11, the $16 million for security investments for the District is to help the District establish better management and security plans, and I will go into that in more detail.

The other principles are investments in education, the environment, and children's health. Investments are an important part of any growth plan for a city or for a State. We can tighten budgets, we can have fiscal discipline, we can try to keep those budgets in balance, but the smart money goes to those cities that are making long-term strategic investments.

We can never overinvest if we spend it wisely in education or the physical environment, such as bringing back the Anacostia River, the Navy Yard, which is an important developmental opportunity for the District, and in children's health, which Senator DEWINE has led.

To restate, the tragic events of September 11 have reminded us all of the safety, security, and financial strength of the District, our Nation's Capital, and how it serves as a vital symbol of our national resolve. This bill, as I said, serves the needs of the District's police, fire, public health, and emergency management services—the people who are on the front lines today, who were on the front lines on September 11, and who will be there when we have another attack. We hope we do not have another attack, but we are prepared for one and getting better prepared every day.

Given the strategic importance of maintaining stability in the Nation's Capital, the Appropriations Committee decided to maintain the original funding for the IMF conference that was canceled. Instead of canceling the funding, we reoriented that funding to be used for these important security needs.

In the days after the attack, local officials and the media began to detail some of the shortfalls in the present emergency protocol. Specifically, articles in the Washington Post highlighted the need for coordination and improvement. I thank Senator MIKULSKI and Senator SARBANES for their input on this subject, as well as Delegate NORTON, who is in the Chamber, along with the Mayor and others as we worked out a security plan that is robust, a security plan that has redundancy built into it, a security plan that will work for the residents of the District, for the thousands of people from the region who visit daily to work and enjoy the sites, and the millions of people who travel throughout the year to celebrate in the Nation's Capital.

I expect Mayor Williams and his staff to give attention to this real and immediate concern. I thank them for the work they are doing, and I look forward to working with them diligently in the months ahead.

Fiscal year 2002 will be an important year for the District. Overall, the District has moved from a negative accumulated fund balance of $518 million in fiscal year 1996 to a positive fund balance of $464 million. That is almost a swing of $1 billion in 5 years. That took a lot of hard work and a lot of dedication. There was a lot of anguish and a lot of disagreement about how that should happen, but it did happen. The District is in a positive financial posture due to a lot of hard work, and we want to keep it that way with appropriate mechanisms, even with the Control Board moving out of its area of responsibility. The city met all the requirements under the 1005 Financial Responsibility and Management Assistance Act and is no longer under the general supervision of the Control Board.

The Chief Financial Officer will begin to fulfill many of the financial management functions previously performed by the board. The termination of several significant receiverships, particularly in child welfare, indicates a stronger, more effective, local government.

With each success, the District gains more independence. This bill maintains Congress' commitment to ensure that District officials have the tools they need to continue to serve DC and those who visit the capital.

While this is often a challenging role for the Federal Government to make, it is an important one. It is imperative Congress work with the city so the foundation of resources are in place to ensure this independence will result in success. To accomplish this, the Appropriations Committee has worked diligently to forge a partnership for progress between Congress and DC local elected leaders. Determined to be a supportive partner of the city's agenda, we have done our best to construct a Federal budget that supplements but not supplants the city's efforts to fulfill its promise to enrich the lives of the citizens in the District.

The bill before us is now evidence the committee shares the city's vision for quality education, a clean environment, improved child and family welfare, and continued financial strength. In each of these key areas, we have worked with local officials to determine the best course of action for all concerned.

Over the past 10 years, the District of Columbia has struggled to review and reform its child welfare system. I am certain my colleague from Ohio will speak in more detail about this because he has been such an extraordinary leader in this particular area.

First, under the guidance of a court-appointed receiver and now under the direction of a newly-appointed Child and Family Services Agency, this committee would be hard-pressed to find a greater priority than the well-being and safety of the children of the District. For this reason, as I said earlier, we have included a significant increase in the funding of a family court reform effort, the Child and Family Services Agency, and Court-Appointed Special Advocates, CASA.

The ranking member and I believe strongly that investing more money without reforms, without accountability, without principles such as one family/one judge, without principles such as people should choose to do this job because they want to, not because they are forced to, that lawyers should take these cases because they want to, not because they are forced to, and the principles that volunteers in courtrooms looking out for the interests of the child will make a difference in that child's life and in that family's life, are crucial to the underpinnings of the reform.

I will be pleased to work with colleagues on both sides of the aisle and in both Houses of Congress toward that end.

In addition, we have made note of the progress made by many DC public schools. In particular, the committee has included language and funding intended to serve as a catalyst for the ever-growing DC charter school movement. However, I am concerned about the current financial and management challenges of the schools and hope to work with the city on this front more specifically.

Let me say as an aside, before I get into my conclusion about schools, we all represent hundreds and thousands of schools in our own particular States and each one of us in our own way has worked with our mayors and our superintendents and our Governors to help reform and uplift and to build a stronger school system. In my mind, never has it been more important than in the post-September 11 attacks to think about what our school systems mean to our democracy.

Let me be as clear as I can possibly be on this subject. Pretty good is just not good enough. Schools that do all right is just not going to cut it or make it happen in the world that we face today. In these challenges, where it is important for us to understand our country well, to understand other countries well, other cultures and other religions, it is important for people to be well educated and well trained and well read and well versed on history and art and philosophy. It is important for our children to have the finest education.

Why? So they can become the kind of citizens that not only can govern in this Nation but literally lead the world. The world looks to America for leadership. They do not look necessarily to the elected officials of our country for leadership, although we are the voice of the people, but as the people of the United States that must lead. People can lead better when they are well educated and well prepared, well read about the actual character and conditions of this world.

I hope we really appreciate how important it is for not only the schools in the District of Columbia to work at a higher and more excellent level but how important it is for all of our schools. I am willing to take on some battles there because we have to think outside of the box, in a new way. We are going to do that in a bipartisan way, in an appropriate way, to help strengthen the schools for every child in this District, in our Nation's Capital, which is host to people from many places around the world, to provide a quality education, a wonderful education, not with just a pretty good teacher, not with a good teacher but with a great teacher, a well-motivated and well-trained teacher, to give children the kind of education in partnership with their parents, to provide that education for the children to create better schools, a stronger community, a stronger Nation and citizens that can truly lead the world in the decades ahead.

Finally, I am proud to say this bill includes funding to support education, public health, economic development projects. As the mayor and I have both said, a community with clean parks, beautiful waterways and safe streets is one in which people are proud to live. So if the schools are excellent, they serve as an economic catalyst for businesses that want to stay in the District and grow. When there are clean parks and places where children can play, when the waterways are clean enough to recreate and to swim in, and when the streets are safe, that is what makes a great community all the more great, and that is what our hope is for this District and for all of the cities that we represent in this great Nation.

I want to say particularly how impressed I am with the work of Mayor Williams, who has worked tirelessly on this and many other fronts. This is home for the Federal Government and its employees. It seems only right that we should do our fair share to see the District remains the beautiful place it is.

Amendments may be offered to this bill to restrict the District's ability to use its own locally collected tax revenues to operate specific programs hundreds of cities across this country operate. I hope those amendments will not be offered, but if they are, we will debate them with a limited time and move on so we can get this important bill passed and signed by the President.

In many parts of the country, some of these issues are controversial. Throughout the entire country, the issue of the direction of local funds is something that is universally, I believe, supported.

Let me conclude by thanking my ranking member and by saying I am proud to offer this mark, which puts the District in financial balance with a financial surplus, that outlines some of the strong principles of education, investments in health and in the environment which will make this city even stronger. With the emphasis on security and investments we have made, I think this mark will serve this city well for the next many years and in the decades to come.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator LANDRIEU for her comments but, more importantly, for the great work she has done over the last few months. It has been a great pleasure to work with the Senator from Louisiana. Her dedication to her job, her dedication to children in the District of Columbia, comes out every single day I meet with her and every time we talk about these issues. This bill is truly a reflection of that dedication.

Senator LANDRIEU and I have really been partners in our efforts to ensure that the children who come into contact with the court system in the District of Columbia are placed in a safe and a stable environment.

The bill before us today will go a long way toward ending the suffering of innocent children by providing resources to strengthen the District's family court system. Today, as Senator Landrieu has outlined, we are providing $140.2 million for the DC court system, an increase of approximately $35 million over last year's enacted level. The majority of these funds will be dedicated to improving the family courts so case workers can adequately address the individual needs of the children and the families who come into contact with the court system. These funds will help implement the reforms outlined in the family court bill that Senator LANDRIEU and I have introduced. These reforms will help the District hire, train, and equip additional staff and construct additional courtrooms.

It is not a question of money. That is why we have, as Senator LANDRIEU outlined and talked about a moment ago, introduced the family court bill, a bill I hope we will have within a short period of time for debate and for passage.

We are fulfilling today part of our commitment to the children of the District of Columbia. We need the reforms outlined in our DC family court bill, and we need the money contained in this bill to implement those reforms.

The family court bill we will take up later has a fundamental principle. And, that is that we have judges who, every single day, spend 100 percent of their time worrying about the children in the District of Columbia. "Family court" means exactly what the title indicates: The judges deal with family problems. They deal with children every single day. We need these judges to do this full time—we don't want them to be spending their time on felony trials or other civil cases. We need them to develop the expertise in family law. Teachers tell me it takes 4 or 5 years before an eager new teacher becomes a seasoned, experienced, and excellent teacher. The same is true with a judge. Our bill provides that longevity, that experience, that training, to focus on our children.

Our family court bill also has the basic principle: One judge, one family—again, this is so the children are not moved from judge to judge to judge. There needs to be an institutional memory with that family. If that judge knows whom he is dealing with, knows what has happened in the past, that judge can better deal with that family. That is the family court bill. It is not before us today, but it will be before the Senate, we hope, in the next few weeks.

I don't have to remind anyone in this Chamber or anyone who reads the newspaper about what a mess the District of Columbia child welfare system has been and still is today. There are a lot of good people working very hard to change that. I believe we have to do our part. The bill before the Senate is a downpayment—a downpayment—on that job and that obligation.

Next, this bill contains $147.3 million for the court services and offender supervision agency, an increase of $34.7 million over last year's level. With these funds, the District will have the resources to provide drug treatment services to over 2,700 offenders in the District of Columbia criminal justice system, an increase in treatment slots of about 54 percent over last year. Initially, funds will be used to repair and renovate the District drug facilities. Some of the money will be used to hire additional drug treatment counselors.

This increase, which meets the President's request, is particularly important because 80 percent of the individuals in the District of Columbia criminal justice system have a substance abuse problem. This is not unique to the District of Columbia. I saw it when I was a county prosecuting attorney. I saw it when I was lieutenant governor in Ohio. One of my responsibilities was to oversee the Ohio criminal justice system. Roughly that 80 percent of the people in Ohio prisons and our jails had substance abuse problems. That is true for the District of Columbia, as well.

Spending money on treatment of people behind bars may not be the most popular thing to do, but it does make sense. It is cost effective. It is the right thing to do. The sad truth is we already pay to house, feed, and clothe the prisoners. Doesn't it make sense, while we have their attention, while they cannot leave, that we work to try to give them some drug treatment while they are in prison or jail? Almost every single prisoner will someday walk out the door and return to society. It makes good sense to spend money for drug treatment. We do this and provide a significant increase in the funding of this bill.

Third, the bill includes $16 million to provide security protection for those living and working in the District of Columbia. The September 11 Pentagon tragedy and the tragedy in New York and Pennsylvania clearly demonstrated the need in every district in this country to have an integrated emergency management system in place. It certainly demonstrated that need in the District of Columbia. This funding will pay for a coordinated emergency plan for the District of Columbia in national security situations including, of course, terrorist threats, protests, natural disasters, or other unanticipated events.

As a condition of receiving these funds, in this bill, we are requiring that the District develop and submit to Congress a comprehensive plan to improve security measures and procedures in the District of Columbia.

Fourth, the bill includes funding for the local Federal Police Mobile Wireless Interoperability Project to provide equipment to facilitate direct communication to between the D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. We were pushing this prior to the September 11 attacks. The recent tragedy highlighted how important it is that the District's law enforcement teams are able to communicate effectively. It is important in every city in this country, but in this city we have a unique problem. Our unique problem is we have so many different agencies that have authority: The D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. This effort will coincide with the integrated emergency planning to help enhance the District's overall response to security threats.

Briefly, I will mention three other important initiatives included in this bill. I am pleased the bill includes funds for the Green Door Mental Health Clinic to expand the facility. Our friend and colleague from New Mexico, Senator DOMENICI, has been a very strong advocate and supporter of this program. I thank him for his strong support and his dedication. The Green Door is a community program for people with severe and persistent mental illness. The Green Door program serves about 300 people. Of the people it serves, 70 percent are African American. Of those 300 people, about 75 percent are schizophrenic.

In a separate, but equally important provision of the bill, we have included funds to assist the D.C. Safe Kids Coalition to expand their permanent child safety seat fitting station programs. These stations are vital to help reduce motor vehicle-related deaths and injuries—the leading cause of injury-related deaths among children age 14 and under. Funds will help the District distribute additional child safety seats to low-income families.

The Safe Kids Coalition is a group I worked with in Ohio. I have seen their great work in Ohio. I have seen their great work in the District of Columbia. I have seen it across our country. They are literally saving lives every single day. They are doing things that matter. The small amount of money we have included in this bill, I believe, will help them save the lives of children in the District of Columbia.

Finally, this bill provides funding to the Children's National Medical Center to help renovate its facilities, update its equipment, and provide private areas for families. Each year, the children's hospital in the District of Columbia provides care to approximately 200,000 infants, toddlers, youngsters, teenagers, from every State in the Union. Kids from all over the country are treated here. Kids travel here, their families travel here. This children's hospital really has a national focus.

The Center conducts Federal research for the National Institutes of Health and supports pediatric specialists who are nationally and world renowned. We are very fortunate to have the children's hospital here in the District of Columbia, the Children's National Medical Center. We do serve children, not just in the District, but throughout the world.

Anyone who has a child has probably at one time or the other taken that child to a children's hospital. My wife, Fran, and I have had that experience on several occasions. Each time we go into that setting as very apprehensive, worried parents, I can tell you it is a great relief to deal with professionals who know what they are doing, who know children are not just miniature adults, that they are different and they have to be dealt with differently. That is something with which I think we need to help the District of Columbia and help private agencies that are helping the National Children's Medical Center to improve its facilities, to improve its research to better help with our children. So we have provided money in this bill to do that.

Let me again thank my colleague, Senator LANDRIEU, for her great work. It has been a pleasure to work with her. As she has indicated, we do have maybe two or three amendments that we will, I think, dispose of tomorrow. I anticipate it will not take us very long to debate these issues. There were a couple of issues we just could not get resolved in the committee. They will be resolved within an hour or two tomorrow, and I hope we will then be able to move, by about mid-day, to final passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, we will be open for amendments under the time agreement in just a few moments. I thought I would add a couple of closing remarks. We may have amendments presented tonight. We are anticipating probably those amendments will be presented in the morning.

I wanted, for the record, to also thank not only my distinguished colleague from Ohio and ranking member but also the other members of our committee for their fine work. I thank the Senator from Illinois, Mr. DICK DURBIN, the Senator from Texas, Mrs. HUTCHISON, and the Senator from Rhode Island, Mr. REED, for their work and dedication to helping us bring this bill to the floor, working on all these issues in great detail, conducting meetings, conducting phone conversations, conferences, meeting with House Members to resolve many of these issues and to work with the local officials in such a respectful, progressive, and forward-looking way.

I also thank my colleague and counterpart in the House, Congressman KNOLLENBERG from Michigan, for his fine work as a chair on the House side, and also the Congressman from Philadelphia, Mr. FATTAH, for his work on these important issues.

I want to mention a couple of important projects. Senator DEWINE mentioned a few. I see some other Senators are coming to the floor—Senator SESSIONS and others—but I would like to take a moment to mention a few other projects that are in this bill.

One is an investment of a half-million dollars that I think will help us begin to build up for the city—and with the partnership of the Federal Government and with the city government and related agencies and, most important, with the families of the District—a partnership to help us build and develop, over time, hopefully some of the finest recreation sports fields and facilities in the Nation.

As Senator DEWINE said, as a parent of eight children—I am a parent of two and actually am a soccer mom on weekends here in the District, and in Louisiana to some extent also—I am visiting and spending a lot of time with soccer moms and soccer dads. I played a little baseball in my day. I know, growing up in New Orleans, how important sports and athletics are to the development of our family. I watched how important that was for many other families. I think here in the District there are some wonderful opportunities of which we are not fully taking advantage.

I shared this with the mayor. He expressed not only his commitment but enthusiasm. The city council and its members and leaders in the city, expressed their enthusiasm for working with Congress in partnership to help create better opportunities for our children in every neighborhood and every area of the city to participate in organized sports and to have opportunities for soccer fields, baseball diamonds, and basketball courts. In this particular bill we have a study to be conducted for possible locations—close, in this region—that could help us build the kind of facilities that are now available in jurisdictions just right outside of the District, in Maryland and Virginia.

Bond issues have been passed. Great corporate partnerships have come together. So if you live in Maryland or live in Virginia, the chances are on the weekend you can get to a soccer field that is actually well maintained and well manicured and kids and parents can have so much fun and enjoy the beautiful scenery and great opportunity that sports bring to teach children lessons and bring families together.

Unfortunately, we do not have those kinds of extensive facilities in the District. It is one of my goals to work with the many different organizations in the city, and the elected officials, to help build a foundation.

In addition, I understand the District itself would like to host the Olympics in 2012, which is a wonderful goal. It is going to be quite a challenge. Building these sports facilities is not only great for improving the quality of life and helping give children and families the kind of experience we all hope for in the communities in which we grow up, but it is also a great economic opportunity for the District to position itself as a potential contender for the Olympics. So I am very keen and very passionate and committed to this particular area.

In addition, I thank Senator DEWINE for his work with Children's Hospital and for the investments he has made in creating the children and family court system. Let me take a minute on that particular subject.

We hope every child in this country and the world will stay in the family to which they were born. I think it is what God intended. It is what we hope for and work for every day. But there are facts, tragedies, and circumstances where children cannot stay with their biological parents. There are some tragedies that have occurred in this District and in places around the Nation. We are hoping to build a bipartisan consensus in this country, and I might say in the world, on the simple notion that all children deserve a family to call their own. Children should not be raised in hospitals, left to grow up alone on the streets, to comfort themselves when they are sick, to put themselves in bed, and get themselves up in the morning at ages at which you could not believe they could be capable of doing that.

It is incumbent upon our Government, working with the private sector and nonprofit organizations, to make sure every child has a family. We want them to stay with their biological families if at all possible; but if not, to not leave them alone or in a situation that is not permanent, and move them to adoption.

So investing in a new court system, starting up a family court, is a great step toward that goal of helping children to be connected to at least one loving, responsible adult.

I am proud to say that adoptions in the District are up, but we still have too many children in foster care.

I can't give this speech nearly as well as the mayor himself, who came out of foster care at the age of 4. He was basically declared to be mentally unfit at that age. His emotional capacity was questioned. His adoptive mother, Ms. Williams, gave a beautiful testimony. She said she looked at this child and could see something very special in his eyes and decided to take him into her family. She raised him, and the rest is history. He went on to a fine university and is now mayor of this great city.

I hope people can see hope in the mayor of this city, in him and his adoptive family, and what can happen when the system works well—to connect the child who needed a mother and father, a mother and father who wanted a child, and to see how this community and Nation will benefit when that system works.

This bill is committed to laying a foundation to help this system work for the District and hopefully serve as a model for the Nation.

Mr. REID. Mr. President, will the Senator yield?

Ms. LANDRIEU. Yes, of course.

Mr. REID. Mr. President, I have been listening to the Senator's opening remarks, and especially to what she just stated, and her humility. She can speak with great authority about adoption. The Senator and her husband, Frank, have two beautiful children, Mary Shannon and Connor. I remember going to her office, and Mary Shannon was there on the floor, having recently come into her life and all of ours.

I am sure that Mayor Williams can give a very dramatic speech. Senator LANDRIEU speaks from experience, and she speaks volumes. As chairman of the subcommittee, she is focusing on that which needed to be focused for a long time in the District of Columbia. I think that says a lot.

I want everyone within the sound of her voice to understand that she speaks about something which is not read in a book. They adopted two beautiful children. They are very happy and very fortunate children.

Ms. LANDRIEU. Mr. President, I thank the Senator. I appreciate those remarks. Frank and I are blessed. As adoptive parents, we can't believe that we are so blessed to have an opportunity to take children into our home. People think you are doing them a great favor, but actually they do a great favor by just being the beautiful children that they are.

As the Senator said, I am an advocate because I have seen the benefit of not only adoptive children but as an adoptive family. I have seen the benefits of birth families and birth mothers who have made such a selfless decision. Given all of the desires expressed, and the needs of the parties, the least our government can do is to invest some money and some time to put in structure and accountability so these matches can be made. Our whole society benefits.

I am proud that this is in this bill.

I hope this bill will be the beginning of new investments in the District public school system, particularly giving more choices for parents in the District for charter schools, for magnet schools, and for more public school choice, by helping to return ownership of the schools to the communities and to the parents, by breaking down some of the systematic barriers that fight against excellence and greatness, which keeps us thinking that mediocrity is what we strive for when that is not the case. We strive for excellence. We strive for greatness in our schools. We have to keep pushing forward, thinking in different ways and helping us stabilize the middle class as it grows in the District, both black and white and people of all races. We cannot stabilize the middle class without an excellent school system. I want to work with members of local government to help do that.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1543, the District of Columbia Appropriations Act for Fiscal Year 2002.

The Senate bill provides $408 million in discretionary budget authority, which will result in new outlays in 2002 of $368 million. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $416 million in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays. The bill does not provide any emergency-designated funding. In addition, the bill approves the District government's budget for 2002, including granting it the authority to spend $7.154 billion of local funds.

The Congress is far behind in passing the 13 regular appropriations bills for 2002. Much of this delay is the result of the extraordinary events of this year. I am hopeful that the bipartisan agreement reached between the President and congressional appropriations on the 2002 budget earlier this month will result in a quick completion of the 2002 appropriations. It is particularly important that the Senate act expeditiously to pass this bill, which not only provides a limited amount of federal funding to the District, but also, through the enactment of its budget, allows the city to obligate and spend its own local revenues.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1543, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	408	0	408
Outlays	416	0	416
Senate 302(b) allocation:[1]			
Budget Authority	408	0	408
Outlays	416	0	416
House-passed bill:			
Budget Authority	398	0	398
Outlays	408	0	408
President's request:			
Budget Authority	342	0	342
Outlays	362	0	362
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:[1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-passed bill:			
Budget Authority	10	0	10
Outlays	8	0	8
President's request:			
Budget Authority	66	0	66
Outlays	54	0	54

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the President. I express my appreciation for the good work of the Senator from Louisiana on the issues that she described. I appreciate her commitment to education and to the improvement of education.

THE NOMINATION OF KARON OWEN BOWDRE

Mr. SESSIONS. Mr. President, in just a few minutes we will be voting on a Federal judge nominee for the Federal District Court of the Northern District of Alabama, Karon Owen Bowdre. Senator SHELBY and I are pleased that President Bush chose to nominate her. Her nomination moved through the committee and will be up for a vote in just a few minutes.

Karon Bowdre is a first-rate judicial nominee. Karon Bowdre has been a student, a legal practitioner, and a professor of law. She graduated cum laude from the Cumberland School of Law, where she served as associate editor of the Cumberland Law Review. Cumberland may be the largest school in Alabama. It is an excellent law school.

After graduating from law school Mrs. Bowdre served as a law clerk for the Honorable J. Foy Guin, Jr. in the Federal District of Northern Alabama, the court to which she has been nominated. She is very familiar with the Federal district court, having clerked and practiced there.

Judge Guin, a wonderful Federal judge, has taken senior status. He was number one in his class at the University of Alabama School of Law. His father was an excellent practitioner. I had the honor of practicing in his law firm immediately after his going on the bench in Birmingham. Mrs. Bowdre has a good background. She clerked for the Federal judge in the very district that she will be serving. Prior to becoming a full-time professor, Mrs. Bowdre spent several years as associate and partner, practicing law at the well-respected law firm of Rives & Peterson in Birmingham, our State's largest city. Rives & Peterson is an outstanding firm and her serving as partner in that firm is proof of her legal ability.

During a substantial part of that practice, she litigated a number of cases in the Federal court system. For the last 11 years, Mrs. Bowdre has been teaching students about the rule of law. As a professor and director of the Legal Research and Writing Program at the Cumberland School of Law, she has authored numerous articles on insurance law and legal ethics. She has established a reputation as a professor who insists on quality work from students, and high ideals and high ethics.

In addition, she has been called to testify as a legal expert on insurance issues and has been involved in lecturing at Continuing Legal Education seminars.

Mrs. Bowdre knows how to deal with lawyers, with witnesses, and with parties. These experiences have no doubt prepared her for service on the Federal bench.

Her reputation as a lawyer and as a scholar has earned her broad support in the community. I would like to quote a letter submitted by perhaps one of the most successful plaintiff lawyers in Alabama, Jere Beasley. Even though Mrs. Bowdre, as an insurance defense attorney, was generally arguing the opposite position of Mr. Beasley, he had this to say on her behalf.

> I have known Karon for a number of years and believe that she will be an outstanding U.S. District Judge. She will have wide acceptance from lawyers . . . regardless of whether they represent plaintiffs or defendants. While my practice is one that represents plaintiffs only, I am convinced that Karon will be fair and competent to all concerned and that is all that any lawyer should ask of a judge. She is highly qualified and, in my opinion, will do an outstanding job.

Her integrity, experience, and commitment to the rule of law are outstanding.

I commend Chairman LEAHY for placing her on the Senate Judiciary Committee agenda last month and for moving the nomination. I recommend her to my colleagues in the Senate without reservation.

I served for almost 15 years—12 years as U.S. Attorney and 2½ as Assistant U.S. Attorney in the Federal court. Those 15 years of practice full-time in Federal court gave me a basis to appreciate the value of a good Federal judge. When you go to court every day and you are there before a Federal judge who has a lifetime appointment, they can afford to be irritable, if they so choose, and there is nothing you can do about it. This knowledge makes you realize the importance of good Federal judges.

I am confident that Mrs. Bowdre will be the kind of judge that will serve the litigants and lawyers well that appear before her. Day after day and hour after hour she will give her best service to the country, and she will give her honest and best rulings in case after case that comes before her. You can't ask for more than that.

She has integrity, outstanding legal ability, and broad experience. She will be an outstanding Federal judge. I am honored to have submitted her name. I am confident she will be confirmed in a few minutes.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

AVIATION SECURITY

Mr. DORGAN. Madam President, I congratulate the Senator from Louisiana and the ranking Senator from Ohio for their work on the District of Columbia Appropriations Act. I am pleased to support it, pleased as a member of the Appropriations Committee to support it.

I intend to support the judge my colleague from Alabama just described. That judge has a commendable record of public service. I am pleased to support the President's nomination.

I rise to comment about something that is not in the appropriations bill. Then I will speak on an amendment I intend to offer. First, on the issue of aviation security, I believe we are or probably have appointed conferees from the Commerce Committee on the issue of writing an aviation security bill in conference between the House and Senate. I will be one of those conferees.

It is a shame we have had to wait this long. We passed a bill dealing with aviation security 100-to-0 in the Senate. It wasn't a great controversy, just judging by the margin of the vote—100-to-0—people here believing that we needed to improve security of the country's airlines.

We need to give people a feeling of security that when they board an airplane their fellow passengers have been properly screened, that we have made certain there is not a risk that we are going to have additional hijackings. The airport security bill was very important. We passed it 100-to-0. The

House of Representatives dragged their feet and waited and waited and didn't act.

Finally, they acted. They passed a piece of legislation that is deficient. Their concern was that the Senate bill would have "federalized" workers at airports who are screening baggage and other related activities dealing with security.

Let me describe a couple of things about security. Yesterday I was in Chicago. I came back by commercial air from Chicago to Washington, DC. As I picked up the newspaper in the Chicago airport, I read about the events of the previous day, Sunday, at O'Hare Airport. Most people have now heard of that circumstance on Sunday, but let me describe it for a moment. It is not an isolated instance.

A fellow named Subash Bahadar Gurung, age 27, was arrested Sunday in Chicago on charges that the night before he tried to bring knives, chemical spray, and a stun gun onto an airplane.

Here is the frightening part of all this: This fellow, who according to news reports is in this country illegally, got through the initial screening with the X-ray machine and reached the gate to board his airplane. At the screening they discovered he had two knives. They confiscated the knives, then let him go to the gate.

At the gate, he went through an expanded screening and they opened everything he had and discovered he had seven additional knives, a can of mace, and a stun gun. I don't know if the guy is a terrorist, but I do know he is stupid. Nine knives, mace, and a stun gun, showing up at the airport?

There is something else that is wrong: He got all the way to the gate with seven of his knives, a stun gun, and a can of mace.

The Secretary of Transportation had a lot to say about that yesterday. But the point is this: We don't have a security system in place that gives people confidence. Just ask yourself: If someone can get through O'Hare Airport, one of our largest airports, can get through the screening process with seven knives and a stun gun and a can of mace, what kind of confidence does that give people who are traveling?

Let me give you a couple of other suggested incidents that ought to give us cause for concern. In Westchester County Airport in New York last Friday, a woman was arrested on charges of criminal possession of a weapon when she had a palm-size .22-caliber handgun that showed up on an x-ray of her luggage. So they caught her at the screen.

She said: Well, this gun belonged to a boyfriend and besides, it hadn't shown up on an earlier flight.

That gives you a lot of security, doesn't it, a real feeling of security?

She said: It is my boyfriend's gun, but it didn't show up on the previous flight when I went through.

We can go to Tuesday, a Mississippi man in New Orleans was able to get through the security checkpoint with a loaded gun in his carry-on bag, and he was allowed to board a plane at Louis Armstrong International Airport. He got on the plane with this loaded gun. He said he didn't realize the handgun was in his briefcase. He discovered it in the middle of the flight and immediately handed it over to a flight attendant. He said it was a pure accident.

The question is, How do you get through a checkpoint, a screening process, with a loaded handgun in your briefcase?

Let me describe the company that was screening at O'Hare Airport in Chicago this past weekend. Argenbright apparently is the largest company that employs screeners around the country. They employ screeners at more than 33 airports in the United States. In fact, I believe they are an international company that provides services around the world.

They were fined $1.5 million in October of last year and placed on 3 years probation for making false statements to the FAA concerning training, testing, and background checks. In other words, they were hiring people with criminal backgrounds, not training them properly, doing a lot of things, and lying to the FAA about it, certifying that in fact things were just great, when in fact they were not. They were fined $1.5 million and put on probation.

Then last month, they were found in violation of their probation for continued violations regarding their screening services.

Last weekend, they were still on the job, the same company. Filing fraudulent statements with the FAA, fined $1.5 million, put on probation, found in violation of probation, and still working? Would that happen to people, real people, do you think? I don't think so. They would lose their job. But not big companies.

Last weekend, this company and its employees allowed a guy to get through a screening with nine knives—caught two of them, missed seven—a stun gun and a can of mace. Talk about incompetence; talk about a story that once again undermines people's confidence in flying on commercial airlines, this is it.

The question is, Is there an emergency in this Congress to do the right thing: to pass an aviation security bill and do it the right way, and do the right thing? You bet your life there is.

What happened was, we saw that process get hijacked in the House of Representatives by two Congressmen from Texas. Why? Because they said they didn't want these people to be Federal employees. I don't care whose employees they are. All I care about is accountability. I care about making something work. I care about getting something done the right way.

I say to those people who always denigrate public employees: Why don't you say that to the families of the firemen who were climbing up on the 25th and the 35th and the 45th floors as the World Trade Center was burning and about to come tumbling down on these brave men and women who served on the firefighters force and the law enforcement forces who were in those buildings and lost their lives, say to them that public service doesn't count. Say to them that somehow being a public employee is a second class citizen. Say it to them or their families.

The fact is, we have an obligation to do this right. Security is a responsibility—in this case, at our airports—of ours, of the Government.

We passed a piece of legislation here that was Hollings-McCain, Democrat and Republican, a bipartisan piece of legislation that was supported by 100 Senators and passed 100-to-0. Then we run into this brick wall—people who object to everything all of their lives. They get up in the morning cranky and can't find anything right about anything, and they come up with legislation that doesn't solve a problem. It is just the same old approach that will put us back in the same old rut.

So as we tackle this question of airport security, aviation security, as one member of the conference, I will insist on doing the right thing right now, not next week or the week after. The American people have a right to expect we will do the right thing, the responsible thing, that will improve security at this country's airports.

Madam President, I will mention one other issue, and it deals with aviation security. Every day, we have aircraft coming into this country from overseas, commercial airliners that are landing as I speak at some airport in the United States, carrying passengers who are guests of ours. They are given a visa to visit our country. They are guests of our country. We have allowed them to become guests through the visa process. We have said: You are given a visa and you may come to the United States.

On most of those flights, the carrier—the airline sending these guests to the United States—sends us an advance list of their names. It is called the APIS, advance passenger information system. Do you know why they do that? Since 1988, they have been doing that in order that we might check a list of the foreigners coming to the United States against our list at the FBI, Customs Bureau, and 21 other Federal agencies, to determine, are these people known or suspected terrorists, violent criminals, and others who should not be allowed into our country? Are they? Well, we get the list and we check it against all of these data bases. It has been a very successful thing to do.

The problem is we don't get all of the names. We get 85 percent of the names;

15 percent of the names we don't get. We don't get the names from airlines from Pakistan and Saudi Arabia, and we didn't get them from Kuwait until last week. From Egypt we don't get names, and from Jordan, and I could go on.

The result is that since the day the President signed the counterterrorism bill on October 26, 178,000 people have landed in this country without having their names submitted for preclearance to our database at the FBI, Customs, and other law enforcement agencies. That is an approach that would allow us to weed out suspected terrorists and others.

The Customs Commissioner testified before a committee I chair, and he said this should be made mandatory. I said: I agree, it should be; let's ask the airlines not complying to do so. So I offered an amendment during the counterterrorism bill when it was debated in the Senate, and the Senate agreed to it unanimously. That was that. That bill then went to conference, and some people in conference from the other side said: Gee, I don't know, this is about our committee jurisdiction; it didn't go through our committee, therefore we reject it.

They kicked it out of conference. So when President Bush signed that bill, this provision wasn't there. It means that the counterterrorism bill, where this was when it left the Senate, did not have a central provision that is necessary for us to prescreen passengers coming into this country, especially from countries such as, yes, Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Somebody said: When you raise these issues about certain countries, aren't you profiling? The answer clearly is no. We are only interested in profiling terrorists or suspected terrorists, or those who associate with them, because we don't want them to come in as guests of our country. So we do profile people who are either known terrorists or who associate with terrorists because we want to keep them out of this country.

Is that selfish? No. That is self-protection. We have every right to decide we don't want a guest in this country who is going to try to injure this country. So I included that amendment in the counterterrorism bill. It got knocked out in conference. I don't like to use this language, but I said: Of all the boneheaded things for people to do—to assert committee jurisdiction on an issue of national importance such as this.

But on the last appropriation bill we passed, earlier today, I offered this amendment last week. The Senate just passed it again. I intend to put it on this appropriations bill. I am going to offer it on every piece of legislation until we get people to think more about national security on the other side than they are thinking about committee jurisdiction, and until they understand airplanes should not land in this country unless they have complied with the APIS system, which has been in place since 1988.

Since September 11, we ought to understand the obligation we have to be careful about screening those who are guests in our country. You cannot provide security in this country unless you provide security for our borders. Part of our border security is to deal with those roughly 70 million, 80 million people a year who come into this country on commercial airlines as guests, coming from foreign countries. So I intend to offer that amendment again today. I will offer it to any other legislation we have on the floor. I know people will say that is blue slip, or it is this, or it is that. It is none of that. That is all nonsense.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. I ask the Senator, we passed the airport security law in this body and we changed the authority—moving the authority from the Department of Transportation to the Department of Justice. That was my amendment. I contended at that time that we really don't have a problem with the laws; we have trouble with enforcing the law. I would be interested in seeing what the Senator's thoughts are on keeping the bright line of authority to the Attorney General rather than leaving it with the Department of Transportation.

Mr. DORGAN. This particular issue happens to be the Department of Customs with respect to advance passenger information. They run all of these names against the Justice Department list, the FBI list, and 21 different Federal agencies that keep lists of undesirable people coming into the country. That is a separate issue in conference. I think the Senator from Montana is probably one of the conferees on the aviation security bill, I am going to be one as well. We can talk about all of those issues.

All I really care about—going back to the issue of aviation security—is that we get the job done. The one thing that is clear to me is companies that have been fined for defrauding the Government—in effect, companies that have been put on probation and violate their probation, that hire screeners who leave the company to fry hamburgers because they get more money to do it, and to let somebody come through with nine knives, a stun gun, and a can of mace—those are companies I don't want screening baggage. I want somebody on whom I can rely. All I care about is accountability and results.

Mr. BURNS. We know there are areas of responsibility. Who best can have access and be a model for us, without expending a lot of money or building a new bureaucracy? We know we have to have passenger lists and we need intelligence. Who best to do that other than the Department of Justice? We need security at the check-in area and also the gate area. Who best, other than the Justice Department, knows how to secure Federal buildings, Federal courts, moving Federal prisoners—all of these things they already do? Some they do themselves and some they contract out to companies that have a very good reputation with them.

I think the conference ought to get underway right away. I am supportive of the Senator's views on that and say we ought to be in the business of protecting the American public as best we know how, instead of writing a law and putting it into the hands of the administrative rule writers, who sometimes write rules for their own benefit and not for the protection of the people.

Mr. DORGAN. In closing, the issue is not so much the jurisdiction of which agency. In fact, we do have a law enforcement function and security functions at DOT. Some say maybe it should be the FAA. But the fact is, the big dispute, the thing that held up forever was that the House of Representatives didn't want to have people who were public employees, Federal employees. So that was the big thing over in the House of Representatives.

I do not think it was in the Senate. We passed the bill in the Senate 100–0 largely because we believed if we had good training and accountability, if we hired good people and had guidelines for them to follow, then we would be able to provide security in our country's airports.

One thing is very clear from all of these reports: We do not have good security with the current system. This system needs changing. This system does not work, and all we need to do is look at O'Hare in Chicago last Saturday and look at the papers on Sunday and Monday and understand how bad the system is and why we have to get at this job now, this week, and get it done.

I yield the floor.

EXECUTIVE SESSION

NOMINATIONS OF KARON O. BOWDRE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA AND STEPHEN P. FRIOT TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The hour of 5:30 p.m. having arrived, under the previous order, the Senate will now proceed to executive session to consider two nominations, which the clerk will report.

The legislative clerk read the nominations of Karon O. Bowdre, of Alabama, to be United States District, and

Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. There are now 5 minutes evenly divided between the chairman and the ranking member. Who yields time? If no one yields time, time will be charged equally to both sides.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, what is the matter now before the Senate?

The PRESIDING OFFICER. The nomination of Karon O. Bowdre is before the Senate.

Mr. REID. Madam President, I ask unanimous consent that all time that has not been used be yielded back and that we vote on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 326 Ex.]

YEAS—98

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Allen
Torricelli

The nomination was confirmed.

VOTE ON NOMINATION OF STEPHEN P. FRIOT

The PRESIDING OFFICER. The question now is on the confirmation of the nomination of Stephen P. Friot to be United States District Judge for the Western District of Oklahoma.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—98

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Allen
Torricelli

The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I am pleased that the Senate today has confirmed Stephen P. Friot, an outstanding individual and a superb attorney, to be U.S. District Court Judge for Oklahoma's Western District.

President Bush could not have chosen a finer individual to serve our country as a district court judge. Steve Friot is exceptionally well qualified and will prove to be a great asset to the judicial system in Oklahoma and our country.

Steve graduated from the University of Oklahoma School of Law in 1972 and upon his graduation went to work for the firm that now bears his name, Spradling, Alpern, Friot & Gum. While focusing his practice on corporate, tort defense and aviation litigation, Steve has shown a strong commitment to equal justice for all. He has continually strived to include pro bono cases in his practice.

Steve has been actively involved in the Oklahoma legal community. He has been very active in the Oklahoma Bar Association serving several times as a member of the Association's House of Delegates. He has also served as chairman of the association's committees on Legal Specialization and Administration of Justice. Steve served as president of the Oklahoma County Bar Association and is the current president of the Ruth Bader Ginsburg American Inn of Court. He is described by colleagues as being a "competent, honorable individual who possesses the judicial temperament and intellect we all want on the Federal bench." His colleagues know him as an extremely hard worker with the highest ethical standards.

Steve's commitment to his community is hardly limited to the legal profession. He has been very active in the Boy Scouts of America where he currently serves as Assistant Scoutmaster for Troop 4. Steve has also worked diligently for the Central Oklahoma Habitat for Humanity where he currently serves as vice chairman of the board of directors. In 1995, Gov. Frank Keating appointed Steve to serve on the Board of Trustees of the Oklahoma Housing Financing Authority. Steve currently serves as vice chairman of the board which assures that the agency is serving Oklahomans in need of affordable housing.

Steve and his wife Nancy, a dedicated kindergarten teacher, have been married for more than 25 years. They are particularly proud of their son Andy whose early involvement in the Boy Scouts encouraged Steve's commitment to that organization. Andy is in the Air Force ROTC at Le Moyne College in Syracuse, NY. His dedication to his country is in no doubt a reflection of his parents who have shown a strong sense of community with a commitment to serving the public good in Oklahoma.

I congratulate Steve and his family on his having earned the position for which President Bush has selected him. I thank Chairman LEAHY and Senator HATCH, the ranking member of the Judiciary Committee, for their work on Steve Friot's nomination. I applaud the Senate for confirming him. He will make an outstanding judge who will work diligently to administer justice in the Western District of Oklahoma.

Mr. HATCH. Mr. President, the Senate has had both the honor and the pleasure of considering the nominations of several extremely well-qualified individuals to serve as Federal judges.

Although I was unable to be here due to an unavoidable scheduling conflict, I am pleased that last night the Senate confirmed Larry R. Hicks to be a Federal district judge for the District of Nevada. He earned a bachelor's degree from the University of Nevada at Reno and a law degree from the University of Colorado School of Law before going to work in 1968 as a Deputy District Attorney in Washoe county, NV. Three years later, he became the Chief Criminal Deputy District Attorney. In 1975, Mr. Hicks was elected the District Attorney for Washoe County, where he gained extensive experience in litigating murder, robbery, and other major felony trials. He remained in that position until 1979. Since that time, Mr. Hicks has been a partner in a private law firm in Reno. He has been chairman of the firm's litigation section since 1985. Mr. Hicks has also served as a settlement judge since 1998 for the Nevada Supreme Court. He has compiled an excellent track record, having successfully achieved settlement in all but 5 of the 40 cases assigned to him.

I am also please that Christina Armijo was confirmed today to be a Federal district judge for the District of New Mexico. She earned both her Bachelor of Arts degree and her Juris Doctor degree from the University of New Mexico. After 3 years of practicing law for Sandoval County Legal Services, she started her own private practice in her hometown of Las Vegas, NM. Her practice consisted not only of general civil and administrative law, but also included long-term contracts to defend felony criminal cases as a public defender, litigate child abuse cases on behalf of New Mexico, and serve as a Due Process Hearing Officer for the state Department of Education. After 18 years of private practice, Judge Armijo was appointed to serve on the New Mexico Court of Appeals in early 1996. She was elected to a full 8-year term later that year. In her almost 6 years on the bench, none of her decisions has been reversed.

We now have the opportunity to consider the nomination of Karon Owen Bowdre to be a Federal district judge for the Northern District of Alabama. She received her bachelor's degree cum laude from Samford University and graduated cum laude from the Cumberland School of Law in 1981, where she was associate editor of the Cumberland Law Review and a member of the Moot Court Board. After graduation from law school, Professor Bowdre served as judicial law clerk in the United States District Court for the Northern District of Alabama and then practiced with a private law firm in Birmingham, AL. She handled numerous trials in State and Federal court, primarily involving insurance, product liability, medical malpractice, fraud and bad faith, and discrimination cases. Since 1990, Professor Bowdre has taught at the Cumberland School of Law at Samford University.

We are also considering the nomination of Stephen P. Friot to serve on the Federal bench in the Western District of Oklahoma. While attending the University of Oklahoma College of Law, Mr. Friot was a member of the Order of the Barrister, and was the recipient of the Law Day Moot Court Award and the United States Law Week Award. Upon graduation in 1972, he joined a private law firm, and has spent the past 29 years practicing civil trial and appellate law in Oklahoma City. In the last 10 years, Mr. Friot has tried cases involving employment law, product liability, aviation product liability, title insurance, slander of title, interference with contract rights, ground water pollution, real property covenants, insurance marketing practices, partnership law, and healthcare law. He has been listed as one of the "Best Lawyers in America" for Business Litigation since 1989.

I have every confidence that these nominees will serve the United States with honor and distinction. I want to thank Senator LEAHY for moving their nominations, and Senator SCHUMER for chairing their confirmation hearing. I fully support the nominations of these candidates, and urge my colleagues to do so as well.

I must note, however, that one nominee for the Federal appellate court, Edith Brown Clement, had her hearing before these nominees, on October 4, and was voted out of committee on the same date as these nominees. She is exceedingly well-qualified for the Fifth Circuit, having served as a Federal district court judge for the past decade. I look forward to the Senate's prompt consideration of her nomination as well.

I must also note that at least one committee member submitted written questions to these nominees on October 30, a mere 2 days before the committee was scheduled to consider their nominations. Another committee member waited until November 1 to submit questions to one of these nominees. This was nearly one month after the nominee's October 4 confirmation hearing, and despite the fact that it was announced at her hearing that the record would remain open for only 1 week. I am concerned that the practice of submitting additional questions to nominees long after their confirmation hearings is becoming a tool to delay consideration of their nominations. I urge my colleagues to give these nominees a fair shot at confirmation by submitting their questions in a timely fashion.

I would also like to respond to remarks made yesterday regarding the Senate's pace of confirming judges. The short answer is that the confirmation of 16 judges when there are 102 vacancies in the Federal judiciary is nothing to brag about. And despite the fact that the Senate has confirmed only 4 Federal appellate court judges this year, the Judiciary Committee refuses to hold any more hearings on appellate court nominees. This pace pales in comparison when you consider that we held hearings on 14 appellate nominees in 1998, 12 appellate nominees in 1995, and 10 appellate nominees in 1999.

Another point that was made yesterday was the number of nominees whose paperwork was not complete. By my count, the ABA has not submitted ratings on 11 pending nominees. Five of these nominations have been pending for more than 8 weeks. Another has been pending more than 6 weeks. This is despite the ABA's pledge to submit its ratings within 35 days at the least. It seems to me that even if the Democratic members of the Judiciary Committee are willing to give the ABA a preferential role in evaluating judicial nominees, even where the Constitution does not, they should not allow the ABA to hold judges hostage by failing to submit timely ratings.

In sum, we need to take a hard look at the number of judges we have confirmed in light of the astronomical number of vacancies on the Federal judiciary, and judge our progress on confirmations by that standard. The fact remains that the pace of vacancies has exceeded the pace of judicial confirmations. We in the Senate must do our part to address the real and serious vacancy crisis that threatens to clog our nation's Federal courts and deny the administration of justice to American citizens. We can only do this by speeding up the pace of confirmations before the end of this session.

Mr. LEAHY. Mr. President, today the Senate confirmed M. Christina Armijo of New Mexico to be a United States District Judge for the District of New Mexico. We now have the opportunity to act on the nominations of two additional judicial nominees. When we vote to confirm Karon Bowdre of Alabama and Stephen Friot of Oklahoma, the Senate will have confirmed 16 judges since July 20 of this year. When we confirm these District Court nominees, the Senate will have confirmed more District Court judges this year than were confirmed in the entire first year of the first Bush administration in 1989.

In addition to our work on the antiterrorism legislation since September 11, the Senate Judiciary Committee has persevered in the wake of the terrible events of September 11 and will by tomorrow have held 5 hearings for 21 judicial nominees.

Within 2 days of the terrible events of September 11, I chaired a confirmation hearing for the two judicial nominees who were able to drive to Washington while interstate air travel was still disrupted.

At our committee meeting on October 4, 2001, we reported those two judicial nominees and held another confirmation hearing on five judicial nominees that same day.

On October 18, 2001, in spite of the closure of Senate office buildings in the wake of the receipt of a letter containing anthrax spores and Senate staff and employees testing positive for anthrax exposure, the Committee proceeded with its previously scheduled business meeting under extraordinary circumstances in the United States Capitol and reported four judicial nominees favorably to the Senate. On that same day, despite the unavailability of the Judiciary Committee hearing room and the closure of Senators' offices, we proceeded with another confirmation hearing for an additional five judicial nominees.

Two weeks ago, while the Senate Republicans were shutting down the Senate with a filibuster preventing action on the bill that funds our nation's foreign policy initiatives and provides funds to help build the international coalition against terrorism, the Judiciary Committee nonetheless proceeded with yet another hearing for four more judicial nominees on October 25, 2001, our third hearing involving judicial nominees in October.

Tomorrow morning we are holding another hearing for five more judicial nominations.

The facts are that since the committee was assigned its members on July 10, 2001, the committee will have held nine hearing involving 28 judicial nominees. By tonight the Senate will have already confirmed 16 judges, including four to the Courts of Appeals. These numbers show that there have been more hearings for more nominees, more confirmations of more judges to the District Courts, and more confirmations of more judges to the Courts of Appeals this year than by the same date in either the first year of the first Bush administration or the first year of the Clinton administration. The facts are that the Judiciary Committee and the Senate are ahead of the confirmation pace for judicial nominees in the first year of the first Bush administration or the first year of the Clinton administration.

I know that Karon Bowdre has the strong support of the senior Senator from Alabama who came to introduce her at her hearing. I am told that Senator SESSIONS came to the floor earlier today to speak in support of this nomination. I recall that the senior Senator from Oklahoma came to the hearing to speak in favor of Stephen Friot and that he has the support of Senator INHOFE, as well.

Both these nominees were among those District Court nominations sent to the Senate just before the August recess. They had to be returned to the White House without action when the Republican leader objected to retaining them here over the recess. They were nominated in early September and the Committee received their ABA peer review ratings in early October. They were then scheduled to participate in a hearing on October 18, considered by the committee at last week's business meeting and are being confirmed today, November 6, which is approximately 1 month after receiving the ABA ratings.

I congratulate the nominees and their families on these confirmations.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 2944, the D.C. appropriations bill, tomorrow at 10 a.m., Wednesday November 7, after the bill is reported, Senator ALLEN be recognized to offer an amendment regarding needle exchange; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that upon the use or yielding back of the time, the Senate vote in relation to the amendment; that upon the disposition of the Allen amendment, Senator HUTCHISON be recognized to offer an amendment relating to attorneys fees; that there be 60 minutes for debate with respect to the amendment; that no second-degree amendment be in order; that upon the use of 15 minutes each for proponents and opponents of the Hutchison of Texas amendment, the amendment be set aside until 2:30 p.m. the same day, with the remaining 30 minutes of debate equally divided; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Hutchison amendment, with no further intervening action.

I further ask unanimous consent that upon the use of 30 minutes of debate on the Hutchison amendment, there then be a period of morning business until 2:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the majority and Republican leaders or their designees.

We have a very important briefing by one of the President's Cabinet Members tomorrow afternoon. That is the reason for the extended morning business time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 1641 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I would like to take this opportunity to explain my absence during yesterday's roll call vote on the nomination of Larry Hicks to be U.S. District Judge of the Nevada District. I do not dissent on Mr. Hick's nomination and if I had been present, I would have voted aye.

Unfortunately I was absent during yesterday's rollcall vote because my attendance was necessary at a meeting to discuss the economic future of my home State of Montana. I discussed the State of Montana's timber industry with Plum Creek Timber Co., the largest wood products business in Montana. To be specific, we discussed what tools are necessary to ensure that business in Montana survives our Nation's current economic downturn.

The future of a specific industry in my State brings me to a larger point, the economic state of rural America after September 11, 2001. Much attention has been paid, as it should, to the economic effect of the terrorist attacks on our major centers of commerce. Primarily America's largest cities and the coasts. However, the impact has been felt equally as hard in rural America where the economy was already slowing.

In addition to the wood products industry, agricultural commodities which are the lifeblood of Montana and rural America are hurting worse then ever before. The past 3 years have been disastrous due to drought. Now Montana's farmers are faced with sharply escalating operating costs due to higher energy and fertilizer prices. According to the most recent projections provided by the U.S. Department of Agriculture, total farm expenses are expected to rise again this year, right on the heels of a $10 billion increase last year.

As costs spiral out of control, farm income has not kept pace. Last year net farm business income was at a decade low according to USDA. Unless Government assistance is continued, net farm income in 2001 is projected to be even lower.

The downturn in rural America is especially calamitous because prolonged economic depression often means extinction for these rural communities. A few bad years forces everyone out of business, not just those that sell commodities for a living. The very people and places that make up the fabric of the American economy are forced to seek opportunity elsewhere. This is a price that I am not willing to pay.

As we consider economic recovery measures we cannot forget rural America. We must not let the immediate damage that we see every night on the evening news blind us to the crisis that is happening in rural communities across America. We simply do not have a choice. The cost is simply too high.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 30, 1993, in Concord, CA. A gay man was sprayed with mace and threatened with a golf club by a neighbor who used an anti-gay slur. The assailant, Gilbert Lucero, 37, was arrested on assault charges.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE GOLDEN ANNIVERSARY OF THE JEWISH BOOK FAIR

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Jewish Community Center of Metropolitan Detroit on the occasion of the golden anniversary of the Jewish Book Fair. Since 1951, the book fair has nourished the literary appetite of the metropolitan Detroit community.

Along with the Book Fair, the Jewish Community Center of Metropolitan Detroit has enriched Jewish life and supported Jewish unity in and around the Detroit area for 75 years. The Community Center also strives to enhance life in the general community and welcomes all those in southeast Michigan to take advantage of the Center's facilities and programs.

The Jewish Community Center's Annual Book Fair is the largest and oldest in the country, and its programs are offered free of charge to the public. This November, 40 authors of national and international acclaim will come to the week long fair. Participants at this year's fair will include a diverse range of authors from noted attorney Robert Shapiro, to the author of the Scooby Doo Mysteries, James Gelsey, to Dr. Ruth Westheimer. In addition, the fair will offer the largest selection of books by Jewish authors and of Jewish content available in the Detroit area. The organizers of the fair expect over 20,000 visitors.

The Jewish Community Center has long enriched the lives of those residing throughout southeast Michigan. This year's book fair will surely continue this worthy legacy. I trust that my Senate colleagues will join me in recognizing The Jewish Community Center of Metropolitan Detroit on the Occasion of the 50th Annual Book Fair.•

RAMAPO COLLEGE

• Mr. CORZINE. Mr. President, I honor today Ramapo College and welcome its new president, Dr. Rodney Smith.

As those of us in New Jersey have known for many years, Ramapo's real strength lies not just in its academics, but also in its emphasis on global and hands-on learning. In recent years, this fine institution has also become nationally recognized as one of the top liberal arts colleges in the northeast, offering degrees in fields as diverse as the arts and humanities, and the sciences and business. Ramapo's reach extends far beyond its Mahwah, NJ, location. The strength of Ramapo's academic reputation attracts students seeking a varied and quality education—students from not only every county within my home State of New Jersey, but also from neighboring states, across the country and around the world.

On November 14, 2001, Dr. Smith will offer his first State of the College to the students, faculty and friends of Ramapo College. Accepting this prestigious post as Ramapo's third president, Dr. Smith joins the college at an exciting time in its history. With enrollment and applications continuing to rise, the college continues to grow, both in the number of programs it offers and the number of students it serves.

An accomplished author and educator, Dr. Smith joins Ramapo College from Hampton University, where he served in several capacities, most recently as Vice President for Planning and Dean of the Graduate College. Prior to his tenure at Hampton university, Dr. Smith held positions at a number of esteemed institutions, including Harvard University. As we enter into a new century and mark the beginning of the College's fourth decade, Ramapo can be confident in Dr. Smith's ability to lead, guiding one of New Jersey's premier colleges in its present course of providing progressive programs and a concerned and committed faculty.

Mr. President, I am pleased to invite my colleagues to join me in celebrating Dr. Smith's distinguished career and his future endeavors at Ramapo College.•

HONORING JULIA CHILD

• Mr. KERRY. Mr. President, it is a special honor for me to celebrate one of Massachusetts' most famous citizens and one of America's most famous chefs, Mrs. Julia Child. For over 40 years she has brightened our lives with recipes, books, and television shows that have broadened our palettes as well as our understanding of the world and on November 7 her peers will gather to honor her invaluable contributions to her craft. I am proud to join so many of Greater Boston's restaurants in celebrating this remarkable career at this and the many other events planned to recognize a uniquely American journey.

Over the past four decades, Julia revolutionized the way America cooks and eats, expanding and elevating the sophistication of the American appetite. Her influence can be seen in the bookstores of the country, where dining and cooking sections have grown to compete with history and commerce, and on the television, where cooking shows have proliferated and now present and celebrate traditions from all over the world.

Julia is widely credited with exposing the American kitchen to the tastes, practices and history of international cooking, with specific focus on France. Her television shows, all of which were peppered with spontaneity, the occasional gaffe and her radiant personality, made cooking fun and accessible. She loved the basic mechanics of the kitchen, the how and why behind each step. Somehow, in its entirety, her career struck that elusive balance between removing the mystery of international cuisine while still celebrating its mystique.

For those who know Julia, who understand the steel and the intellect of this magnificent woman, it will come as no surprise that she made substantive contributions to American life even before she found fame in America's kitchens. After graduating Smith College and volunteering at the Red Cross, she joined the CIA's precursor, the Office of Strategic Services, OSS, and served throughout the World War II. When the OSS announced the need for volunteers to staff offices overseas, Julia was thrilled by the prospect of serving her country in a higher capacity. Her work in America's first intelligence agency took her to Ceylon, now Sri Lanka, India and China. Like so much else in her pioneering career, Julia was one of the first women to contribute to the war's intelligence effort in such an active position, earning promotions and accolades in what was very much a male-dominated agency.

After the war, Julia and her husband, Paul, moved to Paris where he joined the U.S. Information Service. It was in the famed gourmet restaurants along the Seine that Julia developed her insatiable love of French cuisine. Inspired by the simple yet majestic culinary creations found across the Atlantic, French cooking soon became Julia's obsession. Determined as ever, she entered the prestigious Corden Bleu cooking school, again as the lone woman. Just six years out of culinary school, Julia and three fellow expatriates founded the "L'ecole des Trois Gourmandes," a school of the culinary arts in Paris. Ten years after her first taste of souffle Julia published with two other chefs what is still the most thorough and comprehensive French cooking manual brought to the States, "Mastering the Art of French Cooking, Volume I." In this book, which has since become a classic, Julia made the complex and unpronounceable cuisine accessible and appealing to mainstream America, forever changing how America approaches cooking, dining and entertaining.

After the publication of Volume I, Julia returned to America and commenced one of the most fruitful television careers in history. "The French Chef," a show that began with Julia using her own hot plate and frying pan in a news studio at WGBH in Boston, became one of the longest running television shows in history. As a deeper testament to her commitment to the public good, Child donated her whole salary to public broadcasting in order to help fund future public television endeavors.

Julia donned the apron in seven other television cooking shows, including Dinner at Julia's and The Master Chef Series. She has won several Emmy Awards and just last year was elected to the French Legion of Honor, an extremely prestigious honor awarded by the French Government. Characteristically, Julia has used her success to forge many philanthropic efforts and broaden global understanding, including the American Institute of Wine and Food and the Julia Child Circle.

This month Julia is moving to California after devoting more than four decades to her profession. She has changed forever the way we will cook and eat in America, she upheld the highest standards of professionalism and generosity throughout her career, and wrote an indelible chapter in the progress of women in our society.

Her cheer and wit will be greatly missed on our television sets but the knowledge and insight she served will remain in our kitchens for a long time to come. I honor her to say, and I wish her the best of luck as she begins this new chapter in her life by borrowing the phrase that she not only concluded every show with, but also added into the popular American lexicon—Bon Apetit!•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4533. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customs Preclearance in Foreign Countries" (T.D. 01–81) received on November 5, 2001; to the Committee on Finance.

EC–4534. A communication from the Deputy Secretary of the Division of Enforcement, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Debt Collection—Amendments to Collection Rules and Adoption of Wage Garnishment Rules." (RIN3235–AI34) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4535. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amendments to the Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [17 CFR 240.17a–3 and 240.17a–4] [see Exchange Act Release No. 44992, October 26, 2001]" (RIN3535–AH04) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1637. A bill to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. THOMPSON):

S. 1639. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CLELAND:

S. 1640. A bill to suspend temporarily the duty on certain steam turbines and generators for power generation; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SESSIONS), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1493

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1593

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. 1597

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1597, a bill to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 1600

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

AMENDMENT NO. 2039

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2039 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2044

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2044 proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001" or the "PREPARE Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—DEVELOPING NEW COUNTERMEASURES AND PROTECTING EXISTING COUNTERMEASURES AGAINST BIOTERRORISM

"SEC. 2801. DEVELOPMENT OF DRUGS, BIOLOGICAL PRODUCTS, AND MEDICAL DEVICES TO COMBAT BIOTERRORISM.

"(a) IDENTIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS OR TOXINS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense and the Attorney General, shall identify chemical or biological agents or toxins that may be identified, prevented, or treated through—

"(A) the development of new covered products;

"(B) the development of new uses, including pediatric uses, for approved covered products; or

"(C) the manufacture or distribution of covered products that would otherwise not be manufactured or distributed in sufficient quantities.

"(2) PUBLICATION AND AVAILABILITY.—Not later than 180 days after the date of enactment of this title, and annually thereafter, the Secretary shall publish in the Federal Register, or otherwise make available to manufacturers or potential manufacturers of covered products, a list of the chemical or biological agents and toxins identified under paragraph (1) for which the Secretary desires to encourage the development of, or new uses for, covered products or the manufacture or distribution of such covered products.

"(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with experts in the pharmaceutical, biotechnology, and medical device industries, academic medical centers, and research institutions, including those with pediatric expertise.

"(c) LIMITED ANTITRUST EXEMPTION.—

"(1) COUNTERMEASURES DEVELOPMENT MEETINGS.—

"(A) SCHEDULING COUNTERMEASURES DEVELOPMENT MEETINGS.—The antitrust laws shall not apply to meetings or consultations conducted by the Secretary with parties involved in the development of countermeasures for the purpose of the development, manufacture, distribution, and sale of countermeasures that are prioritized under section 2841(c), consistent with the purposes of this title. The Secretary shall give notice to the Assistant Attorney General of Antitrust of meetings scheduled pursuant to this subsection.

"(B) MEETING CONDITIONS.—Any meeting under subparagraph (A)—

"(i) shall be chaired by the Secretary;

"(ii) shall be open to parties involved in the development of countermeasures, as determined by the Secretary;

"(iii) shall be open to the Attorney General and the Federal Trade Commission;

"(iv) shall be limited to discussions involving the development, manufacture, distribution, or sale of countermeasures that are prioritized under section 2841(c); and

"(v) shall be conducted in such manner as to ensure that national security, confidential, and proprietary information is not disclosed outside the meeting.

"(C) MINUTES.—The Secretary shall ensure that minutes of the meeting are maintained.

"(2) APPLYING FOR LIMITED EXEMPTION.—

"(A) FILING PROCEDURES.—As a result of meetings in paragraph (1), the Secretary and participating parties may file a written request with the Attorney General for a limited exemption from the antitrust laws to allow appropriate parties to enter into agreements or engage in conduct relating to the development, manufacture, distribution, or sale of countermeasures prioritized under section 2841(c). Any such request shall set forth the intended purpose of the agreement, including an explanation as to why a cooperative effort among potential competitors is necessary to achieve the objective of the agreement. The request shall state with specificity the substance of the agreement, the methods that will be utilized to achieve the objectives of the agreement, and other relevant information relating to the development and production of countermeasures that are prioritized under section 2841(c).

"(B) Grant of exemption.—The Attorney General, in consultation with the Chairman of the Federal Trade Commission shall grant, deny, grant in part and deny in part, or propose modifications to any request made pursuant to subparagraph (A) for exemption from the antitrust laws. In making the determination to grant, deny, grant in part and deny in part, or propose modifications to any such request, the Attorney General shall consider among other things: whether such agreement would promote the purposes of this Act, whether the exemption from the antitrust laws would promote the public interest, and the competitive impact to areas not directly related to the development and production of countermeasures prioritized under section 2841(c). The Attorney General shall make a determination on a request filed pursuant to subparagraph (A) within 60 days.

"(C) Sunset.—The authority of the Attorney General to grant a limited antitrust exemption under this section expires at the end of the 2-year period beginning on the date of enactment of the Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001.

"SEC. 2802. CONTRACTS FOR DEVELOPMENT OF COVERED PRODUCTS.

"(a) Authority.—The Secretary may enter into contracts, cooperative research and development agreements pursuant to section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)), material transfer agreements, or other agreements, or agree to the amendment or modification of existing or future contracts or agreements, for the development, manufacture or distribution of covered products for uses or new uses identified by the Secretary pursuant to section 2801(b). A contract or agreement entered into, or amended or modified, under this subsection may address 1 or more aspects of the development, manufacture, or distribution of 1 or more uses of 1 or more covered products. Such contracts or agreements may set forth guaranteed minimum quantities of products and negotiated unit prices.

"(b) Timing of Contract.—Notwithstanding any other provision of law, the Secretary may enter into a contract or agreement under subsection (a) even prior to the development, approval, or clearance of the covered product that is the subject of the contract or agreement. Such contract or agreement may provide for the termination of the contract or agreement for the convenience of the Federal Government if the contractor fails to develop the covered product involved.

"(c) Payments.—Payments under a contract or agreement under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract or agreement involved;

"(2) funds available for the development, manufacture, distribution, or purchase of covered products for uses referred to in section 2801(b); or

"(3) any other funds available to the Secretary.

"(d) Contracts.—In administering the provisions of this section, the Secretary may enter into contracts in advance of appropriations and incur obligations without regard to provisions of law relating to contracts, including sections 1341, 1342, 1349, 1350, and 1351, and subchapter II of chapter 15, of title 31, United States Code.

"SEC. 2803. INDEMNIFICATION.

"The Secretary shall, in any contract or agreement for the manufacture, development, distribution, or the purchase of a covered product intended for a use identified by the Secretary pursuant to section 2801(b), indemnify and hold harmless the contractor consistent with the following principles:

"(1) Uses covered.—Indemnification only extends to uses of the covered product pursuant to a contract entered into by the Secretary under section 2802.

"(2) Entities covered.—The Secretary may indemnify contractors, subcontractors, distributors, persons who administer covered products, or other parties as determined appropriate by the Secretary pursuant to contracts entered into under section 2802.

"(3) Limits.—No indemnification shall be provided for intentional torts by the contractor or torts by the contractor involving gross negligence or recklessness.

"SEC. 2804. HIGH QUALITY PRODUCTION.

"The Secretary may, with the agreement of the manufacturer of a drug, biological product, or medical device that is approved, licensed, or cleared (or awaiting approval, licensure or clearance) under section 505, 510, 513, or 515 of the Federal Food, Drug, and Cosmetic Act, or section 351 of this Act, and is a covered product, provide intensive assistance, including on-site assistance, when necessary, in order to facilitate prompt compliance with good manufacturing practice regulations under sections 210, 211, 225, 226, 600, 601, 606, or 820 of title 21, Code of Federal Regulations, in the manufacturing, processing, packing, or holding of the drug, biological product, or medical device.

"SEC. 2805. SECURITY FOR RESEARCH AND PRODUCTION.

"(a) In General.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, may award grants, contracts, or enter into cooperative agreements, and provide technical or nonmonetary assistance, to provide security to facilities that conduct research, development, production, distribution, and storage of covered products.

"(b) Best Practices.—The Secretary shall develop guidelines and best practices to enable entities eligible for funding under this section to secure their facilities against potential bioterrorist attack.

"SEC. 2806. MOBILITY OF STOCKPILE.

"(a) Special Events.—In managing the National Pharmaceutical Stockpile, the Secretary, in consultation with State and local government officials, shall take into consideration the timing and location of special events, including designated national security events.

"(b) Location of Certain Stocks.—In carrying out subsection (a), the Secretary shall ensure that medical supplies from the National Pharmaceutical Stockpile are located in appropriate proximity to the site of the special event.

"SEC. 2807. DEFINITIONS.

"In this title:

"(1) Antitrust laws.—The term 'antitrust laws'—

"(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

"(B) includes any State law similar to the laws referred to in subparagraph (A).

"(2) Biological agents or toxins.—The term 'biological agents or toxins' has the meaning given in section 178 of title 18, United States Code.

"(3) Covered products.—The term 'covered products' includes drugs, biological products including vaccines, and medical devices including in vitro diagnostics, that may be developed or produced to identify, prevent, or treat disease or harm in humans, including children and other vulnerable populations, resulting from an attack or threatened attack using chemical or biological agents or toxins.

"(4) Development.—The term 'development' includes the identification of suitable compounds or biological materials, the conduct of preclinical and clinical studies, the preparation of an application for marketing approval or clearance, the conduct of post-market or post-approval studies, and any other actions related to preparation of a covered product.".

SEC. 2. EXPEDITING FDA REVIEW AND APPROVAL.

(a) Amendment.—Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended by adding at the end the following:

"(e) Chemical or biological Agents or Toxins.—

"(1) In general.—The Secretary may designate an unapproved covered product identified pursuant to section 2801(b) of the Public Health Service Act as a fast-track product pursuant to this section. Such a designation may be made prior to the submission of—

"(A) a request for designation by the sponsor; or

"(B) an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.".

"(2) Use of animal trials.—An application for a drug for which approval is sought on the basis of evidence of effectiveness that is derived from animal studies under the last sentence of section 505(d) or section 351(a)(1) of the Public Health Service Act may be designated as a fast track product for purposes of this section.".

(b) Review.—The Secretary shall grant priority review to a submission for a covered product, unless the sponsor has filed an application for review of the product under section 506.

SEC. 3. USE OF ANIMAL TRIALS IN THE APPROVAL OF COVERED PRODUCTS.

(a) New Drugs.—Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended by adding at the end the following: "In the case of drugs for use against a potentially lethal or permanently disabling toxic chemical or biological agent or toxin, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to healthy human volunteers without a proven treatment, and when adequate field trials assessing the use of the drug (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information. The Secretary may use existing authority under section 506 or other relevant provisions to order post-marketing approval studies. Drugs approved solely under the authority of the preceding two sentences shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.".

(b) NEW BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(k) APPROVAL OF CERTAIN PRODUCTS BASED ON ANIMAL TRIALS.—

"(1) IN GENERAL.—In the case of biological products for use against a potentially lethal or permanently disabling toxic chemical, biological, radiological, nuclear, or other agent or toxins, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to human volunteers without a proven treatment, and when adequate field trials assessing the use of the biological product (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information.

"(2) POST-APPROVAL STUDIES.—With respect to products described in paragraph (1), the Secretary may use existing authority under section 506 of the Federal Food, Drug, and Cosmetic Act to order post-marketing approval studies.

"(3) LIMITATIONS.—Biological products approved solely under the authority of this subsection shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a potentially disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.".

(c) FINAL RULE.—Not later than 60 days after the date of enactment of Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001, the Secretary shall finalize the proposed rule published on October 5, 1999 regarding the use of animal trials in the approval of products.

SEC. 4. CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"PART E—CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS

"SEC. 570. AUTHORITY TO RESTRICT TRANSPORTATION AND USE.

"(a) IN GENERAL.—The Secretary shall undertake a program that, through inspections and other containment procedures, will prohibit the unauthorized shipment or transportation in interstate or foreign commerce, the possession or other use in or affecting commerce, or assistance to another person in such transportation, shipment, or other use by any person of chemical or biological agents or toxins or the receipt of such chemical or biological agents or toxins so shipped or transported.

"(b) DEFINITIONS.—In this section:

"(1) CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The term 'chemical or biological agents and toxins' has the meaning given such term in section 2801(a) of the Public Health Service Act refers to a biological agent or toxin listed as a 'select agent' in section 72.6(j) of title 42, Code of Federal Regulations, which is not exempt under section 72.6(h) or appendix A of such title and which does not include any such biological agent or toxin that is in its naturally-occurring environment and that has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) PERSON.—The term 'person' includes an alien (other than an alien admitted for permanent residence) who is a national of a country as to which the Secretary of State has made a determination (that is in effect) that such country has repeatedly provided support for acts of international terrorism.".

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(aa) The shipment, transportation, possession or other use, assistance with respect to, or receipt of a biological agent or toxin in violation of section 570.".

SEC. 5. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

(a) REDESIGNATION AND CLARIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS; REGULATORY PROVISIONS OF ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351, the following:

"SEC. 351A. ENHANCED CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

"(a) REGULATORY CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—

"(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

"(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

"(A) consider—

"(i) the effect on human health of exposure to the agent or toxin;

"(ii) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

"(iii) the availability and effectiveness of pharmacotherapies and immunizations to treat or prevent any illness resulting from infection by the agent or toxin; and

"(iv) any other criteria that the Secretary considers appropriate; and

"(B) consult with scientific experts representing appropriate professional groups.

"(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), provide for—

"(1) the establishment and enforcement of safety procedures for the transfer of chemical or biological agents and toxins listed pursuant to subsection (a)(1), including measures to ensure—

"(A) proper training and appropriate skills to handle such agents and toxins; and

"(B) proper laboratory facilities to contain and dispose of such agents and toxins;

"(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

"(3) the establishment of procedures to protect the public in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

"(4) appropriate availability of chemical or biological agents and toxins for research, education and other legitimate purposes.

"(c) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

"(d) DEFINITIONS.—For purposes of this section and section 351B, the term 'biological agent and toxin' shall have the meaning given such term in section 2801(a).".

(2) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

(b) REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.), as amended by subsection (a)(1), is further amended by inserting after section 351A, the following:

"SEC. 351B. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

"(a) IN GENERAL.—

"(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING NATIONAL SECURITY THREAT.—The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those chemical or biological agents and toxins listed pursuant to section 351A(a)(1) that the Secretary determines to be a potential national security threat.

"(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

"(A) consider the criteria specified in section 351A(a)(2)(A)(i), and any other criteria that the Secretary considers appropriate; and

"(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

"(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of chemical or biological agents and toxins listed pursuant to subsection (a)(1) that are designed to protect public safety and national security, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

"(c) CIVIL MONEY PENALTIES.—A violation of a requirement imposed by a regulation promulgated under this section shall be subject, in addition to any other applicable civil or criminal sanctions, to a civil money penalty in an amount not to exceed $250,000.

"(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

"(e) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary pursuant to regulations issued under subsection (d) or under section 351A(c) shall not be disclosed under section 552 of title 5, United States Code.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

SEC. 6. ADMINISTRATION.

In administering the provisions of this Act, the Secretary of Health and Human Services shall—

(1) continue to recognize and honor rights relating to patents, data, and copyrights; and

(2) comply with all applicable provisions of the regulations relating to Federal acquisition, the Federal Trade Secrets Act, and all other laws protecting confidential commercial information, trade secrets, and intellectual property rights, and patent and non-patent market exclusivity rights.

SEC. 7. COORDINATION OF EFFORTS TO PROTECT AGAINST BIOTERRORISM.

The Secretary of Health and Human Services shall coordinate with the Secretary of Defense in the planning, design, and construction of a Department of Defense government-owned, contractor-operated vaccine production facility on a military installation, as appropriate.

SEC. 8. ENHANCEMENT OF PENALTIES FOR ANIMAL AND PLANT ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "one year" and inserting "5 years";

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

"(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal or plant enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both."; and

(C) in paragraph (3), as so redesignated, by striking "under this title and" and all that follows through the period and inserting "under this title, imprisoned for life or for any term of years."; and

(3) in subsection (c)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) for any other economic damage resulting from the violation of this section.".

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the United States—Taiwan Free Trade Agreement Act of 2001. This bill authorizes the President to begin negotiations with Taiwan on a Free Trade Agreement, FTA, and provides for fast track consideration of a completed agreement by the Congress. Like the U.S.-Jordan Free Trade Agreement that was passed earlier in the session, this bill emphasizes the importance of promoting sustainable development and maintaining strong labor laws.

Over the past two decades, Taiwan has emerged as an important U.S. ally in the Asia-Pacific region. Together, we have worked to maintain peace and promote development throughout the region. As part of this process, the United States has committed itself to defending Taiwan from aggressive attacks, and provides millions of dollars annually in military aid to the island.

Taiwan has emerged as a vocal supporter of U.S. policy throughout Asia and the world. After the September 11 terrorist attacks, Taiwan was one of the first nations to express condolences and offer whatever aid we might need.

The ties between the United States and Taiwan extend beyond political ones, however.

Taiwan is the United States' eighth largest trading partner, despite not yet being a member of the World Trade Organization. In 2000, the U.S. exported more than $22 billion worth of goods and services to Taiwan, more than we exported to either China or Hong Kong.

The trade relationship between the United States and Taiwan has blossomed despite the fact that Taiwan is largely excluded from the international forums that help promote economic and political liberalization. For example, Taiwan is not a member of the United Nations.

This international isolation will start to end in 2002, when Taiwan is scheduled to become a member of the World Trade Organization, WTO. As part of the membership process, Taiwan made a number of trade concessions to further liberalize its trade regime; the U.S. will benefit from the lowered tariffs and declining market barriers that were part of these concessions.

There are opportunities in the Taiwanese market that we must look to seize. For example, U.S. agricultural producers have been particularly under-represented in the list of exports to the region.

A U.S.-Taiwan FTA could eliminate the last barriers to U.S. exports to Taiwan. Exporters, particularly agricultural exporters, would finally have unfettered access to a market of more than 22 million people. Moreover, importers would benefit from reduced tariffs and easier customs regulations.

The economic rationale for a U.S.-Taiwan FTA is indisputable. But the United States has always exported more than just its goods and services. This Nation's support of freedom and democracy throughout the world has been its most important trade policy for more than two hundred years.

Taiwan shares these values and deserves the continued support, both political and economic, of the United States. Over the past fifty years, Taiwan has evolved from single-party rule to a nation of free and open elections, where the transfer of power takes place smoothly and peacefully. Today, it is a vibrant democracy that is continuing to progress towards open markets and liberalized trade. Supporting this process with an FTA not only encourages Taiwan to continue its economic reforms, it also serves as an explicit example of the very real benefits of opening markets for those countries that are just beginning to participate in the global trading system.

A free trade agreement with Taiwan is a concrete step that the United States can take towards supporting an ally that shares our values. The fact that such an agreement also promises concrete economic benefits to American farmers and manufacturers makes this process even more essential.

I urge my colleagues to join me in supporting the United States-Taiwan Free Trade Agreement Act of 2001.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BOND. Mr President, I rise today to introduce legislation recognizing the historical significance of downtown Sainte Genevieve, MO. Sainte Genevieve was one of the first European settlements west of the Mississippi River, and still contains many structures and artifacts that have survived from its rich early history. Establishing this area as a unit of the National Park System will provide an unparalleled opportunity for Americans to be educated about our Nation's colonial past.

Sainte Genevieve was founded by French settlers in the mid Eighteenth Century. These early pioneers traveled south from French Canada, and built the rare French Colonial style structures that remain in place to this day. Today, the area contains an invaluable wealth of Native American and French Colonial sites, artifacts, and architecture. Perhaps most impressively, downtown Sainte Genevieve contains three of only five poteaux-en-terre (posts in the ground) vertical log French homes remaining in North America, dating from the 1790's.

In addition to the historic downtown district, the area adjacent to Sainte Genevieve is rich in historic sites. The "Grand Champ" common field of the French colonists still retains its original field land pattern. The area's saline salt springs were an important industry source for Native American and European settlers. And nearby ceremonial mounds are evidence of a prehistoric Native American village.

This area is a truly valuable asset to the State of Missouri, and I feel that it is only fair to share it with the entire nation by establishing the French Colonial Heritage Area as a unit of the National Park System. My legislation would take the first step toward such an establishment by directing the National Park Service to conduct a study of the historic features of Sainte Genevieve. After a thorough study, I am confident that the National Park Service will determine that Sainte Genevieve is the best tool with which to tell the important and fascinating story of the French in the New World.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I take this opportunity to discuss legislation I have offered that would be good public policy for the country and a terrific stimulus for the economy beginning in January. Let me explain what this is about.

We have in this country a policy of helping the working poor called the earned income tax credit. That was passed in 1975. It was designed to help lower income people working on an hourly wage have a higher income to take care of their families. It is shaded in fact pretty heavily in favor of low-income people who have children.

It has worked well on the whole. There have been a lot of people who have criticized it. They have called it welfare. In a way, it is a benefit given. But it is a benefit given in exchange for work, when a person works. It is a benefit from the Federal Government called the earned income tax credit. It is a tax credit. If you work, you earn it. It has in general been a good way to help the working poor, as we call them today. Since 1975, we have done that.

The way the person receives the money, however, is detached from their work. The way a person receives their earned income tax credit is to file their tax return in February, March, April and get a tax return the next year after working all year. For example, for the year 2001, a low-income worker with two or more children could claim $4,008 in earned income tax credit, a worker with one child could receive up to $2,428, and a worker with no children could receive $364. The average earned income tax credit for a beneficiary with a qualifying child, one child, in 1999, was $1,941. That is about $150 a month, almost $1 an hour when figured on 160 hours for a month. It is a significant benefit from the Federal Government.

From a public policy point of view, it has been less effective in achieving the goal we want it to achieve, which is to encourage work, because it is received at the end of the year, really the next year; and it is disconnected to the work the person has undertaken.

We want to encourage people to work. We want work to be more rewarding. We want a person making $6 an hour making $7 an hour, just like that. Let's have them make $8 an hour if they were making $7. This could be done if we could in fact have this earned income tax credit paid at the time the person works, as part of their paycheck.

In fact, this idea had been discussed earlier, a number of years ago. We passed a bill in this Congress that would allow people to choose this and, oddly, not many people have. However, most people don't fully understand it. Others are afraid they might end up having a tax liability next year and didn't choose it. I don't think businesses have encouraged people to take it as much as they should and, as a result, only 5 percent of the people who are eligible and choose this earned income tax credit have it paid to them in advance when they work. So I think we have a problem there. We can strengthen our economy and we can strengthen the reward for a person going to work if we tie this credit to the work they do, to their paycheck.

In addition, I have discovered that the earned income tax credit is worth, for America, $31 billion a year. That is a lot of money by any standard. As we are looking at this time how to create an infusion of cash into our economy in a way that would strengthen this economy to make it more healthy, more vibrant, to get people purchasing again, to put dollars in the hands of consumers, I can think of no better way with the least possible cost to the Treasury than to have this money that would be entitled to come in the next fiscal year actually start coming in January on a person's paycheck. I think that would be a tremendous way to pour additional money into the economy without having any impact on the Treasury, except the loss of interest on the money the Federal Government would be sitting on. This would not hurt poor people in any way. It would not withhold or delay them receiving any money. But in fact it would advance their receipt of the money. So they would be receiving in February, March, April, May, when their tax refund comes due, their refund under the earned income tax credit for this year's work, but they would have already begun on January 1 of this year to receive on their paycheck the money for next year. So it would advance that payment and would provide a real stimulus to the economy because low-income people are going to be the ones who are most likely to spend it.

Remember, it would impact their paychecks significantly in that there is no withholding from this earned income tax credit. They will have already paid their insurance, retirement benefits, Social Security, FICA, and withholding taxes. All of that would have already been paid. Whatever they get in addition would be money they could put into their pockets. So it would achieve the goal of the earned income tax credit to enhance and make work more valuable and, at the same time, would provide a tremendous stimulus to our economy. I am excited about this possibility, and I know Senator REED, who is in the chair, and I have discussed this. He was at least intrigued by this idea.

I was pleased today that Senator NICKLES, who has been a critic of the earned income tax credit, one who has studied it carefully and has observed some of its problems, believes it is a good reform, and he is supporting and has signed onto this bill as an original cosponsor.

So we have an opportunity to do something good for the economy, to do something good for poor people, to in effect have the businesses that now have to provide the option to their employees to go on and provide this money, which is reimbursed by the Federal Government immediately—it doesn't cost them anything—and their workers would receive 50 or 60 cents an hour pay raise as a result of this payment. I think it is something they ought to be excited about doing. I think it would enhance their workers benefits from working and make them better employees.

So it is time for us to do it now. I have been concerned about the issue. I have studied it for a number of years. I had some independent research done on it several years ago, and I have been thinking and looking for an opportunity to present it in the form of legislation. At this time, when we need a financial stimulus, I can't think of a better time. So I am asking the Finance Committee, and I have talked with the Director of the OMB, Mitch Daniels, the Secretary of the Treasury, Mr. O'Neill, and his top staff person. They are all intrigued by this and believe it has merit.

I think it is time for us to consider that this be a part of our stimulus package. It has little long-term impact on the Federal Treasury, but it would provide a tremendous infusion of cash into the economy just at the time we need people to go to the store and buy things, generating demand out there that would allow factories to produce more products. It would be giving additional wages to people who may be getting less overtime now than they were a year ago—maybe not even getting 40 hours a week now as they were last year. Those people would receive higher wages for each hour they do work.

I talked to a businessperson today, and they said they were on 4-day workweeks with their employees. They hated to do it, but there wasn't demand for their products sufficient to keep them fully engaged. Rather than lay people off, they put everybody on a 4-day workweek. So a lot of people are losing hours, and this would help keep them from losing income. I think it is good for the low-income workers in America. I think it is good for the economy, and I think it is good public policy for America.

Mr. President, we have talked with members of the Finance Committee and with the administration. I hope they will seize this opportunity to do something that, to me, has a win-win-win all over it, with no negatives. It is the right thing to do. Some say, well, business people may not want to handle the paperwork on this. Businesspeople print their checks out by computers, and it is not difficult for them. The money is paid to them. I talked to one gentlemen who hires employees—quite a number of low-income workers. He said he though it was a wonderful idea. It would be great for his workers, and it would be no problem at all for them to make that a part of their payroll check plan. It is just a matter of getting the person who processes that to factor it in, and it works rather easily.

Again, I believe it is a good idea, and I have submitted it to the Senate. I will be talking with the leadership and urging its passage. It is the right thing to do, and I think we ought to do it. The time is long past that we make this earned income tax credit really do what it is supposed to do, which is encourage work. It is to encourage people to work and, at the same time, when we do it by advancing it this year, we will provide a stimulus to the economy in a very significant way. We estimate that out of $31 billion in earned income tax credit, we would be advancing at least $15 billion next year, and that would be a healthy stimulus indeed for the economy.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN WYOMING TO LOCATABLE MINERAL DEVELOPMENT FOR BENTONITE MINING.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the land described in subsection (b) shall be open to locatable mineral development for bentonite mining.

(b) COVERED LAND.—The land referred to in subsection (a) is approximately 40 acres of previously withdrawn land located in Big Horn County, Wyoming, at the sixth principal meridian, T. 56 N., R. 95 W., Sec. 32. E½E½SE¼, adjacent to Pit No. 144L covered by State of Wyoming Mining Permit No. 321C.

(c) CLOSURE.—The Secretary of the Army may close the land opened by subsection (a) at any time if the Secretary determines that the closure of the land is required by reason of a national emergency or for purposes of national defense or security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2104. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO STATES.

Notwithstanding any other provision of this title, nothing in this title shall apply with respect to a State unless the State, prior to the close of the first regular session of the State legislature that begins after the date of enactment of this Act, enacts a law that provides rights and protections that are substantially similar to the rights and protections provided for in this title.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 12 of the amendment, line 18, add after the period the following: "No contract, or agreement surrounding a contract or contract negotiations, may provide amnesty, immunity or protection against prosecution to any public safety employer, employee, officer, labor organization, or labor organization official who violated the prohibition contained in preceding sentence or any similar State or local prohibition.".

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section 08(a)(5) shall be applied by substituting "200,000" for "5,000" and "1000" for "25".

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section 08(a)(5) shall be applied by substituting "100,000" for "5,000" and "500" for "25".

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section 08(a)(5) shall be applied by substituting "50,000" for "5,000" and "250" for "25".

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section 08(a)(5) shall be applied by substituting "25,000" for "5,000" and "100" for "25".

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8 of the amendment, line 22, insert before the period the following: "and ensuring that all public safety officers are permitted to serve in a volunteer capacity".

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 17, insert before the semicolon the following: ", including any restrictions on a public safety officer's right to serve in a volunteer capacity".

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 5 of the amendment, line 8, insert before the semicolon the following: "and who does not serve in a volunteer capacity".

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 6 strike "5,000" and insert "25,000."

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 7 strike "25" and insert "100."

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 24, insert before the semicolon the following: "and to protect the right of each employee to serve in a volunteer capacity if the employee has joined a labor organization."

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 as submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:, which was ordered to lie on the table; as follows:

After line 13 on page 3, insert the following:

"(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 7 on page 9, insert the following:

"(7) protect the existing state right, if any, of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 13 page 3, insert the following:

"(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

SA 2104. Mr. KENNEDY submitted an amendment intended to be propsoed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 24 on page 10, insert the following:

"(7) protect the existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families."

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION.

Nothing in this title shall be construed to permit parties that are subject to regulations promulgated under this Act (under the authority of the National Labor Relations Act) to negotiate provisions in a collective bargaining agreement that would prohibit public safety employees from engaging in part-time employment or volunteer activities during off-duty hours.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

Federal Payment for Resident Tuition Support

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $72,694,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,634,000, of which not to exceed $1,500 is for official reception and representation expenses; and $27,850,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: *Provided further*, That of this amount not less than $23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: *Provided further*, That of the funds made available for the District of Columbia Superior Court, $6,603,000 may remain available until September 30, 2003: *Provided further*, That of the funds made available for the District of Columbia Court System, $485,000 may remain available until September 30, 2003: *Provided further*, That of the funds made available for capital improvements, $21,855,000 may remain available until September 30, 2003.

Administrative Provisions

Section 11–1722(a), District of Columbia Code, is amended in the first sentence by striking ", subject to the supervision of the Executive Officer".

Section 11–1723(a)(3), District of Columbia Code, is amended by striking "and the internal auditing of the accounts of the courts".

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq. (1981 Ed., 1999 Supp.) as amended by Public Law 106–113, §160 and Public Law 106–554, §1(a)(4), H.R. 5666, Division A, Chapter 4, §403) is amended: (a) in section 2 (D.C. Code, sec. 3–421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3–426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(b); (c) in section 8 (D.C. Code, sec. 3–427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(c); and (d) in section 16(e) (D.C. Code, sec. 3–435(e) (1981 Ed., 1999 Supp.)), to read as follows:

"(e) All compensation and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.".

Section 11-2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking "50" and inserting "75"; and

(2) in subsection (b)—

(A) by striking "1300" each time it appears and inserting "1900";

(B) by striking "2450" each time it appears and inserting "3600".

Section 16–2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking "1,100" each time it appears and inserting "1,600";

(2) in paragraph (3), by striking "1,500" and inserting "2,200"; and

(3) in paragraph (4), by striking "750" and inserting "1,100".

Defender Services in District of Columbia Courts

For payments authorized under section 11-2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $39,311,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, $2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and $2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended, and of which not to exceed $5,000 is for official receptions related to offender and defendant support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, $16,058,000: *Provided*, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: *Provided further*, That of this amount, $3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further*, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency and state and local law enforcement entities in the region an integrated emergency plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: *Provided further*, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: *Provided further*, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, $1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $2,750,000, of which $2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; $250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; and $500,000 for the McKinley Technical High School for a public/private partnership with Southeastern University.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, $250,000 to increase the enrollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, $200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: *Provided*, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, $333,334 shall be for a payment to the United States Secret Service, $333,333 shall be for a payment to the United States Capitol Police, and $333,333 shall be for a payment to the United States Park Police: *Provided*, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,250,000 shall be for payment for a pilot project to demonstrate the "Active Cap" river cleanup technology on the Anacostia River; $500,000 shall be for payment to the U.S. Soccer Foundation, to be used for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; $500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; $1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; $500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; $200,000 for a payment to Teach for America DC, for teacher development; and $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000 to remain available until September 30, 2003: *Provided*, That $2,000,000 of said amount shall be used for attorney fees and home studies: *Provided further*, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families will use for post high school education and training for adopted children: *Provided further*, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: *Provided further*, That $1,000,000 of said amount shall be used for adoption incentives and support for children with special needs.".

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106-522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: *Provided*, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,051,646,000 (of which $124,163,000 shall be from intra-District funds and $3,553,300,000 shall be from local funds): *Provided further*, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,117,000 (including $228,471,000 from local funds, $61,367,000 from Federal funds, and $17,279,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: *Provided further*, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase "shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman".

(2) A new subsection (d) is added to read as follows:

"(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.".

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the Department of Consumer and Regulatory Affairs use $50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: *Provided further*, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5–513 fund to be used to implement the provisions in D.C. Act 13–578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: *Provided further*, That the fees established and collected pursuant to D.C. Act 13–578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: *Provided further*, That 18 percent of the annual total amount in the 5–513 fund, up to $500,000, deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13-578: *Provided further*, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $632,668,000 (including $593,618,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): *Provided*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: *Provided further*, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That no less than $296,000 shall be available to support the Child Fatality Review Committee: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Official Code, sec. 47-1812.11(c)(3)): *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,915,000 (including $894,494,000 from local funds, $187,794,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,292,000 (including $658,624,000 from local funds, $147,380,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $26,917,000 from Federal funds, $542,000 from other funds), for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104-134; D.C. Official Code, sec. 38-1804.03(A)(2)(D)): *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: *Provided further*, That the $1,007,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and $129,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38-201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall spend $1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: *Provided further*, That no less than $200,000 be available for adult education: *Provided further*, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.": *Provided further*, That the first paragraph under the heading "Public Education System" in Public Law 107-20, approved July 24, 2001, is amended to read as follows: "For an additional amount for 'Public Education System', $1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.".

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): *Provided*, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That $75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14-144; $90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended: *Provided further*, That no less than $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7-3003): *Provided further*, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That no less than $650,000 be available for a mechanical alley sweeping program: *Provided further*, That no less than $6,400,000 be available for residential parking enforcement: *Provided further*, That no less than $100,000 be available for a General Counsel to the Department of Public Works: *Provided further*, That no less than $3,600,000 be available for ticket processing: *Provided further*, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: *Provided further*, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: *Provided further*, That no less than $262,000 be available for taxicab enforcement activities: *Provided further*, That no less than $241,000 be available for a taxicab driver security revolving fund: *Provided further*, That no less than $30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: *Provided further*, That no less than $12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: *Provided further*, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: *Provided further*, That no less than $313,000 be available for handicapped parking enforcement: *Provided further*, That no less than $190,000 be available for the Ignition Interlock Device Program: *Provided further*, That no less than $473,000 be available for the Motor Vehicle Insurance Enforcement Program: *Provided further*, That $11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available.

Receivership Programs

For all agencies of the District of Columbia government under court ordered receivership, $403,868,000 (including $250,015,000 from local funds, $134,839,000 from Federal funds, and $19,014,000 from other funds).

Workforce Investments

For workforce investments, $42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

Reserve

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $120,000,000 from local funds.

Reserve Relief

For reserve relief, $30,000,000, for the purpose of spending funds made available through the reduction from $150,000,000 to $120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: *Provided*, That $12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: *Provided further*, That $18,000,000 shall be available pursuant to a local District law: *Provided further*, That of the $30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: *Provided further*, That the $18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)), has a minimum balance in the amount of $150,000,000.

Emergency and Contingency Reserve Funds

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $4,440,000 shall be for the Fire and Emergency Medical Services Department, $2,010,000 shall be for the Department of Parks and Recreation, and $7,850,000 shall be for the Department of Public Works: *Provided further*, That no less than $533,000 be available for trash transfer capital debt service.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $500,000 from local funds.

Wilson Building

For expenses associated with the John A. Wilson Building, $8,859,000 from local funds.

Emergency Reserve Fund Transfer

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(a)).

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,953,000 payable to the District's debt service fund and $26,291,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, $10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

Washington Aqueduct

For operation of the Washington Aqueduct, $46,510,000 from other funds for fiscal year 2002.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $229,688,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,127,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, $4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,786,700 of which $1,348,782,387 shall be from local funds, $44,431,135 shall be from the Highway Trust Fund, and $157,573,178 shall be from Federal funds, and a rescission of $476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That the capital budget of $83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: *Provided further*, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL–MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: *Provided further*, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

Sec. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

Sec. 115. Acceptance and Use of Gifts. (a) Approval by Mayor.—

(1) In general.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) Exception for council and courts.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Records and Public Inspection.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) Independent Agencies Included.—For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) Exception for Board of Education.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

Sec. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

Sec. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Sec. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

Sec. 119. Acceptance and Use of Grants. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

Sec. 120. (a) Restrictions on Use of Official Vehicles.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) Inventory of Vehicles.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

Sec. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

Sec. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

Sec. 123. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of the Congress; Requirement Regarding Notice.—

(1) Purchase of american-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

"(j) RESERVE FUNDS.—

"(1) BUDGET RESERVE.—

"(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

"(i) $120,000,000, in the case of fiscal year 2002.

"(ii) $70,000,000, in the case of fiscal year 2003.

"(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

"(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

"(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

"(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

"(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

"(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

"(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

"(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482) is amended to read as follows:

"(c) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

"(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

"(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.".

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).''; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2002, 0 percent.

"(ii) For fiscal year 2003, 0 percent.

"(iii) For fiscal year 2004, 0 percent.

"(iv) For fiscal year 2005, 1 percent.

"(v) For fiscal year 2006, 2 percent.".

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: *Provided*, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code §28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code §1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code §28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code §2–402).

This Act may be cited as the "District of Columbia Appropriations Act, 2002".

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street, Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, November 6, 2001. The purpose of this hearing will be to continue markup on the next Federal Farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 6, 2001, at 2:30 p.m., to hold a nomination hearing.

AGENDA

Nominees: Mr. Raymond Burghardt, of New York, to be Ambassador to Vietnam; Mr. Larry Dinger, of Iowa, to be Ambassador to Federated States of Micronesia; Mr. Charles Greenwood, Jr., of Florida, for rank of ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC); and Mr. Charles Pritchard, of the District of Columbia, for rank of Ambassador as Special Envoy for Negotiations with the Democratic People's Republic of Korea and U.S. Representative to Korean Peninsula Energy Development Organization.

Additional nominees to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, November 6, 2001, at 2:30 p.m., to consider the nomination of Odessa F. Vincent to be an Associate Judge of the District of Columbia Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division, Tuesday, November 6, 2001, at 2 p.m., in Dirksen Room 226.

Panel I: The Honorable CRAIG THOMAS and The Honorable MIKE ENZI.

Panel II: Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, November 6, 2001, at 10 a.m., in Dirksen 226, on "Germs, Toxins and Terror: The New Threat to America."

Panel I: J.T. Caruso, Deputy Assistant Director, Federal Bureau of Investigation; Jim Reynolds, Chief, Terrorism and Violent Crimes Section, Department of Justice; and Claude Allen, Deputy Secretary, Department of Health and Human Services.

Panel II: John Paraccini, RAND Corporation; Dr. Michael Drake, Co-Chair, California Task Force on Bioterrorism; and Ronald Atlas, National President, American Society of Microbiology.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Kevin Avery of my staff to be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 516 through 528; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, NOVEMBER 7, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, November 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the District of Columbia Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF HART OFFICE BUILDING REMEDIATION PROJECT

Mr. DASCHLE. Mr. President, I want to update the Senate on a situation that is of interest to many people and of acute interest to many of us: the remediation of the Hart Senate Office Building.

It was 3 weeks ago yesterday that an envelope containing anthrax was opened in my Hart office by a member of my staff. It is the responsibility of the Environmental Protection Agency to recommend how the Hart Building is to be remediated. No other entity has the expertise to make those recommendations.

One week ago today, on October 30, the Environmental Protection Agency officially took control of the Hart Building and the Hart remediation project. At the time, EPA officials outlined for us what they said was an experimental but promising plan to use a chlorine dioxide fumigant throughout the building to kill the anthrax spores. Under that plan, the Hart Building could have reopened as early as November 13—1 week from today. Unfortunately, it is now clear that EPA will not be able to meet its initial optimistic schedule. EPA now says that the Hart Building will not re-open until at least November 21.

Earlier today, EPA officials came to the Hill to brief Senators who have offices in the Hart Building on the reasons for the delay. They also spoke with chiefs of staff and office managers from those offices. Since this situation affects the entire Senate family, I want to share what the EPA officials told us. When EPA told us last week about their plans to remediate the entire Hart Building using chlorine dioxide as a fumigant, they said they believed it was the safest, most effective, most comprehensive, and least disruptive way to remediate Hart. At the same time, they said their plan would not be final until it had passed a peer review—until leading scientists in government and the private sector had examined it and agreed it was a reasonable way to go.

According to EPA, over the weekend, some of those scientists raised questions about the plan. While they all agreed that a chlorine dioxide fumigant will kill anthrax spores, some of the experts EPA consulted expressed concerns about using chloride dioxide gas on a building as large as the Hart Building. According to EPA officials, this is not a scientific issue. It is an engineering issue. As a result of these questions, EPA is now formulating a new plan for the Hart Building.

The Senate Sergeant at Arms has appropriately insisted that the entire Hart Building be tested for anthrax. The building will remain closed until the EPA deems that it is safe to reenter. I understand the frustration and disappointment of Senators and staff who have been displaced by the Hart Building closure. We have all been greatly inconvenienced, and we are anxious to get back to the regular order in our offices. But we are dealing with a deadly bacteria. Safety must come before convenience. Twenty members of my staff and 8 other members of the Senate family were exposed to anthrax when that letter was opened. I do not want one more person to have to face that situation.

It is important that we all understand the EPA, and only the EPA, has the expertise to declare the Hart Building safe. We will follow their lead and re-open Hart when they certify it is safe to do so. The safety and health of the people who work in the Hart Building and those who visit there must be our guide.

I appreciate the patience and the understanding of all our colleagues, their staffs, and those who find themselves as dislocated as my staff. I intend to continue to give periodic reports as they are necessary, and I will share whatever information is made available as soon as it is provided to me.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, November 7, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 2001:

THE JUDICIARY

M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

KARON O. BOWDRE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

STEPHEN P. FRIOT, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

WILLIAM WALTER MERCER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS.

THOMAS E. MOSS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

J. STROM THURMOND, JR., OF SOUTH CAROLINA, TO BE THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

LEURA GARRETT CANARY, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

PAUL K. CHARLTON, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

JEFFREY GILBERT COLLINS, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

MAXWELL WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DUNN LAMPTON, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

JUAN CARLOS BENITEZ, OF PUERTO RICO, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Tuesday, November 6, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 6, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

DESIGNING FOR SECURITY IN THE NATION'S CAPITAL

Mr. BLUMENAUER. Mr. Speaker, the atmosphere in many cities today is one of apprehension and anxiety. We can witness this right outside the doors of this Capitol by the hundreds of jersey barriers and concrete blocks that surround these buildings and the street closures around the White House and our offices. Safety is of vital importance, but we must remain aware of the effect that hasty and poorly planned actions can have on the livability of our communities.

In the wake of the events that have occurred since September 11, there has never been a more pressing need for the Federal Government and other partners in the private sector to link hands with neighbors, civic and business leaders to assure that our families are safe, healthy and economically secure. It is essential that we accomplish these objectives without unnecessarily burdening the normal everyday functions of our communities.

Here in our Nation's capital, Congress and the Federal Government have the opportunity to lead by example and be a productive partner in working with the District of Columbia, local business leaders and concerned citizens to meet our needs. We need to work together to protect our national treasures up and down the Mall, our employees' offices and the transportation routes without suffocating the city's ability to operate.

Security measures can have a devastating effect on communities. Look at the extended closure of National Airport that has resulted in the loss of hundreds of jobs, perhaps some permanently, and the displacement of thousands of others. The roads that have been closed around the Capitol and the White House have snarled traffic and frustrated commuters.

We are well aware that we will never return in our lifetime to the pre-September 11 mindset. Therefore, it is critical that we take a long-term view to make sure that our safety concerns are planned in a manner that do not make things worse. We cannot allow terrorism to destroy our sense of community or the ability of those communities to serve us.

With this in mind, the report of the Interagency Task Force of the National Planning Commission issued last week titled "Designing for Security in the Nation's Capital" deserves our special attention. The task force began meeting far before the recent attacks, working for months to develop a clear outline and plan for security measures that do not compromise livability.

It has been apparent of the need for this action since the closing of Pennsylvania Avenue in front of the White House after the Oklahoma City bombing. This sort of temporary action is still in place 6 years later. Security measures that may have made sense temporarily have led to a seemingly permanent closure that has created costly traffic problems and a blighted scene in front of the home of our President.

The task force outlines several steps that can be taken to ensure the safety of Federal buildings and national monuments. The report calls for a master design that achieves the same security objectives of the items that we currently see littered all over the Capitol complex, concrete barriers, bollards and steel posts, without making it look like it would be a burial ground for chunks of concrete.

The task force report also stresses transportation concerns that have developed as a result of road closings. It proposes a fascinating solution dealing with the circulator system of either buses or streetcars that would allow for safe and secure transport of people throughout the downtown, the Mall and the Capitol area. Such a circulator system could help reduce traffic congestion, allow for the removal of parking spaces in areas of security concern and improve traffic flow while all the time improving air quality, saving energy and making it a more appropriate, enjoyable experience for visitors to our Nation's capital.

The task force will have a real dollar impact if its proposals are put in place; but to put in context, the expenditure of perhaps a hundred billion dollars in the context of billions of dollars already lost and billions more that are proposed for security measures, this amount is a small price to pay to protect the public and our national treasures in a manner that does not hold this local community hostage.

I urge my colleagues to examine these proposals and the funding of this plan. I am not suggesting that it necessarily needs to be the final answer, but it is an important first step to keep our Nation's capital and its citizens safe, healthy and economically secure while we assure that Timothy McVeigh and Osama bin Laden are not the dominant forces in American landscape architecture, public space and transportation for the next 50 years.

STRENGTHENING IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, President Bush signed into law the antiterrorism bill. This new law contains many provisions that will increase the ability of law enforcement, intelligence and other government agencies to combat terrorism. While this legislation is an important critical piece, although some may say controversial, in eradicating terrorism and ensuring the safety and prosperity of the American way of life to continue, the war, my colleagues, cannot be won without the key component of securing our borders from those who wish to cause us harm.

The values and ideals of this Nation are built on the contribution and sacrifices of immigrants who journeyed across the oceans for a better way of life that could only be found in this

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

land. As such, America has and always will serve as a beacon of hope for those in oppressed other lands. It is, after all, the diverse nature of our people that has made America such a great country.

However, those who violate our Nation's immigration laws do more harm than good in furthering our country's values. And it is those people we must ensure that do not enter our country. Take, for example, what happened nearly 2 years ago when a lone U.S. Customs agent working at a remote border post in Northwest Washington foiled a terrorist attack on the Los Angeles Airport. An alert Customs Service inspector stopped and arrested Ahmed Ressam, a bin-Laden associate, in December of 1999 with a car load of bomb-making material before he was allowed to enter into Washington State from Canada. Unfortunately, our luck ran out with the tragic events of September 11.

It now appears that some of the terrorists involved in September 11 may have entered the U.S. from Canada, much as Ahmed Ressam attempted when he was arrested.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered on foreign student visas and the INS has no information on the six remaining hijackers. As such, we can keep enacting legislation and, of course, spend more money; but efforts to counter terrorism will be futile unless we establish effective controls to secure our boarders and points of entry.

Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border control agents working to keep America secure on the U.S.-Mexican border, there are less than 500 agents tasked with securing our 4,000-mile border with Canada.

To make matters even worse, out of the 128 ports on the northern border, only 24 of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter into the United States without even so much as an inspection, not to mention even a question or a record of their entry.

A recent report by the nonprofit organization, the Center on Immigration Studies, indicates that there are more than 8 million people now living in the U.S. illegally. About 40 to 50 percent of these violators are people who entered the United States legally, but did not leave with the expiration of their visas.

As it now stands, our immigration system needs increased and tighter controls. Currently our Nation has an unmonitored, nonimmigrant visa system in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrive. To date, the INS does not have a reliable tracking system to determine how many of these visitors left the country when their visas expired.

Furthermore, among the 7.1 million nonimmigrants, 500,000 foreign nationals enter the United States on foreign student visas. Hani Hanjour, the person who was believed to have piloted the American Airlines Flight 77 into the Pentagon is believed to have entered the country with a foreign student visa but never actually attended classes.

Mr. Speaker, our unsecure borders, along with inadequate record-keeping, have contributed to our inability to track terrorism in our country, or to prevent them from entering in the first place. I am encouraged by legislation being drafted in the Senate which aims to strengthen our border security in the fight to counter terrorism. Additionally, I am pleased that President Bush announced that the White House wants to tighten immigration laws and requirements for student visas to deter would-be terrorists from entering this country.

I urge my colleagues to make tightening our immigration laws and securing our borders a top priority in the war against terrorism.

ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in response to the emergent threats of bioterrorism, Congress will take concrete steps in the coming weeks to strengthen our Nation's public health infrastructure. To fully prepare for the potential bioterrorist attacks, we will have to deal with a wide variety of public health issues including vaccinations and food safety and government stockpiling of antibiotics. In doing so, we must not forget to address the issue of antibiotic resistance.

The links between antibiotic resistance and bioterrorism are clear. Antibiotic resistant strains of anthrax or other bacterial agents would be extremely lethal biological weapons, and they are already a reality.

According to the Journal of the American Medical Association, during the Cold War, Russian scientists engineered an anthrax strain that was resistant to the tetracycline and penicillin classes of antibiotics. We can only assume that anthrax and other bacterial agents could also be engineered to resist antibiotics, including new valuable antibiotic therapies like Cipro.

Antibiotic resistance is also relevant to the threat of bioterrorism in other significant ways. The overuse and the misuse of antibiotics by physicians, patients, and hospitals renders bacterial agents more resistant to the antibiotic drugs that they are exposed to and could leave the Nation poorly prepared for a biological attack.

It is a vicious cycle because the threat of bioterrorism can lead to the overuse and the abuse of antibiotics, people taking Cipro when they do not need it, for example, which in turn could make these antibiotics less effective against the agents of bioterrorism.

During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. That use of antibiotics is appropriate. But the thousands more who have sought antibiotic prescriptions for Cipro without any indication of need or even a risk of infection can be a problem.

The widespread use of Cipro will kill bacteria that are susceptible to the drug, but will leave behind bacteria that are not. Those bacteria that are not killed will then have the opportunity to thrive and develop an even greater resistance to Cipro, requiring an alternative antibiotic to kill them and diminishing the overall effectiveness of Cipro.

Many pathogenic bacteria that cause severe human illnesses are already resistant to older antibiotics like penicillin, as we all know. That is one reason newer antibiotics like Cipro are used to treat dangerous infections. With diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the death of a patient, or in the case of a larger exposure, in the deaths of thousands of individuals. If the U.S. and the rest of the world begin using Cipro haphazardly, that antibiotic could lose its effectiveness also.

□ 1245

To adequately prepare for a bioterrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax and other lethal agents.

And to ensure the continued efficacy of our antibiotic stockpile, we must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, and monitor the effectiveness of existing treatments over time.

Surveillance also provides the data needed to prioritize the research and development of new antibiotic treatments.

Drug-resistant pathogens are already a growing threat to every American. Examples of important microbes that are rapidly developing resistance to available antimicrobials include the bacteria that cause pneumonia, ear infections, meningitis, and skin, bone, lung or bloodstream infections.

That list also includes food-borne infections like salmonella, and the Nation's food supply could be a future target of bioterrorism.

Under last year's Public Health Threats and Emergencies Act, sponsored by the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that would equip State and local health departments to identify and to track antibiotic resistance.

To build upon this already authorized program, the gentleman from New York (Mr. BOEHLERT) and I have asked the Committee on Appropriations to include at least $50 million for this grant program in the Homeland Security Supplemental Appropriations bill. I urge Members on both sides of the aisle to support that request.

Let our appropriators know that this funding is critical to the viability of our main weapons against bioterrorism and other infectious diseases now and in the future.

H.R. 2887, PEDIATRIC EXCLUSIVITY BILL

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to speak of a bill that may be coming to the floor in the very near future. It is called the H.R. 2887, the Pediatric Exclusivity bill. It was passed by Congress in 1997 to encourage drug companies to do studies in how their drugs would affect young people, those people under 18. Unfortunately, before this bill, drug companies did not necessarily take into consideration a drug's effect upon children 18 and younger, so Congress granted them a pediatric exclusivity which would allow them to extend their patent for another 6 months to do a study.

Now, when they get done with this study, what happens to the study? It goes to the FDA and sits there, but yet the drug company gets the extension of the patent.

From that study, we learned certain things, such as the dosage of medicine to be given and symptoms we should look for. What we found, since 1997, is that 33 drugs have been granted pediatric exclusivity. Of the 33, 20 of them have done label changes. The other 13 have not. Why not?

The problem we are concerned about is why we would grant pediatric exclusivity prior to receiving the study. We should wait and not grant pediatric exclusivity until after we have the study, we know what the dosage recommendation should be, and then the product is labeled for pediatric use according to the study. So what we want to see is that the grant of pediatric exclusivity is tied into not only a study but also the necessary label changes.

It only makes sense. The doctors, the patients, their families should know what was found in those studies and what they need to know to make sure that they are administering the drug in a proper way to young people.

The goal of pediatric exclusivity, the FDA has been quoted as saying, is the labeling. That is why when the bill comes to the floor we would like to offer an amendment which would tie the grant of exclusivity necessarily to labeling changes. As I said, there have been 33 pediatric exclusivity drugs, but only 20 of them have changed their labels. What about the last 13?

Currently, the exclusivity period is given only for doing a study. For the safety of our children, for the health care profession, and for all families, we should change this. Under our proposed amendment, all new drugs must complete the labeling requirement before the product is marketed.

I cannot understand why we allow drug manufacturers to undertake a pediatric study, but not provide parents and doctors with the results they need to make informed decisions to properly use and dispense the drugs. As the FDA says, the goal of pediatric exclusivity is labeling, and we cannot lose sight of that.

We went on the FDA Web site and they listed the drugs with the pediatric exclusivity. As seen on this chart, the first one, Lodine, Etodolac Lodine, 9 months after the pediatric exclusivity was granted, they changed their label. The labeling says it is now appropriate for young people 6 to 16, but the dose in younger children is approximately two times lower dosage than is recommended for adults.

Now, would the doctor not want to know that before he gives Lodine, since it is used for juvenile rheumatoid arthritis, that the recommended dose is two times less than what is given for adults? The manufacturer was granted the pediatric exclusivity on December 6, 1999, yet the information did not get out to the doctors and patients and their families until August.

Let us take this one right here. BuSpar. It was approved on May 22 this year for pediatric exclusivity. Two months later the labeling change comes out. And what did it find? The safety and effectiveness were not established in patients below the age of 18. In this drug here, they got the pediatric exclusivity, and 2 months later they had to change their label to let people know there really was no advantage. In fact, the safety and effectiveness was not established. I think that would give a red light to doctors and patients that maybe this drug is not doing what it is supposed to be doing.

This one on the bottom, the Propofol Diprivan. Take a look at it. It is for anesthesia. When we take a look at it, it says it may result in serious bradycardia. Propoful is not indicated for pediatric ICU sedation, as safety has not been established. Now, if I was a medical professional, I am sure I would want to know this.

Why does it take 18 months after the grant of the pediatric exclusivity to get the information out to the health care professionals?

If we look closer at this, the incidence of mortality, it is 9 percent versus 4 percent. So there is twice as much chance of a deadly accident occurring with this drug as when it was given in the old form. Again, it takes 18 months to get this information out.

So, again, before we grant pediatric exclusivity to a pharmaceutical such as this, should we not have the labeling change so we know what it is going to do to the patient, so the doctor knows what dosage he should recommend? That is the whole idea behind the labeling amendment. That is what we want to see be a part of the exclusivity bill.

It is a good bill, with good intent, but we have to finish the job. Now that we have had it on the books for 4 years, we have seen the shortfalls. So let us change the label so everybody is informed about the value of these drugs.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, designer of nature's cycles and the judge of human events, continue to guide us through all the seasons of life.

Eight weeks ago today, this Nation was viciously attacked by terrorists. Help the Members of this House and all Americans to understand what has happened to us since then. That first day knocked us into a delirium of astonishment, anger, and loss. Give us now a second wind of Your Spirit.

You, Lord of revelation, have promised to be with us. Reveal to us through prayer the true nature of this Nation. Study in us the nature of war and its destructive forces.

Make Your presence known to us by faith renewed in You, Almighty God, and faith in others and in ourselves.

Give us hope by the solidarity of friends in the family of nations, and continue to surprise us with the indomitable love of freedom arising from the depths of this people. May this strength never be stymied by distracting news-clips or extinguished by fear.

Rather, we have chosen to settle in for the unpredictable season of war, as we wrestle to pray "Thy will be done" in us, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUBSTANTIAL AMOUNTS OF NUCLEAR COMPONENTS MISSING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. According to news reports, the Department of Energy cannot find substantial amounts of plutonium and uranium. The plutonium and uranium were, according to a Department spokesman, either loaned out to research groups or, quite simply, it was "just the fault of sloppy bookkeeping."

Unbelievable. It appears that these two powerful components of nuclear destruction are being regulated as well as condoms at a Vegas brothel.

Beam me up here.

I yield back the need to find these lost items, before bin Laden delivers them to our front lawn.

SUPPORT TRADE PROMOTION AUTHORITY FOR PRESIDENT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, renewing Trade Promotion Authority for the President is vitally important for small business exporters. Many will be surprised to learn that 97 percent of all U.S. exporters are small businesses and that 69 percent of all U.S. exporters employ less than 20 workers. In addition, the number of small business exporters has increased from 66,000 in 1987 to 224,000 in 1999.

Lowering foreign trade barriers helps small business exporters more than large companies. While most large companies can either export or set up a factory overseas, most small business exporters have only one choice, and that is to export from America.

There are many complicated issues that face small business exporters, such as streamlining foreign customs practice. Let us give the President the tools he needs to negotiate away these unfair trade barriers.

WHERE IS AVIATION SECURITY BILL?

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, where is the aviation security bill? I will tell you where it is. It has been hijacked. Americans are demanding that we act and that we act quickly; yet the House leadership continues to play politics.

The travel industry is also demanding that we act quickly; yet we fail to move.

It has been over 7 weeks since the September 11 date, and the American public knows that we could have already sent this bipartisan piece of legislation to the President to be signed. Yet this weekend we had the managers at the O'Hare Airport allow knives and other dangerous items to slip through. In Kentucky, we also had an occurrence.

Even Secretary of Transportation Mineta has concluded that the "Federal Government must take direct control of the security system."

Airport security is national security. National security should be handled by highly trained, motivated Federal workers.

We cannot afford to stand still. We must move forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2047) to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 2002".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for fiscal year 2002 an amount equal to the fees collected in fiscal year 2002 under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this Act referred to as the "Director") shall, during the 3-year period beginning October 1, 2001, develop an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure—

(A) to allow examiners and applicants to send all communications electronically; and

(B) to allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there is authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for fiscal year 2002. Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 4. STRATEGIC PLAN.

(a) DEVELOPMENT OF PLAN.—The Director shall, in close consultation with the Patent Public Advisory Committee and the Trademark Public Advisory Committee, develop a strategic plan that sets forth the goals and methods by which the United States Patent and Trademark Office will, during the 5-year period beginning on October 1, 2002—

(1) enhance patent and trademark quality;

(2) reduce patent and trademark pendency; and

(3) develop and implement an effective electronic system for use by the Patent and Trademark Office and the public for all aspects of the patent and trademark processes, including, in addition to the elements set forth in section 3, searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

The strategic plan shall include milestones and objective and meaningful criteria for evaluating the progress and successful achievement of the *plan. The Director shall consult with the Public Advisory Committees with respect to the development of each aspect of the strategic plan.*

(b) REPORT TO CONGRESSIONAL COMMITTEES.—The Director shall, not later than January 15, 2002, or 4 months after the date of the enactment of this Act, whichever is later, submit the plan developed under subsection (a) to the Committees on the Judiciary of the House of Representatives and the Senate.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2047, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2047 and urge the House to adopt the measure. The purpose of this bill is to authorize the Patent and Trademark Office to retain all of the user fee revenue it collects in fiscal year 2002 for agency operations subject to appropriations. In addition, the PTO is to earmark a portion of this revenue to address problems relating to its computer systems and to develop a 5-year strategic plan to establish goals and methods by which the agency can enhance patent and trademark quality, while reducing application pendency.

The bill will allow us to move forward and to make the PTO a more responsive and efficient agency that will better serve the needs of inventors and trademark filers.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope we will pass this bill very clearly and overwhelmingly. A lot of lip service is paid to the role that innovation plays in our economy. The time has come to put our money where our mouth is. Indeed, it is not even our money.

What we are talking about here is trying to change a practice whereby patent application fees have been used to support other governmental programs, rather than devote all of that to the Patent Office.

It should be noted that we raised patent fees a few years ago. When we raised them, the assumption, the implicit promise, was these fees would go to improving the patent process. To take fees from people seeking patents and diverting them to other purposes is a grave error. We ought to be maximizing our ability to service the innovators in this economy, and we do that by allowing these fees to stay here.

Now, I do want to say, I understand what happens. It is the members of the Committee on Appropriations who, from time to time, use some of these fees. I do not wish to speak harshly of them. Some of my best friends are appropriators, and I hope they remember that at this season of conference reports. But they are themselves squeezed when they are given responsibilities to fund and inadequate revenues with which to fund them. In some cases the temptation is very strong for them to look at the revenues at the Patent Office and divert them to other purposes.

The answer, Mr. Speaker, is not to divert revenues from the Patent Office to pay for these other programs, but to stop this practice of reducing the Government's revenues by tax cuts that leave us unable to afford programs for which there is great demand and great need. In other words, this practice of raiding the patent fees to fund other programs is one of the negative consequences of reducing government revenues through irresponsible tax cuts below the level necessary to sustain important government activity.

So I look forward to passing this bill; and I hope we will be able to keep the promise once made that, patent fees having been raised, the Patent Office would get the benefit of them.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2047, the Patent and Trademark Office (PTO) Authorization Act of 2002.

The U.S. Patent and Trademark Office, located in my congressional district, is the agency most involved in the growth of innovation and commercial activity in our country.

Patents and trademark registrations help create new industries and high-wage jobs. This process is critical to our global competitiveness and technological leadership.

The PTO is entirely supported with the fees paid by patent and trademark applicants. It receives no taxpayer funds.

Since 1992, however, Congress has been withholding an increasing portion of these fees for use in other Department of Commerce agencies. More than $800 million has been withheld to date. This alarming practice is made worse by the fact that since 1992, the PTO has experienced a 75 percent increase in its workload. As a result, the PTO is in near-crisis mode and is starved for funding.

The increasing delays at the PTO—now more than two years to get a patent, and getting worse—are intolerable, not just for the companies involved but for the whole economy.

H.R. 2047 takes several important steps to combat these unsettling trends. This bill authorizes full funding for the Patent and Trademark Office. This bipartisan measure also directs the PTO to develop an electronic system for filing and processing of patent and trademark applications.

Furthermore, H.R. 2047 requires the administration to develop a 5-year strategic plan aimed at improving the quality of issued patents and trademarks, while reducing the waiting time.

In today's economic climate, we as a nation cannot afford to neglect the PTO's vital mission of fostering new technologies and protecting American inventors. It is absolutely critical that inventors get the protection they need to encourage the innovation and the creativity that makes this country prosper. Strong patents and trademarks help our economy and U.S. consumers.

This bipartisan bill offers a new approach that will provide adequate resources for the PTO to handle its huge workload and enable our country to maintain its global leadership in technology and innovation.

I thank Chairman COBLE and Congressman BERMAN for their leadership on H.R. 2047 and urge my colleagues to support it.

Mr. COBLE. Mr. Speaker, H.R. 2047 would help to correct the diversion problem at the PTO by authorizing the agency to keep all of the fee revenue it raises in fiscal year 2002, subject to appropriations. In addition, and consistent with this emphasis on oversight, the legislation sets forth two problem areas that PTO should address in the coming fiscal year, irrespective of its overall budget: First, the PTO Director is required to develop an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that will allow the Office to process and maintain electronically the contents and history of all applications. Fifty-million dollars are earmarked for this project in fiscal year 2002. Second, the Director, in consultation with the Patent and Trademark Public Advisory Committees, must develop a strategic plan that prescribes the goals and methods by which PTO will enhance patent and trademark quality, reduce pendency, and develop a 21st century electronic system for the benefit of filers, examiners, and the general public.

Mr. Speaker, H.R. 2047 will allow the patent and trademark communities to get more bang for their filing and maintenance buck, while enhancing the likelihood that the agency will receive greater appropriations in the upcoming fiscal year and in the future. It is a bill that benefits the PTO, its users, and the American economy. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, we all know that the Patent and Trademark Office is crucial to America's economy, reviewing technologies and granting patents on thousands of new inventions every year. And this year along has seen a thirteen percent rise in patent applications.

We also know the PTO is losing resources and cannot handle the increased workload. The PTO takes no money from taxpayers; instead, it is fully funded by user fees, generating $1 billion per year. Unfortunately, appropriators and the administration treat the PTO like a savings and loan and divert its money every year for other government programs. To date, over $600 million in fees has been diverted since 1992. This coming year alone, the appropriators are taking $200 million.

Not surprisingly, this diversion is taking its toll. The PTO cannot hire or retain qualified patent examiners with advanced scientific degrees; they prefer the more lucrative salaries in the private sector. The PTO also cannot update its computer systems to thoroughly search databases of information and determine whether patent applications really disclose new and nonobvious inventions; this makes it that more likely for the PTO to issue a bad patent. Finally, just a few years ago it took the PTO 19.5 months to rule on a patent application; it now takes 26 months, and is expected to be 38.6 months by 2006. At that rate, inventions will be obsolete before they're patented.

We cannot let the PTO and American inventors continue to suffer this way. H.R. 2047—introduced by Chairman COBLE, Ranking Member BERMAN, and myself—resolves the problem by letting the PTO keep all of its fiscal year 2002 fees. It also lets the PTO use some of its money to modernize its electronic filing systems. The bill finally requires the PTO to develop a five-year strategic plan explaining what resources it needs to better serve its customers. This plan will make it easier for Congress to make future oversight decisions.

I urge my colleagues to vote "yes" on this legislation.

Mr. SMITH of Texas. Mr. Speaker, the high-tech industry plays a prominent role in our economy. That's why it's important to allow the U.S. Patent and Trade Office (USPTO) to retain its user fees. Timely and quality service provided by the PTO helps spur innovation and strengthen our economy.

H.R. 2047 is a good bill that has three basic components. It allows the patent office to retain its fees, which are normally distributed for other government operations. This extra funding will speed up the processing of patent applications that now takes an average of nearly 27 months. If these fees continue to be diverted, pendency—the time from filing to granting of a patent—may increase to 38 months by 2006.

In recent years, the number of technology and biotechnology patents has increased. Now more than ever, it's important to ensure that the PTO has adequate funding through its own fee mechanisms. The PTO must produce high quality patents on a timely basis. It is struggling to keep up with the workload and lacks new technology that is desperately needed to do its job.

The bill directs and PTO to develop and implement an electronic system for filing and processing applications. It also orders the director of the patent office to develop a 5-year strategic plan to improve and streamline patent operations.

I urge my colleagues to support this important measure so that the PTO can improve its critical role in our economy.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2047, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

SEC. 2. AMENDMENT.

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

SEC. 3. GAO STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the effect of the antitrust exemption on institutional student aid under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(2) CONSULTATION.—The Comptroller General shall have final authority to determine the content of the study under paragraph (1), but in determining the content of the study, the Comptroller General shall consult with—

(A) the institutions of higher education participating under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) (referred to in this Act as the "participating institutions");

(B) the Antitrust Division of the Department of Justice; and

(C) other persons that the Comptroller General determines are appropriate.

(3) MATTERS STUDIED.—

(A) IN GENERAL.—The study under paragraph (1) shall—

(i) examine the needs analysis methodologies used by participating institutions;

(ii) identify trends in undergraduate costs of attendance and institutional undergraduate grant aid among participating institutions, including—

(I) the percentage of first-year students receiving institutional grant aid;

(II) the mean and median grant eligibility and institutional grant aid to first-year students; and

(III) the mean and median parental and student contributions to undergraduate costs of attendance for first year students receiving institutional grant aid;

(iii) to the extent useful in determining the effect of the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note), examine—

(I) comparison data, identified in clauses (i) and (ii), from institutions of higher education that do not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note); and

(II) other baseline trend data from national benchmarks; and

(iv) examine any other issues that the Comptroller General determines are appropriate, including other types of aid affected by section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(B) ASSESSMENT.—

(i) IN GENERAL.—The study under paragraph (1) shall assess what effect the antitrust exemption on institutional student aid has had on institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance.

(ii) CHANGES OVER TIME.—The assessment under clause (i) shall consider any changes in institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance over time for institutions of higher education, including consideration of—

(I) the time period prior to adoption of the consensus methodologies at participating institutions; and

(II) the data examined pursuant to subparagraph (A)(iii).

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2006, the Comptroller General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the findings and conclusions of the Comptroller General regarding the matters studied under subsection (a).

(2) IDENTIFYING INDIVIDUAL INSTITUTIONS.—The Comptroller General shall not identify an individual institution of higher education in information submitted in the report under paragraph (1) unless the information on the institution is available to the public.

(c) RECORDKEEPING REQUIREMENT.—

(1) IN GENERAL.—For the purpose of completing the study under subsection (a)(1), a participating institution shall—

(A) collect and maintain for each academic year until the study under subsection (a)(1) is completed—

(i) student-level data that is sufficient, in the judgment of the Comptroller General, to permit the analysis of expected family contributions, identified need, and undergraduate grant aid awards; and

(ii) information on formulas used by the institution to determine need; and

(B) submit the data and information under paragraph (1) to the Comptroller General at such time as the Comptroller General may reasonably require.

(2) NON-PARTICIPATING INSTITUTIONS.—Nothing in this subsection shall be construed to require an institution of higher education that does not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) to collect and maintain data under this subsection.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on September 30, 2001.

Amend the title so as to read: "An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 768.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1415

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will send to the President for his signature H.R. 768, the Need-Based Educational Aid Act of 2001. This bill was introduced by the gentleman from Texas (Mr. SMITH) and the gentleman from Massachusetts (Mr. FRANK), and I appreciate their hard work on this issue.

Mr. Speaker, beginning in the mid-1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, that is, aid from the schools' own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assist each student's financial need and to give essentially the same financial aid award to students admitted to more than one member of the group.

From the 1950s through the late 1980s, the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engaged in this practice. After extensive litigation, the parties reached a final settlement in 1993.

In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified the settlement. It allowed agreements to provide aid on the basis of need only, to use common principles of need analysis, to use a common financial aid application form, and to allow the exchange of the students' financial information through a third party. It also prohibited agreements on award to specific students. It provided for this exemption to expire on September 30, 1997. That year, Congress extended the exemption until September 30, 2001.

Under this exemption, the affected schools have adopted a set of general principles to determine eligibility for institutional aid. These principles address issues like expected contribution from noncustodial parents, treatment of depreciation expenses that may reduce a parent's income, valuation of rental properties, and unusually high medical expenses. Common treatment of these types of issues make sense, and to my knowledge, the existing exemption has worked well.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it, the schools would be required to compete, through financial aid awards, to the very top students. Those very top students would get all the aid available, which would be more than they need. The rest would get less or none at all. Ultimately, such a system would serve to undermine the principle of need-based aid and need-blind admissions.

No student who is otherwise qualified ought to be denied the opportunity to attend one of the Nation's most prestigious schools because of the financial situation of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Mr. Speaker, unlike the original House bill, which permanently extended the 1994 exemption, the Senate amendment to H.R. 768 would extend the exemption for another 7 years, and it also directs the General Accounting Office to review the exemption. It would not make any change to the substance of the exemption. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the chairman of the full committee for so diligently staying on this and bringing this forward. I want to express my particular appreciation to the gentleman from Texas, who has now joined us, who has been one of the leaders in making sure that we do this.

The gentleman from Wisconsin has explained this very well, and I just want to underline a few points. It seemed to me at the time a great misfortune and irony that the Justice Department was seeking to invoke the antitrust law against the universities that were engaged in this practice. It is one of the most socially responsible things that they do.

Essentially, what we have are among the most prestigious universities in the country, which people are eager to go to, saying that they believe they have an obligation in spending scholarship money to maximize the extent to which scholarship money enables poor or moderate-income young people to attend. The sole purpose of this whole enterprise is to extend the reach of scholarship aid based on need. For that to have been challenged on antitrust grounds seemed to me at the time a grave error.

I am delighted to have been able to work all this time, particularly with the gentleman from Texas, to go to the aid of universities that are trying to do the right thing. What this says is that the universities can exchange information and they can share information; not to raise prices, not to pay less to suppliers, not to do any of the things that the antitrust law is aimed at preventing, but rather, to maximize the extent to which financial aid goes to the young people who need it.

There is a great deal of controversy in our government about the extent to which, when the government is acting, we can take into account compensatory and other factors. Here we have the ideal situation. All of these institutions are wholly private institutions. They are not constrained by the various rules that government needs to follow. They have done this voluntarily, and I am very pleased that, over time, the number of institutions has expanded. I am proud to represent one of them, Wellesley College from Wellesley, Massachusetts. They have volunteered to take on extra work among themselves so as not to diminish the pool of scholarship funds available to those who are needy, and I think that is something well worth doing.

Now, I know an amendment has come back from the Senate calling for a GAO study. We are not in the process of amendment here; we are in suspension. If we were in a situation where amendments were in order, I think I would be tempted in this case to offer the amendment that I once offered in the Committee on Financial Services; namely, that any Member of Congress who offers an amendment requiring a study be required to read that study when it is completed and take a public exam on its contents, because we have this tendency to burden people with compiling studies that no one, including us, ever reads. I myself do not think in this case the study is necessary, and I think it burdens universities, who are trying to do a good thing, with excess work. But that is the price of getting this bill passed. It is a fairly small price to pay for an important piece of legislation that does advance an important social goal.

I salute the universities and, again, I want to express my gratitude to the two gentlemen from the majority side for the work they have done in bringing this forward.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let it be clear that this exemption expired on October 1, and if the exemption is not reinstated and continued, well-endowed private colleges and universities, the gentleman from Massachusetts has several in his State, and I am a graduate of one of them, and the gentleman from Texas is also a graduate of one of them, will basically be able to use their superior financial resources to buy out the best students, generally by giving them more money than they really need for financial aid, even though the tuition at these colleges and universities is pretty steep.

By passing this bill and by reinstating the exemption, there will be more money to go around to more good students and to open the doors to these well-endowed, prestigious private colleges and universities to more people to be able to go there.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first I would like to thank the chairman of the committee for yielding me time. I would also like to thank the gentleman from Massachusetts (Mr. FRANK) for his earlier generous comments.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of the group.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engage in this practice. After extensive litigation, the parties reached a settlement in 1993.

In 1994 and again in 1997, Congress passed a temporary exemption from the antitrust laws that codified that settlement. It allowed agreements to provide aid on the basis of need only, use common criteria, use a common financial aid application form, and allow the exchange of the student's financial information through a third party. It also prohibited agreements on awards to specific students. The exemption expired, as the chairman just noted a minute ago, on September 30, 2001.

To my knowledge, there are no complaints about the exemption. H.R. 768 would extend the exemption passed in 1994 and 1997 for 7 more years.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to a private, selective university because of the limited financial means of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions.

Last April we approved a permanent extension by an overwhelming margin of 414 to zero. However, the Senate has approved only a 7-year extension. They also call for the General Accounting Office to study the effects of the exemption and to submit a report in 5 years. If the GAO chooses to examine a comparison group of schools for the study, participation in the group would be voluntary. It is this version that we vote upon today.

Mr. Speaker, I still believe that a permanent exemption from the antitrust laws is justified and warranted. However, in the interest of time, the House should accept the changes made by the Senate, and I urge my colleagues to support this bill.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1408) to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Antifraud Network Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

Sec. 100. Creation and operation of the network.

Subtitle B—Potential Establishment of Antifraud Subcommittee

Sec. 101. Establishment.
Sec. 102. Purposes of the Subcommittee.
Sec. 103. Chairperson; term of chairperson; meetings; officers and staff.
Sec. 104. Nonagency status.
Sec. 105. Powers of the Subcommittee.
Sec. 106. Agreement on cost structure.

Subtitle C—Regulatory Provisions

Sec. 111. Agency supervisory privilege.
Sec. 112. Confidentiality of information.
Sec. 113. Liability provisions.
Sec. 114. Authorization for identification and criminal background check.
Sec. 115. Definitions.
Sec. 116. Technical and conforming amendments to other acts.
Sec. 117. Audit of State insurance regulators.

Subtitle D—Anti-Terrorism

Sec. 121. Preventing international terrorism.

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

Sec. 201. Investment Advisers Act of 1940.
Sec. 202. Securities Exchange Act of 1934.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

Sec. 211. Securities Exchange Act of 1934.
Sec. 212. Investment Advisers Act of 1940.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to safeguard the public from fraud in the financial services industry;

(2) to streamline the antifraud coordination efforts of Federal and State regulators and prevent failure to communicate essential information;

(3) to reduce duplicative information requests and other inefficiencies of financial services regulation;

(4) to assist financial regulators in detecting patterns of fraud, particularly patterns that only become apparent when viewed across the full spectrum of the financial services industry; and

(5) to take advantage of Internet technology and other advanced data-sharing technology to modernize the fight against fraud in all of its evolving manifestations and permutations.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

SEC. 100. CREATION AND OPERATION OF THE NETWORK.

(a) SHARING OF PUBLIC INFORMATION.—The financial regulators shall, to the extent practicable and appropriate and in consultation with other relevant and appropriate agencies and parties—

(1) develop procedures to provide for a network for the sharing of antifraud information; and

(2) coordinate to further improve upon the antifraud efforts of the participants in the network as such participants deem appropriate over time.

(b) MINIMUM REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) provide for the sharing of public final disciplinary and formal enforcement actions taken by the financial regulators that are accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent, dishonest, or involves a breach of trust or relates to the failure to register with the appropriate financial regulator as required by law;

(2) include a plan for considering the sharing among the participants of other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to, and the use of, such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, appraisals, or reports filed by a regulated entity with a participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated; and

(3) provide that, if a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(c) PROVISIONS RELATING TO REQUIREMENTS.—

(1) TIME OF NOTICE.—The notice to any person, and the opportunity to respond, under subsection (b)(3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(2) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to subsection (b)(3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(d) IMPLEMENTATION.—

(1) SUBMISSION OF PLAN.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Federal financial regulators shall submit to Congress a plan detailing how the financial regulators (and any association representing financial regulators) expect to meet the requirements of subsections (a) and (b).

(2) DEADLINE FOR IMPLEMENTATION.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the financial regulators shall establish the network described in subsections (a) and (b).

(e) FINANCIAL REGULATORS DEFINED.—For the purposes of this section, the term "financial regulators" means the financial regulators described in subparagraphs (A) through (Q) of section 115(3).

(f) DETERMINATION OF IMPLEMENTATION OF SUBTITLE B.—

(1) IN GENERAL.—The provisions of subtitle B shall take effect only if the Secretary of the Treasury, or a designee of the Secretary, before the end of the 30-day period beginning at the end of the period referred to in—

(A) subsection (d)(1), does not determine that the Federal financial regulators have submitted a plan which substantially meets the requirements of such subsection; or

(B) subsection (d)(2), does not determine that the financial regulators have established a network that substantially complies with the requirements of subsections (a) and (b).

(2) SCOPE OF APPLICATION.—This subtitle shall cease to apply as of the date subtitle B takes effect.

(g) USE OF CENTRALIZED DATABASES.—

(1) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of subsection (b)(1) if—

(A) the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in such subsection; or

(B) the financial regulator makes the information described in such subsection available to the public over the Internet.

(2) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(h) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in subsection (b)(1), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) REGULATORY FLEXIBILITY.—Each financial regulator may develop guidelines, as the regulator determines to be appropriate, governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in subsection (b)(1).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(i) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(j) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(k) STANDARDS.—Each financial regulator shall consider developing guidelines on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(l) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

Subtitle B—Potential Establishment of Antifraud Subcommittee

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—Unless the determinations described in section 100(f) are made, after the applicable date described in such section there shall be established within the President's Working Group on Financial Markets (as established by Executive Order No. 12631) a subcommittee to be known as the "Antifraud Subcommittee" (hereafter in this title referred to as the "Subcommittee") which shall consist of the following members:

(1) The Secretary of the Treasury, or a designee of the Secretary.

(2) The Chairman of the Securities and Exchange Commission or a designee of the Chairman.

(3) A State insurance commissioner designated by the National Association of Insurance Commissioners, or a designee of such commissioner.

(4) The Chairman of the Commodity Futures Trading Commission or a designee of such Chairman.

(5) A designee of the Chairman of the Federal Financial Institutions Examination Council.

(b) FINANCIAL LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(1) A representative of each Federal banking agency appointed by the head of each such agency.

(2) A representative of the National Credit Union Administration appointed by the National Credit Union Administration Board.

(3) A representative of the Farm Credit Administration, appointed by the Farm Credit Administration Board.

(4) A representative of the Federal Housing Finance Board, appointed by such Board.

(5) A representative of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development appointed by the Director of such Office.

(6) A representative of the Appraisal Subcommittee of the Financial Institutions Examination Council designated by the Chairperson of the Appraisal Subcommittee.

(7) A representative of State bank supervisors designated by the Conference of State Bank Supervisors.

(8) A representative of State savings association supervisors designated by the American Council of State Savings Supervisors.

(9) A representative of State credit union supervisors designated by the National Association of State Credit Union Supervisors.

(10) A representative of State securities administrators designated by the North American Securities Administrators Association.

(11) A representative of the National Association of Securities Dealers appointed by the National Association of Securities Dealers.

(12) A representative of the National Futures Association appointed by the National Futures Association.

(13) Any other financial liaison as the Subcommittee may provide to represent any other financial regulator or foreign financial regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(c) OTHER LIAISONS.—

(1) LAW ENFORCEMENT LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(A) A representative of the Department of Justice appointed by the Attorney General.

(B) A representative of the Federal Bureau of Investigation appointed by the Director of such Bureau.

(C) A representative of the United States Secret Service appointed by the Director of such Service.

(D) A representative of the Financial Crimes Enforcement Network (as established by the Secretary of the Treasury) appointed by the Secretary of the Treasury.

(2) SUBCOMMITTEE APPOINTED LIAISONS.—The Subcommittee may provide for any other liaison to represent any other regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(d) VACANCY.—If, for any reason, the position of any member of or liaison to the Subcommittee is not filled within a reasonable period of time after being created or becoming vacant, the President shall appoint an individual to fill the position after consulting the agency or entity to be represented by such member or liaison, and to the extent possible, shall appoint such individual from a list of possible representatives submitted by such agency or entity.

(e) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—If the President disbands or otherwise significantly modifies the Working Group referred to in subsection (a), the President shall provide for the continuation of the Subcommittee's coordination functions.

(2) MEMBER AND LIAISON WITHDRAWAL.—If the President materially alters the structure or duties of the Subcommittee, any member of or liaison to the Subcommittee may withdraw from the Subcommittee.

SEC. 102. PURPOSES OF THE SUBCOMMITTEE.

(a) IN GENERAL.—The purposes of the Subcommittee are as follows:

(1) Coordinate access by the participants to antifraud databases of various regulators, by facilitating the establishment, maintenance, and use of a network of existing antifraud information maintained by such regulators with respect to persons engaged in the business of conducting financial activities.

(2) Coordinate access by each participant to such network in a manner that allows the participant to review, at a minimal cost, existing information in the databases of other regulators, as a part of licensure, change of control, or investigation, concerning any person engaged in the business of conducting financial activities.

(3) Coordinate information sharing, where appropriate, among State, Federal, and foreign financial regulators, and law enforcement agencies, where sufficient privacy and confidentiality safeguards exist.

(4) Consider coordinating development by participants of a networked name-relationship index for persons engaged in the business of conducting financial activities using information from the databases of regulators, to the extent such information is available.

(5) Advise participants on coordinating their antifraud databases with the network.

(6) Coordinate development of guidelines by participants for ensuring appropriate privacy, confidentiality, and security of shared information, including tracking systems or testing audits, as appropriate.

(b) CRITERIA FOR NETWORK WITH RESPECT TO ANY PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—

(1) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS.—Each financial regulator that is represented by a member of the Subcommittee under section 101(a) or by a financial liaison to the Subcommittee under section 101(b) shall allow any participant access, through the network, to any public final disciplinary or formal enforcement action by such regulator which is accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent or dishonest, involves a breach of trust, or relates to the failure to register with the appropriate financial regulator as required by law.

(2) SENSE OF THE CONGRESS ON OTHER INFORMATION.—It is the sense of the Congress that the financial regulators should consider sharing through the network other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to and the use of such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, or reports filed by a regulated entity with the participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated.

(3) NOTICE AND RESPONSE.—If a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(4) PROVISIONS RELATING TO REQUIREMENTS.—

(A) TIME OF NOTICE.—Any notice to any person, and an opportunity to respond, under paragraph (3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(B) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to paragraph (3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(5) USE OF CENTRALIZED DATABASES.—

(A) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of paragraph (1) if the Subcommittee determines that the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in paragraph (1) or if the financial regulator makes the information described in paragraph (1) available to the public over the Internet.

(B) FACTORS FOR DETERMINATION.—The Subcommittee shall make the determination under subparagraph (A) on an ongoing basis, considering both short-term costs and technological limitations, as well as the need for long-term comprehensive coverage, and other appropriate factors.

(C) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(c) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in paragraph (1) of subsection (b), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) SUBCOMMITTEE FLEXIBILITY.—The Subcommittee may prescribe such guidelines as the Subcommittee determines to be appropriate governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in paragraph (1) of subsection (b).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(d) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(e) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(C) Has a determination by the Subcommittee in effect that such State insurance department meets or exceeds the standards established by the National Association of Insurance Commissioners for accreditation.

(f) SUBCOMMITTEE STANDARDS.—The Subcommittee shall consider developing guidelines for participants on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(g) REPORTING AND FEASIBILITY REQUIREMENTS AND REVIEW OF OPTIMAL NETWORKING METHODS.—

(1) REPORT.—Before the end of the 180-day period beginning on the date this subtitle takes effect in accordance with section 101(a), and again before the end of the 2-year period beginning on such date, the Subcommittee shall submit a report to the Congress regarding the methods the regulators plan to use to network information, and a description of any impediments to (or recommended additional legislation for) facilitating the appropriate sharing of such information.

(2) TIMEFRAME FOR NETWORKING.—

(A) IN GENERAL.—The networking of information required under subsection (b)(1) shall be established before the end of the 2-year period beginning on the date this subtitle takes effect, unless the Subcommittee determines, in conjunction with the liaisons, that such a network cannot be established within such time period in a practicable and cost-effective manner.

(B) REPORTS ON EFFORTS IF TIMEFRAME IS NOT MET.—If the Subcommittee makes such a determination, the Subcommittee shall report annually to the Congress on its efforts to coordinate the sharing of appropriate information among the regulators until the networking requirements are fulfilled.

(h) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator or other member or liaison of the Subcommittee to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

(i) NO NEW DATABASES OR EXPENDITURES MANDATED.—In implementing this Act, the Subcommittee shall not have any authority to require a member or liaison to create a new database or otherwise incur significant costs in modifying existing databases for the networking of information.

SEC. 103. CHAIRPERSON; TERM OF CHAIRPERSON; MEETINGS; OFFICERS AND STAFF.

(a) CHAIRPERSON.—

(1) SELECTION.—The members of the Subcommittee shall select the Chairperson from among the members of the Subcommittee.

(2) TERM.—The term of the Chairperson shall be 2 years.

(b) MEETINGS.—The Subcommittee shall meet at the call of the Chairperson or a majority of the members when there is business to be conducted.

(c) QUORUM.—A majority of members of the Subcommittee shall constitute a quorum.

(d) MAJORITY VOTE.—Decisions of the Subcommittee shall be made by the vote of a majority of the members of the Subcommittee.

(e) OFFICERS AND STAFF.—The Chairperson of the Subcommittee may appoint such officers and staff as may be necessary to carry out the purposes of the Subcommittee.

SEC. 104. NONAGENCY STATUS.

The Subcommittee shall not be considered an advisory committee for purposes of the

Federal Advisory Committee Act or as an agency for purposes of subchapter II of chapter 5 of title 5, United States Code.

SEC. 105. POWERS OF THE SUBCOMMITTEE.

(a) In General.—The Subcommittee shall have such powers as are necessary to carry out the purposes of the Subcommittee under this title.

(b) Information To Facilitate Coordination.—Each agency and entity represented by a member or liaison shall, to the extent permitted by law, provide the Subcommittee with a description of the types of databases maintained by the agency or entity to assist the Subcommittee in carrying out the purposes described in section 102(a).

(c) Service of Members and Liaisons.—Members of and liaisons to the Subcommittee shall serve without additional compensation for their work on the Subcommittee.

(d) Administrative and Technical Support.—The Subcommittee may request that any agency or entity represented by a member or liaison provide the Subcommittee with any administrative, technical, or other support service that the Subcommittee determines is necessary or appropriate for it to carry out the purposes described in section 102(a).

SEC. 106. AGREEMENT ON COST STRUCTURE.

(a) In General.—The Subcommittee shall determine, after consultation with the affected participants or their representatives, the means for providing for any costs the Subcommittee may incur in carrying out the purposes of this subtitle.

(b) Consultation and Agreement on Fees and Contributions.—Notwithstanding any other provision of this subtitle, the Subcommittee may not impose any fee or assessment on, or apportion any contribution against, any member or liaison under this section unless—

(1) the Subcommittee consults with such member or liaison; and

(2) the member or liaison consents to the amounts, or to a schedule, of such fees, assessments, or contributions.

(c) Reimbursement of Participant Costs.—Before allowing access by the Subcommittee or a participant to any information described in section 102, other than access described in subsection (b)(1) of such section, a member or liaison may request the reimbursement of reasonable costs for providing such access.

Subtitle C—Regulatory Provisions

SEC. 111. AGENCY SUPERVISORY PRIVILEGE.

(a) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Supervisory process.—The term "supervisory process" means any activity engaged in by a financial regulator to carry out the official responsibilities of the financial regulator with regard to the regulation or supervision of persons engaged in the business of conducting financial activities, including examinations, inspections, visitations, investigations, consumer complaints, or any other regulatory or supervisory activities.

(2) Confidential supervisory information.—Subject to paragraph (3), the term "confidential supervisory information" means any of the following information which is treated as, or considered to be, confidential information by a financial regulator, regardless of the form or format in which the information is created, conveyed, or maintained:

(A) Any report of examination, inspection, visitation, or investigation, and information prepared or collected by the financial regulator in connection with the supervisory process, including—

(i) any file, work paper, or similar information;

(ii) any correspondence, communication, or information exchanged, in connection with the supervisory process, between a financial regulator and a person engaged in the business of conducting financial activities; and

(iii) any information, including any report, created by or on behalf of a person engaged in the business of conducting financial activities that is required by, or is prepared at the request of, a financial regulator in connection with the supervisory process.

(B) Any record to the extent it contains information derived from any report, correspondence, communication or other information described in subparagraph (A).

(C) Any consumer complaints filed with the financial regulator by a consumer with respect to a person engaged in the business of conducting financial activities that have been identified by the financial regulator as requiring confidential treatment to protect the integrity of an investigation or the safety of an individual.

(3) Exclusions.—The term "confidential supervisory information" shall not include—

(A) any book, record, or other information, in the possession of, or maintained on behalf of, the person engaged in the business of conducting financial activities that—

(i) is not a report required by, or prepared at the request of, a financial regulator; and

(ii) is not, and is not derived from, confidential supervisory information that was created or prepared by a financial regulator; or

(B) any information required to be made publicly available by—

(i) any applicable Federal law or regulation; or

(ii) in the case of confidential supervisory information created by a State financial regulator or requested from a person engaged in the business of conducting financial activities by a State financial regulator, any applicable State law or regulation that specifically refers to such type of information.

(b) Sharing of Reports.—

(1) In general.—No provision of this section shall be construed as preventing—

(A) a person engaged in the business of conducting financial activities from providing a report that is required by, or prepared at the request of, a financial regulator (the originating financial regulator) to another financial regulator that has the authority to obtain the information from the person under any other provision of law;

(B) a financial regulator that obtains a report described in subparagraph (A) from a person engaged in the business of conducting financial activities from using or disclosing such report to the extent otherwise permitted by law; or

(C) a person engaged in the business of conducting financial activities from sharing confidential supervisory information with the person's attorneys, accountants, and auditors, solely for the purpose of providing legal, accounting, or auditing services, respectively, for such person, except that—

(i) such sharing shall not be considered a disclosure for any other purpose;

(ii) the attorneys, accountants, or auditors may not further disclose such information; and

(iii) such sharing shall be conducted in accordance with any other applicable governing laws and regulations.

(2) Privilege preserved.—If a person provides a report referred to in paragraph (1) to a financial regulator other than the originating financial regulator, such action shall not affect the ability of the originating financial regulator to assert any privilege that such financial regulator may claim with respect to the report against any person that is not a financial regulator.

(c) Financial Regulator Supervisory Privilege.—

(1) Privilege established.—

(A) In general.—All confidential supervisory information shall be privileged from disclosure to any person except as provided in this section.

(B) Prohibition on unauthorized disclosures.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, without the prior authorization of the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities, except for a disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any person or other personally identifiable information.

(C) Agency waiver.—The financial regulator that created the confidential supervisory information, or requested the confidential supervisory information from a person engaged in the business of conducting financial activities, may waive, in whole or in part, in the discretion of the regulator, any privilege established under this paragraph with respect to such information.

(2) Exceptions.—

(A) Access by governmental bodies.—

(i) Congress and General Accounting Office.—No provision of paragraph (1) shall be construed as preventing access to confidential supervisory information by duly authorized committees of the Congress or the Comptroller General of the United States.

(ii) Financial regulator oversight.—No financial regulator which is described in subparagraph (P), (Q), or (R) of section 115(3) and is subject to the oversight of a Federal financial regulator may assert the privilege described in paragraph (1) to prevent access to confidential supervisory information by such Federal financial regulator.

(B) Privilege not waived.—If a financial regulator provides access to confidential supervisory information to the Congress, the Comptroller General, or another financial regulator, such action shall not affect the ability of the financial regulator to assert any privilege associated with such information against any other person.

(d) Treatment of Foreign Supervisory Information.—In any proceeding before a Federal or State court of the United States, in which a person seeks to compel production or disclosure by a financial regulator of information or documents prepared or collected by a foreign financial regulator that would, had the information or document been prepared or collected by a financial regulator, be confidential supervisory information for purposes of this section, the information or document shall be privileged to the same extent that the information and documents of financial regulators are privileged under this title.

(e) Other Privileges Not Waived by Disclosure to Financial Regulator.—The submission by a person engaged in the business of conducting financial activities of any information to a financial regulator or a foreign financial regulator in connection with the supervisory process of such financial regulator or foreign financial regulator shall not waive, destroy, or otherwise affect any privilege such person may claim with respect to such information under Federal or State law as to a party other than such financial regulator or foreign financial regulator.

(f) DISCOVERY AND DISCLOSURE OF INFORMATION.—

(1) INFORMATION AVAILABLE ONLY FROM FINANCIAL REGULATOR.—

(A) IN GENERAL.—No person (other than the financial regulator that created the information or requested the information from a person engaged in the business of conducting financial activities) may disclose, in whole or in part, any confidential supervisory information to any person who seeks such information through subpoena, discovery procedures, or otherwise.

(B) PROCEDURE FOR REQUESTS SUBMITTED TO FINANCIAL REGULATOR.—

(i) IN GENERAL.—Any request for discovery or disclosure of confidential supervisory information shall be made to the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities.

(ii) PROCEDURE.—Upon receiving a request for confidential supervisory information, the financial regulator shall determine within a reasonable time period whether to disclose such information pursuant to procedures and criteria established by the financial regulator.

(C) NOTIFICATION.—

(i) IN GENERAL.—Before any financial regulator releases confidential supervisory information that was requested from a person engaged in the business of conducting financial activities to a person under subparagraph (B), notice and a reasonable time for comment shall be provided to the person from whom such information was requested unless such information—

(I) is being provided to another financial regulator, an agency or entity represented by a liaison to the Subcommittee, or a Federal, State, or foreign government (or any agency or instrumentality of any such government acting in any capacity);

(II) is being sought for use in a criminal proceeding or investigation, or a regulatory, supervisory, enforcement, or disciplinary administrative proceeding, civil action, or investigation; or

(III) was originally created, or included in information created, by the financial regulator.

(ii) PROCEDURES AND REQUIREMENTS.—A financial regulator may prescribe regulations, or issue orders, guidelines, or procedures, governing the notice and time period required by clause (i).

(2) FEDERAL COURT JURISDICTION OVER DISPUTES.—

(A) DECLARATORY JUDGMENT.—If a party seeks in any action or proceeding to compel disclosure of confidential supervisory information, a financial regulator may in a civil action for a declaratory judgment seek to prevent such disclosure.

(B) JUDICIAL REVIEW.—Judicial review of the final action of a financial regulator with regard to the disposition of a request for confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 7 of part I of title 5, United States Code.

(g) AUTHORITY TO INTERVENE.—In the case of any action or proceeding to compel compliance with a subpoena, order, discovery request, or other judicial or administrative process with respect to any confidential supervisory information of a financial regulator concerning any person engaged in the business of conducting financial activities, the financial regulator may intervene in such action or proceeding, and such person may intervene with such regulator, for the purpose of—

(1) enforcing the limitations established in paragraph (1) of subsections (c) and (f);

(2) seeking the withdrawal of any compulsory process with respect to such information; and

(3) registering appropriate objections with respect to the action or proceeding to the extent the action or proceeding relates to or involves such information.

(h) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the financial regulator and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

(i) REGULATIONS.—

(1) AUTHORITY TO PRESCRIBE.—Each financial regulator may prescribe such regulations as the regulator considers to be appropriate, after consultation with the other financial regulators (to the extent the prescribing financial regulator considers appropriate and feasible), to carry out the purposes of this section.

(2) AUTHORITY TO REQUIRE NOTICE.—Any regulations prescribed by a financial regulator under paragraph (1) may require any person in possession of confidential supervisory information to notify the financial regulator whenever the person is served with a subpoena, order, discovery request, or other judicial or administrative process requiring the personal attendance of such person as a witness or requiring the production of such information in any proceeding.

(j) ABILITY TO PARTIALLY WAIVE PRIVILEGE WHERE NO OTHER PRIVILEGE APPLIES.—A financial regulator may, to the extent permitted by applicable law governing the disclosure of information by the regulator, authorize a waiver of the privilege established by this section to allow access by a person to confidential supervisory information created by such regulator (or requested by such regulator from any person engaged in the business of conducting financial activities), except that—

(1) the regulator may place appropriate limits on the use and disclosure of the information shared, and may continue to assert the privilege with respect to any other person that seeks access to the information; and

(2) such waiver shall not affect any other privilege or confidentiality protection that any party may assert against any person other than such financial regulator.

(k) SHARING OF CONFIDENTIAL SUPERVISORY INFORMATION AMONG FEDERAL FUNCTIONAL REGULATORS.—A Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) shall freely share, upon request, any confidential supervisory information created by it with another Federal functional regulator subject only to any existing legal restrictions on the regulator's authority to share or disclose information and to the following paragraphs:

(1) REQUESTS DIRECTED TO REGULATOR.—A Federal functional regulator may seek information described in this subsection solely from the Federal functional regulator that created the information (hereafter in this subsection referred to as the "originating regulator"), and not from any other person (unless authorized by the originating regulator).

(2) REVIEW OF REQUESTS.—Notwithstanding any other provision of law, in response to a request for such information, the originating regulator may decline to provide any portion of the information if the originating regulator, in consultation with the requesting regulator and after giving due consideration to the request, determines that withholding the information is appropriate in the public interest.

(3) USE WITHIN AGENCY PERMITTED.—Any confidential supervisory information received by a requesting regulator under this subsection may be shared freely among personnel within the requesting regulator.

(4) APPROVAL REQUIRED FOR OTHER USES.—The requesting regulator shall obtain the approval of the originating regulator before any information described in this subsection is—

(A) made public;

(B) provided to any third person or agency; or

(C) cited or made a part of the record in the course of any enforcement action.

(l) ACCESS TO INFORMATION OF REGULATED ENTITY PRESERVED.—No provision of this section shall be construed as preventing a Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) from obtaining from any person, other than a Federal functional regulator, any book, record or information (other than confidential supervisory information created by a Federal functional regulator), including any book, record or other information referred to in, or constituting the underlying data for, any confidential supervisory information created by another Federal functional regulator.

(m) NO GRANT OF AUTHORITY.—No provision of this section shall be construed as providing any financial regulator any new authority to request or obtain information.

(n) NO WAIVER OF ANY PRIVILEGE OF ANY OTHER PARTY.—No provision of this Act shall be construed as providing a financial regulator with any new authority to disclose information in contravention of applicable law governing disclosure of information.

SEC. 112. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—

(1) FINANCIAL REGULATORS.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of any participant, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed through the network to another participant or, if subtitle B has taken effect, the Subcommittee.

(2) CERTAIN INSURANCE INFORMATION.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of the National Association of Insurance Commissioners, or any member or affiliate of the Association, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information has been disclosed to the Association, or any other member or affiliate of the Association, through the computer databases maintained by the Association.

(3) Nonapplicability of certain requirements.—Information or material that is subject to a privilege or confidentiality under any other paragraph of this subsection shall not be subject to—

(A) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(B) subpoena or discovery, or admission into evidence, in any private civil action or administrative process,

unless with respect to any privilege held by a participant with respect to such information or material, the participant waives, in whole or in part, in the discretion of the participant, such privilege.

(b) Preemption of State Law.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with any provision of section 111 or subsection (a) of this section shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(c) Duty of Financial Regulator To Maintain Confidentiality.—A participant may not receive, download, copy, or otherwise maintain any information or material from any other member of or liaison to the Subcommittee through the network unless—

(1) the participant maintains a system that enables the participant to maintain full compliance with the requirements of sections 100, 102, and 111 and this section, with respect to such information and material; and

(2) if and to the extent required by the guidelines established under sections 100 and 102, a record is maintained of each attempt to access such information and material, and the identity of the person making the attempt, in order to prevent evasions of such requirements.

SEC. 113. LIABILITY PROVISIONS.

(a) No Liability for Good Faith Disclosures.—Any financial regulator, and any officer or employee of any financial regulator, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee, while acting within the scope of office or employment, relating to collecting, furnishing, or disseminating regulatory or supervisory information concerning persons engaged in the business of conducting financial activities, to or from another financial regulator, whether directly or through the network.

(b) Criminal Liability for Intentional Unlawful Disclosures.—

(1) In general.—It shall be unlawful to willfully disclose to any person any information concerning any person engaged in the business of conducting financial activities knowing the disclosure to be in violation of any provision of this title—

(A) requiring the confidentiality of such information; or

(B) establishing a privilege from disclosure for such information that has not been waived by the relevant financial regulator.

(2) Penalty.—Notwithstanding section 3571 of title 18, United States Code, any person who violates paragraph (1) shall be fined an amount not to exceed the greater of $100,000 or the amount of the actual damages sustained by any person as a result of such violation, or imprisoned not more than 5 years, or both.

(c) Full, Continued Protection Under the So-Called "Federal Tort Claims Act".—No provision of this Act shall be construed as reducing or limiting any protection provided for any Federal agency, or any officer or employee of any Federal agency, under section 2679 of title 28, United States Code.

(d) Protection Applied to the Subcommittee.—For the purposes of this section, the term "financial regulator" includes the Subcommittee after subtitle B has taken effect.

SEC. 114. AUTHORIZATION FOR IDENTIFICATION AND CRIMINAL BACKGROUND CHECK.

(a) Sharing of Criminal Records.—

(1) Attorney general authorization.—Upon receiving a request from a financial regulator, the Attorney General shall—

(A) search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, and any other similar database over which the Attorney General has authority and deems appropriate, for any criminal background records (including wanted persons information) corresponding to the identification information provided under subsection (b); and

(B) either—

(i) shall provide any such records to any authorized agent of the financial regulator, which shall provide the relevant information to such regulator; or

(ii) may provide such records directly to the financial regulator if the Attorney General limits such provision of records to relevant information.

(2) Authorized agent defined.—For purposes of this section, the term "authorized agent" means—

(A) any agent which has been recognized by the Attorney General for such purpose and authorized by at least 3 other financial regulators to receive such records and perform the information sharing requirements of paragraph (3);

(B) the State attorney general for the State in which the regulator is primarily located; and

(C) any law enforcement designee of the Attorney General or such State attorney general.

(3) Information shared.—

(A) In general.—The authorized agent shall provide to the requesting financial regulator only any records that are relevant information.

(B) Relevant information defined.—For purposes of this section, the term "relevant information" means any of the following records:

(i) All felony convictions.

(ii) All misdemeanor convictions involving—

(I) violation of a law involving financial activities;

(II) dishonesty or breach of trust, within the meaning of section 1033 of title 18, United States Code, including taking, withholding; misappropriating, or converting money or property;

(III) failure to comply with child support obligations;

(IV) failure to pay taxes; and

(V) domestic violence, child abuse, or a crime of violence.

(C) Crime of violence defined.—For purposes of subparagraph (B)(ii)(V), the term "crime of violence" means a burglary of a dwelling and a criminal offense that has as an element the use or attempted use of physical force, or threat of great bodily harm, or the use, attempted use, or threatened use of a deadly weapon, against an individual, including committing or attempting to commit murder, manslaughter, kidnapping, aggravated assault, forcible sex offenses, robbery, arson, extortion, and extortionate extension of credit.

(4) State uniform or reciprocity laws requirement.—

(A) In general.—The Attorney General may not provide any records under this subsection to an insurance regulator of a State, or agent of such regulator, if such State does not have in effect uniform or reciprocity laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State as set forth in section 321 of P.L. 106-102.

(B) Determination of reciprocity.—The determination of whether or not a State has uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall be made by the Attorney General, with the advice and counsel of the National Association of Insurance Commissioners.

(C) Exception under certain circumstances.—Notwithstanding subparagraph (B), the Attorney General may provide records under this section to an insurance regulator of a State, or agent of such regulator, on the basis of a specific determination by the National Association of Insurance Commissioners that such State has in effect uniform or reciprocity laws and regulations referred to in subparagraph (A) if—

(i) a determination by the Attorney General under subparagraph (B) is pending; or

(ii) the Attorney General considers whether such State has in effect such uniform or reciprocity laws or regulations and fails to make a determination, unless the Attorney General subsequently determines that such State does not have in effect uniform or reciprocity laws or regulations.

(b) Form of Request.—A request under subsection (a) shall include a copy of any necessary identification information required by the Attorney General, such as the name and fingerprints of the person about whom the record is requested and a statement signed by the person acknowledging that the regulator (or such regulator's designated agent under subsection (g)(1)) may request the search.

(c) Limitation on Permissible Uses of Information.—Information obtained under this section may—

(1) be used only for regulatory or law enforcement purposes; and

(2) be disclosed—

(A) only to other financial regulators or Federal or State law enforcement agencies; and

(B) only if the recipient agrees to—

(i) maintain the confidentiality of such information; and

(ii) limit the use of such information to appropriate regulatory and law enforcement purposes.

(d) Penalty for Improper Use.—

(1) In general.—Whoever uses any information obtained under this section knowingly and willfully for an unauthorized purpose shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

(2) Additional penalties and waivers.—

(A) In general.—Any authorized agent who violates paragraph (1), or any individual who directs such agent to violate such paragraph, shall be barred from engaging in or regulating any activities related to the business of insurance.

(B) Waiver authorized.—The Attorney General, in the discretion of the Attorney General, may waive the bar in subparagraph (A), as appropriate.

(e) RELIANCE ON INFORMATION.—A financial regulator (or such regulator's designated agent under subsection (g)(1)) who reasonably relies on information provided under this section shall not be liable in any action for using information as permitted under this section in good faith.

(f) CLARIFICATION OF SECTION 1033.—With respect to any action brought under section 1033(e)(1)(B) of title 18, United States Code, no person engaged in the business of conducting financial activities shall be subject to any penalty resulting from such section if the individual who the person permitted to engage in the business of insurance is licensed, or approved (as part of an application or otherwise), by a State insurance regulator that performs criminal background checks under this section, unless such person knows that the individual is in violation of section 1033(e)(1)(A) of such title.

(g) DESIGNATION OF AGENT.—

(1) IN GENERAL.—A financial regulator may designate an agent for facilitating requests and exchanges of information under this section between or among the financial regulator, the Attorney General, and any other authorized agent.

(2) SENSE OF CONGRESS REGARDING AGENTS OF INSURANCE REGULATORS.—It is the sense of the Congress that—

(A) each State insurance commissioner should designate the National Association of Insurance Commissioners as an agent under paragraph (1);

(B) persons engaged in the business of insurance should be able to use the National Association of Insurance Commissioners to facilitate obtaining fingerprints and supplying identification information for use in background checks under this section on a multijurisdictional basis;

(C) the National Association of Insurance Commissioners should maintain a database to obtain records under this section for use by State insurance commissioners to reduce multiple or duplicative fingerprinting requirements and criminal background checks, except that any such record shall not be maintained for more than 1 year without performing a new background check to determine if the criminal background record has changed;

(D) other financial regulators that require fingerprints and criminal background checks should similarly coordinate efforts to reduce duplication for persons engaged in the business of conducting multiple types of financial activities; and

(E) the National Association of Insurance Commissioners, and other financial regulators that use this section, should consult with the Attorney General to consider the feasibility of developing an on-going notification system that would allow the Attorney General to notify such Association when a licensed or approved insurance professional is convicted of a relevant crime.

(h) FEES.—The Attorney General may charge a reasonable fee for the provision of information under this section.

(i) RULE OF CONSTRUCTION.—This section shall not—

(1) provide independent authorization for a financial regulator to require fingerprinting as a part of a licensure or other application;

(2) require a financial regulator to perform criminal background checks under this section; or

(3) supersede or otherwise limit any other authority that allows access to criminal background records.

(j) REGULATIONS.—The Attorney General may prescribe regulations to carry out this section.

SEC. 115. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term "Federal banking agency" has the same meaning as given in section 3(z) of the Federal Deposit Insurance Act.

(2) FINANCIAL ACTIVITIES.—

(A) IN GENERAL.—The term "financial activities"—

(i) means banking activities (including the ownership of a bank), securities activities, insurance activities, or commodities activities; and

(ii) includes all activities that are financial in nature or are incidental to a financial activity (as defined under section 4(k) of the Bank Holding Company Act of 1956).

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating any inference, including any negative inference, concerning the types or extent of activities that are appropriately recognized as activities that are financial in nature, or are incidental to a financial activity, for purposes of section 4 of the Bank Holding Company Act of 1956.

(3) FINANCIAL REGULATOR.—The term "financial regulator" means—

(A) each Federal banking agency;

(B) the Securities and Exchange Commission;

(C) the Commodity Futures Trading Commission;

(D) the National Credit Union Administration;

(E) the Farm Credit Administration;

(F) the Federal Housing Finance Board;

(G) the Federal Trade Commission, to the extent the Commission has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(H) the Secretary of the Treasury, to the extent the Secretary has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(I) the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development;

(J) the Appraisal Subcommittee of the Financial Institutions Examination Council;

(K) any State bank supervisor (as defined in section 3(r) of the Federal Deposit Insurance Act), including the Conference of State Bank Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State bank supervisor;

(L) any State savings association supervisor, including the American Council of State Savings Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State savings association supervisor;

(M) any State insurance commissioner, including the National Association of Insurance Commissioners only to the extent such association is acting as the agent of, and is subject to the oversight of, any such insurance commissioner;

(N) any State securities administrator, including the North American Securities Administrators Association only to the extent such association is acting as the agent of, and is subject to the oversight of, any such securities administrator;

(O) any State credit union supervisor, including the National Association of State Credit Union Supervisors only to the extent such association is acting as the agent of, and is subject to the oversight of, any such credit union supervisor;

(P) the National Association of Securities Dealers, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Securities and Exchange Commission;

(Q) the National Futures Association, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Commodity Futures Trading Commission or the Securities and Exchange Commission; and

(R) any other self-regulatory organization that engages in or coordinates regulatory and supervisory activities, with respect to any person engaged in the business of conducting financial activities, and is subject to the oversight of the Securities and Exchange Commission or the Commodity Futures Trading Commission, but only to the extent that the organization engages in such activities and is subject to such oversight.

(4) FOREIGN FINANCIAL REGULATOR.—The term "foreign financial regulator" means any agency, entity, or body (including a self-regulatory organization) that is empowered by the laws of a foreign country to supervise and regulate persons engaged in the business of conducting financial activities, but only to the extent of such supervisory and regulatory activities.

(5) PARTICIPANT.—The term "participant" means any entity described in section 101 as being represented by a member of, or a liaison to, the Subcommittee (regardless of whether subtitle B has taken effect) but only to the extent the regulator provides or obtains access to information through the network.

(6) PERSON.—The term "person" includes any financial regulator.

(7) PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—The term "person engaged in the business of conducting financial activities" includes, to the extent appropriate under the laws applicable to the jurisdiction of a financial regulator over such person—

(A) any director, officer, employee, or controlling stockholder of, or agent for, any such person;

(B) any other person who has filed or is required to file a change-in-control notice with the appropriate financial regulator before acquiring control of such person; and

(C) any person who has sought approval from a financial regulator to engage in the business of conducting financial activities, or that was engaged in such business and subject to the jurisdiction of a financial regulator; and

(D) any shareholder, consultant, joint venture partner, and any other person, including an independent contractor, as determined by the appropriate financial regulator (by regulation or case-by-case) who participates in the conduct of the affairs of such person.

(8) STATE INSURANCE COMMISSIONER.—The term "State insurance commissioner" means any officer, agency, or other entity of any State which has primary regulatory authority over the business of insurance and over any person engaged in the business of insurance to the extent of such activities, in such State.

(9) STATE SECURITIES ADMINISTRATOR.—The term "State securities administrator" means the securities commission (or any agency or office performing like functions) of any State.

SEC. 116. TECHNICAL AND CONFORMING AMENDMENTS TO OTHER ACTS.

(a) Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by inserting after paragraph (12) the following new paragraph:

"(13) for recordkeeping, licensing, and other regulatory and law enforcement purposes in accordance with title I of the Financial Services Antifraud Network Act of 2001—

"(A) through a network or name-relationship index maintained under such title; or

"(B) to a multistate database maintained by the National Association of Insurance Commissioners and any subsidiary or affiliate of such association, subject to the requirements of such title.".

(b) Section 1113 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

"(r) This title shall not apply to disclosure by a financial regulator of information pursuant to subtitle A or B of title I of the Financial Services Antifraud Network Act of 2001 to the extent the disclosure is made in accordance with the requirements of such Act.".

(c) Section 602 of the Consumer Credit Protection Act (15 U.S.C. 1681) is amended by adding at the end the following new subsection:

"(c) This title shall not apply to a communication between participants, as defined in the Financial Services Antifraud Network Act of 2001, to the extent the communication is made in accordance with such Act.".

SEC. 117. AUDIT OF STATE INSURANCE REGULATORS.

(a) IN GENERAL.—At the request of the Congress, the Comptroller General shall audit a State insurance regulator or any person who maintains information on behalf of such regulator.

(b) LIMITATIONS ON DISCLOSURE OF INFORMATION.—Except as provided in this subsection, an officer or employee of the General Accounting Office may not disclose information identifying an open insurance company or a customer of an open or closed insurance company. The Comptroller General may disclose information related to the affairs of a closed insurance company only if the Comptroller General believes the customer had a controlling influence in the management of the closed insurance company or was related to or affiliated with a person or group having a controlling influence.

(c) COORDINATION WITH STATE REGULATOR.—An officer or employee of the General Accounting Office may discuss a customer or insurance company with an official of a State insurance regulator and may report an apparent criminal violation to an appropriate law enforcement authority of the United States Government or a State.

(d) CONGRESSIONAL OVERSIGHT.—This subsection shall not be construed as authorizing an officer or employee of a State insurance regulator to withhold information from a committee of the Congress authorized to have the information.

(e) ADMINISTRATIVE ASPECTS OF AUDIT.—

(1) IN GENERAL.—To carry out this section, all records and property of or used by a State insurance regulator, including samples of reports of examinations of an insurance company the Comptroller General considers statistically meaningful and workpapers and correspondence related to the reports shall be made available to the Comptroller General. The Comptroller General shall give a State insurance regulator a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out an audit.

(2) PREVENTION OF UNAUTHORIZED ACCESS.—The Comptroller General shall prevent unauthorized access to records or property of or used by a State insurance regulator that the Comptroller General obtains during an audit.

(f) CONFIDENTIALITY.—

(1) IN GENERAL.—The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the State insurance regulator from which it is obtained.

(2) PREVENTION OF INVASION OF PERSONAL PRIVACY.—The Comptroller General shall keep information described in section 552(b)(6) of title 5, United States Code, that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) AVAILABILITY OF INFORMATION.—Except as provided in subsection (b), no provision of this section shall be construed as authorizing any information to be withheld from the Congress.

(g) AVAILABILITY OF INFORMATION AND INSPECTION OF RECORDS.—The right of access of the Comptroller General to information under this section shall be enforceable under section 716 of title 31, United States Code.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) STATE INSURANCE REGULATOR DEFINED.—The term "State insurance regulator" means the principal insurance regulatory authority of a State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(2) INSURANCE COMPANY.—The term "insurance company" includes any person engaged in the business of insurance to the extent of such activities.

Subtitle D—Anti-Terrorism

SEC. 121. PREVENTING INTERNATIONAL TERRORISM.

(a) IN GENERAL.—The financial regulators shall coordinate the network established under sections 100 and 101 with their foreign counterparts, to the extent the regulators deem possible, practicable, and appropriate, to help uncover, hinder, and prosecute the financial activities of terrorists.

(b) REPORT REQUIRED.—The entities described in section 101(a) shall report to the Congress by the end of the 6-month period beginning on the date of the enactment of this Act their further recommendations to the Congress for achieving the goals of subsection (a).

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

SEC. 201. INVESTMENT ADVISERS ACT OF 1940.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking "Every investment" and inserting the following:

"(a) IN GENERAL.—Every investment"; and

(2) by adding at the end the following:

"(b) FILING DEPOSITORIES.—The Commission, by rule, may require an investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

"(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—The Commission shall require the entity designated by the Commission under subsection (b)(1)—

"(A) to establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving investment advisers and persons associated with investment advisers; and

"(B) to respond promptly to such inquiries.

"(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1).

"(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b-10, note; P.L. 104-290; 110 Stat. 3439) is repealed.

SEC. 202. SECURITIES EXCHANGE ACT OF 1934.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended to read as follows:

"(i) OBLIGATION TO MAINTAIN DISCIPLINARY AND OTHER DATA.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

"(A) establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving its members and their associated persons and regarding disciplinary actions and proceedings and other information that has been reported to the Central Registration Depository by any registered national securities exchange involving its members and their associated persons; and

"(B) promptly respond to such inquiries.

"(2) RECOVERY OF COSTS.—Such association may charge persons, other than individual investors, reasonable fees for responses to such inquiries.

"(3) LIMITATION ON LIABILITY.—Such an association or exchange shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

SEC. 211. SECURITIES EXCHANGE ACT OF 1934.

(a) BROKERS AND DEALERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) in paragraph (4), by striking subparagraphs (F) and (G) and inserting the following:

"(F) is subject to any order of the Commission barring or suspending the right of the person to be associated with a broker or dealer.

"(G) has been found by a foreign financial regulatory authority to have—

"(i) made or caused to be made in any application for registration or report required to be filed with a foreign financial regulatory authority, or in any proceeding before a foreign financial regulatory authority with respect to registration, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

"(ii) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade; or

"(iii) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

"(H) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

"(i) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

"(ii) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct."; and

(2) in paragraph (6)(A)(i), by striking "or omission enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)".

(b) Municipal Securities Brokers and Dealers.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)) is amended—

(1) in paragraph (2)—

(A) by striking "or omission enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)"; and

(B) by striking "ten" and inserting "10"; and

(2) in paragraph (4) by striking "or omission enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)".

(c) Government Securities Brokers and Dealers.—Section 15C(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)(1)) is amended—

(1) in subparagraph (A), by striking "or omission enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)"; and

(2) in subparagraph (C), by striking "or omission enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)".

(d) Clearance and Settlement.—Section 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)) is amended—

(1) in paragraph (3)(A), by striking "enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)"; and

(2) in paragraph (4)(C)—

(A) by striking "enumerated in subparagraph (A), (D), (E), or (G)" and inserting ", or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)"; and

(B) by striking "ten years" and inserting "10 years".

(e) Definition of Statutory Disqualification.—Section 3(a)(39)(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(F)) is amended by striking "has committed or omitted any act enumerated in subparagraph (D), (E), or (G)" and inserting "has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (D), (E), (G), or (H)".

SEC. 212. INVESTMENT ADVISERS ACT OF 1940.

(a) Authority To Deny or Revoke Registration Based on State (and Other Governmental) Administrative Actions.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) is subject to any order of the Commission barring or suspending the right of the person to be associated with an investment adviser.

"(8) has been found by a foreign financial regulatory authority to have—

"(A) made or caused to be made in any application for registration or report required to be filed with a foreign securities authority, or in any proceeding before a foreign securities authority with respect to registration, any statement that was at the time and in light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade;

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of statutory provisions, and rules and regulations promulgated thereunder, another person who commits such a violation, if such other person is subject to his supervision.

"(9) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

"(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

"(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.".

(b) Bars on Felons Associated With Investment Advisers.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended—

(A) by striking "or (8)" and inserting "(8), or (9)"; and

(B) by inserting "or (3)" after "paragraph (2)".

□ 1430

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1408, the Financial Services Antifraud Network Act of 2001. This bill is the product of long and careful deliberations in the Committee on Financial Services and the Subcommittee on Financial Institutions and Consumer Credit, which I have the honor of chairing.

I want to thank the subcommittee's ranking member, the gentlewoman from California (Ms. WATERS), for working with me in the spirit of bipartisanship to develop legislation that commands the broad consensus in the committee and deserves similar support on the House floor today.

Let me also commend the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY), who made this bill one of the committee's highest priorities upon assuming his chairmanship at the beginning of this year, and then fought tenaciously to see it through to completion.

The gentleman from Michigan (Mr. ROGERS), more than anyone in this House, deserves enormous credit as both the principal architect of the legislation and its most forceful advocate in the committee.

As former FBI special agents who have investigated at the street level, both the gentleman from Ohio (Chairman OXLEY) and the gentleman from Michigan (Mr. ROGERS) are as well qualified as anyone in this body to lead an effort to shore up the antifraud capabilities of our Federal, State, and local authorities.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the chief architect and chief sponsor of this legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to thank the gentleman from Alabama (Chairman BACHUS) and the gentleman from Ohio (Chairman OXLEY) for their quick and decisive role in moving this bill, and for working with me and many others to get this bill to the floor today.

I also want to thank the ranking member, the gentleman from New York (Mr. LAFALCE) and the gentlewoman from California (Ms. WATERS) for sitting down and working through the differences that we had on this bill, and for coming up with what I think is a very, very good product that is going to do great things to protect senior citizens and those who are most at risk of losing their financial savings and investments around the country.

Mr. Speaker, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), also was very gracious. I had a good conversation with him this morning, and I thank him for working with us and allowing us to get this bill to the floor of the House.

We have spent some time here, Mr. Speaker, working on terrorism and focusing the energies and resources of this great body on making sure that the President and this country had all the resources necessary to fight, defend, track down, and stop terrorism, both in the United States and abroad very important issues.

However, Mr. Speaker, there is that other person who is lying in the weeds, that other dangerous character who is, as we unfortunately know, in every community in America, who is just waiting for the opportunity to contact a senior citizen or someone who is not quite paying attention and bilk them out of the very precious savings that they have to get them through their golden years or get their kids through college or get that house payment made at the end of the month.

What we found in this financial services community that we have that is as different and diverse as it has ever been, and coming together with the Gramm-Leach-Bliley Act that has been passed in the past Congress, the lines have been blurred, but for the better.

One place where we had not caught up was the fact that we could drive a truck through the loopholes we have created between the different regulators of the different industries: the insurance industry, the securities industry, and the banking industry.

They are all different regulators having a horrible time communicating together to catch individuals who might steal from the securities field, and then move to the insurance field with no catch in the system that would stop them from doing that, and then again move to the banking and financial services realm and do it again.

Nothing under the current system would allow them to get caught or stop them from getting a license in each of those three, even if they had been barred from those other industries or from serving in that particular industry.

Mr. Speaker, I say this because there are two cases in Michigan which are happening today which are extremely important.

We had a case in Michigan where an individual from Flint sold securities in the form of promissory notes on a casino company, LTD, went to these elderly individuals and sold them the idea of riches in a hurry, and if they invest in this key company they would reap the benefits of all the casino gaming industries in Michigan.

We soon found out, much to the peril of those investing, many of whom were senior citizens, that that money in fact was being used to pay his expenses and pay the expenses of his other companies, and paying off other loans that he had made throughout time, better known in the criminal world as a Ponzi scheme. He would take the money in to pay the others off, and continue doing this, to live off of those savings of so many individuals.

There is nothing in the law today to stop these individuals, even if they were barred from the securities industry forevermore, from going into the insurance products industry and doing something equally as dastardly with a license.

So what we have said is this. We said; we are not going to create a new database. There is no new information that is going to be sent here, Mr. Speaker. The Federal Government is not going to collect information on consumers or regulators all around the country. That is simply not going to happen.

But we are going to set up a system. We are going to be the traffic cop that allows these 250 regulators of securities and banking and insurance to talk to each other; to say that, hey, the gentleman from Michigan (Mr. ROGERS) is applying in Ohio and Michigan to get involved in the insurance industry. He is also applying in Ohio and Illinois for the securities industry. What do we know about him? If we know that the securities industry has barred him, we can also stop him from getting in the insurance industry.

Mr. Speaker, this is simple but extremely important because we are in a time when so many resources are being diverted away from white-collar crime, and rightly so, as our country demands it; yet this is a great opportunity for those who are of a scheming mind, those who will rob, again, those precious resources from so many around the country in a way that is white-collar oriented, sneaky. They can pack up in the middle of the night and be gone and have half of the town's savings are in their pocket.

This is extremely important legislation, Mr. Speaker, and there are some safeguards. I just want to cover them quickly.

The information cannot include, in this system, personally identifiable information on consumers. The consumers are protected in this law.

There is due process notice. The bill creates a new due process right for persons to receive notice when any regulator uses information from the antifraud network to take action against them. This includes a description of the information used, where the information came from, and a reasonable opportunity to respond.

In the privacy sector, Mr. Speaker, to protect information shared between regulators, the bill establishes certain confidentiality and liability provisions of regulatory information.

Insurance regulators were given increased information when performing criminal background checks on financial professionals.

Further safeguards were also added governing the use of such information, as well as strong penalties for the misuse of an individual's criminal records.

Again, I want to say this clearly, because there was some concern as this went through all of the committees that this would not create a new database on this type of information to be held in the custody of the Federal Government.

It simply does not do that. It allows banking regulators to talk to insurance regulators to talk to security regulators so we can all be on the same sheet of music. When we find that bad apple, that scam artist who is going after Grandma, this bill and this ability will allow us to say no and protect those very, very precious savings.

Mr. Speaker, today the House will consider H.R. 1408, the Financial Services Antifraud Network Act, which is legislation that will help safeguard the American public from fraud in the financial services industry.

While the technology needed to create this network may be technical and complex, the purpose of this legislation is not: protecting consumers from financial scams.

As a former special agent for the Federal Bureau of Investigation, I know firsthand that criminals come in all shapes and sizes. Advances in modern technology and the internet have created a new frontier for criminals, allowing them to defraud consumers with a mere click of a computer mouse. Our regulators need the same technological tools. Electronically linking regulators and law enforcement closes a loophole and averts schemes aimed at the American public.

In fact, following the events of September 11 and the efforts to crack worldwide terrorism cells, it is even more important that we give our law enforcement officials and regulators the tools they need to prevent fraud and potential abuses in the United States financial services system.

The need for this common-sense legislation is clear. Currently, there are over 250 Federal and State financial regulators and self-regulating financial organizations, each with their own separate filing systems for antifraud records. Most regulators have already computerized their records and have been working on efforts to coordinate databases within their industries. Recently, some of the larger regulators have begun developing individual information sharing agreements with other regulators across the financial industry.

Unfortunately, effectuating individual coordination among all these regulators would require tens of thousands of separate agreements. At a March 6, 2001 Financial Services Committee hearing, several regulators testified that federal legislation is necessary to establish confidentiality and liability protections so that financial regulators do not compromise existing legal privileges when sharing supervisory data with other regulators and law enforcement agencies. Also, the Financial Services Roundtable testified that financial fraud costs consumers and the industry about $100 billion annually, and that greater information sharing will significantly reduce this fraud.

The primary focus of H.R. 1408 is to help the financial regulators coordinate their antifraud efforts, particularly by coordinating computer protocols so that their systems can seamlessly communicate and share critical information. It is important to point out that this network will not be a database; instead, it directs the regulators to establish computer connections allowing regulators' existing databases to exchange data.

The regulators themselves will have the initial opportunity to establish the mechanics of the network. H.R. 1408 gives the regulators six months to develop a proposal and two years to implement it. If the regulators fail to do this on their own, H.R. 1408 then creates a Subcommittee with representative regulators from each of the financial industries to make decisions regarding network protocols. This Subcommittee would then have a similar timeframe to plan and establish the network in conjunction with the other regulators, unless they determine that it is impracticable or not cost efficient.

The bill provides critical safeguards to govern information sharing among regulators. The measure prohibits information from being shared through the network unless the regulators determine that adequate privacy and confidentiality safeguards exist. The regulators are only directed to share public final disciplinary and formal enforcement actions taken against financial companies and professionals. Additionally, H.R. 1408 expresses a sense of the Congress that the regulators should consider sharing additional anti-fraud information that is publicly accessible, as well as information from financial reports, affiliations, and applications, which are factual and substantiated and do not include personally identifiable information on consumers. The measure also creates a new due process right for persons to receive notice when any regulator uses information from the anti-fraud network to take an action against them. This includes a description of the type of information used, where the information came from, and a reasonable opportunity to respond.

To protect information shared between regulators, the measure establishes certain limited legal privileges and confidentiality and liability protections for regulatory and supervisory information. H.R. 1408 also allows state insurance regulators to perform FBI fingerprint background checks on insurance applicants to obtain relevant criminal records, subject to certain protections against misuse. The fingerprinting section also clarifies that employers relying on a state insurance regulator's background approval of an insurance agent are not subject to liability for failing to conduct additional background checks.

I believe the Financial Services Antifraud Network Act is carefully crafted bipartisan legislation that is a positive step toward preventing fraud across financial service industry sectors. I would like to thank Financial Services Committee Chairman MIKE OXLEY and Financial Institutions Subcommittee Chairman SPENCER BACHUS for their leadership on this issue, as well as Committee Ranking Member JOHN LAFALCE and Subcommittee Ranking Member MAXINE WATERS for their willingness to work together on this much-needed legislation. I would also like to thank Judiciary Committee Chairman JIM SENSENBRENNER and Agriculture Committee Chairman LARRY COMBEST, whose committees shared jurisdiction over H.R. 1408.

Finally, many thanks to staff for the hard work and long hours of negotiation that produced the final product. Among House Financial Service Committee staff that deserve special recognition are Robert Gordon, Charles Symington, Tom McCrocklin, Jim Clinger, Bob Foster, and Terry Haines, as well as Matt Strawn from my personal office.

Again, we need to catch financial perpetrators before they strike. I believe H.R. 1408 is a positive step in that direction and urge my colleagues to support its adoption.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was an original cosponsor of H.R. 1408, the Financial Services Antifraud Network Act of 2001. I rise in support of this adoption today by the full House.

Mr. Speaker, this legislation will enhance cooperation among a vast array of Federal and State financial agencies and self-regulatory organizations, fight against those who defraud the consumer of financial services, and ensure that criminals like Martin Frankel are not able to slip into one financial services industry after being booted out of another.

The bill envisions the creation of a technological link between Federal and State banking, securities, insurance, and other financial regulators so they can easily share the information that is a product of final adjudication in disciplinary proceedings brought against financial companies and professionals.

The bill makes common-sense changes to the securities laws by allowing security regulators to bar persons from the security industry when they have been barred from the banking or insurance industries by appropriate regulators.

Finally, the bill promotes effective regulation of financial companies by providing judicial protection for examination reports under appropriate circumstances.

In the beginning, many Democratic members of the Committee on Financial Services had serious concerns about early versions of the Financial Services Antifraud Network Act of 2001.

Most of these concerns have been substantially diminished through a bipartisan negotiation initiated by the leaders of the Subcommittee on Financial Institutions and Consumer Credit, the gentleman from Alabama (Mr. BACHUS) and the ranking member, the gentlewoman from California (Ms. WATERS), supported by the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from New York (Mr. LAFALCE).

We on our side raised legitimate questions about the reliability of the information that could be disseminated over the network envisioned by prior versions of the legislation, and the ability of individuals to correct information about themselves that was to be carried out over the network.

These concerns were apparently shared by the administration and the financial services industry. The bill we adopt today goes a long way toward ensuring that unsubstantiated rumors and unfounded allegations will not be broadcast throughout the regulatory community over the antifraud network.

Most significantly, as a result of concerns raised by Democratic members, the compromise bill makes clear that participants in the network are required to give an individual notice of any adverse information obtained from the network and to afford the individual an opportunity to respond to such adverse information.

Many Democratic members raised concerns that prior versions of the legislation needlessly created a new bureaucracy. In response to this concern, the bill provides the financial regulators an opportunity to develop an antifraud network without the assistance of an antifraud committee, which is a potential new mechanism contemplated by the bill. If the regulators do not meet the deadlines for establishing that network, then a fraud subcommittee will be created.

The current version has improved provisions allowing insurance commissioners access to the criminal history data of current and potential insurance professionals, while addressing legitimate privacy concerns raised by insurance agents. These provisions have the potential of providing the insurance commissioners the tools needed to ensure that criminals are not operating within the insurance industry. I urge the adoption of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, better coordination of the antifraud efforts of the more than 250 Federal, State, and local agencies that regulate the banking, securities, and insurance industry is long overdue. As my colleagues know, it is often society's most vulnerable members, including our senior citizens, older veterans, and the terminally ill that are the targets of financial scam artists. In fact, they fashion their pitch towards these groups. They also feed on charitable schemes where they misrepresent that they are raising money for charity.

In light of what happened September 11, I think this country has no toleration for those who go out as a financial scam and take advantage of tragedies such as September 11 to raise money with no intention of giving that money to help in the cause. The cost of these outrageous scams is estimated to exceed $100 billion annually in this country.

By breaking down the barriers to information exchange that have hampered antifraud initiatives at the national level and among State regulators, H.R. 1408 will go a long way in reducing the risk to average American consumers and investors of losing their life savings due to financial fraud.

As I mentioned at the onset, this legislation was the subject of extensive consideration over a 4-month period by the Subcommittee on Financial Institutions and Consumer Credit. In addition, the Committee on the Judiciary, on which I serve, marked up the legislation after it was reported by the Committee on Financial Services.

The gentleman from Wisconsin (Chairman SENSENBRENNER) is entitled to praise. He was committed to bringing this bill to the floor. It would not be on the floor today if we did not have a commitment and the cooperation of the Committee on the Judiciary. I thank the Committee on the Judiciary and its staff, as well as the staff of the Committee on Financial Services.

What emerged from this cooperative effort, both between committees and between the minority and the majority, is a bill that enhances the capability of regulators to put financial defrauders out of business, while at the same time guaranteeing, as the gentleman from Michigan (Mr. ROGERS) said, due process rights of the accused, and safeguarding the information shared by regulators against improper disclosure or other misuse.

☐ 1445

Evidence has emerged in the wake of the September 11 attacks on the World Trade Center and the Pentagon that terrorist cells in this country may be financing their operations in part through financial crimes possibly and specifically involving stolen or false identities.

Facilitating the exchange of information on these activities, shutting down funding for terrorists not only protects American consumers but it may also help regulators and law enforcement authorities identify and apprehend potential terrorists and those who provide them with the financial support they need before further acts of mass murder can be committed against innocent U.S. citizens.

As I mentioned before, at the State, Federal and local level there are more than 20 different agencies charged with regulating banks, security firms, and insurance companies. However, to date, there has been little coordination among them. This lack of coordination was evidenced when recently indicted financier Martin Frankel, after being barred from securities activities, slid over to insurance where he proceeded to bilk the industry of some $200 million over 8 years.

Frankel's ability to move from securities to insurance and from State to State and ease with which he flaunted financial regulators may have been deterred. In fact, we had testimony before our committee that it was handicapped because of lack of communication among State regulators and between agencies, both local, State, and Federal.

The antifraud network established by this legislation will help level the playing field between the Martin Frankels of this world and the financial regulators charged with policing fraud and protecting consumers.

We also had testimony, Mr. Speaker, of situations where someone would start a financial or insurance or securities game in the State of Iowa. They would then be barred from the State of Iowa from further activity. The State of Iowa would understand the scheme; they would move against it; they would bring criminal charges against this person or this group of people. What also happens is even though there is a conviction against one person, another person sort of takes up the mantle and they would move to another State. They would start this all over. There would be another round of fraud.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

Mr. OXLEY. Mr. Speaker, let me thank the gentleman from Alabama (Mr. BACHUS) for his good work, the chairman of the subcommittee, along with the gentleman from Michigan (Mr. ROGERS), my good friend, who worked very hard on this issue; and we are finally reaching a point now where we can pass this antifraud legislation.

As I am sure other speakers have said, we had numerous hearings on this issue. All of us are painfully aware of the Martin Frankel situation that resulted in such a terrible outcome for numerous people who invested their savings, only to be defrauded and losing millions, first in the securities industry and then as he artfully moved to the insurance side of thing, the same thing happened.

This bill, of course, was designed to allow for information-sharing among the various regulators and to focus in on people like Martin Frankel who would take advantage of innocent people and their life savings. So this is a wonderful step forward that all of us can be very, very pleased about.

I want to thank the gentleman from Mississippi (Mr. SHOWS) for carrying the bill today for his side of the aisle, also the gentleman from New York (Mr. LAFALCE), the ranking member, and other members of our committee, as well as the Members on the Republican side. This is a truly bipartisan effort. Indeed, without the help also of the Committee on the Judiciary and the gentleman from Wisconsin (Mr. SENSENBRENNER), we would not be able to bring this bill to the floor today.

My congratulations to all those concerned, and we hope and trust that the other body will take this up with some degree of swiftness so that we can get this legislation signed by the President and on the books, therefore protecting the American consumer from these con artists.

On September 11, 2001, the forces of terror struck the first blow in a cowardly attack against our nation. President Bush has now struck back to defend America, using the might of our armed forces to drive the terrorists back into hiding. But to clear our skies for freedom, we need to defend against not only the planes and bombs of the enemy, but also the reach of their financial empire.

Osama bin Laden and the al Qaeda network survive and thrive on an illegal network of financial crime and corruption. To end terrorism, we need to go beyond the training camps and drive a stake through the heart of their financial network.

The Antifraud Network Act was originally conceived as a consumer protection solution. Our financial regulators currently do not have any system in place for the comprehensive inter-industry oversight of company's financial activities. Instead, government agencies are currently sharing information on financial companies and professionals on an ad-hoc basis without any standards for disclosure or recourse when information is used against someone.

This bill creates consumer protection standards for the sharing of information among agencies, while giving our regulators additional tools to help integrate the regulation of our financial markets. It also significantly increases the information available to each regulator when tracking down fraud and corruption across industries. We are thus not only protecting our American consumers from domestic fraud artists, but also strengthening the ability of our government to track down and break apart the financial network of international terrorists.

Financial fraud costs our nation over 100 billion dollars a year, hurting the lives of millions of Americans and their families. Now with the war on terrorism, the stakes are even higher. The Rogers bill protects consumers and protects our nation. It was passed out by a new unanimous bipartisan vote in both the Financial Services and Judiciary Committee after having been reviewed by hundreds of lawyers from all spectrums of the financial services and law enforcement systems.

Mr. Speaker, I am also including for the RECORD an exchange of correspondence between Chairman COMBEST and myself regarding the jurisdiction of the Committee on Agriculture on this legislation. I thank him for his assistance in bringing this legislation forward and appreciate his cooperation. I also want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRENNER for his ongoing commitment to bring this legislation to the floor. Finally, I want to thank the members of the Committee on Financial Services, including Chairman BACHUS, Ranking Member LAFALCE, and Subcommittee Ranking Member WATERS for their cooperation and hard work on this legislation. And of course, much of the credit for this goes to a Committee freshman and FBI alum, MIKE ROGERS from Michigan

It is the right bill for the right time to protect consumers and stop terrorism. I urge your support for Mr. ROGERS' antifraud legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 31, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I understand that the Committee on Financial Services recently ordered reported H.R. 1408, the Financial Services Antifraud Network Act of 2001. As you know, the legislation contains provisions which fall within the jurisdiction of the Committee on Agriculture pursuant to clause 1(a) of Rule X of the Rules of the House of Representatives.

Beacuse of your willingness to consult with the Committee on Agriculture regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Agriculture. By agreeing to waive its consideration of the bill, the Agriculture Committee does not waive its jurisdiction over H.R. 1408. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within the Agriculture Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

LARRY COMBEST,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, August 1, 2001.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN COMBEST: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1408, the Financial Services Antifraud Network Act of 2001.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Agriculture with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House. Additionally, I will support any request you might make for conferees, should a conference be necessary.

Thank you again for your cooperation.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I do not know that we have any other speakers wishing to be heard. I want to again second what the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, said.

The cooperation that we have received from the gentleman from Mississippi (Mr. SHOWS), from the gentleman from New York (Mr. LAFALCE), from the gentlewoman from California (Ms. WATERS) has been tremendous. The gentleman from Mississippi (Mr. SHOWS) was an original cosponsor of this legislation. This truly is a bipartisan, or nonpartisan, effort; and I think it shows what this Congress can do when they put aside their petty differences on many occasions and work for the common good of the people, and they have done that.

Ms. WATERS. Mr. Speaker, I am very pleased to proceed with floor consideration of H.R. 1408, the Financial Services Antifraud Network Act of 2001. When we initially considered marking up this legislation in the Financial Institutions subcommittee, there were a number of problems with the structure and the content of that version. I want to thank my colleague, Mr. BACHUS for his willingness to postpone that markup so that we could work together to improve this bill. A number of improvements have been made to this legislation since it was introduced. The structure for information sharing among the regulators has been greatly simplified. The categories of information to be shared among the regulators have been narrowed, and safeguards have been put in place to protect individuals. In addition, certain due process protections have been added to the bill, which grant individuals the right to receive notice and respond when information from the network is used to take action against them. Finally, this bill provides insurance regulators with increased access to information when conducting criminal background checks on financial professionals. Additional safeguards are provided governing the use of this information.

I want to thank my colleagues Chairman BACHUS, Congressman ROGERS, Congressman MOORE, Congressman GONZALEZ, Ranking Member LAFALCE and Chairman OXLEY as well as their staffs for working cooperatively to improve this legislation. I am pleased that the process went so well and has resulted in a better bill, and that agreement has been reached on the final outstanding issue regarding financial regulators' access to confidential supervisory information. This issue is not a partisan one. We all want to combat fraud and protect consumers. In light of the events of September 11, it has become even more crucial to ensure that criminals do not evade detection merely by varying their methodology.

I think that once we began working together, in a bipartisan manner, on this legislation, we realized that common ground was not an elusive goal. I would hope that we can continue to work together across the aisle on other issues of mutual concern as this Congress continues. Once again, I thank my colleagues for their hard work.

Mr. BACHUS. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RADIO FREE AFGHANISTAN ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2998) to authorize the establishment of Radio Free Afghanistan, as amended.

The Clerk read as follows:

H.R. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Free Afghanistan Act of 2001".

SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) ESTABLISHMENT.—The Broadcasting Board of Governors is authorized to make grants for surrogate radio broadcasting by RFE/RL, Incorporated (also known as Radio Free Europe/Radio Liberty) to the people of Afghanistan in languages spoken in Afghanistan, such broadcasts to be designated "Radio Free Afghanistan".

(b) SUBMISSION OF PLAN TO BROADCASTING BOARD OF GOVERNORS.—Not later than 15 days after the date of the enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a detailed plan for the establishment of the surrogate radio broadcasting described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INTERNATIONAL BROADCASTING OPERATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Operations", there are authorized to be appropriated for "International Broadcasting Operations" $9,500,000 for the fiscal year 2002 and $8,000,000 for the fiscal year 2003 for broadcasting to Afghanistan described in subsection (a).

(2) BROADCASTING CAPITAL IMPROVEMENTS.—In addition to such sums as are otherwise authorized to be appropriated for "Broadcasting Capital Improvements", there are authorized to be appropriated for "Broadcasting Capital Improvements" $10,000,000 for the fiscal year 2002 for transmitting broadcasts into Afghanistan.

SEC. 3. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking section 226; and

(2) by striking the item relating to section 226 in the table of contents.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for his leadership on the Committee on International Relations where this bill, the Radio Free Afghanistan Act, passed by voice vote last Thursday. I would also like to acknowledge the work of my co-author, the gentleman from California (Mr. BERMAN), who is traveling back from business in the district and could not be here yet today.

Mr. Speaker, the primary source of current news and information for the people of Afghanistan is the radio. Eighty-five percent of Afghans get their information from the radio. They do not have television there. That was banned under the Islamic law that the Taliban enforces. All of the televisions were destroyed. So Afghans saw no footage of the devastation at the World Trade Center. They had not had the opportunity to see what happened at our Pentagon.

Throughout that country on September 11 people held up small transistor radios to their ears to listen to news accounts. However, the news accounts they heard are far different from those that we heard in this country. Throughout the region, they heard that the attacks on the World Trade Center were the work of the Israel Government, the work of the Israelis with help from the Indian Government with the United States trying to cover this up. Why? Why did they believe this? Well, they were told by al-Qaeda and others that there were 4,000 Jewish Americans who did not go to work that day because they were tipped off; there was a plot to blame all this on Osama bin Laden.

We know that, in fact, is a lie; but they do not have access to that information. Because long before the terrorist attacks of September 11, bin Laden sympathizers waged a psychological war for the minds of Afghans. They shrewdly used radio to spread hatred of the United States, hatred of democracy, hatred of Israel, and hatred of Muslims who rejected their hate.

I believe that the establishment of a Radio Free Afghanistan by Radio Free Europe is essential to winning the information war. Radio Free Europe, Radio Liberty does one thing very well. It engages in surrogate broadcasting, and they will operate as if Afghanistan had a free and vibrant press. They will counter these lies.

The Taliban and the terrorists they are harboring use propaganda, and they use censorship to maintain power. They must be countered.

As William Safire points out in last Thursday's New York Times, he says, "That message that is sent should be the Taliban are corrupting the Koran, the Taliban and their terrorist guest bin Laden are the cause of Afghan casualties. As soon as the fanatic Saudi outsiders surrender then peace and food and jobs will come to the country."

I have been calling for Radio Free Afghanistan for several years, since 1996; and I think it is fair to say that the previous administration had little interest in this type of aggressive broadcasting in Afghanistan. I talked to the former Under Secretaries of State. I talked to the Secretary of State about this, and at one point I argued in committee that Afghanistan would pose a national security threat to the United States if what was happening there was not countered.

If we had Radio Free Afghanistan up and running for several years, the terrorists would not have had the fertile ground they have found in Afghanistan to prepare, to train, to be funded. It is very hard to organize like this when you are on the run.

I believe Radio Free Europe, Radio Liberty is the best organization for broadcasting to Afghanistan for the following reasons: first, it had an outstanding impact behind the Iron Curtain during the Cold War; second, there are eight employees there who ran Radio Free Afghanistan during the Soviet invasion in 1985. It has the experience, the expertise. It was helpful at rallying the Afghan people against the Soviets, and I think it will have the best chance of providing information that will help turn the Afghan people against the Taliban and other extremists.

It is the voice of Afghans talking about the radicalism of the Taliban, frankly, that will be our best ally.

This legislation will provide for 12 hours of broadcasting a day; 6 in Pashto, 6 in Dari, the two major languages. In addition, this legislation provides for three transmitters to be moved from Spain to Kuwait. They are not currently being used. Kuwait is an ideal location geographically for transmission to Afghanistan. Although it is my intention that these transmitters be primarily used to broadcast to Afghanistan, they may also be used to broadcast throughout the Middle East or to China.

The concept behind Radio Free Afghanistan is to do what was done with Radio Free Europe in Poland and in the Czech Republic and across Eastern Europe. When we talk with leaders of Poland, Lech Walesa, when we talk to Vaclav Havel of the Czech Republic, they say that the hearts and minds of those people in those countries were turned by the opportunity to listen daily to a radio broadcast which explained what was actually happening inside their society.

These broadcasts were able to explain and put in context what they would be hearing from the Soviet broadcasts. Over time we know from these leaders that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe.

☐ 1500

We know what happened to the Berlin Wall, and part of this was because they had access to information. Radio Free Europe broadcast to all of Eastern Europe during the Cold War except for one country, and that country was the former Yugoslavia. We all know the atrocities that have taken place there.

I remember a young Croatian journalist telling me, if only we had had the type of broadcast they had in Czechoslovakia in Yugoslavia we would not have had the slaughter. We would have been able to teach people about political pluralism and tolerance and democracy.

So we know that surrogate broadcasting works. China spends a tremendous amount of time attempting to jam the broadcasts in Radio Free Asia. Saddam Hussein has long complained about Radio Free Iraq, calling these broadcasts an act of aggression. The Iraqi dictator has apparently become so irked by this attempt to undermine his control over the media, that intelligence officials have recently uncovered a plot by Iraq to bomb Radio Free Europe's headquarters in Prague.

Evil regimes like the Taliban hold power through ignorance and propaganda. The Afghan people deserve something better. They deserve to hear the truth, and I hope my colleagues will support this bill for Radio Free Afghanistan.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

Madam Speaker, this is an extremely important piece of legislation, and I want to commend my good friend and distinguished colleague, the gentleman from California (Mr. ROYCE), for introducing this legislation and being its principal sponsor. He deserves enormous credit. I also want to commend our colleague, the gentleman from California (Mr. BERMAN), for being the principal Democratic author, and the gentleman from Illinois (Mr. HYDE) for expediting the handling of the legislation.

Madam Speaker, as our military is executing our plans in Afghanistan with extraordinary skill, we are falling behind in the battle for the minds and hearts and souls of the people of Afghanistan. It is almost incomprehensible that our values should be challenged and questioned by the barbaric nihilists of Osama bin Laden and the Taliban leadership. I support this legislation because it is evident that we need to increase dramatically our public diplomacy not just in Afghanistan but across the Muslim world.

The Middle East Broadcasting initiative, announced by the administration, and Radio Free Afghanistan, established by this legislation, introduced by the gentleman from California (Mr. ROYCE), are two important initiatives that will help us reach tens of millions of Muslims to provide fair, accurate, dependable information about the United States, our values and our policies.

I remember well during the Second World War how powerful it was to listen to the British Broadcasting Corporation and the American Voice of Freedom as a counterweight to the vicious propaganda of Hitler and Goebbels. We are in a somewhat similar fight, confronting a totalitarian, nihilistic, barbarian enemy that is ready to resort to nonstop lies and distortions to make their case.

We must do much more than just pass this legislation, Madam Speaker, to reach the disaffected youth in the Middle East, in Central Asia, but also in Africa, East Asia, and across the globe. We must intensify all of our Voice of America broadcasting, and the broadcasting of Free Asia and Free Afghanistan, and we must increase our educational and cultural programs. We must come up with new and innovative ways to reach the young people who live on the outer fringes of all these societies. Marginalized youth who live without hope and without opportunity grow up into hate-filled men and women who choose to bring death and destruction to themselves and to those around them.

H.R. 2998 is an important piece of legislation and moves us in the right direction of presenting the case of freedom and truth in Afghanistan. I strongly urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume to express my appreciation to the gentleman from California (Mr. LANTOS), the ranking member of the House Committee on International Relations, who is a strong supporter of public diplomacy based upon his own unique experiences. I look forward to continuing to work with him in the future in doing more in this critical area, and I thank him for the focus he has brought to this.

Mr. LANTOS. Madam Speaker, I thank my friend.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Madam Speaker, I would like to publicly thank both gentlemen from California for their excellent efforts in this area.

Madam Speaker, Shakespeare wrote "Time's glory is to calm contending kings, to unmask falsehood, and bring truth to light." The truth is a powerful foundation for freedom, and it is a powerful weapon on behalf of freedom. I propose that we enlist it in the current conflict in Afghanistan.

That is why I rise in strong support of H.R. 2998, the Radio Free Afghanistan Act. As a cosponsor of this legislation, I recognize the need to counter the negative propaganda that the Taliban government is force-feeding the Afghan people. We must let the Afghan people know the truth about the war we are fighting and what the United States is prepared to do to help them as innocent victims of the Taliban regime.

The people need to know the truth about the cause and effect of harboring the agents of terrorism. The people of Afghanistan are not hearing our message, but instead are being filled with the lies of the Taliban. This has to stop. We must let them know that the war we are fighting is not with them, but rather with the Taliban, who have been systematically stripping away the common individual's liberties since they came to power.

During the Cold War, as the gentleman from California (Mr. ROYCE) noted, similar radio broadcasts spread information and ideas, including the presentation of the democratic ideal, which proved fatal to the Eastern Bloc. I believe this same tool can be devastating to the Taliban. These radio broadcasts are absolutely essential to this freedom struggle.

I urge my colleagues to join me in supporting the spread of truth and vote in favor of this legislation, because, as we know, only the truth shall set us free.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise today in strong support of the bill, H.R. 2998, authored by the gentleman from California (Mr. ROYCE), recreating Radio Free Afghanistan.

Radio Free Europe/Radio Liberty previously broadcast to Afghanistan from 1985 to the end of fiscal year 1993. Although it broadcast to Afghanistan during the last half of the Soviet-Afghan war, RFE/RL had been reporting on the war and its happenings in Afghanistan since the 1979 invasion through its other services in Russian, Turkmen, Tajik, and Uzbek.

Radio Free Europe/Radio Liberty has a 50-year-plus history of delivering accurate and timely information to areas that would not otherwise receive it. The creation of Radio Free Asia in the 1990s built on this tradition. Currently, Afghans are in desperate need of access to this information.

Although RFE/RL is currently not broadcasting into Afghanistan, it is providing vital information about the war through its other services to other countries in the region. One example can be found in the case of Afghan resistance general Abdurashid Dustom. Recently, Russian TV programs reported the killing of this prominent anti- Taliban general. The reports were picked up by media in various Central Asian countries and broadcast throughout the region. Just 2 hours after the first Russian report, RFE/RL's Tajik service aired an interview with General Dustom himself, denying the false reports. Subsequently, RFE/RL's Turkmen, Uzbek, and Persian services also broadcast the interview.

A 1999 study conducted by the U.S. Broadcasting Board of Governors, concluded that 80 percent of Afghan men listen to the Voice of America. The need to provide these men with accurate information from their country and around the world has never been greater.

I also want to thank the Czech people for their decision to host RFE/RL in

Central Europe. Building on Vaclav Havel's experience as a prisoner of conscience listening to Radio Liberty underscores the value of this service.

Unlike BBC World Service and other radios, RFE/RL provides unbiased news about unfree societies in their own language about their own society. The difference is key and the service is invaluable.

I want to thank the gentleman from California (Mr. ROYCE) for introducing this bill, and also the gentleman from Illinois (Mr. HYDE), the chairman, and Congress' hero on human rights, the gentleman from California (Mr. LANTOS) for bringing it to the floor today. This is one of the many tools we will need to fight terrorism around the globe, and arming citizens with the truth is the best way to bring about change, victory and reducing American casualties.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleagues for their support. Now, some might question whether broadcasts to this part of the world would really make that much of a difference. I suggest that if done right, these broadcasts would make a profound difference in our war on terrorism, and I want to give an example.

Yesterday, the Wall Street Journal reported that on the streets of Tehran in Iraq, young people, Iranians born after the revolution of Ayatollah Khomeini and fed up with extreme theocracy, are in the streets, in the streets last night, chanting "We love the USA." Yes, "We love the USA." That is what was occurring in the streets in Iran. And these young people, because they want freedom, are our allies and our friends. The hard-line mullahs, who have run on the "America is the great Satan" line for years, are deadly fearful of these rumblings.

What is being credited with prompting these expressions is a message of freedom that is being sent by a private television station in Los Angeles, run by Iranian expatriates. These broadcasts are challenging the power of the repressive theocracy, the power of the mullahs who would control every aspect of Iranian lives. And these broadcasts are speaking to Iranian women's desires to play a role in modern society. These and other broadcasts are revolutionary and, in this case, it is an Iranian revolution in America's favor.

Now, Iran is not Afghanistan, that is true, but there are parallels, and what is the same is the power of ideas, the urge for freedom and for individual dignity. That is the desire that Radio Free Afghanistan will be able to bolster, which will significantly aid our war against terrorism. And that is why I urge my colleagues to pass this legislation and why I urge final passage of the bill.

Mr. GILMAN. Madam Speaker, I want to commend Committee Chairman HYDE for bringing this bill before the House and I commend Subcommittee Chairman ROYCE for crafting this important initiative.

For the past several years, the people of Afghanistan have been manipulated by foreign forces who are motivated by selfish evil intentions. Saudi Arabia, along with Pakistan, have created a radical Islamic fundamentalist movement in Afghanistan which threatens international stability. While we work to ensure that the governments of those two countries permanently change their policy, the only way that the world will be safe from the disaster that they have created is by helping the Afghan people to liberate themselves from the Taliban and bin Laden, and to give them the tools to put together a broad based representative form of government.

For the past several years, members of our Committee have been working with the former King and the Northern Alliance to ensure that our government support the Afghan people's desire for a free and democratic Afghanistan. A Radio Free Afghanistan can play a significant role in this endeavor. Accordingly, I urge my colleagues to support this measure.

Mr. HOEFFEL. Madam Speaker, I rise today in strong support of H.R. 2998, the "Radio Free Afghanistan Act." I would first like to thank my House International Relations Committee colleagues, ED ROYCE and HOWARD BERMAN, for their hard work in introducing this important piece of legislation, and to acknowledge their commitment to free speech and freedom in Afghanistan.

The importance of the Radio Free Afghanistan Act should not be underestimated. Under this bill, Radio Free Europe/Radio Liberty would expand to create Radio Free Afghanistan. Radio Free Europe/Radio Liberty has effectively developed over the past 50 years the "surrogate broadcasting" concept of local, regional and international news in native languages in countries that do not enjoy freedom of the press.

The principle of broadcasting news and factual information free of the propaganda of repressive states is well established. Bringing the truth of the Taliban's actions to the Afghan people would continue a long-held tradition of bringing the voice of liberty and personal freedom to people around the world.

The Radio Free Afghanistan Act would simply allow the Afghan people to learn the hard-hitting truth about what is happening in their own country. As we all know, knowledge is power.

In the war against terrorism, we must blanket the people of Afghanistan with the voice of freedom, truth and democracy as we blanket the Taliban with bombs. I strongly urge my colleagues to support this vitally important piece of legislation.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2998, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1515

NATHANIEL R. JONES AND FRANK J. BATTISTI FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REHBERG. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 852) to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse".

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Montana (Mr. REHBERG) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 852 designates the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

Judge Nathaniel R. Jones was born in Youngstown, Ohio, in 1926. After serving in the United States Air Force during World War II, he earned his undergraduate degree and law degree from Youngstown State University. Judge Jones was the editor of the Buckeye

Review newspaper before serving as executive director of the Fair Employment Commission in the city of Youngstown. He also served on the Mayor's Human Rights Commission.

Judge Jones had a distinguished legal career before being appointed to the Federal bench. He was in private practice for 2 years; he served as Assistant United States Attorney for the Northern District of Ohio from 1961 until 1967; as general counsel for the NAACP on civil disorder; and as general counsel of the NAACP for 10 years.

In 1979, Judge Jones was appointed to the United States Court of Appeals for the Sixth Circuit. While sitting on the Federal bench, Judge Jones has been active in legal education at Case Western Reserve University School of Law, City University of New York School of Law, University of Cincinnati College of Law, Harvard Law School, North Carolina Central Law School, Indiana University School of Law, Northern Kentucky State University Salmon P. Chase College of Law, and Nova University Law Center in Florida. He has also received numerous honors and awards from universities throughout the United States.

In 1985, Judge Jones traveled to South Africa on behalf of the Lawyers' Committee for Civil Rights, where he was a legal observer at a treason trial. He has continued to be active in civil rights law in South Africa. Judge Jones took senior status in 1995 and maintains a busy docket.

The second judge being honored with this courthouse designation is Frank J. Battisti. Judge Battisti was born in Youngstown, Ohio, and graduated from Ohio University. He then went on to earn his law degree at Harvard University. In 1950, he was admitted to the Ohio bar and served as Ohio Assistant Attorney General. In the early 1950s, Judge Battisti was a legal advisor for the Army Corps of Engineers. He also entered private practice and started teaching at Youngstown University Law School until he was elected a Common Pleas judge in 1958.

In 1961, President Kennedy appointed Judge Battisti to the Federal bench. At the time he was the youngest Federal appointed judge. He served as Chief Judge from 1969 until 1990, and took senior status that April. Judge Battisti presided over the Cleveland public school desegregation case, a public housing desegregation case, and in 1974, the trial of eight members of the Ohio National Guard accused of violating the civil rights of four Kent State students who were shot during student demonstrations in 1970. Judge Battisti passed away on October 19, 1994.

This is a fitting honor for two extraordinary Federal judges from Youngstown. Similar legislation passed the House last year, but was never enacted. I support this bill, and ask my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 852, a bill to designate the new courthouse and Federal building under construction in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

These two native sons of Youngstown, Ohio, have contributed to the excellence of the judicial system and dedicated their lives to preserving the notion of equal justice under the law.

Judge Battisti was born and brought up in Youngstown. After attending Ohio University, in 1950 he received his J.D. from Harvard Law School. Judge Battisti was Assistant Attorney General and a law instructor at Youngstown State University. Later in his career, he was elected judge of the Common Pleas Court of Mahoning County, Ohio.

In 1961, he was appointed to the United States District Court for the Northern District of Ohio by President Kennedy. In 1969 he became the Chief Judge.

Judge Nathaniel Jones was also born and brought up in Youngstown and is a World War II veteran.

His civic and public appointments include serving as director of the Fair Employment Practices Commission and executive director of the Mayor's Human Rights Commission.

Attorney General Robert Kennedy appointed Judge Jones as an Assistant U.S. Attorney for the Northern District of Ohio, based in Cleveland.

In 1969 Roy Wilkins, executive director of the NAACP, asked Judge Jones to serve as the NAACP's general counsel. Judge Jones accepted the offer and served at the NAACP for a decade, from 1969 until 1979. In 1979, President Carter appointed Judge Jones to the U.S. Court of Appeals, Sixth Circuit. Both gentlemen have been active in numerous community and civic organizations. They were personal friends and professional colleagues. It is very fitting and proper that we support this naming bill, and I urge my colleagues to join me in supporting H.R. 852.

Madam Speaker, I reserve the balance of my time.

Mr. REHBERG. Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, naming a Federal courthouse in Youngstown after Nathaniel Jones and Frank Battisti is an ideal way to mark the contributions these men have made to their profession and their communities. Judge Nathaniel Jones once said he "saw law as a way to effect meaningful changes in society and shape the destiny of individuals locked into second class status."

The son of a steelworker and World War II veteran, Judge Jones spent his career as an advocate for better, fairer schools and discrimination-free workplaces. He worked alongside some of the greatest legal minds of our time, including Supreme Court Justice Thurgood Marshall.

His accomplishments as the general counsel to the NAACP caught the attention of President Carter, who appointed him to the U.S. Court of Appeals for the Sixth Circuit. President Carter recognized that Judge Jones's exceptional understanding of how the legal process could remedy some of society's shortcomings would serve the country well on the bench. Many of us who have known Judge Jones over his career believe that if President Carter would have been reelected in 1980, he would have chosen Judge Jones to be a member of the United States Supreme Court.

We can say the same kinds of accolades about Judge Battisti, who had the same kind of passion for social justice. He was an outstanding public servant appointed by President Kennedy. Judge Battisti never shied away from controversy. As others mentioned, his career on the bench included rulings on the antiwar protest at Kent State University and ending school desegregation in Cleveland.

Madam Speaker, I thank my colleagues, the gentleman from Ohio (Mr. TRAFICANT) and others, for giving us an opportunity to pay tribute to these distinguished sons of Ohio.

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, both of these men contributed tremendously to desegregation of public schools in the United States of America. Most importantly, both of them were Youngstown, Ohio, natives, born and raised there, and very well respected. The community is very pleased that this Federal building and U.S. courthouse is being named in their honor. I think the most important thing that can be said about both is that they were not afraid to tackle controversial issues. When we talk about desegregation, our Congress looks towards fairness in America; these were two of the trailblazers of desegregation.

Their participation at their respective levels had a trickle-down effect on this entire Nation, and that would be the legacy probably of both men. Hopefully, this bill will be passed into law, and I believe it would signal the first time that a U.S. Federal building and courthouse has been named for both an outstanding African American and white member of the Federal bench. That in itself would be a significant landmark. It would be a fine building.

Madam Speaker, I ask for the House to move this bill through the other body so that this great building can be named for these two outstanding members of our Federal court system.

Mr. PORTMAN. Madam Speaker, I rise today in strong support of H.R. 852, legislation to name the federal building and U.S. courthouse to be built in downtown Youngstown, Ohio after former Federal Judge Frank J. Battisti and United States Court of Appeals Judge Nathaniel R. Jones. Both Judge Battisti and Judge Jones are natives of Youngstown, Ohio, and naming this federal building and courthouse after them would be a source of pride for the residents of that fine city.

Judge Battisti served in many capacities during his distinguished career. None was more notable than his tenure as Chief Judge of the United States District Court for the Northern District of Ohio.

Judge Nathaniel Jones is a personal friend. I have had the pleasure of working with him on the National underground Railroad Freedom Center project in Cincinnati, Ohio and on other projects. Judge Jones serves as the Co-Chair of the Board of Trustees for the Freedom Center and his leadership has been critical. Through my work with the Freedom Center, I have come to admire Judge Jones for his commitment to racial healing and cooperation.

Judge Jones was born and raised in Youngstown, Ohio. He served in the U.S. Army Air Corps in World War II, and later went on to attend Youngstown State University where he received undergraduate and law degrees. Judge Jones later went on to serve as General Counsel for the NAACP where he helped coordinate efforts to end school segregation. In 1979, President Carter appointed him to serve on the United States Court of Appeals for the Sixth Circuit where he serves to this day.

I have great respect for Judge Jones. In all of his accomplishments, perhaps none rank higher than his wife Lillian and their four wonderful children, one of whom—Stephanie J. Jones—is chief of staff for our colleague, STEPHANIE TUBBS JONES. There are few people more dedicated to public service than Judge Jones.

The naming of the federal building and courthouse in Youngstown, Ohio after Judge Battisti and Judge Jones is a fitting tribute to two worthy men. I thank my colleague JIM TRAFICANT for introducing this measure and my colleague STEVEN LATOURETTE for helping move the bill to the floor. I am honored to cosponsor this legislation, and am grateful to see us take action on it.

Mrs. JONES of Ohio. Madam Speaker, it is my pleasure and honor to stand in support of H.R. 852, which names the Federal Building and United States Courthouse in Youngstown, Ohio after my dear friend Judge Nathaniel R. Jones and the late Judge Frank Battisti. No two men are worthier of this recognition.

It is particularly significant that this courthouse is being named after these two wonderful sons of Youngstown who have done so much for their community and for our nation. It is my understanding that this is the first time anywhere in the country that the names of two people of different races have been joined together to name a federal building. How fitting this is. Judge Battisti devoted his life—often at great cost—to reaching across the racial divide and to removing those divides altogether. Judge Jones has committed himself to securing justice for all and healing a divided nation. I am so pleased that these two men will be honored together in this way.

This bill has particular meaning to me, professionally and personally. I first came to know both Judge Jones and Judge Battisti through their involvement in the landmark school desegregation case in my hometown of Cleveland, Ohio. Judge Battisti showed great courage in his rulings and his willingness to force the overhaul of an illegally segregated school system, not a popular thing to do at the time. And Judge Jones' commitment to the law for the highest purposes earned my admiration long before I knew him personally.

Over the years, I have come to know this thoughtful, generous and humble man and am proud to say that he is my mentor and friend. He's also the father of my Chief of Staff Stephanie J. Jones. Judge Jones and I often joke about the unlikely coincidence of Stephanie and I sharing the same name. In fact, he now refers to me as his "other daughter," as honorary title I'm proud to hold.

Judge Jones has traveled the world, counseled Presidents, walked with great leaders, earned the respect of all who know him and achieved great renown. Yet he has never forgotten his roots and the lessons he learned at his mother's knee. He has always lived by the simple admonition he learned in Sunday School—"brighten the corner where you are."

I had the pleasure of meeting Judge Jones' mother, Lillian Brown Jones Rafe not long before she died and, through her, came to appreciate even more the son she called her "keen-eyed child." This great-grandson of slaves, whose parents moved from the rural south to Youngstown, Ohio seeking opportunities for their children, has risen to heights even a proud mother never imagined, but has never forgotten his roots. Through it all, he remains a child of Youngstown.

It is appropriate that less than two miles away from the street on which he was born, along the route his weary but determined mother walked selling household products and newspaper subscriptions to support her family during the Depression, up the street from the movie theater his father cleaned at night, on a site where he played as a boy, near the small office in which he once toiled as editor of the Buckeye Review newspaper, down the hill from Youngstown University, where he earned his bachelor and law degrees (and fought for equal rights for all students), across the square from the small building that housed his first law office, a few miles from his beloved parents gravesite, will stand a United States Courthouse engraved with the name of Nathaniel R. Jones.

It is truly an honor and a pleasure for me to stand in support of this bill honoring my friend Judge Nathaniel Jones and the late Judge Frank Battisti. This Courthouse, like the remarkable men for which it is named, will brighten its corner, where it will long stand as a reminder and beacon to all who desire and work for justice, equality and mercy.

Mrs. TAUSCHER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REHBERG. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. REHBERG) that the House suspend the rules and pass the bill, H.R. 852.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. REHBERG. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. REHBERG. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 852.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING WTO ROUND OF NEGOTIATIONS IN DOHA, QATAR

Mr. ENGLISH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 262) expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

The Clerk read as follows:

H. Con. Res. 262

Whereas members of the World Trade Organization (WTO) have expressed an interest in improving and clarifying antidumping provisions contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (commonly referred to as the "Antidumping Agreement") and subsidy provisions contained in the Agreement on Subsidies and Countervailing Measures at the Fourth Ministerial Conference of the WTO to be held in Doha, Qatar, from November 9–13, 2001;

Whereas the recent pattern of decisions by WTO dispute settlement panels and the WTO Appellate Body to impose obligations and restrictions on the use of antidumping and countervailing measures by WTO members under the Antidumping Agreement and the Agreement on Subsidies and Countervailing Measures has raised concerns; and

Whereas Congress is concerned that WTO dispute settlement panels and the WTO Appellate Body appropriately apply the standard of review contained in Article 17.6 of the Antidumping Agreement, to provide deference to a WTO member's permissible interpretation of provisions of the Agreement, and to a WTO member's evaluation of the facts where that evaluation is unbiased and objective and the establishment of the facts is proper: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations of the WTO, should—

(1) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(2) ensure that United States exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the WTO negotiations in Qatar later this week are going to be enormously important. They are going to create an opportunity to move the world trading system in a direction which will allow us to provide not only freer trade but also fairer trade. We see an opportunity for a new agenda to emerge for the WTO out of this discussion, a new round which we think will yield positive results for America as well as the balance of our trading partners.

But as we move forward and see that agenda take shape, it is very important that the United States Congress weigh-in particularly on one issue which should not be included on that agenda and has been long negotiated and long established. Here I am referring to the antidumping code.

As we engage in a new round of global trade talks, we do not want to see a reopening of the antidumping and countervailing duty laws which have already been negotiated to a conclusion through the WTO.

□ 1530

The history, Madam Speaker, is quite clear on this point. In a previous round, we had an opportunity to negotiate and to compromise, and all parties signed off on an antidumping code that establishes clear parameters by which domestic antidumping protections can be established, administered and moved forward fairly to all parties concerned.

We in America have maintained our antidumping laws well within those parameters, and we have every right to do so. We have not only an opportunity but also an obligation to maintain strong laws on the books that allow us to provide for a level playing field for American workers and American companies and insist that international standards be followed when it comes to trade practices. We have an opportunity and an obligation, in short, to police our own markets, and that is all that we have done.

I went to the Seattle WTO conclave, which unfortunately did not yield a new round of talks, and at Seattle my role, as part of the official delegation, was to argue against a rising chorus of our trading partners who wanted to reopen the antidumping code, who saw the new round as an opportunity to water down antidumping and countervailing duties, who saw this as an opportunity to open up American markets in a way that would provide us with few options if faced with unfair trading practices.

The Seattle Round never materialized, but this weekend we have an opportunity in Qatar to see a new round initiated. Once again, some of our trading partners have come forward. All too often those trading partners, which have a history of having been guilty of dumping on our markets, have been found guilty in the past of having engaged in unfair trading practices as well as some partners who, we suspect, may simply want to muddy the waters, who do not want to go forward on some of the issues that are difficult to them, so they want to reintroduce other issues to slow down the process.

So far, the Bush administration has adopted a strong position, and I salute them. They have had the courage to say that the antidumping code has already been negotiated and it should be left off the agenda of the new round. I salute them for their firmness on this point, and I propose that the House, through this resolution, join them in offering strong support for the notion that the antidumping laws should not be included as part of this WTO round.

As I said, some countries found guilty in the past of dumping in the U.S. market are desperately trying to reopen the U.S. antidumping and countervailing duty laws despite the best efforts of the Bush administration. In my view, this would be counterproductive for the United States.

I urge my colleagues in the House to take the same bold stance as the Bush administration by supporting this resolution today. I urge my colleagues to put the House on record as strongly opposed to including the antidumping and countervailing duty laws on the agenda of a new WTO negotiating round. This would send a clear and unambiguous message to our trading partners, we will not tolerate unfair trading practices, we will provide a level playing field for our workers, and we will not leave our markets vulnerable to predatory trade practices.

Our antidumping and countervailing duty protections are, in my view, absolutely essential for allowing this country to participate in the world trading system; they are important for policing our markets, and they are very important for ensuring that our partners' trade practices conform to the international standards that they have agreed to and that they play by the rules.

This resolution moves in the direction of providing better fair trade for American workers and for American companies at a time when we are clearly entering a recession. I hope it will enjoy strong support. It already enjoys strong bipartisan support. I want to thank my colleagues for that.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution. I regret that it has been brought up with very little notice so that many of my colleagues who would like to participate will not be able to do that, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Maryland (Mr. CARDIN), for example, who are sponsors of this resolution, as well as members in the Steel Caucus.

I do support it because trade remedy laws are critical to U.S. workers and farmers and industry. They are a central pillar of a rule-based system. They were negotiated in the Uruguay Round. It was a product of hard negotiations, of lengthy discussions. The gentleman from New York (Mr. HOUGHTON) and I were able to be there at the end of those discussions, and I can say firsthand that it was very much give and take. There was final agreement. We should resist efforts to unravel that agreement.

Trade remedies are really part of a free market system. A free market system means that one party should not rig the market to their advantage, to distort a free market to their advantage and the disadvantage of another. The rules against dumping, the antidumping laws, are critical to ensuring that market distortions in one country do not undermine another through their exports, through their dumping below cost.

The countervailing duty provisions try to assure that one country does not gain an unfair advantage through large subsidies. Subsidies undercut a free market. The safeguard rules are there to make sure that if there is a major surge, a country is not left without, as the word connotes, a "safeguard." And so I think that these trade remedies, negotiated through hard discussions with give and take, should not be opened up.

What has happened in recent years, though, is that the WTO rules have been undercut by some unfortunate decisions of WTO dispute settlement bodies. What they have done, in a word, is to misinterpret in some cases the actual language and to impose new and never-agreed-to obligations on WTO members. We do not want to make it worse by now reopening this very language which was worked out through such hard discussions.

I want to comment, if I might, on a couple of aspects. One is the second part of this resolution, paragraph No. 2; it talks about ensuring that U.S. exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries. I think that is a useful provision. However, I do not think in any way paragraph 2 should be used to moderate or modify paragraph 1. As hard as we negotiate at Doha regarding paragraph 2, I hope in no way will it undercut our determination as expressed in paragraph 1 of this resolution.

In that regard, I comment next on the ministerial language that has been drafted. It is not acceptable. Essentially what it does is to commit the parties to a renegotiation. It may not say that directly, but that is the implication. It is the implication because, unlike for other provisions where there is first a discussion and then a decision on negotiation, the way the present draft language reads, there would essentially be a commitment to renegotiation, and that is not acceptable.

I want to close by indicating that while I support this resolution, and I very much support it, I do not want anyone to think that it is a substitute for clear language in any Fast Track/TPA bill. It is important that any Fast Track/TPA have, in unambiguous principal negotiating objectives, a statement that there will not be, as far as the U.S. is concerned, any renegotiation of the language in the Uruguay Round document that we negotiated it in good faith, and we will not agree to renegotiate it now.

The bill that the gentleman from New York (Mr. RANGEL) and others and I have presented states clearly among the principal negotiating objectives that there will be, as far as the U.S. is concerned, no such renegotiation, while the bill of the gentleman from California (Mr. THOMAS) does not say that clearly as a principal negotiating objective. I think it is important that whatever might come out of Doha, and I think it is critical that there be no renegotiation, that we state in Fast Track/TPA language what is the position of this Congress. One bill does that and another bill, the Thomas bill, does not.

I rise in support. I hope we will have a strong vote for this bill. Again, I regret that some of my colleagues who otherwise would be here to speak on this will not be able to do so because they did not have notice that it was coming up.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH. Madam Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER), a strong supporter of this resolution and a strong advocate of American interests in trade.

Mr. OTTER. Madam Speaker, I rise today in support of this resolution offered by my good friend, the gentleman from Pennsylvania (Mr. ENGLISH). This resolution urges Ambassador Zoellick to defend the ability of the United States to use antidumping and countervailing duty laws to protect against unfair trade practices.

I am and have always been a supporter of free and fair trade. In my previous career, I was an international businessman and traveled to some 81 foreign countries. I know that Idaho and all U.S. businesses can successfully compete against products from anywhere in the world. Government intervention, rather than foreign competition, is the only threat to the productivity of my constituents.

Today, Idaho and U.S. computer chip manufacturers are threatened by the Government of South Korea. In violation of international trading rules, South Korea is forcing its banks to exchange thousands of dollars of loans in Hynix for worthless shares in the company. Hynix even gets $500 million in new loans from government-controlled banks at much lower rates. Two private banks who are creditors refused to give additional credit as they saw the futility of doing so.

This massive injection of capital into Hynix makes it possible for them to undercut the prices offered by other private companies. Competitive chip manufacturers within both the United States and overseas will be driven out of business by these actions if positive steps, such as we are suggesting in this resolution today, are not taken to oppose them.

The ability of the United States to bring antidumping and countervailing duty cases against foreign manufacturers is an important shield against the actions taken by the South Korean Government and others who would try to bail out their failing companies and industries. While the World Trade Organization plays a very vital and important role in ensuring that international trading nations play by the rules, it currently lacks the speed and the flexibility to protect nations against unfair trade practices. Our antidumping and countervailing duty legislation gives this Nation the ability to protect itself from all unfair competition.

□ 1545

I am pleased to rise before this House and give my full support to this resolution. I also offer this warning to those nations who would seek to undermine fair trade: this Congress will not stand for and will be prepared to take whatever steps are necessary to defend itself against economic aggression.

I will support, nay, Madam Speaker, I will champion, any additional authorities that our trade representatives need to defend America's workers and industries.

Mr. LEVIN. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman for yielding me time, and I rise in support of H. Con. Resolution 262, offered by the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN).

As thousands of steelworkers have discovered, the United States has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by a record 36 million tons. The trade deficit in steel was a record $11 billion dollars, accounting for nearly 7 percent of our overall trade and growing trade imbalance. The vast majority of these imports were subsidized by foreign governments and dumped at below-market prices in our country.

The American steel industry relies on anti-dumping laws as their last line of defense against unfairly traded imports. Unfortunately, since the Uruguay Round agreements, the steel industry's ability to defend itself has been severely weakened.

At the upcoming World Trade Organization ministerial in Doha, Qatar, several nations that export steel to the United States have set the weakening of international rules on trade laws as a major priority to be negotiated. Robert Zoellick, the U.S. Trade Representative, simply cannot be allowed to travel to Qatar and negotiate away the remaining safety measures the steel industry has.

That is why I support this resolution. Many of us are concerned about this WTO ministerial. We are, first of all, concerned because of the place it is located. It is located in a country which does not allow free elections. It is located in a country which does not allow freedom of expression. It is located in a country where women are treated not much differently from the way women are treated by the Taliban in Afghanistan. It is held in a country where public worship by non-Muslims is banned.

The message that that sends to people around the world, that the trade ministers are meeting in a city and country where public protests will not be allowed, where free speech is not allowed, where public expression is not allowed, where freedom of worship is not allowed, where free elections are not allowed, is troubling.

It is troubling because all too often our own trade minister, in this case Mr. Zoellick, has used in the past language to suggest that those of us that do not support his free trade agenda, his agenda to weaken environmental and labor standards around the world, that do not support his agenda are in some way unpatriotic or somewhat indifferent to the counterterrorism efforts promoted by the administration.

While all of us I believe in Congress support the President's efforts to combat terrorism, both domestically and abroad, we do not subscribe to the values that Mr. Zoellick and others, and in part of the U.S. Trade Representative's office journey to Qatar, tend to suggest.

That means that we hope coming out of this ministerial, again, even though it is located in a place that sends a message not of freedom, but of much less than that, we hope that the message that comes out of this meeting in Qatar is sort of the opposite of what goes in in terms of the message that holding in Qatar means, that we care about labor standards, environmental standards, free elections, freedom of worship, all the values that we in this country fight for and we in this country hold dear.

That is another reason I think it is important to join the efforts of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. ENGLISH) in support of H. Con. Res. 262. I ask House support for the resolution.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Speaker, I appreciate the gentleman yielding me time; and I also want to compliment the gentleman and my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), who has introduced this resolution. The gentleman is the chairman of the Congressional Steel Caucus in the House.

The resolution that we have here before us today is very important because the industry, as I think all of my colleagues understand, is imploding as we debate this resolution today. I think the first order of business is to make sure that we do not backslide in any way, shape, or form as far as the existing protections that are put into law.

Why do we need the gentleman's resolution today? First of all, we want to ensure that there is a clear message from the House of Representatives to the new administration that preserving our trade laws as they exist today is a primary focus and of primary importance to us.

Second, it is clear that some would like to see our antidumping and antisubsidy laws changed, and it is important to also send our trading partners a clear message that we will not tolerate this.

Finally, some of our strongest allies, because of travel uncertainties, may not be at the WTO conference in the coming week to assist us in ensuring that there is no backsliding on this issue.

But while I am here to congratulate my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), and to fully support the legislation he has introduced, which I am a cosponsor of, I would also use my time today to remind our colleagues that the task is not yet finished as far as assistance to the domestic steel industry.

I would point out to my colleagues that Al Tech Specialty Steel Corporation of the State of New York ceased operations on June 29 of this year. Laclede Steel Company in the State of Missouri ceased operation in August this year. I would remind Members that Qualitech Steel in Indiana ceased operations on January 26 of this year. I would remind my colleagues that Gulf States Steel in the State of Alabama ceased operations in this year, the month of January. I would remind my colleagues that on May 18 of this year, Northwestern Steel and Wire, located in the State of Illinois, ceased operations. I would remind my colleagues that CSC Limited in the State of Ohio ceased operations this year. I would further remind my colleagues that Trico Steel also in the State of Alabama ceased operations this year. Great Lakes Metals, Limited, in East Chicago, Indiana, my congressional district, ceased operations in July of this year. Edgewater Steel, Limited, of Oakmont, Pennsylvania, ceased operations on September 28 of this year, as well as Acme Steel Corporation, also of the State of Illinois.

It is not just companies that have ceased operations. It is not just the 10 million additional tons of steel that are no longer melted and produced in the United States of America that are important to all of us. What is important are the 140 people that lost their job in Pennsylvania on September 28. What is important are the 40 people in East Chicago, Indiana, who lost their jobs this year. What is important are the 320 people in Alabama who lost their jobs this year. What is important is the 1,225 people in Warren, Ohio, who lost their jobs this year, or the 1,600 people who lost their jobs at Northwestern Steel and Wire. What is important are the 1,906 people in Gadsden, Alabama, who lost their jobs this year, or the 350 people who used to have a job at Qualitech Steel in the State of Indiana, or those who also worked at Al Tech Specialty Steel, 790 individuals who lost jobs.

I would emphasize that these are individual citizens we are here to represent, and those are good-paying jobs with good benefits; and there are families and households and mortgages that attach to this issue.

We have jobs, we have people, and we have a national defense issue here. Over the last 23 years we have seen 30 million tons of steel capacity closed in the United States of America. In the last 12 to 18 months, we have added another 10 million tons of capacity that have now closed. The problem as I see it is we are the only industrialized Nation on the planet Earth who cannot produce enough steel now to meet our own needs.

I am very pleased that because of the pressure many of us brought with H.R. 808, that the gentleman is also a cosponsor of, that more than a majority of the House have cosponsored, the administration has initiated an investigation by the ITC.

The ITC last month found, to no one's surprise, that serious injury has occurred to the domestic steel industry. There is a remedy phase, and then the administration must make a decision as far as the implementation of that remedy.

We have also seen an improvement as far as changing the existing loan guarantee program that was put in place in 1999, increasing that guarantee from 85 percent to 95 percent to give qualified steel companies who have a good business and a reasonable chance of success of making it.

But the industry also needs financial help. Several weeks ago I attempted to have an amendment offered on the House floor to provide $800 million a year for 3 years to help ameliorate the problems that the industry is facing as far as their legacy costs. My concern is if we do not act between now and the middle of December in this body to provide this industry with those dollars, it will cease to exist.

I have five major facilities along the southern shore of Lake Michigan. I would not represent to the Speaker or to any of my Members that those facilities are going to disappear. But my great fear on behalf of the people involved, on behalf of the communities involved, and on behalf of our national defense is when they cease to operate, foreign investors will buy parts. They will close all of our melting capacity. We will no longer make steel in the Great Lakes States. We will process steel in the Great Lakes States. I think that would be a travesty, and I would use my time allotted by the gentleman from Michigan to make that point and implore my colleagues to consider the financing that is necessary for the domestic steel industry to solve their problems.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on strengthening our antidumping and countervailing duty laws. I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his strong leadership in this area.

Madam Speaker, I strongly support this resolution. We must make sure that in negotiating in the next trade rounds, that we do not do anything that can compromise our current laws that we have in effect that deal with antidumping and countervailing duties.

Madam Speaker, I must say we even have to go further than that. We need to strengthen our laws consistent with our World Trade Organization obligations. I think that we need to strengthen those laws. It is interesting that the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) are both cosponsors and sponsors of legislation in order to do that.

The problem is it takes too long to provide relief to industries that have been hurt by dumped products. The steel industry, of course, is a classic example. Too many of our steel companies have gone out of business because it has taken over 3 years since we have had illegal imports for the system to provide the appropriate relief. So we should be talking about strengthening those laws, not weakening them.

I think this resolution makes it clear that we are going to draw a line in the sand that we are not going to weaken our current protections that we have against illegally dumped steel. It is an important statement for us to go on record.

I applaud my colleagues for bringing forward this resolution and urge all my colleagues to support it.

Mr. LEVIN. Madam Speaker, I believe we have covered our position well; and, therefore, I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentlemen who have participated in this debate today, because their presence here has highlighted the importance of this resolution in sending a message to the world that the United States Congress feels very strongly that the U.S. needs to have strong antidumping protections, needs to have a strong trade policy, and is fully prepared to take that position and stress it this coming weekend in Doha.

□ 1600

I particularly want to thank the American Iron and Steel Institute for their support of our resolution. I want to thank the Steel Caucus, of which I am chairman and of which the gentleman from Indiana (Mr. VISCLOSKY) is vice chairman. I want to particularly single him out for thanks for his participation not only in this effort, but in all of the efforts of the Steel Caucus and his photo finish appearance on the floor today from traveling. I want to thank the gentleman from Michigan (Mr. LEVIN) for his wisdom and his institutional memory. He has been a major figure in all of our trade debates of the last few years, and we look forward to his major contribution in the coming days to the trade debates that are before us.

I also want to thank the gentleman from Maryland (Mr. CARDIN), my friend, who has really been an extraordinary advocate of strengthening the antidumping laws, and I have had the privilege of the working with him on this issue now in two different Congresses. I also want to thank the gentleman from Ohio who spoke earlier for giving me the opportunity to correct the record, since he created the impression that this resolution was in some way binding the Bush administration, restricting the Bush administration and the position they might take in the negotiations on the next WTO Round. Nothing could be further from the truth.

Madam Speaker, what is fairly clear from the record is that this administration has consistently come out against putting our antidumping laws on the chopping block and negotiating them away. They have consistently been advocates of a stronger trade policy for America. They have been consistently willing to stand up for steel. As chairman of the Steel Caucus, I would like to take a moment right now to thank them for having the courage to stand up at considerable political expense in some circles to themselves and being willing to fight for American steel workers, fight for our basic capacity to produce our own steel. That is so fundamental to us as a strategic asset and our American steel-making capacity, if it survives in coming years, will be much through the effort of this Bush administration.

So Mr. Zoellick, when he goes to Doha, will have a strong record as a friend of steel, as a friend of American workers and American manufacturers, and also as a strong advocate of a firm U.S. position when it comes to the antidumping laws.

Madam Speaker, in conclusion, I think we all look at the trade issue from the perspective of our local communities. I come from northwestern Pennsylvania, from a community with the largest concentration of manufacturing jobs in our entire State, also the largest concentration of export-related jobs in our State. We have seen a winnowing out of this manufacturing capacity. Over the last few months, we have lost permanently 6 percent of our manufacturing base, and that was before the announcement of just a week ago that International Paper is closing a plant that has sustained our community as a major source of jobs for the last 100 years.

Madam Speaker, looking at this from northwestern Pennsylvania, we know we have neighbors in need. We know we have workers throughout America who have had good skilled jobs, whose jobs have been at risk; and in many cases, they have recently lost them. Madam Speaker, I imagine many of those workers are at home watching this debate; and I would like to be able to reassure them, send them a strong message, even as we send our trading partners a strong message, that this Congress will not stand by while some of our trading partners try to get us to negotiate away an important part of the trade protections that we are currently allowed to have under international law.

Madam Speaker, I urge the passage of this resolution to send a strong, bipartisan message that this Congress is committed to a strong trade policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair would remind that all comments should be addressed to the Chair.

Mr. ENGLISH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 45 minutes p.m.

AVIATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1447) to improve aviation security, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.
Sec. 102. Transportation security function.
Sec. 103. Aviation Security Coordination Council.
Sec. 104. Improved flight deck integrity measures.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Improved airport perimeter access security.
Sec. 107. Enhanced anti-hijacking training for flight crews.
Sec. 108. Passenger and property screening.
Sec. 109. Training and employment of security screening personnel.
Sec. 110. Research and development.
Sec. 111. Flight school security.
Sec. 112. Report to Congress on security.
Sec. 113. General aviation and air charters.
Sec. 114. Increased penalties for interference with security personnel.
Sec. 115. Security-related study by FAA.
Sec. 116. Air transportation arrangements in certain States.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Increased funding flexibility for aviation security.
Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
Sec. 121. Encouraging airline employees to report suspicious activities.
Sec. 122. Less-than-lethal weaponry for flight deck crews.
Sec. 123. Mail and freight waivers.
Sec. 124. Safety and security of on-board supplies.
Sec. 125. Flight deck security
Sec. 126. Amendments to airmen registry authority.
Sec. 127. Results-based management.
Sec. 128. Use of facilities.
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.
Sec. 130. Voluntary provision of emergency services during commercial flights.
Sec. 131. Enhanced security for aircraft.
Sec. 132. Implementation of certain detection technologies.
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.
Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following;

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

"(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

"(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

"(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

"(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

"(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

"(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

"(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To establish uniform national standards and practices for transportation during a national emergency.

"(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

"(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

"(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

"(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).".

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air

transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) Review and Development of Ways To Strengthen Security.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking "x-ray" in paragraph (4);

(2) by striking "and" at the end of paragraph (4);

(3) by striking "passengers." in paragraph (5) and inserting "passengers;"; and

(4) by adding at the end the following:

"(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

"(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.".

(d) Transition.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) In General.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

"(f) Aviation Security Coordination Council.—

"(1) In general.—There is established an Aviation Security Coordination Council.

"(2) Function.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

"(3) Chair.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

"(4) Membership.—The members of the Council are:

"(A) The Secretary of Transportation, or the Secretary's designee.

"(B) The Attorney General, or the Attorney General's designee.

"(C) The Secretary of Defense, or the Secretary's designee.

"(D) The Secretary of the Treasury, or the Secretary's designee.

"(E) The Director of the Central Intelligence Agency, or the Director's designee.

"(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

"(g) Cross-checking Data Base Information.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

"(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

"(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

"(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.".

(b) Policies and Procedures.—Section 44911(b) of title 49, United States Code, is amended by striking "international".

(c) Strategic Planning.—Section 44911(c) of title 49, United States Code, is amended by striking "consider placing" and inserting "place".

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) In General.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) Commuter Aircraft.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) Air Marshals Under Attorney General Guidelines.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) Deployment.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "With";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

"(2) The Secretary—

"(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

"(B) shall place them on every such flight determined by the Secretary to present high security risks.

"(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.".

(c) Training, Supervision, and Flight Assignment.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) International Flights.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) Interim Measures.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) Reports.—

(1) In general.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) Recommendations.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking "supplies and" and inserting "supplies, personnel, services, and".

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

"(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

"(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.".

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

"(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.".

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking "weaknesses by January 31, 2001;" in subparagraph (A) and inserting "weaknesses;";

(2) by striking subparagraph (D) and inserting the following:

"(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;";

(3) by striking "program by January 31, 2001;" in subparagraph (F) and inserting "program;"; and

(4) by striking subparagraph (G) and inserting the following:

"(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.".

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.".

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

"§ 44901. Screening passengers, individuals with access to secure areas, and property

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

"(b) DEPLOYMENT OF ARMED PERSONNEL.—

"(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

"(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

"(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

"(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

"(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

"(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

"(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

"(D) the Attorney General has consulted the airport sponsor.

"(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

"(A) the types of aircraft that use the airport;

"(B) seasonal variations in air traffic and types of aircraft that use the airport; or

"(C) other factors that warrant modification of otherwise applicable security requirements.

"(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

"(A) may provide or require additional security measures;

"(B) may conduct random security inspections; and

"(C) may provide assistance to enhance airport security at that airport.

"(d) MANUAL PROCESS.—

"(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

"(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

"(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of understanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.".

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purposes of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

"(e) SECURITY SCREENERS.—

"(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

"(2) HIRING.—

"(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

"(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

"(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

"(iii) to have passed an examination for recent consumption of a controlled substance;

"(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

"(v) to meet such other qualifications as the Attorney General may establish.

"(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

"(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

"(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

"(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

"(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

"(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

"(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

"(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

"(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

"(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

"(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

"(C) The individual shall be able to read, speak, and write English well enough to—

"(i) carry out written and oral instructions regarding the proper performance of screening duties;

"(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

"(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

"(iv) write incident reports and statements and log entries into security records in the English language.

"(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

"(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

"(A) is closely supervised; and

"(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

"(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

"(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

"(A) continues to meet all qualifications and standards required to perform a screening function;

"(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

"(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

"(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

"(g) TRAINING.—

"(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

"(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

"(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

"(B) has completed 60 hours of on-the-job instruction; and

"(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

"(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

"(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.".

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting "as a security screener under section 44935(e) or a position" after "a position".

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting "the Attorney General," after "subsection," in paragraph (1); and

(B) by striking "An" in paragraph (3) and inserting "The Attorney General, an".

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting "is or" before "will" in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking "complete an intensive review of" and inserting "periodically review";

(2) by striking "commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;" in subparagraph (B) and inserting "aircraft in air transportation;"; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

"(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;".

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

"(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

"(i) progress made in engineering, research, and development with respect to security technology;

"(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

"(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.".

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

"(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

"(ii) the disruption of civil aviation service, including by cyber attack;".

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

"(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

"(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

"(i) the development and testing of effective explosive detection systems;

"(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

"(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

"(iv) other scientific and technical areas the Administrator considers appropriate.

"(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

"(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

"(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.".

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.".

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Training to operate jet-propelled aircraft

"(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

"(b) INVESTIGATION.—

"(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

"(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

"(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

"(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

"(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

"(B) A determination of the status of the alien under the immigration laws of the United States.

"(C) A determination of whether the alien or individual presents a national security risk to the United States.

"(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

"(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

"(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

"(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

"(1) each alien to whom such training is provided; and

"(2) every other individual to whom such training is provided as the Secretary may require.

"(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Training to operate jet-propelled aircraft.".

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

"§ 46503. Interference with security screening personnel

"An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

"46503. Interference with security screening personnel".

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) User Fee for Security Services.—

(1) In general.—Chapter 481 is amended by adding at the end thereof the following:

"§48114. User fee for security services charge

"(a) In General.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

"(b) Amount of Fee.—Air carriers shall remit $2.50 for each passenger enplanement.

"(c) Use Of Fees.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.".

(2) Clerical amendment.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48114. User fee for security services".

(3) Effective Date.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) Specific Authorization of Appropriations.—

(1) In general.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 483. AVIATION SECURITY FUNDING.

"Sec.

"48301. Aviation security funding

"§48301. Aviation security funding

"There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.".

(2) Conforming amendment.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

"483. Aviation Security Funding .... 48301".

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) Limited Use of Airport Improvement Program Funds.—

(1) Blanket authority.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) Airport development funds.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.".

(3) Allowable costs.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking "or" in subparagraph (B);

(B) by inserting "or" after "executed;" in subparagraph (C); and

(C) by adding at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;".

(4) Discretionary grants.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

"(i) Considerations for Project under Expanded Security Eligibility.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.".

(5) Federal share.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking "and" in paragraph (3);

(B) by striking "47134." in paragraph (4) and inserting "47134; and"; and

(C) by adding at the end the following:

"(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).".

(b) Apportioned Funds.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) Expedited Processing of Security-related PFC Requests.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) Reimbursable Costs.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) Documentation of Costs; Audit.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) Claim Procedure.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) In General.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"§44940. Immunity for reporting suspicious activities

"(a) In General.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) Application.—Subsection (a) shall not apply to—

"(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

"(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

"§44941. Sharing security risk information

"The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.".

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committe on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) Chapter Analysis.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"44940. Immunity for reporting suspicious activities.

"44941. Sharing security risk information.".

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) National Institute of Justice Study.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the

Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) Authority to Arm Flight Deck Crew with Less-Than-Lethal Weapons.—

"(1) In general.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

"(2) Usage.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

"(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

"(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.".

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) In General.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) Measures.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) Short Title.—This section may be cited as the "Flight Deck Security Act of 2001".

(b) Findings.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) Aviation Safety and the Suppression of Terrorism by Commercial Aircraft.—

(1) Possession of firearms on commercial flights.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) Federal pilot officers.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) Reports to Congress.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44942. Performance Goals and Objectives

"(a) Short Term Transition.—

"(1) In general.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

"(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

"(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

"(2) Basics of action plan.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(b) Long-Term Results-Based Management.—

"(1) Performance plan and report.—

"(A) Performance plan.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

"(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"(B) Performance report.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

"(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"§ 44943. Performance Management System

"(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

"(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

"(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

"(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

"(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

"(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

"(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

"(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.".

SEC. 128. USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If, as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44944. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44944. Exemption of volunteers from liability.".

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of

this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking "and" at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting "; and"; and

(C) by inserting after clause (ix) the following new clause:

"(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.".

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

"(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

"(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

"(B) review the effectiveness of increased surveillance at access points;

"(C) review the effectiveness of card- or keypad-based access systems;

"(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

"(E) specifically target the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

"(2) 90-DAY REVIEW.—

"(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

"(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

"(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

"(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

"(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.".

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION:—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

MOTION OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Alaska moves to strike all after the enacting clause of the Senate bill, S. 1447, and insert in lieu thereof the text of H.R. 3150 as passed by the House, as follows:

H.R. 3150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport Security Federalization Act of 2001".

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Transportation Security Administration.
Sec. 102. Screening of passengers and property.
Sec. 103. Security programs.
Sec. 104. Employment standards and training.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Enhanced security measures.
Sec. 107. Criminal history record check for screeners and others.
Sec. 108. Passenger and baggage screening fee.
Sec. 109. Authorizations of appropriations.
Sec. 110. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
Sec. 111. Passenger manifests.
Sec. 112. Transportation security oversight board.
Sec. 113. Airport improvement programs.
Sec. 114. Technical corrections.
Sec. 115. Alcohol and controlled substance testing.
Sec. 116. Conforming amendments to subtitle VII.
Sec. 117. Savings provision.
Sec. 118. Budget submissions.
Sec. 119. Aircraft operations in enhanced class B airspace.
Sec. 120. Waivers for certain isolated communities.
Sec. 121. Assessments of threats to airports.
Sec. 122. Requirement to honor passenger tickets of other carriers.
Sec. 123. Sense of Congress on certain aviation matters.

TITLE II—VICTIMS COMPENSATION

Sec. 201. Limitation on liability for damages arising out of crashes of September 11, 2001.

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 114. Transportation Security Administration

"(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) Under Secretary.—

"(1) Appointment.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) Term.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) Limitation on Pecuniary Interests.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

"(d) Functions.—

"(1) In general.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(A) carrying out chapter 449 relating to civil aviation security; and

"(B) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

"(2) Schedule for assumption of civil aviation security functions.—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

"(3) Assignment of contracts.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

"(e) Additional Duties and Powers.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) supervise all airport security and screening services using Federal uniformed personnel;

"(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(8) enforce security-related regulations and requirements;

"(9) identify and undertake research and development activities necessary to enhance transportation security;

"(10) inspect, maintain, and test security facilities, equipment, and systems;

"(11) ensure the adequacy of security measures for the transportation of cargo;

"(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

"(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(14) develop standards for the hiring and retention of security screening personnel;

"(15) train and test security screening personnel; and

"(16) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) Acquisitions.—

"(1) In general.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) Title.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) Transfers of Funds.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) Regulations.—

"(1) In general.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) Emergency procedures.—

"(A) In general.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary.

"(B) Review by Transportation Security Oversight Board.—Any regulation or security directive issued under this paragraph shall be subject to disapproval by the Transportation Security Oversight Board established under section 44951. Any regulation or security directive issued under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

"(i) Personnel and Services; Cooperation by Under Secretary.—

"(1) Authority of under secretary.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

"(2) Authority of agency heads.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

"(j) Personnel Management System.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

"(k) Acquisition Management System.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.

"(l) Authority of Inspector General.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.".

(b) Conforming Amendment.—The analysis for chapter 1 is amended by adding at the end the following:

"114. Transportation Security Administration.".

(c) Position of Under Secretary in Executive Schedule.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Transportation for Security".

(d) Personnel of Other Agencies.—The last sentence of section 106(m) is amended by inserting "personnel and" before "supplies and equipment".

(e) Security and Research and Development Activities.—Section 40119 is amended—

(1) in subsection (a) by striking "Administrator of the Federal Aviation Administration" and inserting "Under Secretary of Transportation for Security"; and

(2) in subsections (b) and (c) by striking "Administrator" each place it appears and inserting "Under Secretary".

(f) References to FAA in Chapter 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking "the Administration" and inserting "the Transportation Security Administration";

(2) in the second sentence of section 44913(a)(1) by striking "of the Administration" and inserting "of the Transportation Security Administration";

(3) in section 44916(a)—

(A) in the first sentence by striking "Administrator" and inserting "Under Secretary of Transportation for Security"; and

(B) in the second sentence by striking "Administration" and inserting "Transportation Security Administration";

(4) in each of sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "Under Secretary";

(5) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Under Secretary";

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking "Administrator" each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting "Under Secretary";

(8) by striking "Administrator's" each place it appears in such chapter and inserting "Under Secretary's"; and

(9) by striking "of the Federal Aviation Administration" each place it appears in such chapter (except in section 44936(f)) and inserting "of Transportation for Security".

SEC. 102. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a)—

(A) by striking "a cabin of"; and

(B) by striking "a weapon-detecting" and all that follows through the period at the end of the second sentence and inserting "persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary)."; and

(2) by adding at the end the following:

"(d) Assumption of Screening Function by Under Secretary.—

"(1) In general.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

"(2) Additional screening authority.—The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

"(e) Supervision of Screening.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

"(f) Limitation on Right To Strike.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

"(g) Deputization of Airport Screening Personnel.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.".

SEC. 103. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "a law enforcement presence" and inserting "a law enforcement or military presence"; and

(B) by inserting after "at each of those airports" the following: "and at each location at those airports where passengers are screened"; and

(2) in paragraph (2)(C)(i) by striking "shall issue an amendment to air carrier security programs to require" and inserting "shall require".

SEC. 104. EMPLOYMENT STANDARDS AND TRAINING.

(a) Employment Standards.—Section 44935(a) is amended—

(1) in the first sentence by inserting ", personnel who screen passengers and property," after "air carrier personnel";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

"(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

"(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

"(8) minimum compensation levels, when appropriate;

"(9) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces; and

"(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.".

(b) Final Rules Establishing Training Standards for Screeners.—Section 44935(e)(1) is amended by striking "May 31, 2001" and inserting "6 months after the date of enactment of the Airport Security Federalization Act of 2001".

(c) Employment Standards for Screeners; Uniforms.—Section 44935 is amended by adding at the end the following:

"(g) Training for All Screeners, Supervisors, and Instructors.—

"(1) In general.—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

"(2) On-the-job portion of screener's training.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo may be loaded aboard aircraft without further inspection.

"(3) Effect of screener's failure of operation test.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

"(h) Uniforms.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.".

(d) Interim Employment Standards for Screening Personnel.—In the period beginning 30 days after the date of the enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a "screener"):

(1) Education.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) Basic aptitudes and physical abilities.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo to passenger air carriers;

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body; and

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs,-sleep deprivation, medication, or alcohol.

(3) Command of English language.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) In General.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

"(a) In General.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

"(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;

"(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

"(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey;

"(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

"(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

"(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

"(b) Flights in Foreign Air Transportation.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

"(c) Interim Measures.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.".

(b) Conforming Amendment.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

"44917. Deployment of Federal air marshals.".

(c) Basic Pay Defined.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

"(E) availability pay—

"(i) received by a criminal investigator under section 5545a of this title; or

"(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;".

SEC. 106. ENHANCED SECURITY MEASURES.

(a) In General.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§ 44918. Enhanced security measures

"(a) In General.—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

"(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

"(2) After consultation with the Administrator, develop and implement methods to—

"(A) restrict the opening of a cockpit door during a flight;

"(B) fortify cockpit doors to deny access from the cabin to the cockpit;

"(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

"(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

"(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

"(4) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

"(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

"(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

"(7) Establish performance goals for individuals described in paragraph (6), provide for the use of threat image projection or similar devices to test such individuals, and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

"(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

"(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

"(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

"(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

"(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

"(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

"(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

"(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

"(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

"(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

"(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

"(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

"(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

"(b). Airworthiness Objections by FAA.—

"(1) In general.—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

"(2) Review by secretary.—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

"(c) View of NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

"(d) Property Security Program.—

"(1) Checked baggage.—

"(A) Final deadline for screening.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

"(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

"(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

"(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

"(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as practicable after the date of enactment of this paragraph.

"(e) LIMITATION ON CERTAIN ACTIONS.—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

"(f) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

"44918. Enhanced security measures.".

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking "**REPORTS**" and inserting "**REPORT**"; and

(B) by striking "(a) TRANSPORTATION SECURITY.—" and all that follows through "(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator" and inserting "The Under Secretary of Transportation for Security".

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

"44938. Report.".

SEC. 107. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting "; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary (or the Administrator of the Federal Aviation Administration before the transfer of civil aviation security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies amend their security programs to conform those programs to the requirements of this subparagraph.";

(2) by adding at the end of paragraph (1) the following:

"(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations."; and

(3) in paragraph (2)—

(A) by striking "or airport operator" and inserting "airport operator, or certificated screening company"; and

(B) by adding at the end the following: "In this paragraph, the term 'certificated screening company' means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.".

SEC. 108. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

"§ 44939. Passenger and baggage screening fee

"(a) GENERAL AUTHORITY.—

"(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

"(2) AIR CARRIER FEES.—

"(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

"(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

"(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

"(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

"(d) IMPOSITION OF FEE.—

"(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

"(2) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

"(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

"(e) ADMINISTRATION OF FEES.—

"(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

"(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

"(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

"(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

"(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.

"(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

"44939. Passenger and baggage screening fee.".

(c) EXEMPTIONS.—Section 44915 is amended by striking "and 44936" and inserting "44936, and 44939".

SEC. 109. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

"§ 44940. Authorizations of appropriations

"(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

‘‘(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 for the Secretary of Transportation to make grants to air carriers to—

‘‘(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

‘‘(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

‘‘(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

‘‘(4) provide for the use of other innovative technologies to enhance aircraft security.

‘‘(c) AIRPORT SECURITY.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

‘‘(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

‘‘(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

‘‘(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.’’.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

‘‘44940. Authorizations of appropriations.’’.

SEC. 110. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

‘‘(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.’’.

SEC. 111. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

‘‘(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

‘‘(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2).

‘‘(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

‘‘(A) The full name of each passenger and crew member.

‘‘(B) The date of birth and citizenship of each passenger and crew member.

‘‘(C) The sex of each passenger and crew member.

‘‘(D) The passport number and country of issuance of each passenger and crew member if required for travel.

‘‘(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

‘‘(F) The passenger name record of each passenger.

‘‘(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

‘‘(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

‘‘(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.’’.

SEC. 112. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

‘‘SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

‘‘§ 44951. Transportation Security Oversight Board

‘‘(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

‘‘(b) MEMBERSHIP.—

‘‘(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

‘‘(A) The Secretary of Transportation (or the Secretary's designee).

‘‘(B) The Attorney General (or the Attorney General's designee).

‘‘(C) The Secretary of the Treasury (or the Secretary's designee).

‘‘(D) The Secretary of Defense (or the Secretary's designee).

‘‘(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

‘‘(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

‘‘(c) DUTIES.—The Board shall—

‘‘(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

‘‘(2) share intelligence information with the Under Secretary;

‘‘(3) review—

‘‘(A) plans for transportation security;

‘‘(B) standards established for performance of airport security screening personnel;

‘‘(C) compensation being paid to airport security screening personnel;

‘‘(D) procurement of security equipment;

‘‘(E) selection, performance, and compensation of senior executives in the Transportation Security Administration;

‘‘(F) waivers granted by the Under Secretary under section 120 of the Airport Security Federalization Act of 2001 and may ratify or disapprove such waivers; and

‘‘(G) budget requests of the Under Secretary; and

‘‘(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

‘‘(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

‘‘(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

‘‘§ 44952. Advisory council

‘‘(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

‘‘(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, screening companies, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

‘‘(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

‘‘(d) ADMINISTRATIVE MATTERS.—

‘‘(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

‘‘(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

‘‘(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

‘‘(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

‘‘(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

‘‘(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.’’.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

"44951. Transportation Security Oversight Board.

"44952. Advisory council.".

SEC. 113. AIRPORT IMPROVEMENT PROGRAMS.

(a) Competition Plan.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Special rule for fiscal year 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.".

(b) Airport Development Defined.—Section 47102(3) is amended by adding at the end the following:

"(J) hiring, training, compensating, or reimbursement for law enforcement personnel at a non-hub or small hub airport (as defined in section 41731).

"(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

"(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.".

(c) Reimbursement for Past Expenses.—Section 47110(b)(2) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) "or"; and

(3) by inserting at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.".

(d) Federal Share.—Section 47109(a) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).".

(e) Conforming Amendment to Airport and Airway Trust Fund.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting "or the Airport Security Federalization Act of 2001" after "21st Century".

SEC. 114. TECHNICAL CORRECTIONS.

(a) Report Deadline.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) is amended by striking "February 1, 2001" and inserting "February 1, 2002".

(b) Insurance and Reinsurance of Aircraft.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting "in the interest of air commerce or national security" before "to carry out foreign policy".

(c) Federal Credit Instruments.—Section 102(c)(2)(A) of such Act is amended by striking "representatives" and inserting "representations".

(d) Maximum Amount of Compensation Payable Per Air Carrier.—Section 103 of such Act is amended by adding at the end the following:

"(d) Compensation for Air Carriers Providing Air Ambulance Services.—

"(1) Set-aside.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

"(2) Distribution of amounts.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.".

SEC. 115. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking "contract personnel" each place it appears and inserting "personnel";

(2) by striking "contract employee" each place it appears and inserting "employee";

(3) in section 45106(c) by striking "contract employees" and inserting "employees";

(4) by inserting after section 45106 the following:

"§ 45107. Transportation Security Administration

"(a) Transfer of Functions Relating to Testing Programs With Respect to Airport Security Screening Personnel.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

"(b) Applicability of Chapter With Respect to Employees of Administration.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively."; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

"45107. Transportation Security Administration.".

SEC. 116. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) Records of Employment of Pilot Applicants.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking "subsection (f)" each place it appears and inserting "subsection (h)".

(b) Investigations and Procedures.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "**Secretary of Transportation and Administrator of the Federal Aviation Administration**" and inserting "**Department of Transportation**"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) Administrative.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) Penalties.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449:"; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator"

each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator,";

(4) in section 46301(h)(2) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46303(c)(2) by inserting "or the Under Secretary of Transportation for Security" after "Federal Aviation Administration";

(6) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(7) in each of sections 46313 and 46316 by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(8) in section 46505(d)(2) by inserting "or the Under Secretary of Transportation for Security" after "Federal Aviation Administration".

SEC. 117. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term "Act" includes the amendments made by this Act.

SEC. 118. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 119. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of the enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 120. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

SEC. 121. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

"(d) PASSENGER VEHICLES.—

"(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

"(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.".

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§41722. Requirement to honor passenger tickets of other carriers

"Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.".

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41722. Requirement to honor passenger tickets of other carriers.".

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

"SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.";

(2) by amending subsection (a) to read as follows:

"(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.";

(3) in subsection (b), by adding at the end the following new paragraphs:

"(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

"(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

"(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

"(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

"(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.";

(4) by amending subsection (c) to read as follows:

"(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

"(1) hijacks any aircraft or commits any terrorist act; or

"(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act."; and

(5) by adding at the end the following new subsections:

"(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

"(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3150) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1447, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment on the bill (S. 1447), to improve aviation security, and for other purposes, be instructed to make every effort to resolve all differences between the two Houses as soon as possible, and no later than Friday, November 9, 2001.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we had a very lively and in-depth debate last week on the aviation security measure pending before us, and I again wish to express my appreciation to the chairman for the distinguished manner in which he conducted the debate on his side, and to the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for the evenhanded manner in which the debate was conducted.

I am also very grateful for the kind words that both gentlemen expressed toward me and toward other Members on our side at the conclusion of debate. I think that is the spirit in which this body operates at its best.

Last week, it was widely agreed that we needed to act on aviation security. We should have acted on the 14th. We tried. We got a compensation bill to the floor. It was objected to.

We came back a week later on the 21st. We should then have, I think it was agreed that it would be ideal to have dealt with restoration of airline finances and security in the same moment, in the same piece of legislation. For other reasons, that could not be done at the time.

Now, time has passed, and the issue has become more complicated.

In the time since enactment of the Airline Financial Stabilization package, which was necessary, we had to do that, but to get people back on airplanes requires more than financially stable air carriers. It requires travelers who are confident that when they board an aircraft, they will arrive at their destination safely. Those who were white-knuckle flyers before September 11 are now gripping their seats in fear and concern for their lives.

We have also seen highly publicized incidents where the private screener work force have allowed guns and knives through security checkpoints. The FAA has had to step in, and in one incident reported in the course of debate last Thursday at JFK Airport, had to take people off airplanes, put them back in the terminal, search the aircraft, review all passengers once again, and delay flights for hours. That is unacceptable, to say the very least.

We have assurances from the administration that it was not necessary to pass the bill that originated in the other body and sent to the President, because the House and the Senate both could act quickly to resolve their differences and that we would have a resolution of this issue within a week. Well, that week is nearing its close. Conferees should have been appointed last week before we concluded.

I asked the majority leader late in the evening when conferees would be named, and he said, well, it would be done first thing in the week. Well, this is first thing in the week. We have a lot of ground to cover. Conferees need to be named. We have to move quickly to get a bill through conference and through both bodies and to the President, and we have a big mountain to climb.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the words of the gentleman from Minnesota (Mr. OBERSTAR) and his role and his dedication to security. I too want to move this legislation as quickly as possible. I do compliment him on the motion to instruct, because we all want to get this job done.

Unfortunately, I cannot control everything that happens in this House, although I would like to. I will tell my colleagues that up front. I cannot control what the other body does. But I intend myself, personally, to see if we cannot expedite this process, and that means going to conference and working with the Senate conferees, with them hopefully having an open mind to the proposal which passed this House overwhelmingly last week.

I am confident that that can occur. I hope it will occur very rapidly. It is our intent to draft the perfect legislation for the security of the traveling public in the United States.

Again, we are doing what we can do in this House. I cannot speak for the other body, but we will do our job. With the working relationship I believe we have, we will be able to accomplish that.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), and I yield myself 10 seconds to express my great appreciation to the gentleman for his 15 years of effort on aviation safety and security issues and for his leadership in fashioning the legislation that we crafted in committee.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time. I share the sentiments of the chairman of the committee that we should engage the Senate immediately and aggressively and get a bill done this week. I do not believe that we can do any less for the American people. We are coming up on what is traditionally the busiest travel time of the year, Thanksgiving, but we have yet to enact any more comprehensive measures on the issue of aviation security since the attacks on September 11.

Mr. Speaker, we acted with great dispatch, although I did not support the legislation, to provide financial support to the industry. At that time, I attempted on a motion to recommit to include some security measures, and although a substantial number voted for that, it did not pass. But here we are now almost 2 months later, still waiting.

When I was flying out to Oregon on Friday, I was on a plane with a number of first responders, firefighters and medics who had been back here at the fire academy; and they were all sitting on the aisle, they were together, but they were all sitting along the aisle. And I said, you guys are all together, but you are not sitting together. They said, no, we are ready here on the aisle. If someone comes down this aisle, they are not getting past us to the flight deck.

Now, that kind of occurrence I think many frequent flyers are hearing almost every week. The passengers, the night crews, they are all making their own plans because they are waiting for Congress to act.

They watched the debate last week. They are disappointed that we did not go and adopt legislation that could have been immediately signed by the President. I had that flight crew tell me they were very disappointed and they hoped that this week, finally, Congress would act. The same thing I heard from the firefighters and many other frequent flyers. We have to act this week.

There are a number of myths that came out last week about the provision most in contention. It was alleged that there would be 31,000 new Federal employees. Well actually, if we federalize the screeners, that would be 16,200; that is as many as there are now. There has been a concession on the other side that there will be a Federal security officer at every screening point, so we cannot add in the supervisors, the checkpoint law enforcement officers, and all the other things the CBO used to get to this fantastical number of 31,000. So we are arguing over the status of 16,000 people.

Some are saying, perpetuate the status quo. Argenbright proved it again last weekend. The managers of that company should be in jail and fired, not the employees necessarily. How many times do they have to falsify documents? How many times do they have to hire known felons, maintain known felons on staff, and run a slipshod organization until we realize that these private security companies are not getting the job done.

They have not gotten the job done for 30 years, and no amount of Federal oversight is going to get us there with these same companies. It just is not going to happen. These people are so used to abusing the system with impunity and profiting from it that they just want to perpetuate that.

At the minimum, we should at least disqualify companies who commit felonies from any further Federal contract, and the bill does not even do that that passed the House.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight and support the motion to instruct conferees. I think my colleagues on the minority side, the Democrat side have a good motion to instruct conferees. I think we all want to see this question resolved. The Congress wants to see it resolved, and I know the House Members here want to see it resolved. Most importantly, the American people want to see aviation and transportation security in place in time for Thanksgiving.

Let me respond to a couple of things that have been said. First, I want to thank the Democrat staff and the Republican staff on the House side for already meeting, and I think they have met for some time and have begun to work together; and that shows the bipartisan cooperation that is so necessary to draft, again, a comprehensive solution to our aviation and transportation security problems. I am very pleased that they have met.

I am sorry that the Senate staff has canceled several meetings to date, and I hope that they will come forward, because we do not want to delay.

I know we have some question right now about the number of conferees being appointed, and I think that that is important to resolve. The House is ready to go to work. I know the Democrat side is ready, and the Republican conferees stand ready, and I hope that Members in the other body will resolve their differences and get their conferees here as soon as possible. So I think this is a timely resolution, and I commend the minority for bringing it forward.

There are some questions about security in the interim, and I am pleased to be here tonight to say that these questions need to be answered. The American people need to know that this President and this administration have acted with due speed. Soon this week there will be an announcement that almost every major aircraft in the country has already had the cockpit doors secured; that, in fact, the President acted, and the Congress actually set up a program, and the airlines will be reimbursed for this cost, but the airlines also acted with speed. So the flying public will know that, in fact, when they take to the air this holiday that, in fact, these changes have been made.

We have been training Federal air marshals from the very beginning. This Congress appropriated funds. That program, I am also pleased to announce, is well under way at the direction of the President.

□ 1800

The President has also issued some intervening directives, and those are in place. We have National Guard at most of our airport locations. We have secured, with both local law enforcement and National Guard and Federal officials, our airports.

We have also put into place interim rules. But the gentleman is right, these are only interim solutions; and what we need is a long-term fix.

But I must say that for the American people, and as far as security is concerned, for Thanksgiving and their travel for the holidays, we do not want to deliver a turkey as far as aviation and transportation security legislation. We want a sound and a comprehensive plan; and we want it sooner, rather than later. So I am pleased to join my colleagues in that regard.

We introduced as a Congress in 1996 legislation to solve our aviation security problems, and it did not solve our problems. Again last year, this Congress acted with an aviation security bill, and that bill did not do the job.

President Bush has given us one directive. He said that it may take a little bit longer, but he has put in place these interim measures that did work. In fact, they worked at O'Hare, if we look at the case of the problems in O'Hare. The redundancy did in fact work, and that is important to take note of, that these protections the President and the administration have put in place on a temporary basis have worked.

We are not here to frighten the American people. We are telling them that we are here to do a responsible and comprehensive job. We are not here to sprinkle parsley around the turkey and say that this is a job well done, this is a beautiful piece of work. Everyone knows beyond the turkey that has been sprinkled with parsley that it did not do the job.

As far as the issue of the number of baggage screeners, I did not rate the other body's bill, the Congressional Budget Office did. They came up with the number of 31,000.

I would venture to say that if we take the legislation that we passed, with even stronger checked-baggage screening requirements, and if we had passed that with the Senate language, we would have a huge bureaucracy involved in this.

Do the American people want a huge bureaucracy, or do they want aviation security? That is really the question at hand.

We want a comprehensive plan. We take away the question and responsibility of aviation security from airlines. All of the legislation that is proposed, House, Senate, Republican, and Democrat, does that. But it is important that beyond that that we do not focus just on the issue of establishing a huge bureaucracy.

I think we need to look at these issues carefully. We may need a few more days. However, I do support strongly the motion to direct the conferees that is before us today.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by acknowledging the gentleman's hard work, and as a matter of fact the hard work on both sides of the aisle. I think both the chairman and the ranking member worked very hard, and it was a well-intentioned effort.

Unfortunately, I have to take exception to the product that the House passed calling itself airport security.

Mr. Speaker, I strongly support the motion to instruct. I think we all do. We want to move quickly on this matter, and certainly by the end of this week we ought to have it resolved.

As I said, I do not believe the House product is the one that ought to be adopted. We have seen a virtual litany of security breaches over the last months. We would think that after September 11, that the private agencies that my Republican colleagues would like to rely on would have tightened up their ships. That has not been the case.

On October 23 out of New Orleans, a gun was brought on. Last week, at Kennedy Airport, there were massive breaches of security. Then this past weekend at Chicago Airport, a stun gun, seven knives, and a can of mace, through private security.

Mr. Speaker, my colleague interestingly says this redundancy at O'Hare shows that the system worked. Let me pose a question: What if the person who got through the first level of private security had used those weapons, those knives, that stun gun, that mace? We could have had the loss of life. We could have had serious injury. The fact of the matter is, private security has not worked.

If we want good screeners, we have to have good pay. We have to have benefits. It is clear that private companies, looking at the bottom line, will not provide this kind of pay, this kind of benefit, and provide us with the kind of quality screeners that we need.

If airport screening is truly an important job, and it absolutely is, we should have Federal employees out of the Justice Department performing this task.

Members will hear that we ought to adopt the European model. Clearly, the European model is not comparable. In Europe, each country perhaps has two or three airports. In this country, we have ten times that many. We cannot compare ourselves with the European model that in fact has not worked as efficiently as some of my Republican colleagues would suggest.

What we do know is this: eighty-two percent of the American public wants a federalized security force. The Senate voted 100 to nothing for security at a Federal level. We ought to adopt a federalized security system, and we ought to do it quickly.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the gentleman yielding time to me, Mr. Speaker.

Just to respond about the O'Hare incidents, as we look into the O'Hare incident, we find first of all Federal officials failed to detect this individual who was here on an expired visa. We find that Federal officials failed and let go this individual after he committed these violations. Actually, he was arrested when he came back.

We also find that Federal officials failed because Federal officials are the ones that decided on the level of technology, and the level of technology now deployed is flawed. We have even better technology that will detect all kinds of weapons.

Mr. Speaker, as I said in the debate last week, we can have someone with a Ph.D. If we have X-ray technology of the 70s and 80s, we cannot detect. That is part of the problem.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), a member of our committee.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this motion to instruct conferees, Mr. Speaker. Aviation security is national security, and our government has the ultimate responsibility to ensure our national security.

Last week, at the very time when we were debating this bill on the floor, the FAA closed one of the terminals at JFK Airport after screeners were allowing passengers to enter the concourse without being adequately checked.

Yesterday, screeners allowed a man to bring seven knives and other weapons through a security checkpoint at O'Hare International Airport.

This system is broken. Passengers and baggage screeners are the front line of law enforcement in our airports. Law enforcement is a public responsibility. Highway troopers are public employees, not subcontractors of the road building industry. When we call 911, we are calling public law enforcement. Firefighters, police, and emergency personnel are public, not private, employees.

The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

It is time that the House answers the call of our constituents who are demanding airline security and pass legislation as soon as possible.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me just say that the House legislation, and our proposal, calls for Federal takeover of airport security. We admit there are defects in the present system and that no longer will the airlines, under our legislation, handle the issue of airport security.

The House proposal also requires Federal supervision of the screening process and the whole security plan. The Federal background checks are also required under our legislation, Federal testing and Federal oversight.

Let me just read from what the gentleman who I consider an expert, James E. Hall, chairman of the National Transportation Safety Board from 1994 until earlier this year, just said.

He said, "Far too much time has been spent on the issues of screeners. We have got to address everything in the system."

A comprehensive plan is so important. That is what we need to develop. We need to do it in a hurry. That is why I support the motion before us.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of our Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I wanted to get back to this O'Hare situation, Mr. Speaker, that the chairman of the subcommittee were talking about.

The gentleman volunteered at security that he had two knives. They put his bag through the X-ray machine; and they did not find the mace, the stun gun, or the other four knives.

He goes up to the counter or the gate at United. They were warned ahead of time that he bought a one-way ticket with cash, so they do stop him. They do talk to him. They then discover all of these other items.

Now, he also had a checked piece of luggage. No one bothered to go through that checked piece of luggage. It was put through a machine all right, but no one bothered to go through it.

He, because of all the confusion and everything going on regarding him, misses his flight to Omaha. His checked piece of luggage goes on that plane to Omaha.

Now, to me that is a total breakdown in the existing system that we have. We can blame the airlines, we can blame portions of the Federal Government, we can blame the screeners, we can blame everyone; but believe me, this is why we have to pass a new aviation security bill as quickly as possible, to protect the American people from things like this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In somewhat of a response, let us keep in mind that, unfortunately, we keep talking about the past. We all admit, including Secretary Mineta, President Bush, and myself, the chairman of the subcommittee, that the existing system does not work. What we are trying to do is pass the best system that will work.

I said it last week and I will say it this week: if I thought for one moment that the so-called bill from the other body, I am not going to say whatever it was, if I thought it would do a better job than what we have been able to put together, the gentleman from Minnesota (Mr. OBERSTAR) and myself, the gentleman from Florida (Mr. MICA), then I would have been supporting the other bill. It is that simple.

I hope we keep this on a level playing field tonight. In fact, what we are trying to do, and why I support the motion, is we are trying to expedite the process and send a message to the Senate to get off what they had, because in my heart, it will never happen on my watch, 100 percent their bill, because it does not do the job.

I want good security. We have a good product. We will go to conference. If they can improve it for better security, then I will support it. But I am not in this business just to make the talk shows on Sunday. A lot of that has been going on. I think that is not good for either body. Let us get the security that is necessary for the traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds.

I think we have the same goals at heart, but we cannot ignore what is happening. I realize that the chairman says this is in the past. We can only talk about what is in the past. If we talk about what is going to happen in the future, people will say we are just speculating.

But look what happened today. Our colleague, the gentleman from California (Mr. WAXMAN), reported a woman boarding a flight at Dulles Airport was unaware that her boarding pass had been mistakenly issued in a man's name. Her name is Maryann. The boarding pass was issued to Lester, with a different last name.

Maryann showed her photo ID at three checkpoints. No screening company employee noticed the difference between the ID and the boarding pass.

Mr. Speaker, these things keep happening. The idea of a piece of luggage going on an airplane without the passenger on board is a repetition of Pan Am 103. Unacceptable.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, unacceptable is what this bill is; but I rise to support the motion to instruct and am pleased to see that we can get bipartisanship on something on this motion to instruct.

Mr. Speaker, we do need quick resolution of this matter; but we have dug ourselves a hole, because if we look at the way the Congress has voted overwhelmingly, the Congress has voted against the House bill. If we put the Senate together with the House Democrats, how are we going to get some kind of compromise? My hat is off to those who try, but we must do so.

We must do so in no small part because this industry is failing because people will not get in planes. Why should they? People want one system. The reason they want Federal employees is they think they will get one system.

□ 1815

This industry is failing at a time when it was already in trouble and when the latest unemployment figures tell us that the whole Nation is in trouble. We knew the unemployment figures would be bad. They are much worse than we thought they would be.

Getting people into these planes, giving them the confidence to get into these planes is indeed just the kind of stimulus we need. We need it before Thanksgiving. What has happened to the District of Columbia is going to happen to your town as well. When people will not get in planes, then tourism goes down.

Virtually every place, large and small, in the country today is a tourist destination. If my colleagues have a rock in their district then it is a tourist destination, but nobody is coming there.

Our tourism industry is flat, broken down, gone, because of fear of flying. What will it take to get people in the air? What will it take to get them to the pre-September 11 notion that they can fly wherever they want to? We have got to get to the notion that we have a bill that means they are safe. We have got to fix this bill with Federal employees. We have got to let this bill fly, but it must fly right.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind people we did pass this bill with 269, I believe, votes in the House and that is an overwhelming majority. I am very proud of that; and again, I will say and repeat it again and again: just to do something to have a charade conveyed upon the people I will not be part of, just to say we passed something and say it does something when it does not do it. I am not going to rehash what happened last week in the sense that the other body's bill does not do it, and we do a disservice when we sell something to the public that is not really factually doing what we say it does.

Let us go to conference and see if we can solve this problem; but I also urge my colleagues to talk to the other body and suggest that since they have their feet dug in concrete, it is going to be a little difficult. But what we did last week was the right thing to do, was the right thing for the public, and it will be the right thing for the public in the future, not only today but in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for yielding the time, and I think if anyone looks at the proposal that was developed by the other side of the House and by the Republicans, it was almost identical, and most of it dealt with solving the problems that we see; and these problems will continue to reoccur, and we should not panic every day.

I did say that the President put in place a redundant system and the redundant system worked. United Airlines employees in their screening process, final screening process, detected this; but it did point out that the equipment, and I have a complete chronology of what took place at O'Hare, but the equipment, after again this luggage was placed through a second time, did not detect the weapons even at that point. The FAA set the parameters for that equipment, and that is why it is so important that the House legislation puts in place that rules be adopted.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair the time remaining on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota (Mr. OBERSTAR) has 15¼ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 17 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees.

Mr. Speaker, I am appalled. It has been 7 weeks since the tragic events of September 11, and we have yet to make any concrete progress in the House to instill the confidence in our aviation system that American travelers require and deserve.

While we stand here in this Chamber bickering over agency jurisdiction, the need to federalize and funding concerns, our aviation security apparatus continues to be breached at will.

On September 11, 19 hijackers boarded American airliners which led to the murder of thousands of innocent Americans. What has the House done in response to improve aviation security? Absolutely nothing yet.

Seven Dulles Airport employees failed a test initiated by airport security officials, allowing weapons through the heightened security checkpoint. How did we react? We did not do anything.

Just a few days ago, a man clears the security checkpoints at O'Hare Airport with knives, mace and a stun gun; and once again, we have done nothing.

Our unwillingness to move on this issue has put the safety of American people in extreme peril. It is clear the current system does not work.

The bill we passed in the House last week does not call for Federal law enforcement personnel to be entrusted with aviation security. Only the Senate version does.

The House bill simply calls for the oversight of private firms that have already proven themselves incapable of doing the job. It is time to face the facts. The underpaid, undermotivated, undervetted security personnel are not getting the job done.

We found out the hard way that the status quo was totally inadequate. Fool us once, shame on them. Fool us twice, shame on us.

The immediate Federal enforcement of the safety in our skies is required, and the Senate version of this bill accomplishes just that. We have dawdled long enough. Let us go to conference and pass legislation that achieves the goal which we all share: the safety and security of the flying public.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, the picture is clear: our airlines and airports simply lack the capacity and funding to fulfill this vital police function.

We have heard it from all of our colleagues at Louis Armstrong Airport where a man boarded a plane with a gun, learned in midair he had a revolver in his briefcase which sensibly or I guess presumably ran through the security checkpoint. At O'Hare Airport yesterday and certainly at JFK not long ago where the entire concourse was closed, all of this underscores the urgent need for increased security measures.

My colleague, the gentleman from Alaska (Mr. YOUNG), whom I have great respect for, has indicated he cannot in any way sign on to a federalization or what the Senate 100 to zero, all Republicans and all Democrats, supported. He simply cannot support that legislation.

Let me remind all of my colleagues that federalization is nothing more than a word for uniformity here: uniformity in training, standards and equipment. I do not suggest that my colleagues on the other side are driven by anything other than a desire to fix airport security installations, but how asinine and revolting to hear my friends and colleagues in this Chamber suggest that someone on this side, including the 49 Republicans in the Senate, are motivated by nothing more than an effort to increase political revenue and political support.

The generous and legal contributions that we enjoy from unions and my colleagues enjoy from these private companies, none of that should influence the outcome of legislation, and we should separate that from this debate. If we want to fix that problem, let us pass campaign finance, but we are here today to discuss a motion to instruct the conferees.

I have heard some of my colleagues on the other side say, well, private companies are able to protect nuclear reactors, where there is secondary as well as back-up and increased back-up measures to ensure that those private companies have no access to what happens at those nuclear reactors.

I close on this note. For the first time in a long time the Congress is actually viewed favorably by the public. The week after the attacks on September 11, we acted as a body together. We stood on the steps and sang "God Bless America" and came together to support our President here in this Chamber. Let us not revert to the days in which we were viewed so unfavorably by the public. Let us have an airport security bill that protects the public. We have a Capitol Hill Police, a Secret Service, security for cabinet members. All of them are Federal law enforcement officials. The public deserves the same at our airports.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to attribute motives to the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, could I inquire of my distinguished chairman how many speakers are on the other side?

Mr. YOUNG of Alaska. Mr. Speaker, we probably have one closing statement by myself or the gentleman from Florida (Mr. MICA) and that is it.

Mr. OBERSTAR. Mr. Speaker, they are a little sparse on the other side.

Mr. YOUNG of Alaska. Mr. Speaker, no, we know we are on the right side and we are not doing some of the other things that are being done. The gentleman knows what I am talking about.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, the gentleman is on the right-hand side of this Chamber; that is true.

Mr. Speaker, I yield 2 minutes and 20 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I cannot understand why we can be so nonchalant about what happened over the weekend. It should be a red flag.

After having debated an entire day and narrowly passing a bill at great contradiction with what the Senate passed 100 to nothing, deciding to give responsibility for the security of the people who fly in our Nation's airlines to the very same firms that are now responsible for that security. Apparently it was a victory for that industry, a $700 million a year industry. But look what happened over the weekend.

The very firm that has already gotten fined over $1 million because they were not training their people, when the Inspector General of the Department of Transportation went to Dulles Airport, they found 87 percent of the people that had been hired by Argenbright, a British firm, I am sure they want to do the right thing, but they had hired 87 percent not U.S. citizens. It is almost impossible to do adequate background checks. A number of them will be illegal felons, and a number of them had not received any training. And yet we go back and we entrust the security of the people of the United States to these very same firms in the House bill. And then over the weekend we find this guy, this Indiana Jones character with knives, with stun guns, with mace getting on to a plane having gone through the same Argenbright security system, the same system to which the House would entrust the security of the public that wants to use our airlines.

We have more flights going out of the airport at our Nation's capital, but it is not the number of flights. It is the number of passengers on those flights. And there are not a sufficient number of passengers.

Our airlines are going broke because the American public understands what the majority of the House seems unprepared to accept. It is not safe to fly on airlines unless we have professional people.

All we were trying to do is to have professional people, adequately trained, adequately compensated with sufficient background checks. It is the weakest link in our system. It has got to stop. The Senate bill repairs that leak. We should pass the Senate bill. Obviously, we should pass this resolution because we need security at our Nation's airports and we need it now.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sometimes wonder what it is on that side of the aisle that everybody has to yell. That disturbs me. Is there a microphone breakdown somewhere?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No, I will not yield.

Mr. Speaker, I cannot understand it because I can hear them perfectly well, and I think they can hear me.

Maybe sometimes when there is a lot of noise, maybe there is, what I call a cumulation of facts.

Our bill says nothing, nothing about keeping the same contractors. Our bill sets high standards. Our bill requires new standards. Our bill requires federalization. I just do not quite understand why people will not accept that fact. If one truly has read the bill that was proposed last year and some would suggest we accept; and one truly believes that will give you security, then God bless you.

If one looks at what the gentleman from Minnesota (Mr. OBERSTAR) and I have been able to do, and the work product we put together, that will give us good security.

I even got my voice a little high this time. It must be the microphones. That is all I can suggest.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore. Fifteen and a half minutes for the gentleman from Alaska (Mr. YOUNG); 9 minutes for the gentleman from Minnesota (Mr. OBERSTAR). Under the rules, the gentleman from Minnesota has the right to close.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today also in support of the motion to instruct. And, specifically, I would like to voice my strong support for this section that would strike an egregious immigration provision in the Senate version of the bill. In essence, the category that would be created would require that anybody hired as a baggage screener to be a U.S. citizen and then wait 5 years to be able to be approved as one of those screeners.

I think this sets a double standard. We do not currently do that for Members of Congress or Senators. Why should we create a double standard there?

I do not believe that the other Chamber intentionally meant to segregate one class of citizens over the other; and if this immigration provision is included in the aviation security conference report, it would be a terrible precedent; and I view it as unconstitutional.

I would request that we remove that provision and that we vote for this motion to instruct.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

□ 1830

Mr. ALLEN. Mr. Speaker, I rise in support of the motion to instruct. What we have here across the country is a system with private companies hiring people at the lowest possible wages with no benefit. The system is broken. it does not work, and the public knows that.

For example, the turnover in these screening positions is 126 percent a year. That means the average screener is on the job for 9 months. It is not possible to have a well-trained, well-educated work force with that kind of turnover.

At the root of this debate is a deep and profound suspicion of the Federal Government. For 20 years, my friends on the other side have been pounding away at the Federal Government and Federal employees, and now we need those employees. This job needs to be one where we have well-trained, professional Federal employees protecting the public.

I will just end by saying that in Portland, Maine, where I come from, they have not been able to hire enough security screeners to deal with the crush of people because they pay $7.50 an hour and they will not pay a penny more. It needs to change.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferees to convene and complete a conference by this Friday, November 9. I was hopeful that the House would pass the Senate version of the airport security legislation last week so a conference could be avoided and the President could have signed a comprehensive bill by now.

Now that a conference is convening, I am hopeful that conferees will strike the provision requiring that airport security screeners must be a citizen for 5 years before being eligible for employment. We should not have a double standard for U.S. citizens that creates different levels of citizenship.

Mr. Speaker, we do not require people seeking to serve in our military or join the National Guard to be citizens for a certain period of time to be eligible. I might add that the National Guard is serving on the front line of airport security today, posted next to the screeners and heavily armed. Once someone becomes a U.S. citizen, they are a citizen, period.

Mr. Speaker, clearly the latest security breaches highlight the need to make radical and swift changes to our airport screening procedures. I am hopeful the conferees can reach a compromise as soon as possible. The American people are waiting.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we had 9 million passengers prior to September, 5 million afterwards. We have got a real problem and we all recognize it. Yes, this is not the answer that is going to save everything, but it definitely is headed in the right direction.

I was listening to the comments of the chairman about the redundancy in what we are creating. I think the gentleman is creating redundancy. It is the status quo. It submits the same low bids, submits the same private screeners, submits the same low wages, submits the same high turnover rates in terms of the workers.

The bottom line is that right now we have a real serious problem and we need to come to grips with the situation that is before us, and that is that we need well-trained law enforcement people there. We all recognize that if we have to travel, we are doing it, but for the average person and our families we are real concerned under this situation and we need to do the right thing.

The right thing to do is to put good law enforcement people there to make sure we do the right thing. So as we move forward, we need to recognize that and realize that we do have a problem.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Democratic motion to instruct conferees.

Mr. Speaker, the American people will not allow themselves to be bamboozled. I know the airlines are not safe. Every Member of this body knows the airlines are not safe. The American people know that the airlines are not safe. The American people are demanding that the Congress, this body, make our airlines safe again. And allowing private companies to screen and search our bags is totally unacceptable. The American public deserves better than simple excuses.

Airline safety is a national security issue that deserves national security responses. The way to accomplish this is simple: We must federalize our airport security. There must be clear lines of accountability, and this cannot be delegated to the private sector,

Mr. Speaker, Christmas is upon us. America's families want to travel home and they must have safe and secure air travel.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of his motion to instruct conferees. We know how to get a good airline security bill through Congress. We could have had the law by now. It is so straightforward, we can have it this week.

Americans are pragmatic. They know that the current system of low-bid, low-wage contractors does not work. It does not catch knives, it does not catch mace, and it does not catch stun guns. And the American public do not like Members of Congress who are so caught up in their ideology, so sure of themselves, that they will not listen to the other side and they will not listen to the American people.

Americans look at us in wonder. How can we be divided, stalled on this? We pass a $15 billion bailout bill for the airlines, but we cannot get around to simple airline security legislation? We might as well throw away the $15 billion of bailout money if we do not restore the confidence of passengers.

Empty planes, well-paid executives, and well-financed airlines is not the prescription for economic recovery.

Mr. OBERSTAR. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota has 3 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. May I inquire of the gentleman if he has any other speakers, other than himself? I know he has the right to close.

Mr. OBERSTAR. I will have two speakers on our side, and we have 3 minutes left.

Mr. YOUNG of Alaska. Mr. Speaker, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 15½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we all want comprehensive aviation security legislation.

Some of the things that have been said may play well on television or with the media. I hope they are not really meant to make the public feel that it is unsafe to fly.

I have outlined what this administration has done. The President has put in place directives, and this week almost every major passenger aircraft in the country will have the cockpit doors secured. The President has ordered our air marshals to be trained; they are being trained. Other law enforcement personnel are being assigned to our aircraft. Secretary Mineta has announced a zero tolerance policy. That is why we have had the redundancy in place.

Even if we adopted the Senate's plan to employ some 31,000 new Federal employees, it will take 3 to 5 years to train them and get them in place. We need an interim plan.

We all agree that the current system does not work. No one is proposing we keep the current system. We are all proposing that the Federal Government take over that responsibility. So this is not the time to demagogue the issue. This is the time to pass comprehensive legislation.

We heard some of the speakers just a minute ago talk about taking away rights of citizens or not honoring rights of citizens. That was in the Senate bill, not our bill. We heard people talking about the same private screeners continuing. That is not in our bill. Our bill has Federal supervision, Federal management, Federal background checks, and a comprehensive ability to put in place the rules to get the best technology to detect this equipment.

We have waited years and years for the Federal Government to act. We have to have someone with both the responsibility and the authority to get in place emergency regulations dealing with equipment, dealing with screeners, dealing with all of these items, and do this in a businesslike fashion so that we have in place a long-term, comprehensive plan for aviation and transportation security.

We all want the same thing. I support this resolution. I think we should all move forward. We urged the other body to move forward, and I urge my colleagues to urge the other Members to move forward. I think we can do this. We all want to get to the same place. It is important that we have the best possible product in the end. The American people want nothing less, and I think that they expect us to come here and deliver that package.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI)

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

I think the chairman, the gentleman from Alaska (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and myself all have the same goal in mind: We want to produce the best possible security bill for aviation that we can.

I would simply like to go back once again to the O'Hare situation, though, so everyone realizes that the system is broken and the system has to be repaired as quickly as possible. Of the eight screeners who were suspended last Saturday by the FBI, three of them have criminal background records and one of them is a gang member. We cannot continue to allow people like this to handle the screening at our airports.

I am confident that very soon we can resolve this with the cooperation of all the conferees.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 12½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the debate, which is sort of an extension of the debate that happened last week.

I wanted to come down to the floor to congratulate the chairman and the ranking member for bringing this motion to instruct. I support the motion to instruct, but I wanted to explain a little bit about my perspective in this and, hopefully, clear the air.

What people need to understand, and I hope this House would understand, is that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) came to an agreement on a bill. The bill of the gentleman from Minnesota (Mr. OBERSTAR) is basically identical to the bill of the gentleman from Alaska (Mr. YOUNG), except for one part, and that is whether to nationalize the baggage screeners or to federalize them.

From our perspective, we think we ought to federalize them. From the point of view of the gentleman from Minnesota, he thinks they should be nationalized and Federal employees. That is the only real bone of contention on this bill.

The two men, the three men came together, as well as the gentleman from Illinois (Mr. LIPINSKI) too, came together and wrote a very good, strong security bill, which I congratulate everyone for doing. Of course, it got mired in the discussion of whether we ought to have the Senate bill, which is a fatally flawed piece of legislation, or the legislation that was almost worked out by the Committee on Transportation and Infrastructure.

So we get down to this one issue, because the difference between the House bill and the Senate bill is miles apart. It is a huge difference, because the Senate bill did not cover the airports, it only covered airlines and screeners. It did not cover the Tarmac. It did not provide security for the perimeter, the parking lots, the vendors, the caterers, and everything else. They did not do anything about other modes of transportation: bridges, ships, trains and others. The House bill did.

So it comes down to the screeners. Now, some, particularly in the other body, Mr. Speaker, they are comparing screeners to Capitol Hill Police. I have heard people say that the Capitol Hill Police protect us; why can the American people not at least have that kind of protection?

□ 1845

Mr. Speaker, I have to say that is an insult to the Capitol Hill Police. I have worked very closely with the Capitol Hill Police. They are highly trained law enforcement officers that deal with all kinds of issues. They are police that carry guns. In fact, there were two wonderful Capitol Hill officers that died in this building, one of them in my office; so I have the utmost respect for the Capitol Hill Police.

We are not asking highly qualified and highly trained law enforcement officers to stand by a screening machine and watch bags go through. We are saying those people should be highly trained, comply with the standards laid out by the Department of Transportation, comply with the criteria laid out by the Department of Transportation, and they should be certified by the Department of Transportation. And once we do that, we add value to that person. That person has a certification. That person is worth more, and it will attract highly qualified people.

The second issue, most people do not understand that the entire judicial branch contracts out their security. The Supreme Court contracts out their security. Even the DEA, the Drug Enforcement Agency, contracts out their security. So the Federal Government understands for specific cases they might want to use the private industry, and those kinds of individuals that are brought to this issue in the private industry.

My point is what we are trying to do is to design a model, a very good model by the way, according to the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), a model that brings security to all of our modes of transportation, part of that being the airlines and the airports.

What we are asking is to follow a model that has already been tried in Europe and Israel. A nationalized model is the model that they tried back in the 1970s and 1980s, and it was a disaster.

This model brings the flexibility of private industry under the accountability of the Federal Government. We will have badged law enforcement Department of Transportation people at each station where bags are being screened. We will have baggage screeners that are well trained and certified sitting there screening the baggage.

Mr. Speaker, my point is and what this argument is over is whether we nationalize these employees or federalize them. Nationalize them means, as an example, we want to nationalize all of the pilots that fly these planes. Right now we have a federalized system. The Department of Transportation through the FAA licenses these pilots; yet these pilots work for a private company. The same with flight attendants and mechanics. It works quite well. In fact, I would submit that it would be horrible if we nationalized the airlines and nationalized flight attendants and mechanics. The point here is that we have tried a nationalized system, as examples in Europe show us, and it does not work.

To bring the best security that we know how, we have designed in the House bill that is going to conference a system that actually brings security to the flying public and now people on the ground, a system that the President of the United States understands and supports and will bring us the security that the American people deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to suggest that we go to conference. We should be talking about this motion. It is a good motion. It will expedite the process.

I would also like to suggest that the product we put together covers more than just airport security. The other body's bill is just airport security. We have ports, we have railroads, we have bridges, and we have pipelines. We have all forms of transportation that we have to make sure are secure.

I believe very strongly that the product that we voted on last week, 269 votes in favor of, does that job. Our job is to go to conference and see whether we can meld with what the other body wishes to do together into a comprehensive bill. I urge my colleagues to consider that. This is about working together and being able to compromise and understanding that we are all seeking the same thing, and that is a secure way of all forms of travel in the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I share the objective of the distinguished chairman to get to an early resolution. I do have to cite some misconceptions about the number of screeners that would be required in the proposal that I offer on behalf of the Members on our side and the committee.

The number of 30,000-some people is just way beyond any imaginable number. The Congressional Budget Office number of 16,200 screeners is followed by a recitation of a whole series of supervisory personnel that totals 7,000 supervisors for 16,000 screeners. Maybe that is what they need in the private sector, but it is certainly not what we need in the public sector. That is simply not necessary. The distinguishing feature of the private sector approach is the profit that those companies have to make on each of those 23,000 or 31,000, whatever the number is. It kept getting inflated last week.

Furthermore, this so-called good system, in the private screeners, there are 1,700 civil penalties assessed against the airlines and their screening companies over the last 5 years for a total of $8 million in fines. The system failed. What failed miserably was not the system in Europe of government oversight. They simply shifted to smaller numbers of screeners with more vigorous and heavy, intensive government oversight and involvement and background screening and passenger profiling and positive passenger bag match to a more intensive screening system with fewer numbers of people.

Mr. Speaker, we need to move quickly to a resolution of the differences between the House and the Senate bills.

The other body should yield on their insistence on the Justice Department, and move to our position of putting this position in the Department of Transportation; and we ought to reach compromises and yield on the screener workforce issues.

Mr. UDALL of Colorado. Mr. Speaker, I wish that we did not have to adopt this motion—but I strongly support it.

We should not have to have a conference on this legislation. Instead, the House should have approved the bill that was unanimously approved by the Senate—the bill I voted for last week—and sent to the President for signing into law. Unfortunately, that bill was rejected by a narrow margin.

This motion instructs the conferees to resolve their differences with the Senate version of this legislation and return a bill for the House's consideration by this Friday, November 9th.

In other words, it reminds the House conferees that with the normally busy holiday travel season just around the corner, it is urgent that Congress act to improve the safety of airline passengers and the health of our air transportation system.

No such reminder should be needed. But it has been nearly a week since the House Republican leadership defeated the Senate bill, thereby preventing improved aviation safety procedure from being immediately launched. And, as we saw with yesterday's security failure at Chicago O'Hare Airport, we can't afford to wait another week.

Aviation security is a matter of national security and public safety. It is part of the front line of our national defense and Congress should put in place an effective, federally managed system. I believe that baggage screeners should be part of a professional, highly skilled, highly trained law enforcement workforce and serve as the front line of our nation's defense. We would never consider contracting out the war in Afghanistan, and we shouldn't contract out airline security.

As I said last week, we need to put people before politics and action before acrimony. We need a strong aviation security bill—and we need it without more delay.

The conference committee must quickly produce a bill that improves the House bill and that holds contractors accountable for the aviation security system. The safety of airline passengers and of our air transportation system depends on it.

Mr. TIERNEY. Mr. Speaker, yesterday United Airlines and Argenbright Security were embarrassed to admit that they cleared a man through Chicago O'Hare Airport with seven knives and a stun gun. After enormous public outcry and international media exposure, they vowed to immediately take corrective action.

Yet only a couple of hours ago, they failed again.

A woman named Marianne went to Dulles Airport this afternoon to board a United Airlines flight to San Francisco. Marianne checked in at the United ticket counter, showed her ID, and cashed in miles from her account for an upgrade. United issued the upgrade, checked her luggage and issued Marianne a boarding pass.

From the United ticket counter Marianne proceeded to the Argenbright security checkpoint. She presented her ID and her boarding pass for inspection. Argenbright checked her through security.

Marianne arrived at the United gate. Again she was asked to show her ID and her boarding pass. Again she was cleared through security.

Marianne boarded the plane and sat in her seat.

A few minutes later, a man boarded the plane and said, "you are sitting in my seat." Turns out, United had issued them both the same boarding pass—2 passes with the same name—HIS name—Lester.

United took Marianne off the plane, and told her that United had no record of her name in the system despite the fact that she had used miles from her account to get the upgrade; that there were 2 boarding passes issued to Lester and no seat listing for Marianne. Moreover, Marianne's luggage was checked in Lester's name and still headed to San Francisco.

United booked Marianne on a later flight to San Francisco. When her 3:30 flight lands in a few minutes from now, she will not only suffer the inconvenience of being several hours late through no fault of her own, but Marianne will have to go searching for her luggage under Lester's name. And who knows what will happen to her miles?

If the people in San Francisco pay as little attention as those at Dulles, that won't be a problem. But if they actually look at the name on her ID and the name on her baggage tags; if they actually deduce that Marianne, a female, is not Lester, a male, then she will have a lot of explaining to do.

The truth is, it's United and Argenbright who have a lot of explaining to do. It's the Republican majority, who voted last week to continue the status quo of contracting out airport security checkpoint work to the lowest bidder, who have some explaining to do.

Ms. MILLENDER-McDONALD. Mr. Speaker, today we have yet another chance to address aviation security exactly eight weeks after the tragic events of September 11th. It is the federal government's job to protect our country during times of war and from threats to our national security.

I want to urge my colleagues to support the motion to instruct conferees. This motion simple asks the conferees to resolve the differences between the Senate and House aviation security bills. This will finally enable Congress to produce an aviation security bill necessary to reassuring the traveling public that it is safe to use our aviation system.

This motion is particular prudent in light of the continuing failures at our nation's airports. The bill that the House adopted last week accepted more of the status quo. What does status quo equal, it equals more incidents like that at Chicago O'Hare on Sunday. Where once again the private contractor, Argenbright, charged with the security at the gate failed.

This is the same company that was fined a million dollars and placed on 36 months probation for failing to conduct required background checks and for hiring convicted felons and improperly training workers which provide security at U.S. airports. This is the same private contractor that the House version of the security bill will entrust with the security of your wife or husband, your son or daughter, your brother or sister, your best friend. Enough is enough let us fix aviation security the right way, support the motion to instruct conferees.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Suspend the rules and concur in the Senate amendments to H.R. 768, by the yeas and nays;

Suspend the rules and pass H.R. 1408, by the yeas and nays; and

Agree to the motion to instruct on Senate 1447, by the yeas and nays.

Votes on motions to suspend the rules on H.R. 2998, H.R. 582 and House Concurrent Resolution 262 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NEED-BASED EDUCATIONAL AID ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 768.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 426]

YEAS—400

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Bonior
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Napolitano
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney

□ 1914

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings and on the motion to instruct conferees, if ordered.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 4, not voting 36, as follows:

[Roll No. 427]

YEAS—392

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan

Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Davis, Jo Ann
Flake
Paul
Smith (TX)

NOT VOTING—36

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Largent
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Maloney (NY)
McCollum
McKinney
McNulty
Meeks (NY)
Menendez
Nadler
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney
Watkins (OK)
Weiner

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE DEATH OF THE HONORABLE EDWARD P. BOLAND

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Mr. Speaker, I have the sad responsibility this evening of reporting to this Chamber that a very distinguished former Member of this institution, Edward P. Boland, died on Sunday evening.

Ed Boland served in this House for 36 years with distinction as a member of the Committee on Appropriations and as a chairman of the House Permanent Select Committee on Intelligence. He served in an institution that he revered. He represented the people of western and central Massachusetts with distinction. He was a patriot of the highest order and an individual who loved the notion that politics had meaning in American life.

In addition to that, for all of us that are gathered here tonight, just two quick lessons that have stuck in my mind for a long period of time as one who even served as an intern for him many years ago.

Mr. Speaker, in 36 years, Eddie Boland had one fund-raiser, and he was mad that he had to go to it. In 36 years, Mr. Speaker, Eddie Boland had one press conference when he announced that he was retiring. He would not issue a press release, and when members of the national press over the Boland amendment attempted to secure his favor, he simply said he would report to the hometown paper and to the people back home what he was doing, and that was about the size of it.

This institution mourns his passing. He was a great confidant of Tip O'Neill and of President Kennedy, as well as the Kennedy family, and this institution could not have had an individual who carried its reputation in better form.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY), the dean of the Massachusetts delegation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Springfield, Mr. Boland's successor in Congress.

Eddie was elected as a State Representative in 1932 when Franklin Delano Roosevelt was elected President, and left in 1988 as George Bush was about to be elected President. He carried the same values throughout all of those years, and he came to be known, for all of those who are still here who served with him, as a legislative giant.

He lived with Tip O'Neill for 24 years as roommates in an apartment here in Washington, for the first 24 years of his career, before Tip brought Millie down when he was elected Speaker; and they said for those 24 years, the only thing that was ever in the refrigerator were cigars and orange juice.

In a lot of ways, with his passing, for Massachusetts politics, passes an era as well, that Tip O'Neill and John McCormick and Eddie Boland span the years in representing.

Mr. NEAL of Massachusetts. Mr. Speaker, 50 years without having lost an election, a terrific wife in Mary and four wonderful children, this institution tonight mourns his passing.

APPOINTMENT OF CONFEREES ON S. 1447, AVIATION SECURITY ACT

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBERSTAR

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the motion to instruct conferees on the Senate bill, S. 1447, offered by the gentleman from Minnesota (Mr. OBERSTAR).

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 397, noes 0, not voting 35, as follows:

[Roll No. 428]

AYES—397

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof

Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Fossella
Frank
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Obey
Pallone
Pascrell
Payne
Riley
Rothman
Serrano
Sessions
Shays
Strickland
Sweeney
Tiahrt
Weller

□ 1934

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, PETRI, DUNCAN, MICA, EHLERS, OBERSTAR, LIPINSKI and DEFAZIO.

There was no objection.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I am unable to be present for legislative business scheduled for today, Tuesday, November 6th. Had I been present, I would have voted "aye" on the following motions on which a recorded vote was ordered: (1) Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act; (2) Rollcall No. 427, H.R. 1408, the Financial Services Antifraud Network Act; and (3) Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Airline Security Act.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 427, H.R. 1408, The Financial Services Antifraud Network Act. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Aviation Security Act. Had I been present I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3167, GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–271) on the resolution (H. Res. 277) providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK IS THE WRONG ISSUE AT THE WRONG TIME FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. BROWN) for arranging a discussion this evening of the fast track issue that is pending now before this body.

For several months now, lawmakers and corporate executives have been pushing to grant President Bush fast track authority, which is basically the authority to negotiate trade deals and not have the Congress to any extent really participate in the decision-making process, taking away Article I, Section 8 of our constitutional responsibilities. This push has not been slowed by the attacks of September 11, and what we have seen is unemployment soaring, layoffs are multiplying, workers are hurting, and still, week in and week out, we hear that fast track is coming to the floor.

Well, Mr. Speaker, right now this Nation needs to remain unified. We need to act with a common purpose. Fast track will only divide us. It is one of the most divisive issues that this Congress faces on a regular basis. It is a controversial issue at a time when we least can afford to be controversial.

I have heard the arguments that fast track will stimulate our economy. Nothing, nothing could be further from the truth. The fast track bill at issue now is designed to speed complex trade agreements through Congress without a real debate in our country or a real debate and scrutiny in this institution. No one in this House could offer an amendment to improve the deal that is negotiated. And, making matters worse, this fast track bill includes no guarantees or provisions to ensure that the rights or jobs of American workers are protected.

The reality is that fast track accelerates an already flawed trade policy through Congress. Once these deals are enacted, companies have greater leeway, even incentive, to relocate overseas, taking advantage of weak or nonexistent labor and environmental standards. That can only be demonstrated vividly by what we did in NAFTA and what happens when these jobs in our country go to Mexico. They export their products back to our market is what happens.

The upshot for our workers? Lost jobs, lower wages, and not only do we lose these great-paying jobs here in this country, and by the way, over the last 14 months, we have lost 1.2 million manufacturing jobs in this country. Hello. If anybody is listening, we are losing at an accelerated pace our whole manufacturing base in America. Not only do we lose those great-paying jobs, but once we lose those jobs, we cripple whole communities. We take away their tax base. They do not have the resources for fire and police and education and health care and all of the other pieces that make our communities work.

A recent report underscores these points. Economic data show that NAFTA passed on a fast track, and WTO, World Trade Organization, policies have taken a devastating toll on American industry. We have lost 3 million jobs in this country as a result of these unfair trade deals. Many of those workers were in well-paying manufacturing sectors.

In my own State of Michigan we have lost over 150 jobs. They have simply evaporated.

So when fast track proponents argue that this fast track authority will boost the economy, we need to be clear. If we pass fast track, the only thing we will boost is the unemployment rate, and it is already going up too fast. Fast track is a divisive issue being pushed on American workers at a time when they can least afford it. While unemployment soars and more layoffs are in sight, we cannot put even more jobs in jeopardy and undermine an already weak economy.

There are many ways that we can work together to help American workers and get our economy moving again. Fast track simply is not one of them. This is not the time to pull the rug out from underneath American workers just as they are struggling to get back on their feet.

If we want to do something to help them, let us do a decent unemployment compensation benefit. Only 40 percent of the people who are laid off in our country get any unemployment compensation, and in many States like my State of Michigan, the payout has been frozen for 6 or 7 years. It is pathetically low. People cannot make their mortgage payment. They cannot make their insurance premium. They cannot make their health care premium on what they are given through unemployment if they are lucky to be part of the 40 percent that gets something at all. Let us do something on unemployment compensation.

Let us do something on health care, making sure that they get a benefit that will take care of their premium so that they can have health care for themselves and their families. Let us do something about retraining to make the transition.

Mr. Speaker, fast track is the wrong issue at the wrong time for the American people, and I hope my colleagues will see to it, it never reaches this floor.

□ 1945

CELEBRATING THE LIFE OF JOHN B. HYATT FROM COLUMBIA, MISSOURI

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise to celebrate and acknowledge the life and memory of John B. Hyatt, a constituent and friend, a longtime Columbia, Missouri, businessman, a devoted husband and father, an avid golfer, a passionate Missouri Tiger fan, a community activist.

John Hyatt was born in the small Missouri town of Fayette in 1924. He served our country, enlisting in the Navy at the age of 19. He was stationed in the Pacific during World War II and was honorably discharged in 1946.

Upon his return home, John attended Central Missouri State University and excelled in basketball. In fact, Mr. Speaker, after graduation, he began his professional career as a high school coach.

In order to supplement his modest coach's salary, John began selling life insurance. It became apparent that his prowess as a coach was only surpassed by his innate abilities as a salesman. He concluded a successful 40-year career with State Farm Insurance in 1994.

John's greatest sale, however, was reserved for his personal life. It was in 1953 that he convinced his best friend's sister, Mary, to become his life's partner. Together they had two children, Vicky and Bill.

On Wednesday, November 7, the Boone County Citizens for Good Government will pay tribute to John Hyatt posthumously with the Guardian of Good Government award. There can be, I think, no greater tribute. He was to me a good friend, a confidante, a sage political adviser, but not just in words, but in deeds.

The 17th century philosopher Francis Bacon said this: He that gives good advice builds with one hand; he that gives good counsel and example builds with both. That describes the essence of my friend, John Hyatt.

It was, in fact, John Hyatt who cofounded the Boone County Citizens for Good Government in the 1980s. In those early days, the group, under his watch, took a bold stand on some controversial issues and had a few setbacks. John remained undeterred. He was unafraid to challenge the status quo. Good government, John explained to me simply, deserves nothing less. John took those political lessons to heart, and the Boone County Citizens for Good Government resurfaced with a renewed commitment to candidates and community causes.

He was then and remained fiercely independent. John believed strongly in the two-party system, and supported individuals in either party. It was our principles that John looked for, our integrity, our character. So to have John Hyatt in one's corner for an upcoming election was a strong ally for any candidate.

John kept politics in perspective, however. It was, after all, family and friends that made life's journey worthwhile. He was an eternal optimist.

Mr. Speaker, I am quite confident John never read the works of A.A. Willitts, yet the words of the author are descriptive of the man being honored by this tribute: "Get into the habit of looking for the silver lining of the cloud, and when you have found it, continue to look at it, rather than at the leaden gray in the middle. . . . There is no path but will be easier traveled, no load but will be lighter, no shadow on heart or brain but will lift sooner for a person of determined cheerfulness."

Mr. Speaker, that is the legacy of John Hyatt. For those of us blessed to have known him, our lives have been enriched beyond measure. The less fortunate among us have been comforted by his generosity. Our community and its leaders have become better guardians of the public trust through his quiet challenges.

Mr. Speaker, I add my name to those who gather and salute the memory of John Hyatt as a guardian of good government.

FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in recent weeks U.S. Trade Rep Bob Zoellick has attempted to link fast track legislation to antiterrorism efforts. Some say he has questioned the patriotism of those of us who opposed fast track by pointing out that we are indifferent to terrorism, saying we do not share American values if we do not support fast track, because that is the way, he says, to combat terrorism around the world.

Fast track does not embody, Mr. Speaker, those American values that our U.S. trade rep has indicated. Fast track so often means weaker environmental standards. It means dealing with countries without free elections. It means dealing with wealthy families who usurp worker rights, oppress people in developing countries, and ultimately take American jobs.

Supporters of fast track argue that the U.S. is being left behind. They tell us we need fast track to increase American exports and to increase new jobs for American workers. But our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to a record $369 billion. The 2000 trade deficit is 39 percent higher than the previous record set in 1999.

The Department of Labor has reported that the North American Free Trade Agreement alone has been responsible for the loss of 300,000 jobs in this country. While our trade agreements go to great lengths to protect investors and protect property rights, these agreements rarely include enforceable provisions to protect workers or to protect the environment.

CEOs of multinational corporations tell Members of Congress that globalization stimulates development and allows nations to improve their labor and environmental records. They say interaction with the developing world spreads democracy.

The facts speak differently. Democratic nations such as India are losing out to more totalitarian nations, such as China. Democratic nations such as Taiwan are losing out to authoritarian regimes, such as Indonesia.

In 1989, 57 percent of developing country exports and manufacturing came from developing democracies; 10 years later, only 35 percent of developing country exports and manufacturing came from developing democracies. It is clear that corporations are relocating their manufacturing bases to more totalitarian regimes, where even the most minimal labor and environmental standards are often ignored.

The fact is, Western business investors want to go to China, they want to go to Indonesia; they want to go to countries which are dictatorships, which have docile work forces, authoritarian governments and they are very predictable for Western investors.

They do not go to India, they do not go to Taiwan, not to South Korea; they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because good wages are paid, and because we have free elections.

Western corporations instead want to invest in countries that have weak environmental standards, unenforced labor law, below-poverty wages, and where workers have no opportunities to bargain collectively.

Flawed trade policies cost American jobs, put downward pressure on U.S. wages and working conditions, and erode the ability of local, State, and Federal governments to protect public health and to protect the environment.

If we fail to include important labor and environmental provisions in future trade agreements, multinational corporations will continue to dismiss labor and protection of the environment as discretionary and wholly unnecessary expenses. Global working conditions will continue to suffer.

We need in this body to press for provisions that promote workers' rights in all countries and promote economic advancement in all countries. The U.S. must continue to be a leader in setting standards for worker rights, for fair wages, for worker safety, and for environmental protection.

In the last year, in this country, we have lost, since President Bush took office, 1 million industrial jobs. We have experienced economic slowdown, and we have experienced a drop in the stock market that we have not seen in a decade. Fast track will not solve that problem; fast track will make that problem worse.

Our Nation cannot afford to sell its principles to the highest bidder. The global race to the bottom must be stopped and turned around.

In 1998, fast track was defeated in this Congress 243 to 180. Fast track should be defeated again in Congress this year.

WITH FALL HARVEST COMES FALLING PRICES IN FARM COUNTRY AND FALLING HOPES FOR OUR NATION'S FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, local commodity prices are becoming an everyday story for Kansas farmers and ranchers. Last week was no exception, with headlines like "October Farm Prices Show an Abrupt Drop" and "Farm-Price Index Suffers the Biggest Drop on Record."

Last Wednesday, data showed that farmers' prices were reduced the largest amount in 1 month, 9.5 percent. The decline between September and October is the sharpest month-to-month price drop in 91 years, since USDA began recording farm prices in 1910.

The corn price, $1.79 for October, was down 12 cents from September. Twelve cents may not sound like much, but for the State of Kansas, that is a loss of $50 million to the State's economy. Soybean prices plunged 43 cents to $4.10 cents a bushel, 35 cents below the price just 1 year ago. For the average Kansas farmer who plants about 150 acres of soybeans, that is a 1-month loss of about $1,500 on his or her fall harvest.

Farmers know that grain prices always drop around harvest time, but even the Department of Agriculture admitted last week that "the breadth of this downturn is unanticipated."

Grain producers were not the only ones affected. The index of meat prices fell 4.2 percent, hog prices at $41 per hundredweight declined $4.10, and cattle prices fell to $67.50, down $1.50.

The news of this dramatic price drop is bad not only for agricultural producers, but for all of us who depend upon American agriculture for the security of our food supply. However, to farmers whose grain incomes have grown steadily smaller, it is no surprise, nor is it a surprise when the price continues to drop.

More headlines just from yesterday tell that story: "Wheat Export Commitments Second Lowest on Record." "Corn Sales Lagging." Our farmers want to be able to continue feeding our Nation and others around the globe with the safest, most abundant food supply in the world, but with record low prices and trade barriers hindering the export market, times are tough in agriculture country.

My farmers tell me that they want to get their income from the market to raise prices through increased exports to willing consumers in nations around the globe, yet political barriers distort international trade. And so our farmers need short-term assistance just to continue farming and to pass the family farm to their sons and daughters.

The House has acted to assist farmers by passing the Farm Security Act last month. Now it is up to the U.S. Senate to realize the need for legislation.

Last Thursday, the Secretary of Agriculture stated that she was pleased by the newly developed Senate plans to proceed with a farm bill this session. That statement was followed by the President's announcement Friday of his appointment of a new special assistant for ag trade and food assistance.

The President said that he is not opposed to signing a farm bill into law this year, and the addition to the administration's agriculture team is a positive step to further coordinate farm bill efforts between Congress and the White House.

I am encouraged to once again hear the administration's commitment to farm policy, and I am glad to see the Senate Committee on Agriculture responding by beginning to mark up their version of a farm bill.

I look forward to working together on farmers' priorities: caring for the environment, a farm income safety net, and greater trading opportunities.

With the tragic events of September 11, the battle against terrorism is continuing. Our Nation has many vital defense priorities right now both at home and abroad. However, food security is one of the most important elements of homeland security, and we must not overlook our Nation's farmers before this session ends.

Farmers are counting on us to deliver the promise of a farm bill, and with all that they do every day to provide us with food, clothing, and shelter, we must not let them down.

EXPRESSING REGARD AND SYMPATHY TO UKRAINE AT 68TH ANNIVERSARY REMEMBRANCE OF GREAT FAMINE OF 1932 AND 1933

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today I rise for the record to express my deepest regard and sympathies to the new Nation of Ukraine at its 68th anniversary remembrance of the tragic great famine of 1932 and 1933.

Ukraine, always known as the breadbasket of Europe, lost nearly a quarter of its population as the Stalinist-led government, headquartered in Moscow then, forcibly exported Ukraine's wheat and spent the money earned on industrialization.

□ 2000

Only God knows the true count of the millions of Ukrainian peasants and village dwellers who were systematically starved to death as collectivization of the countryside made independent farming impossible.

Inside the borders of the Soviet Union, over 50 million people ultimately perished through the end of the Second World War, beginning with upwards of 8 million innocent people who died during forced famine of the early 1930s. The totalitarian regime of Joseph Stalin understood the power of food as the most fundamental weapon and used it cruelly.

For several centuries, Ukraine then fought for its freedom. When forced to join the U.S.S.R. in the 20th century, Ukrainians resisted with valor. The forests of Western Ukraine are filled with the bones of their sacrifice. Every family suffered permanent losses. Yet no threats or punishments could deter Ukraine from its constant attempts to leave the Soviet Union and restore its independence.

Fearing for the integrity of its empire, the Soviet regime then decided to simply eliminate Ukrainian culture by destroying the intellectual and military elite that pursued ideals of freedom and liberty. The regime falsified history and finally starved millions upon millions into submission.

Genocide of this magnitude is unparalleled in human history. It is almost impossible to comprehend a political system that would contemplate and plan the deaths of millions of its citizens. These deaths of men, women, children and elderly were executed in the most tortuous ways imaginable. Young men were forcibly inducted into the military, taken from their farms and villages. Families that did not cooperate were shot. The remaining millions were starved to death. Women and children scratched in the frozen earth to find even an onion to make soup in the winter. Mothers died to give their last shreds of food to their children.

History shows even in the face of such brutality, Ukrainians did not retreat. They continued to fight for freedom. Deep in their souls their spirits remained unbent and steadfast.

When Ukrainian independence finally was declared in 1991, Ukrainian patriots did not rest. They refused to forget their roots and live like tumbleweeds. Life without a homeland for them was life not worth living. Finally, they prevailed; but the memory of the earlier horrors remained always and drives them in their sense of duty.

Many of my own ancestors died miserably inside what is now Ukraine during the 1930s. Our family well knows that this horror occurred.

We, history, must never forget that such profound events happened. We must remember. We must prevent such evil from happening again. We must also recognize that such hatred can be perpetrated only when freedom does not reign in a land. Therefore, we must maintain our dedication to freedom and representative government.

We must resist anyone who attempts to take it from us. We must help those in the world who have gained their democratic freedoms to keep them alive and nurture them into maturity. We must not rest until such seemingly simple gifts as a right to life and the right to pursue happiness are guaranteed for every person in the world.

Democratic freedoms must prevail more now than ever. Recent events make us more aware of precious endowments of our known Nationhood. Now we have an additional reason to continue our work for democratization and defense of human rights. The memory of those who died defenselessly in this struggle so long ago deserve to be honored.

For several centuries, Ukraine has fought for its freedom. When forced to join the U.S.S.R., Ukrainians resisted with valor. In furtherance of this remembrance, I would strongly encourage the United States Commission for the Preservation of America's Heritage Abroad, and the U.S.-Ukraine Joint Cultural Heritage Commission, each funded annually by the Congress of the United States on behalf of the people of the United States, to accurately reflect the great famine in their historical documentations, including cemeteries, massacre sites and other hallowed grounds in Ukraine. Those commemorations should also give proper tribute and restore the lost heritage resulting from the mass immigration of writers and scholars to the West.

In closing, Madam Speaker, we will mourn the lives of these innocent people lost to history on November 17, 2001, when a commemorative service will be held in St. Patrick's Cathedral in New York City. Let us never forget them. Let us work ever harder to build a world free of terror for our children.

COMMEMORATION OF THE 68TH ANNIVERSARY OF THE UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, I rise today to honor the memory of millions of innocent Ukrainians who were systematically starved to death by the Soviet Government in 1932 and 1933.

A comprehensive campaign to kill Ukrainian citizens and to destroy all vestiges of Ukrainian nationalism was carried out by Joseph Stalin, the dictator of the Soviet Union; and his policies of forced collectivization of both agriculture and industry was part of the problem. Although almost a quarter of the Ukrainian population died in those 2 years, 1932 and 1933, their tragedy remained unknown to the rest of the world for almost 60 years.

Joseph Stalin's collectivization policy to finance Soviet industrialization had a disastrous effect on agricultural productivity. In fact, between the First World War and the Second World War productivity in agriculture doubled, but not with the industrialization and the collectivization. The Northern Caucasus and the Lower Volga River area were part of that famine that occurred.

Without regard for the negative consequences of this policy, Stalin raised Ukraine's grain quotas by 44 percent. Because Soviet law required that the government's grain quota be filled before no other food distribution, peasants were effectively starved to death. Stalin enforced this law absolutely mercilessly. Those who refused to give up their grain were executed or deported. The death toll from the famine is estimated to be 6 to 7 million people. That is quite a bit when Stalin, the dictator, had killed about 25 million in his own country.

Yet, despite this atrocity, Ukrainians still struggled to restore their independence and freedom. There is no doubt that when Ukraine declared its independence on August 24, 1991, it vindicated the deaths of so many Ukrainians during the famine.

Madam Speaker, during the difficult time in our own country, it is important to recognize the courage of other peoples and other generations in the long struggle for freedom. It is equally important that we build on this example by teaching compassion to our young people and reinforcing our resolve to prevail over evil.

We must never forget that many innocent lives have been taken to undermine our commitment to the ideals of freedom and democracy. With this commemoration, we honor the memory of Ukrainians whose lives were lost in the struggle to gain independence; and we renew our commitment to justice for all.

In this week, Ukrainian Prime Minister Viktor Yushchenko will be here, and I hope many Members in the House would have an opportunity to meet the new Prime Minister and its former promarket reform. We hope that never again on Russia at all or Ukraine should such brutal murders and such wrong groups take place.

DEATH WITH DIGNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, we know that Attorney General Ashcroft is very busy. His Department is attempting to track down the perpetrators of the anthrax attacks on our citizenry. And there are more than 1,000 Federal detainees who need to be interrogated and investigated for possible links to terrorism. There are other possible terrorist cells he tells us that are at work in the United States to be exposed and uprooted. He has recently warned us of other potential impending attacks.

He is a very, very busy gentleman, obviously. But unfortunately not busy enough to keep him from making mischief. Today he took a day off from the war against terrorism in a detour to launch his own attack on the people of the State of Oregon.

Oregon twice passed a law to provide death with dignity, assisted suicide. We built in extraordinary protections. People had to have a terminal diagnosis within 6 months. It had to be confirmed by more than one physician. They had to undergo psychological evaluation. No one could administer the prescription to them, but a physician could provide it if they so chose.

He sees this as an assault on the American people and feels that it takes priority, I guess, even in these busy times for him, to undo. And unfortunately, the mischief of the work he is doing here goes far beyond the State of Oregon. Because what he is doing will chill the aggressive management of pain for people with terminal illnesses across the United States.

This is an area in which we have made a little bit of progress in the last quarter of a century. It is no longer considered that someone has to die in extraordinary pain. More and more physicians will treat that aggressively, even at the risk of potentially shortening someone's life by a tiny bit just to make them more comfortable.

But because of this decision and this action by Attorney General Ashcroft, that is not going to happen anymore. Because physicians across America and most assuredly in Oregon are going to have to worry that the Drug Enforcement Administration using the Controlled Substances Act, people totally unqualified in the practice of medicine, are going to be looking over their shoulder and wanting to know what was their intent in writing that prescription.

Now, Mr. Ashcroft rather innocently says in his memorandum here that they will just probably prosecute people by looking for the required paperwork in the State of Oregon, but he does not limit the lengthy opinion here to that extent. There is lots more mischief to be done by this zealotry.

Thirty people last year in Oregon, 30 people chose to use the Death With Dignity Act by their own hand, humanely ending their lives just a bit early to avoid horrible suffering. Now, what is wrong with that? What is so dangerous about that that the Attorney General has to take a full day off from the war on terrorism and divert some of his staff from the war on terrorism to an attack on the initiative of the State of Oregon, of the people of Oregon, and the idea of death with dignity?

This is extraordinary to me. And doing it by manipulating the Controlled Substances Act and injecting the Drug Enforcement Administration into these extraordinarily sensitive end-of-life decisions which should involve an individual, their loved ones, their minister, pastor, priest, rabbi, a counselor, psychologist, friends. But why does the Drug Enforcement Administration have to be in that room? Why should they be involved and intervene in this sort of decision? They have no qualifications. They have no right. They have no place. Leave the people of Oregon alone.

In fact, I would suggest that perhaps Attorney General Ashcroft would want to focus his efforts on defending the people of Oregon and the people of the United States against all unwarranted attacks and also protect our civil liberties and our states right at the same time, which he is certainly not doing with this decision.

GREATER AIRLINE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, we must pass as soon as possible an aviation security bill. It has been over 6 weeks since we passed the bail-out bill for the airline industry. I said at the time that I could not vote for that bill, not because it was a bad bill, but because it did not do anything to protect laid-off workers in the aviation community. And it did nothing to upgrade security in this country.

Today we still have that problem. People are still not willing to get back into planes to any great degree.

□ 2015

Just this past Saturday at O'Hare, we had another incident that shows that we have to change security in this country. An individual carrying a stun gun, a can of Mace, and several knives in his carry-on luggage bag passed through screening at the airport without anyone stopping him whatsoever. That was after he had actually shown them two knives that he was carrying on the plane. This did not alert them whatsoever. They let him proceed right through that security point.

He was stopped at the gate. He was stopped by a United Airlines employee who had been informed by some other United employees that he had purchased a one-way ticket with cash. That United person at the gate stopped him, went through his bag, did find the Mace, did find the stun gun, did find the other knives. He was taken into custody by the Chicago Police Department. He was turned over to the FBI. He was then released by the FBI. By that time, though, he missed his flight to Omaha, a flight that he had put checked luggage on that wound up going to Omaha. After all of this, no one thought to remove his bag from the plane that went to Omaha.

This shows that we have to get rid of the status quo. We have to start with something brand new as far as aviation security. That is why we have to pass a bill as quickly as we possibly can. Thanksgiving is the greatest travel day we have in this Nation. We must have a new security bill in place before that so the American flying public will feel secure.

There were eight screeners that the FBI said were fired at O'Hare Airport because of this incident. Argenbright, the security company, simply said that they were suspended. Of those eight individuals, three of them have criminal records. One of them is a known member of a gang. That is why we must change the status quo in aviation security as quickly as possible.

Since September 11, the aviation industry has contracted to a very, very significant degree. At Newark, Reagan National, and Houston, flights are down by 35 percent; at Kennedy, 34 percent; Seattle, Boston, LaGuardia, Portland, and San Francisco, they are all down by over 25 percent. The Nation's top 31 airports are all down a minimum of 18 percent. Since September 11, United Airlines and American Airlines have cut 22 percent of their flights; Northwest, 15 percent; U.S. Airways, 25 percent; Delta, 15 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

We are never going to get this economy going until we pass an upgraded aviation security bill, and we must pass that as quickly as possible. The House has named their conferees, the House has made a motion to instruct those conferees to go to conference, and we are waiting for the Senate. The Senate must move as quickly as possible and join the House in conference so we can work out a bill to protect all the American flying public by the end of this week, so people will know the skies are safe when they are flying at Thanksgiving.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HART). The Chair must remind all Members not to urge Senate action.

CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH submitted the following conference report on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–272)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: Provided, That not to exceed $17,940,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,135,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,331,164,000, plus reimbursements: Provided, That of the funds made available under this heading, $675,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2003: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the *fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.*

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2003, $371,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $66,731,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,195,728,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $60,000,000 shall be available for obligation until September 30, 2003: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $15,665,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $52,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: Provided, That of the amount made available under this heading for CARES activities, up to $40,000,000 shall be for construction of a blind and spinal cord injury center at the Hines Veterans Affairs Medical Center pursuant to the Veterans Integrated Service Network (VISN) 12 CARES study, and construction of such center is hereby deemed authorized pursuant to title 38, United States Code: Provided further, That the amounts designated in the previous proviso shall be available for obligation only after the Secretary of Veterans Affairs has initiated all actions necessary to implement fully Option B of the July 19, 2001 VISN 12 Service Delivery Options after consulting with interested and affected parties, and has initiated Phase II of the CARES process: Provided further, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2002, for each approved project (except those for CARES activities and the three land acquisitions referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,900,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and *persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.*

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: Provided, That the Franchise Fund, established by Title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2002 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $28,555,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. The Secretary of Veterans Affairs shall treat the North Dakota Veterans Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in expanding or improving veterans cemeteries under section 2408 of title 38, United States Code. This section shall take effect on the date of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur on or after that date.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,280,975,000, of which $640,000,000 shall be from unobligated balances from amounts recaptured from fiscal year 2000 and prior years pursuant to a reduction in the amounts provided for Annual Contributions Contract Reserve Accounts, and amounts that are recaptured in this account to remain available until expended: Provided, That not later than October 1, 2001, the Department of Housing and Urban Development shall reduce from 60 days to 30 days the amount of reserve funds made available to public housing authorities: Provided further, That of the total amount provided under this heading, $16,071,975,000, of which $11,231,975,000 and the aforementioned recaptures shall be available on October 1, 2001 and $4,200,000,000 shall be available on October 1, 2002, shall be for assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437 et seq.): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That amounts available under the second proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $143,979,000 shall be made available for incremental vouchers under section 8 of the Act, of which $103,979,000 shall be made available on a fair share basis to those public housing agencies that have no less than a 97 percent occupancy rate; and of which $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That up to $195,601,000 from amounts made available under this heading may be made available for contract administrators: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,200,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2001 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2002, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,843,400,000, to remain available until September 30, 2005: Provided, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: Provided further, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $550,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998 and 1999 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2002, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, or 2002: Provided further, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at *any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, or 2002 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: Provided further, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $10,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $52,700,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.*

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,494,868,000, to remain available until September 30, 2003: Provided, That of the total amount provided under this heading, $5,000,000 shall be provided to the Office of Inspector General: Provided further, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing: Provided further, That funds made available in the previous proviso shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the unobligated balances remaining from funds appropriated in fiscal year 2001 and prior years under the heading "Drug elimination grants for low-income housing" for activities related to the Operation Safe Home Program, $11,000,000 is hereby rescinded.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $52,726,000: Provided further, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), $5,987,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $277,432,000, to remain available until September 30, 2003: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $45,000,000, to remain available until expended, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $3,000,000 for each empowerment zone for use in conjunction with economic development *activities consistent with the strategic plan of each empowerment zone.*

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2004: Provided, That of the amount provided, $4,341,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That $70,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be available as a grant to the Housing Assistance Council; $2,600,000 shall be available as a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $42,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate and equip their facilities: Provided further, That $9,600,000 shall be made available to the Department of Hawaiian Homelands to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs): Provided further, That no less than $13,800,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $22,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for "Planning and Management Development" and "Administration", as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $29,000,000 shall be made available for capacity building, of which $25,000,000 shall be made available for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $42,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish Youthbuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $294,200,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2003, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2003: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,846,040,000 to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $50,000,000 shall be available for the Downpayment Assistance Initiative, subject to the enactment of subsequent legislation authorizing such initiative: Provided further, That should legislation authorizing such initiative not be enacted by June 30, 2002, amounts designated in the previous proviso shall become available for any such purpose authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided further, That of the total amount provided under this heading, up to $20,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,122,525,000, to remain available until September 30, 2004: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $2,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That $6,600,000 of the funds appropriated under this heading shall be available for technical assistance: Provided further, That no less than $5,600,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public *and subsidized housing units for low income families not otherwise provided for, $1,024,151,000, to remain available until September 30, 2004: Provided, That $783,286,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $240,865,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That no less than $1,200,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.*

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,566,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2002 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2002, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $336,700,000, of which not to exceed $332,678,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $160,000,000, of which no less than $118,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $197,779,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which no less than $41,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $50,250,000, to remain available until September 30, 2003: Provided, That $1,500,000 shall be for necessary expenses of the Millennial Housing Commission, as authorized by section 206 of Public Law 106–74, with the final report due no later than May 30, 2002 and a termination date of August 30, 2002, notwithstanding section 206 (f) and (g) of Public Law 106–74: Provided further, That $1,000,000 shall be for necessary expenses of the commission established under section 525 of the Preserving Affordable Housing for Senior Citizens and Families in the 21st Century Act, with the final report due no later than June 30, 2002 and a termination date of September 30, 2002, notwithstanding section 525 (f) and (g) of Public Law 106–74: Provided further, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the amounts provided under this heading, $3,500,000 shall be for a one-time grant to the National Center for Lead-Safe Housing.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $25,000 for official reception and representation expenses, $1,097,292,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development loan guarantees program" account, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by January 15, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $93,898,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $5,000,000 shall be provided from the appropriation for the "Public housing operating fund": Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act, $6,700,000 is rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: Provided further, That this Office shall submit a staffing plan to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2002 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by inserting "and fiscal year 2002" after "fiscal year 2001".

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2002 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is repealed.

SEC. 206. Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (b), by striking "issue regulations" and all that follows and inserting the following: "require that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act."; and

(2) by adding the following new subsection at the end:

"(d)(1) The Secretary may insure under this subsection a mortgage that meets the requirements of subsection (a), except that the effective rate of interest—

"(A) shall be fixed for a period of not less than the first 3 years of the mortgage term;

"(B) shall be adjusted by the mortgagee initially upon the expiration of such period and annually thereafter; and

"(C) in the case of the initial interest rate adjustment, is subject to the 1 percent limitation only if the interest rate remained fixed for five or fewer years.

"(2) The disclosure required under subsection (b) shall be required for a mortgage insured under this subsection.".

SEC. 207. (a) Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2)—

(A) by inserting after "subsection (v)" the following: "and each mortgage that is insured under subsection (k) or section 234(c),"; and

(B) by striking "and executed on or after October 1, 1994,".

(b) The amendments made by subsection (a) shall—

(1) apply only to mortgages that are executed on or after the date of enactment of this Act; and

(2) be implemented in advance of any necessary conforming changes to regulations.

SEC. 208. (a) During fiscal year 2002, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 *percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.*

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 209. Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended to read as follows:

''SEC. 533. REVIEW OF MORTGAGEE PERFORMANCE AND AUTHORITY TO TERMINATE.—

''(a) PERIODIC REVIEW OF MORTGAGEE PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

''(b) COMPARISON WITH OTHER MORTGAGEES.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee in an area with the rate of early defaults and claims for other mortgagees originating or underwriting insured single family mortgage loans in the area. For purposes of this section, the term 'area' means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

''(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c) of this Act, the Secretary may terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgage loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

''(2) The Secretary shall give a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period, unless the Secretary withdraws the termination notice or extends the notice period. If requested in writing by the mortgagee within 30 days of the date of the notice, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official). At the informal conference, the mortgagee may present for consideration specific factors that it believes were beyond its control and that caused the excessive default and claim rate.''.

SEC. 210. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 211. Public housing agencies in the States of Alaska, Iowa, and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2002, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 213. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively;

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(1) by striking ''$33,638'', ''$38,785'', ''$46,775'', ''$59,872'', and ''$66,700'' and inserting ''$42,048'', ''$48,481'', ''$58,469'', ''$74,840'', and ''$83,375'', respectively; and

(2) by striking ''$35,400'', ''$40,579'', ''$49,344'', ''$63,834'', and ''$70,070'' and inserting ''$44,250'', ''$50,724'', ''$61,680'', ''$79,793'', and ''$87,588'', respectively.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,536'', ''$52,135'', and ''$59,077'' and inserting ''$37,843'', ''$42,954'', ''$51,920'', ''$65,169'', and ''$73,846'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$48,029'', ''$57,798'', ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

SEC. 214. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106–554), for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina, such funds shall be available to the University of South Carolina to fund an endowment for the operation of an historical archive at the University of South Carolina, without fiscal year limitation.

SEC. 215. Section 247 of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) NATIVE HAWAIIAN.—The term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands before January 1, 1778, or, in the case of an individual who is awarded an interest in a lease of Hawaiian home lands through transfer or succession, such lower percentage as may be established for such transfer or succession under section 208 or 209 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 111), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).

''(2) HAWAIIAN HOME LANDS.—The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).''; and

(2) by adding at the end the following:

''(e) CERTIFICATION OF ELIGIBILITY FOR EXISTING LESSEES.—Possession of a lease of Hawaiian home lands issued under section 207(a) of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), shall be sufficient to certify eligibility to receive a mortgage under this section.''.

SEC. 216. Notwithstanding the requirement regarding commitment of funds in the first sentence of section 288(b) of the HOME Investment Partnerships Act (42 U.S.C. 12838(b)), the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall approve the release of funds under that section to the Arkansas Development Finance Authority (in this section referred to as the ''ADFA'') for projects, if—

(1) funds were committed to those projects on or before June 12, 2001;

(2) those projects had not been completed as of June 12, 2001;

(3) the ADFA has fully carried out its responsibilities as described in section 288(a); and

(4) the Secretary has approved the certification that meets the requirements of section 288(c) with respect to those projects.

SEC. 217. Notwithstanding any other provision of law with respect to this or any other fiscal year, the Housing Authority of Baltimore City may use the remaining balance of the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for the rehabilitation of the Claremont Homes project and for the provision of affordable housing in areas within the City of Baltimore either (1) designated by the partial consent decree in Thompson v. HUD as nonimpacted census tracts or (2) designated by said authority as either strong neighborhoods experiencing private investment or dynamic growth areas where public and/or private *commercial or residential investment is occurring.*

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,466,000, to remain available until expended.

In addition, for the partial cost of construction of a new interpretive and visitor center at the American Cemetery in Normandy, France, $5,000,000, to remain available until expended: Provided, That the Commission shall ensure that the placement, scope and character of this new center protect the solemnity of the site and the sensitivity of interested parties including families of servicemen interred at the cemetery, the host country and Allied forces who participated in the invasion and ensuing battle: Provided further, That not more than $1,000,000 shall be for non-construction related costs including initial consultations with interested parties and the conceptual study and design of the new center.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, $5,350,000 of which to remain available until September 30, 2002 and $2,500,000 of which to remain available until September 30, 2003: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $80,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities, and up to $9,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $51,800,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission; including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $55,200,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $401,980,000, to remain available until September 30, 2003: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That notwithstanding any other law $2,500,000 of the funds made available by the Corporation to the Foundation under Public Law 106–377 may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc., only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc., to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA of the USA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: Provided further, That not more than $1,000,000 of the funds made available under this heading shall be made available to Teach For America: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc., to support literacy activities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, to remain available until September 30, 2003.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $13,221,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $22,537,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $698,089,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,054,511,000, which shall remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,0000 shall not become available until September 1, 2002), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,867,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2003, and $36,891,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $73,000,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,733,276,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $343,900,000, in addition to $124,725 previously appropriated under this heading in Public Law 106–377 and $498,900 previously appropriated under this heading in Public Law 106–554, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the managers accompanying this Act; and $1,074,376,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, $25,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2002, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2002 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2002, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2002, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking "$14,000,000" and inserting "$17,000,000"; and, by striking "each" and inserting "2002" after "fiscal year";

(2) in subsection (i)(5)(H) by striking "2001" and inserting "2002";

(3) in subsection (i)(6) by striking "2001" and inserting "2002"; and

(4) in subsection (k)(3)(A) by striking "2001" and inserting "2002"; and, by striking "1/7" and inserting "1/10".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,267,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,974,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $664,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; $25,000,000 shall be transferred to the Flood Map Modernization Fund; $25,000,000 shall be transferred to "Emergency management planning and assistance", for pre-disaster mitigation activities; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

In addition, for the purposes under this heading, $1,500,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $233,801,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $254,623,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available for project grants under this heading by transfer from "Disaster relief", shall be available until expended.

For an additional amount for "Emergency management planning and assistance", $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): Provided, That up to 5 percent of this amount shall be transferred to "Salaries and expenses" for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 ("the Act"), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $76,381,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2003. In fiscal year 2002, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $536,750,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $7,000,000 in fees collected but unexpended during fiscal years 2000 through 2001 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2002.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking "2001" and inserting "2002".

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking "September 30, 2001" and inserting "December 31, 2002".

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking "September 30, 2001" and inserting "December 31, 2002".

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking "December 31, 2001" and inserting "December 31, 2002".

NATIONAL FLOOD MITIGATION FUND

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2003, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National

Flood Insurance Fund. Of the amount provided, $2,500,000 is to be used for the purchase of flood-prone properties in the city of Austin, Minnesota, and any cost-share is waived.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,912,400,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, aeronautics and technology" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,857,100,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Human space flight" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377, except that no funds may be transferred to the program budget element for the Space Station.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,700,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology:" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", or "Science, aeronautics and technology" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

Notwithstanding the limitation on the availability of funds appropriated for "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2002 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2002 between NASA and a non-government organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,598,340,000, of which not to exceed $300,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $138,800,000 to remain available until expended: Provided, That the Director shall submit a report to the Committees on Appropriations by February 28, 2002 on the full life-cycle costs of projects funded through this account since fiscal year 1995.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $875,000,000, to remain available until September 30, 2003: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,760,000, to remain available until September 30, 2003.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42

U.S.C. 8101–8107), $105,000,000, of which $10,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $750 for official reception and representation expenses; $25,003,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2002 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 421. Unless otherwise provided for in this Act or through reprogramming of funds, no part *of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.*

SEC. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 423. The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2001.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 8, 2002 for 30 days of review.

SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. Section 104(n)(4) of the Cerro Grande Fire Assistance Act (Public Law 106–246) is amended by striking "beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act." and inserting "within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003.".

SEC. 429. None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an "irrevocable choice" for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106–398).

SEC. 430. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations).

SEC. 431. Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197–5197g) is amended by adding at the end the following:

"SEC. 629. MINORITY EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Director shall establish a minority emergency preparedness demonstration program to research and promote the capacity of minority communities to provide data, information, and awareness education by providing grants to or executing contracts or cooperative agreements with eligible nonprofit organizations to establish and conduct such programs.

"(b) ACTIVITIES SUPPORTED.—An eligible nonprofit organization may use a grant, contract, or cooperative agreement awarded under this section—

"(1) to conduct research into the status of emergency preparedness and disaster response awareness in African American and Hispanic households located in urban, suburban, and rural communities, particularly in those States and regions most impacted by natural and manmade disasters and emergencies; and

"(2) to develop and promote awareness of emergency preparedness education programs within minority communities, including development and preparation of culturally competent educational and awareness materials that can be used to disseminate information to minority organizations and institutions.

"(c) ELIGIBLE ORGANIZATIONS.—A nonprofit organization is eligible to be awarded a grant, contract, or cooperative agreement under this section with respect to a program if the organization is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code, whose primary mission is to provide services to communities predominately populated by minority citizens, and that can demonstrate a partnership with a minority-owned business enterprise or minority business located in a HUBZone (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))) with respect to the program.

"(d) USE OF FUNDS.—A recipient of a grant, contract, or cooperative agreement awarded under this section may only use the proceeds of the grant, contract, or agreement to—

"(1) acquire expert professional services necessary to conduct research in communities predominately populated by minority citizens, with a primary emphasis on African American and Hispanic communities;

"(2) develop and prepare informational materials to promote awareness among minority communities about emergency preparedness and how to protect their households and communities in advance of disasters;

"(3) establish consortia with minority national organizations, minority institutions of higher education, and faith-based institutions to disseminate information about emergency preparedness to minority communities; and

"(4) implement a joint project with a minority serving institution, including a part B institution (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), an institution described in subparagraph (A), (B), or (C) of section 326 of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), and a Hispanic-serving institution (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))).

"(e) APPLICATION AND REVIEW PROCEDURE.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an organization must submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director shall establish a procedure by which to accept such applications.

"(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2002 and such funds as may be necessary for fiscal years 2003 through 2007. Such sums shall remain available until expended.".

SEC. 432. None of the funds made available by this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437j(c)) relating to community service, except with respect to any resident of a public housing project funded with any amounts provided under section 24 of the United States Housing Act of 1937, as amended, or any predecessor program for the revitalization of severely distressed public housing (HOPE VI).

SEC. 433. Section 1301 of title XIII of Division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554, is amended by striking "facilities" and inserting in lieu thereof "facilities, including the design and construction of such facilities,".

SEC. 434. The amounts subject to the fifth proviso under the heading, "Emergency Response Fund", in Public Law 107–38, which are available for transfer to the Department of Housing and Urban Development 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for the Department, may be used for purposes of 'Community Development Block Grants', as authorized by title I of the Housing and Community Development Act of 1974, as amended: Provided, That such funds may be awarded to the State of New York for assistance for properties and businesses damaged by, and for economic revitalization related to, the September 11, 2001 terrorist attacks on New York City, for the affected area of New York City, and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: Provided further, That the State of New York is authorized to provide such assistance to the City of New York: Provided further, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this *section no later than 5 days before such allocation.*

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002".

And the Senate agree to the same.

James T. Walsh,
Tom DeLay,
David L. Hobson,
Joe Knollenberg,
Rodney P. Frelinghuysen,
Anne M. Northup,
John E. Sununu,
Virgil Goode, Jr.,
Robert B. Aderholt,
Bill Young,
Alan B. Mollohan,
Marcy Kaptur,
Carrie P. Meek,
David Price,
Robert E. Cramer, Jr.,
Chaka Fattah,
David Obey,
Managers on the Part of the House.

Barbara A. Mikulski,
Patrick J. Leahy,
Tom Harkin,
Robert C. Byrd,
Herb Kohl,
Tim Johnson,
Ernest F. Hollings,
Daniel K. Inouye,
Christopher S. Bond,
Conrad Burns,
Richard C. Shelby,
Larry E. Craig,
(except for general provision on arsenic),
Pete V. Domenici,
(except for general provision on arsenic),
Mike DeWine,
Ted Stevens,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

The language and allocations set forth in House Report 107–159 and Senate Report 107–43 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Unless specifically addressed in this statement of the managers or in the House or Senate reports accompanying H.R. 2620, the conferees agree to retain the reprogramming thresholds for each department or agency at the level established by the fiscal year 1999 reports.

RELATIONSHIP WITH BUDGET OFFICES

Through the years, the Appropriations Committees have channeled most of their inquiries and requests for information and assistance through the budget offices of the various departments, agencies, and commissions. The Committees have often pointed out the natural affinity and relationship between these organizations and the Appropriations Committees which makes such a relationship workable. The conferees reiterate their position that while the Committees reserve the right to call upon all offices in the departments, agencies, and commissions, the primary conjunction between the Committees and these entities must normally be through the budget offices. The Committees appreciate all the assistance received from each of the departments, agencies, and commissions during this past year. The workload generated by the budget process is large and growing, and therefore, a positive, responsive relationship between the Committees and the budget offices is absolutely essential to the appropriations process.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Of the amounts approved in the appropriations accounts in this title, the Department must limit transfers of funds between objectives to not more than $500,000, except as specifically noted, without prior approval of the Committees. No changes may be made to any account or objective, except as approved by the Committees, if it is construed to be policy or change in policy. Any activity or program cited in the statement of the managers shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees. It is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above. The Department is expected to comply with all normal rules and regulations in carrying out these directives. Finally, the Department should continue to notify the Committees regarding reorganizations of offices, programs, or activities prior to the planned implementation of such reorganizations.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $24,944,288,000 for compensation and pensions as proposed by both the House and the Senate, of which not more than $17,940,000 is to be transferred to general operating expenses and medical care.

READJUSTMENT BENEFITS

Appropriates $2,135,000,000 for readjustment benefits as proposed by both the House and the Senate. Deletes bill language proposed by the Senate allowing funds to be payable for any court order, award or settlement.

VETERANS INSURANCE AND INDEMNITIES

Appropriates $26,200,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the veterans housing benefit program fund program account as proposed by both the House and the Senate, plus $164,497,000 to be transferred to and merged with general operating expenses.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000 for the costs of direct loans from the education loan fund program account as proposed by both the House and the Senate, plus $64,000 to be transferred to and merged with general operating expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $72,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate, plus $274,000 to be transferred to and merged with general operating expenses.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Appropriates $544,000 for administrative expenses of the Native American housing loan program account to be transferred to and merged with general operating expenses as proposed by both the House and the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

Provides up to $750,000 of the funds available in medical care and general operating expenses to carry out the guaranteed transitional housing loans for homeless veterans program as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $21,331,164,000 for medical care instead of $21,282,587,000 as proposed by the House and $21,379,742,000 as proposed by the Senate.

Retains bill language proposed by the Senate delaying the availability of $675,000,000 for equipment and land and structures until August 1, 2002 remaining available until September 30, 2003. The House proposed delaying $900,000,000 for the same purposes.

Retains bill language making $900,000,000 available until September 30, 2003 as proposed by the Senate instead of $500,000,000 as proposed by the House.

Deletes bill language limiting $3,000,000,000 for maintenance and operations expenses as proposed by the House. The conferees strongly support the redirection of medical resources from the maintenance and operations of unneeded buildings to support direct patient care and encourage the efforts to reduce those expenditures as the Capital Asset Realignment for Enhanced Services (CARES) process moves forward.

Provides $15,000,000 from medical funds for CARES projects instead of $30,000,000 as proposed by the Senate. The House did not identify any funds in this account for CARES.

Retains language proposed by the Senate transferring collected receipts in the medical care collections fund to the medical care account. The House provided transfer authority in a separate medical care collections fund appropriating paragraph.

For a number of years GAO and the Congress have been encouraging the VA and Department of Defense (DOD) to work together to find ways to share resources and provide better health care for our Nation's military, military retirees, and veterans. The conferees direct the Secretary of Veterans Affairs, in cooperation with the Secretary of

Defense, to submit to the Committees on Appropriations a credible plan by September 1, 2002 for no less than three demonstration sites where the VA and DOD will fully integrate operations, pharmacy services, billing and records, and treatment. Further, the conferees direct the VA to include in the plan VA-DOD sharing options that complement CARES principles. The conferees direct both Secretaries to consider the opportunity presented at the Tripler Army Medical Center for this demonstration program.

The conferees are dismayed by GAO reports outlining the dismal state of VHA's record on third party collections. The conferees direct the Secretary to undertake a demonstration project for a minimum of two years utilizing not less than $3,000,000 to obtain a private sector contractor to install and operate a total patient financial services system. In addition to the guidelines set forth in House Report 107–159, the demonstration should be developed in a manner that recognizes that this problem exists in all VISNs and any solution for a single VISN must be usable and exportable in an efficient manner to all VISNs. The conferees believe an essential element of this demonstration is the effective use of private sector business services in concert with VA employees.

The conferees are troubled by the abundance of conflicting information and lack of uniformity across VA's health system in regard to atypical anti-psychotic medications. Providing care for the seriously mentally ill is one of VA's top priorities and requires a special level of commitment, as this population is especially vulnerable and difficult to treat. Atypical anti-psychotic medication prescribing practices must not be used as performance indicators when evaluating a physician's work; nor should price, market share, and corporate interest factor into choosing the best drug to treat mental illness. To this end, the conferees direct the Secretary to communicate clearly to each doctor, facility director and pharmacy manager that atypical anti-psychotic pharmaceutical prescribing practices are not to be used as a measure of job performance and reiterate the Department's policy that physicians are to use their best clinical judgment when choosing atypical anti-psychotic medications. However, the conferees are aware that there is a wide price disparity between the currently available atypical anti-psychotic drugs and the Department should feel free to also communicate relative cost data for all atypical anti-psychotic drugs to its physicians.

The conferees direct the VA to keep an open policy with regard to formulating new schizophrenia and serious mental illness treatment protocols as new treatments become available, but those protocols should be based on scientific and clinical studies showing improvements in treatment efficacy or a decrease in side-effects, with cost savings as a subordinate goal to appropriate treatment options.

The conferees are aware of a proposal to establish a Center for Healthcare Information at the Office of Medical Information Security Service at the Martinsburg VAMC to improve the security of VA's computerized medical records. The conferees direct the VA to report to the Committees by March 1, 2002 on the feasibility of establishing this Center.

The conferees direct the VA to report to the Committees on Appropriations by August 2, 2002 on the VA's application of viscosupplementation as an alternative means of treating degenerative knee diseases in veterans. The report should include the potential costs and benefits of the procedure as a part of VA's health care delivery and VA's recommendations for future use of the procedure.

The conferees are aware of local concerns regarding the elements of the April 2001 report titled "Plan for the Development of a 25-Year General Use Plan for Department of Veterans Affairs West Los Angeles Healthcare Center." The conferees strongly urge the VA to work with the local community when formulating a plan to best use the campus for improving veterans' access to VA-provided services.

MEDICAL CARE COLLECTIONS FUND
(INCLUDING TRANSFER OF FUNDS)

Deletes the medical care collections fund paragraph as proposed by the House and instead provides transfer authority in medical care as proposed by the Senate.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $371,000,000 for medical and prosthetic research as proposed by the House instead of $390,000,000 as proposed by the Senate.

The conferees understand that the VA has developed an agreement for intellectual property sharing with university research institutions. Some universities have expressed concerns about a university's right to inventions that are developed from supported research. Further, there are concerns whether the VA's agreements are consistent with the Bayh-Dole Act and similar agreements utilized by other Federal agencies. Accordingly, the conferees direct the VA to report to the Committees on Appropriations by February 1, 2002 regarding these concerns. In responding to the Committees, the VA should consult with universities and university associations, including the American Association of Medical Colleges, the Association of University Technology Managers, and the Council on Government Relations.

The conferees direct the continued partnership with the National Technology Transfer Center at the current level of effort.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriates $66,731,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $67,628,000 as proposed by the Senate. The conferees agree to retain language proposed by the Senate providing a limitation on the availability of funds from Management Field Service reimbursements of September 30, 2002.

The conferees agree that there is concern about the guidance and leadership provided by headquarters to guarantee quality healthcare and sound fiscal management across the system. The VA is directed to submit with the fiscal year 2002 operating plan the signed performance agreements of all 22 VISN directors, action plans for each VISN on how that VISN will improve collection rates, and financial reports from the three VISNs which received supplemental loans and funding for the second consecutive year summarizing how those VISNs have become financially sound.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,195,728,000 for general operating expenses as proposed by the House instead of $1,194,831,000 as proposed by the Senate. Retains language proposed by the House allowing funds to be used for the administrative expenses of department-wide capital planning, management and policy activities.

The conferees agree to fund the Veterans Benefits Administration at not less than $955,352,000. The conferees are optimistic about the recommendations put forward by the Department of Veterans Affairs Compensations and Pensions Task Force and commend the Secretary for announcing his intentions to implement most of the recommendations. The conferees look forward to the fiscal year 2003 budget hearings in hopes that implementation of the short-term recommendations will yield improvements in claims processing times by spring 2003.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $121,169,000 for the national cemetery administration as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $52,308,000 for the Office of Inspector General as proposed by the House instead of $48,308,000 as proposed by the Senate. The conferees have agreed to provide the higher funding level due to the nation-wide benefit payment review planned in response to the recent benefits fraud investigation in Atlanta, Georgia.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $183,180,000 for construction, major projects as proposed by the House instead of $155,180,000 as proposed by the Senate.

The conferees agree to the projects included in the budget estimate plus $125,000 for planning a national cemetery in the Albuquerque, New Mexico area to be offset from the working reserve. The conferees have provided up to $125,000 to start initial cemetery planning activities in Albuquerque, but direct that further funding for cemetery construction activities must be considered in the greater context of funding the country's national veterans cemetery needs as presented in the Department's needs assessment report due December, 2001.

The conferees agree that the electrical fire at the Miami VAMC presents a unique situation compromising VA's ability to provide patient care in an environment safe for patients and employees and agree to provide $28,300,000 for the emergency repair project even though VISN 8 has not undergone a CARES review.

The conferees remain strongly supportive of CARES. This nation-wide review is critical to ensuring VA's capital assets can support current and long-term health care needs and are rehabilitated and aligned for optimal efficiency and access. The conferees agree to provide $60,000,000 from construction, major projects, for CARES initiatives, of which $10,000,000 is for Phase III studies. If less than $10,000,000 is required for Phase III, the balance may be used for construction.

The conferees are strongly encouraged by the recommendations from Phase I of CARES, which if implemented, could re-invest at least $270,000,000 over the next 20 years from capital costs to improving direct access and care for veterans in the region. In support of the Phase I recommendations, the conferees have identified $40,000,000 of the $60,000,000 provided in construction, major projects to move forward with the blind and spinal cord injury center at the Hines VAMC conditional upon the Secretary certifying that a full and open consultation process was conducted regarding the VISN 12 recommendations, implementing Option B of the CARES VISN 12 Service Delivery Options with a developed implementation plan including milestones, and initiating Phase II of CARES.

As a part of the CARES process in VISN 12, VA recently completed a formal comment process where VA solicited input from a large number of affected and interested parties. The conferees direct the Secretary to certify to the Congress that he has carried out a full and open consultation process with all affected stakeholders and after submission of such certification, finalize decisions regarding CARES in VISN 12 not later than January 15, 2002.

The conferees strongly urge that the Secretary consider the needs for improvements and safety upgrades to the West Virginia National Cemetery in Grafton, West Virginia in the formulation of the Department's fiscal year 2003 budget requirements. The conferees are aware that initial planning documents have been prepared for this initiative and encourage the completion of design and architectural plans within available funds pending this review.

FACILITY REHABILITATION FUND

Deletes $300,000,000 for establishment of the facility rehabilitation fund as proposed by the House. The Senate did not include this account.

CONSTRUCTION, MINOR PROJECTS

Appropriates $210,900,000 for construction, minor projects instead of $178,900,000 as proposed by both the House and the Senate. Retains language proposed by the House limiting additional CARES funds upon notification of and approval by the Committees on Appropriations.

PARKING REVOLVING FUND

Appropriates $4,000,000 for the parking revolving fund as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $25,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Retains eight administrative provisions proposed by both the House and the Senate, seven of which were included in the fiscal year 2001 bill.

Deletes language proposed by the House eliminating the health services improvement fund.

Retains language proposed by the House allowing VA to deduct associated administrative expenses from enhanced use proceeds and use those receipts in the same fiscal year the receipts are received.

Retains language proposed by the House allowing the Department to reimburse from fiscal year 2002 salary and expenses accounts for services rendered to the Office of Resolution Management up to $28,555,000 and the Office of Employment Discrimination Complaint Adjudication up to $2,383,000. The Senate proposed a similar provision with technical differences.

Deletes language proposed by the Senate directing the VA to conduct a cost and benefit study on viscosupplementation as a treatment option for knee replacements. The conferees have agreed to instead include report language in the medical care account directing the VA to complete such a study.

Retains language proposed by the Senate recognizing the North Dakota Veterans Cemetery as a state cemetery eligible under the Grants for State Veterans Cemeteries Program.

Deletes language proposed by the Senate establishing a 60-day wait period for any action related to VISN 12 realignment. The conferees have agreed to instead include report language in the construction, major projects account.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees restate the reprogramming requirements with respect to amounts approved for each appropriations account within this title. The Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this statement of managers or committee reports, the most detailed allocation of funds presented in the budget justifications shall be considered to be approved, with any deviation from such approved allocation subject to the normal reprogramming requirements outlined above. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and deobligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity.

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $15,640,975,000 instead of $15,694,242,000 as proposed by the House and $15,658,769,000 as proposed by the Senate,

The conference agreement assumes an additional $640,000,000 in prior year carryover is available to meet section 8 renewal requirements based upon a reduction in reserve funds available to public housing authorities (PHAs) as proposed by the House and the Senate. Language is included to implement the change in reserve funds as proposed by the House. The conferees understand that HUD has the authority to provide PHAs with the necessary funds to administer their section 8 contracts, nevertheless the conferees direct HUD to ensure that PHAs have the funds to administer all section 8 contracts in a normal manner, including vouchers that turn over during the year. In cases where PHAs require additional funds for approved uses and amounts, HUD shall provide to these PHAs the necessary section 8 funds. The conferees also direct HUD to make quarterly reports to the Committees on Appropriations on the status and availability of all section 8 reserves maintained by PHAs.

The conference agreement includes the following:

Contract Renewals.—$15,725,153,000, of which $640,000,000 is derived from prior year carryover, for expiring section 8 housing assistance contracts, section 8 amendments, enhanced vouchers, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act. Funds for the renewal of section 811 tenant-based assistance is provided under the housing for special populations account as proposed by the House.

The conferees reiterate the direction included in the Senate report requiring renewal costs for section 8 project-based programs to be discretely identified in the fiscal year 2003 budget justifications.

Incremental Vouchers.—$143,979,000 to provide "incremental" section 8 housing assistance vouchers to increase the number of low-income individuals and families receiving assistance. Of this amount, $103,979,000 is provided for 18,000 vouchers to be distributed on a fair share basis to PHAs having a voucher utilization rate of at least 97 percent, instead of $157,334,000 as proposed by the House and $98,623,000 as proposed by the Senate. HUD is expected to distribute these vouchers within 90 days of enactment of this Act, and to report to the Committees on Appropriations of the House and the Senate on compliance with this requirement no later than February 15, 2002. The remaining $40,000,000 is provided for 7,900 new vouchers for distribution to non-elderly, disabled residents who are affected by the designation of public and assisted housing as "elderly-only" developments, instead of $39,912,000 as proposed by the House. Bill language is included, as proposed by the House and the Senate, to earmark funds for this purpose in recognition of the fact that people with disabilities are often unable to find affordable housing absent section 8 tenant-based assistance.

The conferees reiterate the House reporting requirement related to identification and remediation of PHAs designated as troubled under the Section Eight Management Assessment Program (SEMAP).

Contract Administrators.—$195,601,000 for section 8 contract administrators as proposed by the House. Modified language is included, similar to language proposed by the House, to designate funds for this purpose. The Senate bill did not include a similar provision.

Tenant Protection.—$202,842,000 for tenant protection vouchers to replace lost project-based section 8 assistance. Funding for new vouchers under the HOPE VI program is provided within the revitalization of severely distressed public housing (HOPE VI) account as proposed by the House and the Senate.

Includes language transferring no less than $13,400,000 to the Working Capital Fund for development and maintenance of information technology systems as proposed by the Senate, instead of no less than $11,000,000 as proposed by the House.

Rescinds $1,200,000,000 from unobligated balances available from the recapture of excess section 8 funds, instead of $886,000,000 as proposed by the House and $615,000,000 as proposed by the Senate. Language is included requiring that the rescission be applied against available funds appropriated in fiscal year 2001 and prior years for any account under title II as proposed by the House, instead of requiring that the rescission be applied against available funds appropriated in fiscal year 2002 and prior years in this account as proposed by the Senate.

Includes language proposed by the House to prohibit the rescission of funds governed by statutory reallocation provisions. The Senate did not include a similar provision.

Does not include language proposed by the Senate requiring that the renewal of expiring section 8 contracts subject to the Emergency Low Income Housing Preservation Act of 1987 (ELIHPA) and the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) are to be capped at current rents. This means that the rents for these projects shall be renewed on a one-year basis consistent with the plans of action that were approved as part of the efforts to preserve these projects as low-income housing under ELIHPA and LIHPRHA. Nevertheless, the conferees remain concerned that many of these projects were over-subsidized through these preservation efforts. The conferees believe HUD needs to review all these preservation projects and look at restructuring the mortgages and contract requirements where appropriate. The conferees direct HUD to report to the Committees on Appropriations on this review and the status of these projects no later than June 15, 2002.

Does not include language proposed by the Senate requiring that additional unobligated balances from this account be rescinded and reallocated to other accounts in title II and title III of this Act. The House bill did not include a similar provision.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $2,843,400,000 for the public housing capital fund instead of $2,943,400,000 as proposed by the Senate and $2,555,000,000 as proposed by the House.

Includes modified language designating $550,000,000 to be allocated only to those PHAs which utilized their funds in compliance with statutory timeliness requirements pursuant to the Quality Housing and Work Responsibility Act of 1998 (QHWRA), similar to language proposed by the House, to enable those PHAs to address their backlog of maintenance needs in addition to their annual maintenance requirements. The Senate did not include similar language.

Includes modified language making funds available for four years instead of two years as proposed by the House and the Senate.

Includes language restating the applicability of the QHWRA timeliness requirements to fiscal year 1999 funds as proposed by the House. The Senate did not include a similar provision.

Includes modified language allowing the Secretary or Deputy Secretary to waive QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes modified language requiring the recapture of funds from PHAs not in compliance with QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes language to define obligations as proposed by the House. The Senate did not include a similar provision.

The conferees reiterate the House direction requiring quarterly reports on PHA utilization of capital funds, delineated by PHA and fiscal year, with the first report due no later than February 1, 2002.

Includes $51,000,000 for technical assistance as proposed by the House, instead of $50,000,000 as proposed by the Senate. Of this amount, $10,000,000 is for remediation services to troubled PHAs as proposed by the House. The Senate did not include a similar provision.

Transfers no less than $52,700,000 from this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of no less than $43,000,000 as proposed by the House and the Senate.

Includes new language designating $15,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in and around public housing to enhance resident self-sufficiency, employability, and economic self-reliance. These amounts, combined with $5,000,000 provided for under the revitalization of severely distressed public housing (HOPE VI) account, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002. The conferees support efforts to close the digital divide, and believe that the needs of public housing residents must be an important part of any initiative to achieve that goal and can help ameliorate drug and crime problems in public housing through new opportunities for education growth and employment opportunities. The conferees expect HUD to work with other Federal agencies to develop a comprehensive approach to address the digital divide, and encourages HUD to submit a proposal as part of the fiscal year 2003 budget to address comprehensively the needs of public and federally-assisted housing residents.

The conferees remain concerned over the long-term capital needs and viability of public housing projects. The conferees believe that reforms included in the public housing capital fund account will result in a more effective and targeted use of these capital funds and help preserve the investment that has been made in public housing over the years. In addition, the conferees continue to support funding for the HOPE VI program as a complementary program targeted to the revitalization of distressed public housing. The conferees direct HUD to provide by June 15, 2002, a report on the lessons learned from HOPE VI, including best practices and the impact of HOPE VI on surrounding communities as well as the extent to which HOPE VI projects have leveraged private investments and revitalized economic redevelopment in these communities. In addition, the conferees request that HUD provide an analysis of the extent to which the HOPE VI program can be a model for the replacement of the older and distressed section 8 housing stock.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $3,494,868,000 for the public housing operating fund as proposed by the House instead of $3,384,868,000 as proposed by the Senate.

The conferees have provided an 8.1 percent increase over the fiscal year 2001 level for this account to reflect the merger of funds previously provided for drug elimination activities through the public housing drug elimination program (PHDEP) into this account. The conferees note that PHAs are authorized to use their operating and capital funds for anti-crime and anti-drug activities. It is the conferees understanding that two-thirds of all PHAs fund these activities from within their operating and capital funds, while the remaining one-third of PHAs receive supplemental funding through PHDEP in addition to their regular operating and capital fund allocations. In lieu of continuing to provide a supplementary funding source for selected PHAs, the conferees have instead increased funding for operating subsidies to be distributed to all PHAs. To the extent that additional assistance is required to combat issues and activities related to crime and drugs, the conferees have included modified language designating $10,000,000 to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to effectively fight crime and drugs as proposed by the House. The Senate bill did not include similar language.

The conference agreement assumes the termination of the Operation Safe Home program as recommended by the Senate. Of the amount provided, $5,000,000 is available to the Office of Inspector General to support the closeout of this program and to transition personnel previously participating in Operation Safe Home to other investigative activities. The House bill proposed $10,000,000 for the Office of Inspector General exclusively for Operation Safe Home, while the Senate did not propose any funding for this activity. In addition, $6,500,000 from prior year funds appropriated under PHDEP for Operation Safe Home operational costs remain available for operational costs necessary to complete on-going activities. Includes new language rescinding $11,000,000 from prior year funds made available for Operation Safe Home which are in excess of amounts necessary to complete on-going activities.

The conferees do not concur with the language in the Senate report related to the June 7, 2000, settlement agreement with the Puerto Rico Public Housing Authority (PRPHA). However, the conferees expect HUD to ensure that PRPHA is treated in a manner consistent with similar PHAs as HUD develops a final rule implementing a new operating fund formula for all PHAs based upon the results of the public housing operating cost study mandated in Public Law 106–74.

The conferees expect HUD to provide the Chicago Housing Authority (CHA) with maximum regulatory flexibility as provided for in the Moving to Work Demonstration agreement dated February 6, 2000, as amended, as proposed in the Senate report. The conferees direct HUD to determine CHA's funding allocation in the same manner as all other PHAs.

The conferees have included direction under the public housing capital fund account in lieu of the direction included in the Senate report under this account related to the long-term capital needs for public housing.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

The conferees do not provide funding for this account. The conferees have instead merged funding for these activities into the public housing operating fund account, and increased operating funds to accommodate this merger. All activities permissible under the public housing drug elimination program (PHDEP) are authorized activities under the operating and capital fund accounts. In addition, the conferees are aware that some PHAs currently have unspent PHDEP funds available. The conferees intend that PHAs be allowed to continue to spend their PHDEP funds as PHAs transition their anti-crime and anti-drug programs into their annual operating budgets, and encourage PHAs to continue to support such programs.

The conferees understand that PHDEP was created in 1989, to provide supplemental funding to address the gaps in services and programs available to combat serious crime and drug problems which existed in some areas of public housing, particularly severely distressed public housing. At the time PHDEP was created, Federal assistance to States and localities to address crime and drug problems in local communities, including public housing, was limited. The conferees note that since that time, however, Federal funding to States and localities for police, crime, and drug prevention programs has grown dramatically, particularly through the Department of Justice. Over the last six years, over $9,000,000,000 in new Federal assistance has been provided through the Department of Justice, including funds to deploy over 110,000 new police officers into local communities and funds to establish 1,000 new Boys and Girls Clubs exclusively in public housing.

The conferees further note that over the last six years, funds have been provided to demolish over 100,000 units of the most severely distressed public housing through the HOPE VI program and the capital fund program, resulting in the revitalization of entire neighborhoods previously adversely impacted by the presence of severely deteriorated housing.

To the extent that additional assistance is required, the conferees have also included $10,000,000 under the public housing operating fund account to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to combat crime and drugs.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $573,735,000 for the revitalization of severely distressed public housing program (HOPE VI) as proposed by the House and the Senate. Includes language designating $6,250,000 for technical assistance and contract expertise instead of $5,000,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Includes new language designating $5,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in conjunction with fiscal year 2002 HOPE VI applicants to enhance resident self-sufficiency, employability, and economic self-reliance. These funds are not intended to limit the Secretary's ability to award additional funds for these activities as part of the regular HOPE VI process. These amounts, combined with $15,000,000 provided under the public housing capital fund, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002.

The conferees are aware of the valuable efforts made by the Housing Research Foundation to collect and disseminate objective information on the HOPE VI program. The conferees encourage HUD to continue this initiative.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $648,570,000 as proposed by the House and the Senate. Transfers no less than $3,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the Senate instead of no less than $2,000,000 as proposed by the House.

Includes language to establish a total loan volume of not to exceed $52,726,000 for title VI loans as proposed by the House instead of $54,600,000 as proposed by the Senate.

Includes modified language, similar to language proposed by the Senate, to allow the Secretary to provide assistance to Indian tribes and tribally-designated housing entities to address the problem of black mold consistent with the terms of NAHASDA. The Secretary is directed to work with FEMA, the Indian Health Service, the Bureau of Indian Affairs, and other appropriate Federal agencies in developing a plan to maximize Federal resources to address emergency housing and related problems associated with black mold. The House did not include similar language.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $5,987,000 for guaranteed loans for Native American housing on trust lands as proposed by the House and the Senate.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000,000 for guaranteed loans for Native Hawaiian housing as proposed by the Senate. Includes language establishing a total loan volume of not to exceed $40,000,000 and provides $35,000 for administrative costs as proposed by the Senate. The House did not propose funding for this program.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $277,432,000 for housing opportunities for persons with AIDS (HOPWA) as proposed by the House and the Senate.

Includes modified language similar to language proposed by the Senate requiring HUD to renew all expiring HOPWA contracts for permanent supportive housing funded under the non-formula component of the HOPWA program so long as the projects meet all other program requirements. The House did not include a similar provision.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development as proposed by the Senate. Includes language requiring funds to be awarded competitively by June 1, 2002 as proposed by the Senate. The House did not propose funding for this program.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriates $45,000,000 for grants to the second round of empowerment zones instead of $75,000,000 as proposed by the Senate. Includes language designating $3,000,000 for each empowerment zone to be used in conjunction with economic development activities detailed in the strategic plans of each empowerment zone instead of $5,000,000 for each zone as proposed by the Senate. The House did not propose funding for this program. The conferees believe that this program should be funded as a mandatory program as originally contemplated.

The conferees direct the HUD Inspector General to review the use of empowerment zone funds and report the findings to the Committees on Appropriations no later than April 1, 2002.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $5,000,000,000 for various activities funded in this account, instead of $4,811,993,000 as proposed by the House and $5,012,993,000 as proposed by the Senate. The conferees agree to the following:

—$4,341,000,000 for formula grants under the Community Development Block Grant program (CDBG), instead of $4,339,300,000 as proposed by the House and the Senate;

—$70,000,000 for grants to Indian tribes instead of $69,000,000 as proposed by the House and $71,000,000 as proposed by the Senate;

—$42,500,000 for section 107 grants, instead of $34,434,000 as proposed by the House and $45,500,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conference agreement provides the following earmarks:

$7,000,000 for insular areas;

$10,500,000 for historically black colleges and universities;

$3,000,000 for community development work study;

$7,500,000 for Hispanic serving institutions;

$7,500,000 for the Community Outreach Partnerships program;

$3,000,000 for tribal colleges and universities; and

$4,000,000 for Alaska Native serving institutions and Native Hawaiian serving institutions;

—$3,300,000 for the Housing Assistance Council as proposed by the House instead of $3,000,000 as proposed by the Senate;

—$2,600,000 for the National American Indian Housing Council as proposed by the Senate instead of $2,794,000 as proposed by the House;

—$5,000,000 for the National Housing Development Corporation for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing, including $2,000,000 for operating expenses as proposed by the House. The Senate did not propose funding for this program;

—$5,000,000 for the National Council of La Raza HOPE Fund, of which $500,000 is for technical assistance and fund management and $4,500,000 is for investments and financing as proposed by the House. The Senate did not propose funding for this program;

—$9,600,000 for the Department of Hawaiian Homelands for assistance as authorized by title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, with not more than five percent for administrative costs, as proposed by the Senate. The House did not propose funding for this program;

—$22,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program, instead of $21,956,000 as proposed by the House and $20,000,000 as proposed by the Senate;

—$29,000,000 for the Capacity Building for Community Development and Affordable Housing program, authorized by section 4 of the Department of Housing and Urban Development Demonstration Act, as in effect before June 12, 1997, instead of $29,387,000 as proposed by the House and $28,450,000 as proposed by the Senate. Of the amount provided, at least $5,000,000 shall be for capacity building activities in rural areas as proposed by the Senate instead of $4,989,000 as proposed by the House. Additionally, $4,000,000 is for Habitat for Humanity International, instead of $4,442,000 as proposed by the House and $3,450,000 as proposed by the Senate;

—$55,000,000 for supportive services, congregate services and service coordinators for residents of public and Indian housing as proposed by the Senate, instead of $54,879,000 as proposed by the House;

—$65,000,000 for Youthbuild instead of $69,868,000 as proposed by the House and $70,000,000 as proposed by the Senate. This amount includes $2,000,000 for capacity building activities as proposed by the House and the Senate, and $10,000,000 for underserved and rural areas as proposed by the Senate;

—$42,000,000 for the Neighborhood Initiatives program instead of $25,000,000 as proposed by the House and the Senate. Does not include language proposed by the House related to unobligated prior year balances. The Senate did not include a similar provision. Targeted grants shall be provided as follows:

$500,000 for the County of Tulare, California, for development of the Dinuba regional vocational training facility;

$250,000 for the City of Oceanside, California for the Crown Heights neighborhood revitalization project;

$1,000,000 for the Colorado Mountain Housing Coalition;

$700,000 for the City of Miami, Florida, Model Homeownership Zone Pilot Project;

$200,000 for McHenry County, Illinois, for economic development along the Fox River;

$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative;

$750,000 for the City of Brewer, Maine for the redevelopment of its waterfront;

$750,000 for the City of St. Paul, Minnesota, for the Phalen Village Superblock project;

$2,500,000 for the Grand Avenue Redevelopment Project in Kansas City, Missouri;

$1,000,000 for Urban Strategies for the construction of affordable, mixed-income housing for disabled individuals in the Central West End area of the City of Saint Louis, Missouri;

$750,000 for the City of St. Louis, Missouri, for development of the Forest Park Master Plan;

$1,000,000 for Beyond Housing, a St. Louis Missouri non-profit to preserve homes in the Castle Point, Pagedale and NE University City areas;

$250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District;

$1,000,000 to the City of Syracuse, New York for the Neighborhood Initiative Program;

$5,000,000 to Home Headquarters in Syracuse, New York for a Home Equity Assurance Pilot Program and other Neighborhood Initiative projects;

$200,000 to the City of Canandaigua, New York, for Lagoon Park development;

$200,000 to the City of Albany, New York, for the Corning Park Revitalization Project;

$300,000 to the City of Philadelphia, Pennsylvania to support the Neighborhood Transformation Initiative, which will demolish many abandoned homes as well as revitalize the areas;

$200,000 to Universal Community Homes, Philadelphia, Pennsylvania to continue the conversion of more than 500 parcels of land into for-sale units to low-and moderate-income families;

$250,000 for the City of Anderson, South Carolina for the Murray/Franklin Street neighborhood revitalization project;

$10,000,000 for the State of South Dakota to maintain the physical integrity of the Homestake Mine in preparation for the potential development of a major research facility on that site;

$400,000 for the City of Watertown, South Dakota, for a community revitalization project;

$300,000 for Campbell County, South Dakota, for economic development activities;

$1,000,000 for the City of Bellingham, Washington, for the Holly Street landfill redevelopment project;

$1,000,000 for the City of Milwaukee, Wisconsin, for the Menominee River Valley redevelopment project;

$500,000 for the City of Madison, Wisconsin to develop affordable low income housing;

$6,000,000 to the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives;

$1,000,000 for the City of Beckley, West Virginia, to revitalize a blighted area;

$2,000,000 for the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing.

—$294,200,000 for economic development initiatives. Targeted grants shall be made as follows:

$490,000 to the Kenai Peninsula Borough in Alaska for construction of low-income housing for senior citizens;

$990,000 for Catholic Community Services for its Adult Day Care facility in Juneau, Alaska to provide day care for the elderly persons;

$1,250,000 for the United Way community services facility in Anchorage, Alaska to complete construction of a social service facility to serve low-income people;

$1,500,000 for Alaska Pacific University for the restoration of a historic property in Anchorage, Alaska;

$1,500,000 for the Municipality of Anchorage, Alaska for the expansion of the Alaska Zoo;

$2,250,000 for Fairbanks, Alaska to provide winter recreation opportunities for military and civilian persons at the Fairbanks North Star Borough Birch Hill recreation area;

$45,000 to the Hillsboro-Lawrence County, Alabama Boys and Girls Club;

$50,000 to Guntersville, Alabama to extend sewer lines to the Marshall-Jackson Mental Health Center;

$50,000 to the City of Decatur, Alabama for improvements to Delano Park;

$50,000 to the City of Hollywood, Alabama for wastewater infrastructure improvements;

$50,000 to the Housing Authority of the City of Huntsville, Alabama for the continuation of a music education program;

$50,000 to Walker County, Alabama for assembly costs of the Walker County Center of Technology;

$80,000 to Leesburg, Alabama for sewer and water infrastructure expansion to the city boat dock;

$85,000 to The Whole Backstage Marshall County Theater Group in Marshall County, Alabama for renovation of facilities;

$100,000 to the City of Selma, Alabama for the acquisition of the Lovelady Building on historic Water Avenue in Selma, Alabama;

$100,000 to the Northwest Alabama Council of Local Governments for the development of a master plan for the Florence-Lauderdale County Port Authority;

$100,000 to the Tuskegee Area Health Education Center in Alabama for a rural HIV/AIDS program;

$115,000 to the Birmingham Building Trade Towers, Inc. for renovation the Birmingham Building Trades Tower in Alabama;

$115,000 to the University of Montevallo, Alabama for repair of historic structures;

$125,000 to Brilliant, Alabama for access road improvement and water line extension to industrial park;

$125,000 to Winfield, Alabama for site work preparation of land for industrial use;

$150,000 to Family Connection, Inc. in Alabaster, Alabama to construct a facility to house a new diversionary program for first time juvenile offenders in Shelby County, Alabama;

$150,000 for the City of Mobile, Alabama for the building renovation for the Mobile Opera/Symphony Collaboration;

$190,000 to Albertville, Alabama for a civic center;

$200,000 to Jasper, Alabama for recreational park construction;

$200,000 to the Clark County Commission, Alabama for establishment of the Forestry Museum;

$400,000 to the Shoals Economic Development Authority in Florence, Alabama for the construction of a joint economic development facility to be used by SEDA and the Shoals Chamber of Commerce;

$240,000 for the Patient One Medical Transport System of Alabama for wheelchair accessible vehicles, drivers, and program expenses;

$250,000 to Oakwood College of Alabama for the establishment of a Wellness Center;

$250,000 for Eufala, Alabama for downtown revitalization;

$300,000 to BizTech located in Huntsville, Alabama for the construction of a business development facility;

$300,000 to the City of Mobile, Alabama for improvements to a recreational pier and facilities at McNally Park;

$300,000 to the Covington County Commission in Alabama for the construction of the second phase of the Covington County Farm Center;

$350,000 to the Housing Authority of the City of Andalusia to expand their existing preschool programs and facility to accommodate more low-income, high risk children in Andalusia, Alabama;

$400,000 to the Alabama Historical Commission for the renovation of the Historic Green County Courthouse in Green County, Alabama;

$500,000 to the American Village for the construction of Federal Hall and the Liberty Square Expansion in Montevallo, Alabama;

$500,000 to the City of Hamilton, Alabama for the construction of a call center facility;

$500,000 to the City of Winfield, Alabama for the construction of a call center facility;

$500,000 to the Cleveland Avenue YMCA so that they may expand their existing programs to serve more young people in Montgomery, Alabama;

$500,000 to the Lakeshore Foundation in Birmingham, Alabama to expand their existing facilities to serve a larger population of Alabamians with physical disabilities;

$500,000 to the National Children's Advocacy Center in Huntsville, Alabama for the establishment of a research and training facility;

$500,000 to the USS Alabama Battleship Commission for a restoration initiative;

$1,000,000 to Spring Hill College in Mobile, Alabama for construction of the Regional Library Resource Center;

$300,000 for Studio for the Arts of Pocahontas, Arkansas, for a new facility;

$1,000,000 or the City of DeQueen, Arkansas for the development of a cultural awareness center;

$50,000 to the Tohono O'odham Tribe in Arizona for development of a veterans memorial monument and park;

$300,000 Boys and Girls Club of the East Valley, Temple Arizona for its Guadalupe Branch;

$740,000 to Arizona State University for the establishment of the Center for Basic Research and Applied Research within the Barry M. Goldwater Center for Science and Engineering;

$1,000,000 to the City of Tucson, Arizona for the Fox Tucson Theatre and Archive Project to restore and renovate a historic theater;

$30,000 to the City of Temecula, California for the Job Skills and Commuter Census;

$30,000 to the Cuban Resource Center in Los Angeles, California for community center improvements;

$50,000 to Easter Seals Tri-Counties in California for the Easter Seals Child Development Center;

$50,000 to Environment Now in Santa Monica, California for continued development of the Ballona Creek Trail and Bikeway;

$50,000 to the City of Anaheim, California for the Senior Citizen Wing Expansion of the Brookhurst Community Center;

$50,000 to the City of La Puente, California for an addition to the La Puente Youth Learning Center;

$50,000 to the City of Placerville, California for the rehabilitation and development of the Gold Bug Park, the Meagher House;

$50,000 to the City of Rancho Cucamonga, California for construction of a senior center;

$50,000 to the County of San Bernardino, California for the youth baseball/softball field complex at Spring Valley Lake in Victorville;

$50,000 to the County of San Bernardino, California for the Barstow Wading Pool;

$50,000 to the Mothers of East LA Santa Isabel in Los Angeles, California for improvements to a community garden;

$50,000 to the West Haven Community Center in Garden Grove, California for construction costs;

$75,000 to the Angelus Plaza Senior Housing Complex in Los Angeles, California for the acquisition of multi-language translation equipment;

$75,000 to the City of Long Beach, California for construction of the Admiral Kidd Park Community Center;

$90,000 to the City of Temecula, California for the Vail Ranch Middle School Basketball Lighting Project;

$100,000 to the Ed Roberts Campus in Berkeley, California for planning and development of their disability campus;

$100,000 to Marin City, California for Marin City Cultural and Community Center facility needs;

$100,000 to the American Film Institute for the establishment of a Screen Education Center for public school teacher training;

$100,000 to the City of Los Angeles, California for construction needs of the Boyle Heights Youth Technology and Recreation Center;

$100,000 to the City of Los Angeles, California for the Red Car Trolley study;

$75,000 to the Fort Ord Re-use Authority in Marina, California for economic development re-use activities at the former Fort Ord;

$100,000 to the Heritage Camp Foundation in California for its Feria de California program;

$100,000 to the Housing Trust of Santa Clara County, California for affordable housing efforts in Silicon Valley;

$100,000 to the Leimert Park Merchants Association in Los Angeles, California for continued revitalization efforts in the Leimert Park Village;

$125,000 to the City of Los Angeles, California for construction of the Ernest E. Debs Nature Center;

$150,000 to the City of Modesto, California for infrastructure needs in distressed neighborhoods;

$150,000 to the City of Vallejo, California for development of a fire suppression system of Mare Island;

$150,000 to the Davis Street Community Center in Central Alameda, California for facilities needs;

$175,000 to the Fine Arts Museum of San Francisco, California for construction needs of the M.H. de Young Memorial Museum;

$190,000 to the City of Simi Valley, California for the expansion of the Simi Valley Senior Citizens Center;

$190,000 to the City of Westminster, California for construction of a multi-cultural Community Center;

$198,000 to the City of Riverside, California and the California Department of Parks and Recreation for the Citrus Park project;

$200,000 to the City of Eureka, California for Fisherman Dock Area Harbor capital improvement needs;

$200,000 to the City of Highland, California for the city history museum;

$200,000 to the City of Inglewood, California for design and construction needs related to a new seniors center;

$200,000 to the City of Needles, California for blight abatement;

$200,000 to the City of Twentynine Palms, California for the Twentynine Palms Visitor Center;

$200,000 to the County of San Bernardino, California for construction of the Hall of Paleontology at the San Bernardino County Museum;

$200,000 to the County of San Bernardino, California for the Big Bear Zoo relocation and expansion;

$200,000 to the Town of Apple Valley, California for Phase One of Civic Center Park;

$200,000 to the Town of Yucca Valley, California for the Southside Community Park;

$240,000 to the City of Diamond Bar, California for construction of a senior center;

$240,000 to the Kern County Superintendent of Schools Office for the Mobility Opportunities via Education project as a component of the Southeast Bakersfield, California Redevelopment Project;

$250,000 for Covenant House California, for purchase and renovation of a new facility for the East Bay Street Outreach and Community Service Center;

$250,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project;

$250,000 for the Martin Luther King, Jr. Freedom Center of Oakland, California, for facility construction;

$250,000 to Pacific Union College in Angwin, California for the Napa Valley Community Resource Center;

$290,000 to the City of Citrus Heights, California for the Sunrise MarketPlace Revitalization Project;

$290,000 to the City of Stockton, California for the historic restoration of the Fox Theatre;

$290,000 to the Fund for the Preservation of the California State Mining and Mineral Museum;

$300,000 for Community Medical Centers of Fresno, California, for renovations to the Fresno Community Regional Medical Center;

$300,000 to the City and County of San Francisco, California for its Masterlease Hotel program for the homeless;

$300,000 to the City of East Palo Alto, California for the redevelopment of the Ravenswood Industrial Area;

$300,000 to the City of Salinas, California for construction of a municipal pool;

$275,000 to the City of Santa Monica, California for gateway needs at the Santa Monica Mountains National Recreation Area;

$300,000 to the Sacramento California Housing and Redevelopment Agency for the Sacramento Asian Sports Foundation, to construct a community center;

$490,000 to El Centro Regional Medical Center in Imperial County, California for construction of a heliport;

$490,000 to HomeAid to assist efforts to build and renovate homeless shelters;

$490,000 to the City of Bakersfield, California for the Baker Street Corridor project;

$490,000 to the City of Monrovia, California for the Old Town Monrovia Revitalization Project;

$490,000 to the City of Redding, California for the Stillwater Industrial Park;

$490,000 to the Sweetwater Authority in California for the Sweetwater and Loveland Reservoirs Recreation Project;

$500,000 to the San Dieguito Transportation Cooperative of California to centralize school bus transportation operations and increase service capacity;

$740,000 to the City of Lancaster, California to complete the Lancaster National Soccer Center;

$750,000 for the City of East Palo Alto, California to redevelop the Ravenswood industrial area;

$750,000 for the West Angeles Community Development Corporation of Los Angeles, California, for development of the West Angeles Plaza;

$190,000 to the City of Oceanside, California for revitalization of the Crown Heights Neighborhood;

$800,000 for the Town of Mountain Village, Colorado for an affordable housing initiative;

$1,500,000 for the City of Denver, Colorado for revitalization;

$50,000 to the City of Hartford, Connecticut for redevelopment of the North Star Plaza area in the North End community of Hartford;

$75,000 to the University of Hartford, in Hartford, Connecticut for the Hartt School Performing Arts Center;

$100,000 to the Town of Derby, Connecticut for restoration of the Sterling Opera House;

$300,000 for Connecticut Hospice, Inc., of Branford, Connecticut, for construction of a new facility;

$800,000 for the Southside Institutions Neighborhood Alliance of Hartford, Connecticut, for neighborhood revitalization in Hartford;

$390,000 to Norwich Community Development Corporation in Norwich, Connecticut for rehabilitation of the historic Capehart Mill;

$375,000 to the Domestic Violence Services of Greater New Haven, Connecticut for a domestic violence transitional housing project;

$490,000 to the Warner Theater in Torrington, Connecticut for facility renovations;

$50,000 for the Delaware Valley Historical Aircraft Association, Delaware County to complete their building project which will house historic military aircraft presently on outdoor display in Willow Grove, Pennsylvania;

$50,000 to Delaware Valley Community Health, Inc. for facilities needs at the Maria de los Santos Health Center in Philadelphia, Pennsylvania;

$300,000 for the Boys and Girls Club of Delaware for facility construction and renovation;

$750,000 for the YMCA of Delaware for renovations to the Central Branch YMCA;

$25,000 to the Orlando Community Redevelopment Agency in Orlando, Florida for redevelopment of Otey Place;

$50,000 to the Tampa Bay Performing Arts Center in Tampa, Florida for expansion purposes;

$50,000 to the Tampa Bay, Florida Port Authority for the channelside economic development project;

$100,000 to the Alachua County Board of Commissioners in Alachua County, Florida for land conservation efforts related to the Emerald Necklace initiative;

$100,000 to the City of Gainesville, Florida for the Depot Avenue economic development project;

$200,000 to St. Petersburg Beach, Florida for the Don Vista Community Center;

$200,000 to the Alachua County Board of Commissioners in Alachua County, Florida for a program to stabilize and revitalize distressed neighborhoods, including the City of Archer;

$240,000 to the Brevard Community College in Florida for renovations and infrastructure improvements to the Cocoa Village Playhouse;

$240,000 to the City of Daytona Beach, Florida for the Daytona Beach Boardwalk Revitalization;

$240,000 to the City of Maitland, Florida for a senior citizens center;

$240,000 to the Florida Association of Counties for continuation of a national pilot project for assisting rural communities to develop and sustain professional economic development initiatives;

$450,000 to Bethune Cookman College in Daytona Beach, Florida for costs related to a community services and student union building;

$340,000 to the City of South Miami, Florida for urban infrastructure upgrades and street enhancements;

$350,000 for Covenant House, Florida, Inc., for transitional housing;

$490,000 to Sebring Airport Authority of Florida for development of a light industrial commercial business park;

$490,000 to the City of Clearwater, Florida for the "Beach by Design Initiative";

$490,000 to the City of Deerfield Beach, Florida for the construction of the Mitigation Operation Center;

$500,000 to Pinellas County, Florida for the Gulf Boulevard project;

$500,000 to Pinellas Park, Florida for community hurricane evacuation infrastructure improvements;

$500,000 to the City of Safety Harbor, Florida to repair and replace brick streets and underground utilities;

$500,000 to the Miami-Dade County Housing Finance Authority of Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$740,000 to Edison Community College in Fort Myers, Florida for the renovation of the Barbara B. Mann Performing Arts Hall;

$1,000,000 to Miami-Dade County, Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$2,000,000 to St. Petersburg, Florida for the Sunken Gardens improvement project;

$100,000 to Clarkston Community Center, Inc. in DeKalb County, Georgia for renovations;

$100,000 to DeKalb County, Georgia for development of a multipurpose civic and community center;

$100,000 to Spelman College in Atlanta, Georgia for historic preservation of Packard Hall;

$150,000 to the Historic Savannah Foundation of Georgia to revitalize housing in the historic Savannah neighborhoods;

$200,000 to College Partners, Inc in Atlanta, Georgia for community development and revitalization initiative;

$240,000 to the ARCH Educational Network in Georgia for construction of an education center;

$240,000 to the City of Macon, Georgia for redevelopment of a Brownfields site;

$300,000 for Covenant House Georgia, to purchase and renovate a new community service center in Atlanta, Georgia;

$350,000 for Rockdale County, Georgia, for construction of Georgia's Veterans Park;

$400,000 for the Tubman African American Museum in Macon, Georgia for construction of the Tubman African American Museum;

$490,000 to Gwinnett County, Georgia for the Liberty Heights Neighborhood Revitalization Project;

$490,000 to the Warner Robins Century of Flight Museum in Georgia for facilities expansion;

$500,000 to the Liberty County, Georgia Development Authority for the Coastal MegaPark for continued planning and engineering studies and infrastructure development;

$750,000 for development of the Dr. Martin Luther King, Sr., Community Service Center in Atlanta, Georgia;

$200,000 for the County of Maui, Hawaii for restoration of the Iao Theater in Wailuku Town;

$300,000 for the County of Kauai, Hawaii, for the Heritage Trails project;

$500,000 for the YMCA of Honolulu, Hawaii, for reconstruction and expansion of the Kalihi YMCA facility;

$500,000 for the YMCA of Kauai, Hawaii, for construction of a multipurpose community center;

$750,000 for the Boys and Girls Club of Hawaii to establish three new Boys and Girls Clubs of Hawaii in the Hawaiian homestead areas of Papakolea, Nanakuli and Paukukalo;

$800,000 for the Filipino Community Center, Inc. of Honolulu, Hawaii to develop a new community center;

$490,000 to the City of Des Moines, Iowa for the redevelopment of the Des Moines Advance Technology Agribusiness Park;

$500,000 for City of Waterloo, Iowa, for brownfields redevelopment;

$500,000 for the City of Cedar Rapids, Iowa, for brownfields revitalization;

$500,000 for the City of Council Bluffs, Iowa, for the Katelman neighborhood redevelopment project;

$500,000 for the City of Davenport, Iowa, for the East Davenport Development Corporation mixed-income housing development;

$500,000 for the City of Des Moines, Iowa, for brownfields redevelopment;

$500,000 for the Iowa Department of Economic Development for the Main Street Program;

$500,000 to Homeward, Inc. in North Central Iowa to assist local employers with housing programs and help low- to moderate-income families purchase or remodel existing homes;

$1,000,000 for Dubuque, Iowa for the development of an American River Museum;

$290,000 to the City of Jerome, Idaho for the renovation of facilities for a mixed-use community education, health, and technology center;

$500,000 for the Lewis and Clark State College for the Idaho Virtual Incubator;

$500,000 for the University of Idaho for a technology incubator at Post Falls, Idaho;

$1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial plan;

$1,000,000 for the University of Idaho for a performance and education facility;

$50,000 to Family Focus in Evansville, Illinois for facilities needs;

$75,000 to Columbia College in Chicago, Illinois for an integrated student services and activities center;

$90,000 to the Taylorville Community School District in Taylorville, Illinois for construction of a Fine Arts Educational Center;

$100,000 to Knox College in Illinois for renovations of Alumni Hall for the Abraham Lincoln Studies Center;

$100,000 to the City of Calumet Park, Illinois for recreation center facility needs;

$100,000 to the City of Chicago, Illinois for the Lake Calumet Area Land Acquisition Redevelopment project;

$100,000 to the City of Elgin, Illinois for expansion of the Elgin Child Daycare Center;

$100,000 to the Haymarket Center in Chicago, Illinois for the purchase and renovation of a facility;

$100,000 to the Illinois Quad Cities Mississippi Riverfront Redevelopment partnership for redevelopment efforts;

$100,000 to the Westie Holistic in Chicago, Illinois for expansion of the Youth and Services Division;

$100,000 to the United Services of Chicago, Inc. in Illinois for a job training project in the Chicago metropolitan area;

$140,000 to the Morrisonville Emergency Services Facility in Morrison, Illinois for construction of facilities;

$150,000 for American Lung Association of Illinois for technology upgrades for the Tobacco Quitline and veterans outreach programs;

$150,000 for Asian Human Services of Chicago, Illinois, to expand its community empowerment programs;

$150,000 for Catholic Urban Programs of East St Louis, Illinois to expand its emergency housing facility;

$150,000 for the Shelby County Community Services Agency, of Shelbyville, Illinois, for construction of a child care center;

$150,000 for the World War II Illinois Veterans Memorial of Springfield, Illinois, for construction;

$150,000 to Southern Illinois University in Carbondale, Illinois for infrastructure needs related to the development of a University Research Park;

$175,000 for the Quincy, Illinois, Housing Authority to expand its community center facilities;

$200,000 to the City of Berwyn, Illinois for expansion and renovations of public safety and fire facilities;

$225,000 for the Peace/Education Coalition of Chicago, Illinois for expansion of a community youth center and related programs;

$240,000 to Cornerstone Services, Inc. in Will County, Illinois for the reconstruction of a warehouse into a developmental training center for adults with disabilities;

$240,000 to Joliet Junior College of Illinois for the Bridging Community, Economic and Workforce Development Through Local Partnerships Project;

$300,000 for Casa Central of Chicago, Illinois, for expansion of a community technology center facility and services;

$300,000 to Sugar Grove, Illinois for drinking water infrastructure improvements;

$350,000 for Career Transitions Center of Chicago, Illinois, for property acquisition and rehabilitation to develop a social services outreach facility;

$470,000 to Will County, Illinois for renovation, expansion and facility improvement for the County Courthouse;

$490,000 to the City of Des Plaines, Illinois for conversion of an existing building into a multi-use community resource center;

$500,000 for Christopher House of Chicago, Illinois, for construction of a family resource center;

$500,000 for the City of Moline, Illinois, for riverfront redevelopment efforts in Moline, East Moline, and Rock Island;

$500,000 to Eureka College in Eureka, Illinois for construction of a new science and technology center;

$1,300,000 to Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for the Center on Research and Aging;

$50,000 to the City of Indianapolis, Indiana for revitalization efforts focused on the historic Massachusetts Avenue Corridor;

$50,000 to the War Memorials Commission in Indianapolis, Indiana for continued restoration of the Indiana World War Memorial Plaza;

$100,000 to the City of South Bend, Indiana for demolition and revitalization in the Studebaker Auto/Oliver Plow Works industrial corridor;

$140,000 for Tri-State University located in Angola, Indiana for the development of the Tri-State University Center for Educational Excellence;

$190,000 to the University of Saint Francis in Fort Wayne, Indiana for construction and outfitting of the proposed Professional Development Center;

$290,000 to Ball State University of Muncie, Indiana for facilities expansion and renovation of the Midwest Entrepreneurial Education Center;

$300,000 for the City of Jeffersonville, Indiana, for redevelopment of the Quartermaster Depot;

$490,000 to the James Whitcomb Riley Hospital for Children in Indiana to expand and enhance services at the autism clinic;

$500,000 for the Historic Preservation Association of Jasper County, Indiana for the restoration of Drexel Hall;

$500,000 to the City of Merrillville, Indiana for drinking water and wastewater infrastructure improvements;

$650,000 to the City of Hobart, Indiana for sewage treatment facility needs;

$740,000 to Purdue University in Indiana for the Ultra-Performance Nanotechnology Center in West Lafayette, Indiana;

$1,000,000 for the City of Carmel for its Indiana parks development;

$240,000 to the City of Manhattan, Kansas for the apron expansion at the Manhattan Regional Airport;

$490,000 to the City of Hutchinson, Kansas to properly seal all abandoned brine well sites;

$750,000 to Power Community Development Corporation for development of a grocery supermarket in Wichita, Kansas;

$1,000,000 to the City of Hutchinson, Kansas for revitalization;

$70,000 to Allen County, Kentucky for upgrades to the Emergency 911 System;

$190,000 to Simpson County, Kentucky for repairs and renovation of the Emergency Operations Center;

$200,000 to the Southern Star Development Corporation for construction of a multipurpose community facility;

$228,000 to the First Gethsemane Center in Louisville, Kentucky for renovation of facilities;

$250,000 to the Western Kentucky Growers Association for capital improvements and equipment;

$275,000 to Brooklawn Youth Services for construction of a multipurpose activities building and gymnasium;

$347,000 to the Canaan Community Development Corporation for the Canaan Christian Academy child development center;

$400,000 to the Shiloh Community Renewal Center in Kentucky for facilities reconstruction and rehabilitation;

$475,000 to the City of Lynch, Kentucky for construction and restoration of facilities associated with the Kentucky Coal Mine Museum;

$500,000 to the New Zion Community Foundation Development for construction of a community-based consumer center;

$525,000 to the London-Laurel County Tourist Commission for design and land acquisition for a Civil War historical/interpretive theme park in Laurel County, Kentucky;

$4,500,000 for the University of Louisville for the expansion of its main library;

$50,000 to the Acadia Economic Development Corporation for establishment of a business incubator in Crowley, Louisiana;

$90,000 to the City of New Iberia, Louisiana for downtown revitalization;

$100,000 to Iberia Parish, Louisiana for the New Iberia conference center;

$100,000 to the Town of Golden Meadow, Louisiana for recreational and job training uses;

$100,000 to the Town of Grand Isle, Louisiana for the Grand Isle Civic/Conference Center;

$150,000 to St. John the Baptist Parish, Louisiana for the planning, design and construction of a civic center/farmers market;

$200,000 for Booker T. Community Outreach, Inc., of Monroe, Louisiana, for an elderly living center;

$200,000 for Kingsley House, Inc., of New Orleans, Louisiana, for facility and service expansion;

$200,000 to the New Orleans Regional Planning Commission for bike paths and recreational infrastructure improvements in the St. Charles, St. Bernard, and Plaquemines Parishes of Louisiana;

$250,000 for Dillard University of New Orleans, Louisiana, the International Center for Economic Freedom project;

$250,000 for the City of Donaldsonville, Louisiana, for riverfront development;

$250,000 to the City of Mandeville, Louisiana for the Mandeville Trailhead Project;

$250,000 to the Port of South Louisiana for expansion of the Globalplex Intermodal Terminal Facility;

$275,000 for the Mirabeau Family Learning Center, Inc., of New Orleans, Louisiana, for expansion of facilities and services;

$290,000 to DeSoto Parish, Louisiana for transportation infrastructure improvements associated with the West DeSoto Industrial Park and Riverfront Park;

$300,000 for the City of Shreveport, Louisiana, for develop supporting infrastructure for its Convention Center and Downtown Redevelopment project;

$400,000 for the City of Vidalia, Louisiana for construction of the Gateway Center at the Vidalia riverfront;

$490,000 to the City of Port Allen, Louisiana for economic development and downtown revitalization;

$500,000 for the Audubon Nature Institute, Inc., of New Orleans, Louisiana, for development of the Living Science Museum;

$1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration;

$50,000 to the Cambridge, Massachusetts Redevelopment Authority for implementation of a public space redevelopment initiative;

$100,000 to Salem State College in Salem, Massachusetts for construction of an arts center;

$100,000 to the Caritas Good Samaritan Medical Center in Brockton, Massachusetts for construction of a cancer center;

$100,000 to the City of Lawrence, Massachusetts for parking facility needs in the Lower Gateway area of Lawrence;

$100,000 to the City of Worchester, Massachusetts for the Gardner-Kirby-Hammond Street neighborhood revitalization project;

$100,000 to the Computer Access for Empowerment Program in North Worchester County, Massachusetts for a program to bring computer access to needy areas;

$150,000 for Fall River, Massachusetts, for the Iwo Jima project;

$150,000 for the Charlestown, Massachusetts, Boys and Girls Club for facility renovations;

$175,000 to North Adams, Massachusetts for facilities needs related to the Windsor Mills Incubator Project;

$250,000 to the Mystic Valley Development Commission for a regional technology development project known as TeleCom City;

$325,000 to Nueva Esperanza in Holyoke, Massachusetts for the Main Street Mercado project and the New Hope Fish Farm project;

$275,000 to the Baystate Medical Center, Inc. in Springfield, Massachusetts for the Pioneer Valley Life Sciences Initiative;

$300,000 to the YMCA of Greater Springfield, Massachusetts for rehabilitation of Camp Norwood;

$350,000 for Fitchburg State College, of Fitchburg Massachusetts, for the development of a new technology center;

$400,000 for the City of Lawrence, Massachusetts, for economic development activities;

$70,000 for St. Ambrose Housing Aid Center of Baltimore, Maryland, for development of a new youth center by the Stadium School Youth Dreamers;

$100,000 to the Fayette Street Outreach Center in Baltimore, Maryland for development of a building into offices and a community center;

$150,000 for the Rural Development Center, University of Maryland Eastern Shore, for economic development efforts of Delmarva Low Impact Tourism Experiences;

$240,000 to the Bethesda Academy of Performing Arts in Maryland for continued construction of the "Imagination Stage Center for the Arts";

$240,000 to the Town of Garrett Park, Maryland for renovation of the town center, Penn Place;

$290,000 for the Enterprise Foundation for stabilization and redevelopment efforts in the Forrest Park and Lauraville neighborhoods of Baltimore, Maryland;

$300,000 for the Living Classrooms Foundation of Baltimore, Maryland, for expansion of the Workforce Development Center;

$300,000 for the Ruth Enlow Library System of Garrett County, Maryland, for construction of the new Grantsville Branch library;

$300,000 to the Spring Dell Center in La Plata, Maryland for construction of a new facility;

$375,000 to the Bowie Regional Arts Vision Association in Bowie, Maryland for construction of a new concert hall;

$400,000 for the Women's Industrial Exchange of Baltimore, Maryland, for redevelopment of Charles Street property;

$500,000 for the Kennedy Kreiger Institute of Baltimore, Maryland, for development of a new community behavioral health center;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for streetscaping and revitalization efforts in Wheaton;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for the Stewartown Homes digital divide initiative;

$500,000 for the National Federation of the Blind for the development of the National Research and Training Institute for the Blind in Baltimore, Maryland;

$500,000 for the New Shiloh Community Development Corporation of Baltimore, Maryland, for construction of a multi-purpose center;

$500,000 for Way Station, Inc., of Frederick, Maryland, for development of the Way Station Community Mental Health and National Education Center;

$750,000 for the Fells Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts;

$50,000 to the City of Westbrook, Maine for downtown revitalization efforts including the construction of a parking garage;

$50,000 to the International Northeast Biotechnology Corridor in Fairfield, Maine for economic development efforts directed at biotechnology companies;

$100,000 to the Franco-American Heritage Center at St. Mary's in Lewiston, Maine for the redevelopment of the St. Mary's Church into a learning center, museum and performing arts space;

$1,000,000 for the City of Lewiston, Maine for the funding of a community and economic development center;

$1,000,000 for the Wiscassett Regional Development Corporation for the Maine Yankee Power Plane Reuse Initiative;

$140,000 to the Livingston Arts Council for renovations of the Downtown Howell Opera House in Howell, Michigan;

$140,000 to the Village of Holly, Michigan for the Railroad Depot Renovation Project;

$150,000 to the Detroit Medical Center in Detroit, Michigan for site readiness efforts related to the Sinai Redevelopment Project;

$250,000 to the Chippewa-Luce-Mackinac Community Action Human Resources Authority in Michigan for a downtown community revitalization project;

$250,000 to the Henry Ford Museum and Greenfield Village in Dearborn, Michigan for the "America's Transportation Stories" project;

$750,000 for Wayne County, Michigan, for the Wayne County Nutritional Seniors Kitchen;

$350,000 to NorthStar Varsity Park Redevelopment in Detroit, Michigan for a targeted housing production program;

$600,000 to the City of Mt. Clemens, Michigan for development and operations of a community recreation center;

$750,000 for Focus: HOPE of Detroit, Michigan, for facility renovation;

$750,000 to the National Center for Manufacturing Sciences in Ann Arbor, Michigan for infrastructure costs related to the development and deployment of advanced technologies to the manufacturing base;

$100,000 to Bemidji State University in Minnesota for construction of the American Indian Cultural Resource Center;

$100,000 to the Boys and Girls Club of Detroit Lakes, Minnesota for facility needs;

$240,000 to the National Audubon Society for the Audubon Ark Project in Dubuque, Iowa;

$300,000 to the Audubon Center of the North Woods in Minnesota for a capital project to increase accessibility;

$340,000 to Fairview Southdale Hospital in Edina, Minnesota for the Fairview Health Services' "Healthy Mothers and Babies Technology Demonstration" initiative;

$600,000 for the Mesabi Academy and Martin Hughes School of Buhl, Minnesota, for facility renovation and program expansion;

$600,000 to the Reuben Lindh Family Services in Minneapolis, Minnesota for facilities rehabilitation;

$175,000 for the American Indian Opportunities Industrial Center in Minneapolis, Minnesota for rehabilitation of facilities;

$50,000 for Applied Urban Research Institute of Kansas City Missouri for a study to develop a city-wide plan to assist troubled youth;

$75,000 to the Kansas City, Missouri for redevelopment of the former U.S. Courthouse;

$240,000 to Logan College of Chiropractic's in Chesterfield, Missouri for the continued development and construction of a Learning Resource Center;

$250,000 for the City of St. Joseph, Missouri for downtown redevelopment project;

$250,000 for the Cuba, Missouri Tourism Center for the historic district improvement project;

$250,000 for the Sparta, Missouri Community Development Organization for the development of an industrial park;

$250,000 for the Andrew County Museum and Historical Society in Missouri for expansion of their museum;

$250,000 for Squaw Creek National Wildlife Refuge in Missouri for construction of an Education Auditorium, boardwalk and outdoor classroom;

$250,000 for the Missouri Forest Heritage Center in Shannon Co., Missouri for the construction of a forest resource management center;

$300,000 for the Central Missouri Lake of the Ozarks Convention and Visitor Bureau community center;

$300,000 for the City of Fayette, Missouri Downtown revitalization project;

$300,000 for the Perry County, Missouri Industrial Development Authority to renovate building to serve as a Center for Industry and Education;

$340,000 to the Central Missouri Food Bank in Columbia, Missouri for construction of facilities;

$450,000 for the Rolla, Missouri Chamber of Commerce for downtown revitalization project;

$500,000 for Downtown West Plains Inc., for City square renovation and downtown revitalization project of West Plains Missouri;

$500,000 for North Central Regional Water Commission in Unionville, Missouri for planning and design of water supply reservoir project;

$500,000 to the University of Missouri-Rolla for research of affordable housing composite materials;

$500,000 for Operation Breakthrough in Kansas City, Missouri for facility expansion and redevelopment;

$500,000 for University of Missouri at St. Louis, Missouri for a mobile vision screening program;

$1,000,000 for the City of Kansas City Missouri for the City Market renovation project;

$1,000,000 for the Community Development Corporation of Kansas City, Missouri, for continued revitalization of the northwest corner of 63rd and Prospect Avenue;

$1,000,000 for the University of Missouri-Kansas City for continued development of it's collaborative Life Sciences Initiative;

$1,250,000 to the City of St. Louis, Missouri for construction of a multi-purpose community center;

$1,990,000 to Springfield, Missouri for land acquisition within the Jordan Valley redevelopment area;

$250,000 for Missouri Western State College in St. Joseph, Missouri for planning and renovation of the Agenstein Science and Math Building;

$50,000 to the City of Jackson, Mississippi for the linking of cultural and entertainment districts through the extension of Oakley Street;

$150,000 to Mississippi State University in consultation with the Mississippi Mainstreet Association to promote small town revitalization by utilizing the resources of the Small Town Center;

$200,000 to Community Connections in Mississippi for a pilot low income housing project in Southern Mississippi;

$200,000 to Leake County, Mississippi for site preparation and infrastructure improvements for an industrial park;

$200,000 to the City of Carthage, Mississippi to renovate the historic elementary school auditorium;

$200,000 to the Oktibbeha County Economic Development Authority in Mississippi for the establishment of an industrial park;

$250,000 to Jackson State University in Jackson, Mississippi for renovations to the Center for the Study of the 20th Century African American;

$300,000 for the Chickasaw Trails Industrial Authority in Mississippi for preliminary planning and engineering for an industrial park;

$300,000 for the Stoneville Research and Education Complex in Stoneville, Mississippi for renovation and expansion;

$450,000 for Jackson State University in Jackson, Mississippi, for the renovation of the Margaret J. Walker Alexander Research Center;

$500,000 for Harrisburg Arts and Social Services Center in Tupelo, Mississippi for renovation of facilities and program needs;

$500,000 for Mississippi State University for a state capacity development initiative;

$500,000 for the City of Madison, Mississippi for main street reconstruction;

$1,000,000 for Jackson County, Mississippi for the construction of a county community center;

$1,000,000 for Mississippi State University for the Mississippi Center for Advanced Vehicular Systems and Engineering Extension Facility;

$2,000,000 for the University of Southern Mississippi for its National Center for Excellence in Economic Development, Education, Research and Community Service;

$240,000 to the University of Montana Missoula for the research and economic development enterprise;

$1,000,000 for Great Falls, Montana for the Missouri Riverfront Park Enhancement project;

$1,000,000 for MSU-Billings for the development of the Billings Technology Training and Technology program as a business incubator;

$1,000,000 for TechRanch of Bozeman, Montana, for development of a technology incubator for the Gallatin area and Eastern Montana;

$20,000 to the County of Richmond, North Carolina for the demolition of the Imperial Foods Plant;

$50,000 to Cumberland County, North Carolina for development of the Fayetteville-Cumberland County Dr. Martin Luther King, Jr. Memorial Park;

$50,000 to the North Carolina Cultural Center in Robeson County, North Carolina for construction of the center;

$50,000 to the North Carolina Department of Agriculture for the development of a Centralized Agricultural Cold/Freezer Storage

Facility and Processing Center in rural Eastern North Carolina at the Global TransPark;

$100,000 to the North Carolina Community Land Trust Initiative for capacity building and operational support;

$100,000 to the North Carolina Fair Housing Center for a consumer education campaign to combat predatory lending;

$100,000 to the Wilson Family Resource Center in Wilson, North Carolina for rehabilitation of facilities;

$150,000 to the Discovery Place Museum in Charlotte, North Carolina for renovations needs;

$150,000 to the North Carolina Institute of Disaster Studies for activities related to the mitigation of natural and technological disasters;

$220,000 to the Town of Troy, North Carolina for the Rent-to-Own Housing Pilot project;

$240,000 to the Albemarle Downtown Development Corporation for green space development;

$250,000 to OPC Mental Health in Carrboro, North Carolina for renovation of a thrift shop;

$250,000 to Passage Home in Raleigh, North Carolina for neighborhood restoration in the WE CAN Weed and Seed target area of Southeast Raleigh;

$250,000 to the Burch Avenue Center in Durham, North Carolina for the construction of a multi-purpose community center;

$300,000 for Western Carolina University of Cullowhee, North Carolina, for Millennial Campus project;

$300,000 to Alleghany County, North Carolina for construction of a community center as part of the Alleghany Wellness Center;

$340,000 to Central Piedmont Community College in Charlotte, North Carolina for construction a workforce development training center;

$400,000 to Self-Help Ventures Fund in Durham, North Carolina for their revolving loan fund;

$490,000 to the Mayland Community College in Spruce Pine, North Carolina for the Avery Satellite Campus project;

$700,000 to Wake Forest University and Winston-Salem State University in North Carolina for construction of a research facility for the Idealliance program;

$1,000,000 for Henderson, North Carolina for the construction of the Embassy Cultural Center;

$100,000 to the City of Rugby, North Dakota for implementation of the Rural Economic Area Partnerships strategic plan;

$400,000 for Lewis and Clark Community Works of North Dakota, for a rural housing development fund;

$900,000 for Sitting Bull College in Fort Yates, North Dakota for construction of a new science facility;

$1,000,000 for the North Central Planning Council, North Dakota, to relocate agricultural structures;

$1,000,000 for the Rural Economic Area Partnerships (REAP) Zones to build on and leverage economic development opportunities in North Dakota;

$240,000 to the University of Nebraska at Omaha for the Peter Kiewit Institute and the College of Information Science and Technology to conduct research in the area of computer security;

$240,000 to Walthill, Nebraska for the Walthill Public Schools for construction and equipping of two science laboratory classrooms and facilities;

$300,000 for the Northeast Family Center of Lincoln, Nebraska, for facility renovations;

$490,000 to Doane College in Crete, Nebraska for the rehabilitation of the historic Whitcomb Conservator;

$500,000 for the Girls and Boys Town USA in Omaha, Nebraska to address the needs of at-risk boys and girls;

$1,000,000 for the Community Alliance in Omaha, Nebraska for its 'Building Homes, Rebuilding Lives' program;

$40,000 for "My Friend's Place" in the City of Dover, New Hampshire for emergency shelter needs;

$140,000 to the Monadnock Ice Center Association for construction and operation of a year-round ice arena downtown Keene, New Hampshire;

$180,000 for the Laconia Public Library in New Hampshire for facility improvements;

$190,000 for the Mt. Washington Valley Economic Council's "Technology Village Incubator";

$240,000 to the University of New Hampshire in Manchester, New Hampshire for the relocation of the Engineering Technology Laboratory;

$340,000 to Lebanon College of Lebanon, New Hampshire to implement a medical and dental training program;

$350,000 for the New Hampshire Community Technical College for the Emerging Technology Center at Pease;

$500,000 for Concord, New Hampshire to cleanup brownfields;

$500,000 for Keene, New Hampshire to cleanup brownfields;

$500,000 for Milford, New Hampshire for downtown revitalization;

$1,000,000 for the City of Nashua, New Hampshire to create housing opportunities;

$50,000 to Hopewell Township, New Jersey for renovations to the Historic Hunt House;

$50,000 to South Brunswick, New Jersey for design and construction of a new library;

$50,000 to the Alice Paul Centennial Foundation for continuation of the Paulside Rehabilitation Project in Mount Laurel, New Jersey;

$90,000 to Fanwood Township, New Jersey for downtown revitalization;

$100,000 for Morristown Neighborhood House for the infrastructure improvements to the Manahan Village Resident Center Childcare facility in Morristown, New Jersey;

$100,000 for the Adults and Children Together Against Violence program for the development of violence prevention programs;

$100,000 to Brookdale Community College in New Jersey for facilities needs related to the New Jersey Coastal Communiversity;

$100,000 to Passaic County Community College in Patterson, New Jersey for programming and equipment needs;

$100,000 to Englewood Hospital and Medical Center in Englewood, New Jersey for Breast Care facilities expansion;

$100,000 to Holy Name Hospital in Teaneck, New Jersey for dialysis center expansion;

$140,000 to Burlington County, New Jersey for Fairview Street curb replacement;

$140,000 to Burlington County, New Jersey for Ark Road sidewalk improvements;

$200,000 to the Essex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Morris County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Somerset County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Sussex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Urban League of Hudson County, New Jersey for construction related to a workforce development center;

$240,000 to Mercer County, New Jersey for the KidsBridge Children's Cultural Center;

$240,000 to the City of North Wildwood, New Jersey for improvements to the beach, boardwalk, and entertainment district of the City;

$250,000 for the New Jersey Community Development Corporation, of Paterson, New Jersey, for redevelopment of abandoned property;

$250,000 for the Township of Hamilton, New Jersey, for renovations of a senior center;

$250,000 to the University Heights Science Park in Newark, New Jersey for historic preservation;

$290,000 to Mercer County, New Jersey for senior centers in East Windsor and Washington Townships;

$300,000 for the Borough of Paulsboro, New Jersey, for brownfields redevelopment;

$490,000 for Valley Hospital's Cancer Care Center in Paramus, New Jersey;

$300,000 for the Rio Grande Community Development Corporation, of Albuquerque, New Mexico, for construction of the South Valley Economic Development Center;

$450,000 for Curry County, New Mexico for infrastructure improvements to the Curry County Fairgrounds;

$490,000 to the Hispanic Chamber of Commerce of Albuquerque, New Mexico for the construction of a Job Opportunity Center in Barelas, New Mexico;

$650,000 for the City of Espanola, New Mexico, to build a veterans memorial;

$1,000,000 for Albuquerque Health Care for the Homeless to complete renovation of a health care facility for the homeless in Albuquerque, New Mexico;

$1,000,000 for the City of Las Cruces, New Mexico for the Model Extension Program for Increasing Homeownership conducted by New Mexico State University;

$1,000,000 for the Santa Fe Rape Crisis Center in New Mexico to construct a new facility to house the center, including outreach planning offices;

$1,000,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County for infrastructure improvements and to build a multi-purpose event center;

$500,000 for the Community Pantry of Gallup/McKinley County, New Mexico, for facility construction;

$50,000 for the Reno Veterans Memorial Project, of Reno, Nevada, for construction of a memorial;

$50,000 to the City of Henderson, Nevada for the expansion of a downtown arts district and heritage preservation;

$100,000 to the Nevada Science Technology Center in Las Vegas, Nevada, for development assistance;

$150,000 for Boulder City, Nevada, for renovation, modernization, and expansion of public recreation facilities;

$250,000 for the Boys and Girls Club of Carson City, Nevada to establish a new community center;

$250,000 for the Intertribal Council of Nevada to establish a housing division;

$290,000 to the City of Reno, Nevada for urban development activities in the city's commercial center;

$700,000 for development of a job training facility for workers in the hospitality industry in Las Vegas, Nevada;

$750,000 for the Reno, Nevada, housing authority for the Friendship Lane housing revitalization project;

$750,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada, for construction of a child care facility;

$1,000,000 for Sparks, Nevada for the revitalization of the West End community;

$20,000 to the City of Syracuse, New York for equipment and renovations to the Syracuse Boys and Girls Club;

$25,000 to the City of Gloversville, New York to establish a memorial to World War II veterans;

$25,000 to the Clinton County, New York Office of Emergency Services for communications infrastructure improvements that service the Lyon Mountain and Ausable Forks areas of the county;

$40,000 to Onondaga County, New York for the installation of a water line for the Sentinel Heights Fire Department;

$50,000 to Safe Haven, Inc., in Oswego, New York for the continued construction of a museum/interpretive center chronicling the Fort Ontario Emergency Refugee;

$50,000 to the Collins Public Library Board of Trustees for the new Town of Collins, New York Public Library;

$50,000 to the County of Onondaga, New York for an interpretive center at Baltimore Woods;

$50,000 to the Hamburg Natural History Society, Inc., for the Penn Dixie Paleontological and Outdoor Education Center in Hamburg, New York;

$50,000 to the Irish Classical Theatre Company in Buffalo, New York for marketing and expansion of program;

$50,000 to the Roundabout Theater Company in New York City, New York for facility needs;

$50,000 to the YMCA of Greater New York for construction of a gym and teen center in Queens, New York;

$250,000 to the Long Island Aquarium in Bay Shore, New York for facilities needs;

$70,000 to the Legacies and Landmarks Consortium of Greater Rochester, New York for activities to promote regional tourism;

$75,000 to the Harbor Child Care Corporation in New Hyde Park, New York for improvements to the existing facility;

$75,000 to the Jamaica Center for Arts and Learning in New York for renovation of the First Dutch Reformed Church;

$75,000 to the New York City Department of Parks and Recreation for remediation and restoration of the College Point Sports Complex in Queens, New York;

$80,000 to the Amherst Museum in Amherst, New York for construction of a boat launch facility;

$80,000 to the Variety Boys and Girls Club of Queens, New York for the Teen Education for Every Nationality Program;

$90,000 to Wyoming County, New York to replace a public safety communications tower and related hardware and computer systems;

$100,000 to Lewis County General Hospital in Lowville, New York for infrastructure repairs and improvements;

$100,000 to the City of Auburn, New York for a housing market study;

$100,000 to the City of Buffalo, New York for the provision of shelter and other services to refugees by VIVE La Casa;

$100,000 to the City of Ogdensburg, New York for reconstruction of Fort LaPresentation;

$100,000 to the Metropolitan Development Association in Syracuse, New York for the Genesee Street Armory study;

$100,000 to the Nassau University Medical Center in East Meadow, Long Island, New York for the renovation and repair of its Hempstead Community Health Center;

$100,000 to the New York City Planning Commission to study the effects of rezoning Staten Island on the growth of development;

$100,000 to the Schenectady Family Health Services, in Schenectady, New York for facilities expansion;

$100,000 to the State University of New York at Potsdam for the creation and operation of a Northern New York Travel and Tourism Research Center to be located at the Merwin Rural Services Institute;

$100,000 to the Staten Island Freedom Memorial Fund for construction of a memorial in the Staten island community of St. George, New York;

$100,000 to the Village of Green Island, New York for public access and infrastructure needs;

$115,000 to the Staten Island Catholic Youth Organization Community Center of New York for expansion of facilities to include a new gymnasium;

$125,000 to the National Lighthouse Center and Museum in St. George, New York for developing and installing exhibits;

$50,000 to the Village of Tuckahoe, New York for streetscape improvements;

$500,000 to Take the Field in New York City, New York for a program to rebuild the public school athletic facilities;

$150,000 to the Abyssinian Development Corporation for rehabilitation needs of the Renaissance Ballroom and Theater Complex in Harlem, New York;

$150,000 to the Hillside Children's Center in Rochester, New York for the modernization and upgrade of the facility's Monroe Avenue Campus;

$150,000 to the Long Island Housing Partnership, Long Island for neighborhood revitalization;

$150,000 to the Mount Morris Park Community Improvement Association in New York for development of the Parkside Inn, a community economic development initiative;

$150,000 to the New York City Department of Parks and Recreation in New York, New York for the completion of an irrigation system during the third phase of the Joyce Kilmer Park restoration project;

$150,000 to the Strong Museum in Rochester, New York for expansion and upgrade of museum facilities;

$150,000 to the Village of Freeport, New York for the downtown revitalization project;

$125,000 to the WXXI Public Broadcasting Council in Rochester, New York for building renovations necessary to meet health, safety, and occupational requirements, as well as to meet FCC mandated digital broadcasting standards;

$150,000 to the City of Auburn for renovations and infrastructure improvements to the Merry Go Round Playhouse in Auburn, New York;

$190,000 to the Cortland County Business Development Corporation for equipment and infrastructure improvements for Wetstone Technologies;

$190,000 to the Orange County Mental Health Association in Orange County, New York for the "Home-To-Stay" project;

$200,000 to Onondaga County, New York for infrastructure improvements to the Village of Tully's Water System;

$200,000 to the Battle of Plattsburgh Association of Plattsburgh, New York to rehabilitate a building to create an interpretive center;

$100,000 to the City of Buffalo, New York for the repair and rehabilitation by the Buffalo Philharmonic Orchestra of the Birge Mansion;

$100,000 to the City of Buffalo, New York for the purchase of audiophones for displays and exhibits at the Buffalo and Erie County Historical Society;

$200,000 to the City of Cortland, New York for the Cortland Sports Complex;

$200,000 to the City of Hornell, New York, for restoration of the historic depot;

$200,000 to the City of Syracuse, New York for building renovations to the Onondaga Historical Association;

$200,000 to the City of Syracuse, New York for renovations and infrastructure improvements to the Huntington Family Center;

$100,000 to the City of White Plains, New York for streetscape improvements to Mamaroneck Avenue;

$200,000 to the State University of New York College of Environmental Science and Forestry for water infrastructure improvements on a portion of Onondaga Creek;

$150,000 to Fred Daris Underground Theater, Inc. in the South Bronx, New York for the restoration of a theater and the installation of a theater company;

$225,000 to the Gowanus Canal Community Development Corporation in Brooklyn, New York for development of a comprehensive community development plan;

$240,000 to Putnam County, New York for a new senior citizens center;

$250,000 to Covenant House New York for renovation of their crisis center;

$250,000 to Mary Mitchell Family and Youth Center in the South Bronx, New York for after school and teen programs, improvement of computer lab and family literacy programs, and to increase usage of the center by the local community;

$250,000 to Onondaga Community College for equipment, training and infrastructure improvements to the Lean Manufacturing Lab;

$250,000 to Phipps House and We Stay/Nos Quedamos Inc. for the construction of day rooms and gardens at La Casa de Felicidad in the South Bronx, New York;

$250,000 to the Brooklyn Public Library in New York for construction and renovation of educational and cultural facilities;

$250,000 to the Central New York Regional Planning and Development Board for the development of the Finger Lakes Open Space and Agricultural Land Conservation Project;

$250,000 to the City of Hudson, New York for the construction of utility service, boat launch and bulk-head along the Hudson River waterfront area;

$250,000 to the Cornell Agriculture and Food Technology Park—Geneva Station in Ontario County, New York to continue infrastructure development, design and facilities construction;

$250,000 to the Lesbian and Gay Community Services Center, New York City for infrastructure upgrades;

$250,000 to the State University of New York College of Environmental Science and Forestry for the Syracuse Southwest Community Environmental Center;

$250,000 to the Staten Island, New York YMCA for facilities expansion to create a South Shore Center Youth/Teen Annex;

$250,000 for infrastructure improvements to the Tioughnioga Riverfront Development Project in Cortland County, New York;

$290,000 to Kaleida Health for the planning and design of facilities for Children's Hospital in Buffalo, New York;

$300,000 to Onondaga County, New York for redevelopment of the Three Rivers Area in the Town of Clay;

$200,000 to the Village of Saugerties, New York for streetscape improvements in the historical district;

$250,000 to Carnegie Hall in New York for continuation of Carnegie Hall's Third Stage Project;

$250,000 to Jazz at Lincoln Center in New York City for facility construction;

$200,000 to the University Colleges of Technology at the State University of New York for continued development of a Telecommunications Center for Education;

$200,000 for research and infrastructure improvements for the Center of Excellence in Nanoelectronics at Albany, New York;

$500,000 to the Children's Center in Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled children.

$200,000 to Rensselaer County, New York for safety and guide rail improvements to county highways;

$340,000 to the Natural History Museum of the Adirondacks in Tupper Lake, New York, for building construction;

$350,000 to Onondaga County, New York for waterline improvements in the Town of Skaneateles;

$400,000 to Polytechnic University, Brooklyn for the National Center for E-Commerce;

$400,000 to the City of Syracuse, New York for renovations to the Sibley Building;

$450,000 to the Apollo Theater Foundation in Harlem, New York for theater restoration;

$450,000 to Union College, of Albany, New York for the Union-Schenectady Neighborhood Initiative;

$490,000 to Madison County, New York for economic development and infrastructure improvements for industrial park sites;

$490,000 to the City of Rome, New York for site development and infrastructure improvements related to the South Rome Industrial Park;

$490,000 to the North Shore-Long Island Jewish Health System in New York for an emergency room preparedness program;

$500,000 to the City of Buffalo, New York for the construction of additional facilities at the Burchfield-Penney Art Center;

$500,000 to the State University of New York at Albany for continued development of a manufacturing/workforce training center;

$700,000 to the City of Auburn, New York for Phase I of the Owasco Riverfront Park Project;

$990,000 to St. Bonaventure University of St. Bonaventure, New York for renovations of Delaroche Hall;

$750,000 to the City of Syracuse, New York for the design, development and construction of an International Tourism Center at the Carousel Center;

$990,000 to the Cancer Institute of Long Island at Stony Brook University, New York to develop and implement a clinical database of breast and prostate cancer patients;

$25,000 to the Music Conservatory of Westchester, New York for construction and capital improvements on their new facility;

$125,000 to the City of Yonkers, New York for renovation of the waterfront area around Riverfront Park;

$100,000 to the Village of Larchmont, New York for streetscape improvements;

$100,000 to the Endicott Performing Arts Center in Endicott, New York for restoration of the Lyric Theater;

$50,000 to the Latino Cultural School of Arts in Lorain, Ohio for facilities needs;

$100,000 to the Akron, Ohio Zoological Park for development of the Environmental Education Center;

$135,000 to the Ohio Department of Development for continued development of the Black Swamp rural arts initiative in Ottawa, Lucas, Wood, and Fulton counties;

$15,000 to the Fulton County, Ohio Commission for rehabilitation of a Civil War memorial;

$200,000 to the National Interfaith Hospitality Network for expanding local network support services;

$240,000 to Columbus State Community College in Columbus, Ohio for construction of a new child development center;

$250,000 to the Rural Health Collaborative of Southern Ohio for a Community Health and Wellness Center Initiative;

$300,000 to the Dayton-Montgomery County Port Authority in Ohio for urban job creation;

$300,000 to the Mandel School of Applied Social Sciences' Center for Community Development at Case Western Reserve University for the Louis Stokes Fellow Program in Community Organization and Development;

$390,000 to Brown County General Hospital for construction and equipment as part of the Community Health and Wellness Center Initiative;

$390,000 to the University of Cincinnati Medical Center in Cincinnati, Ohio for renovation and expansion of the Medical Sciences Building;

$400,000 to Clark County, Ohio for infrastructure upgrades for economic development;

$400,000 to Urbana University in Urbana, Ohio for the renovation of Bailey and Barclay Halls;

$422,000 to the Richland County, Ohio Emergency Management Agency to purchase electromechanical outdoor warning sirens;

$490,000 to Heidelberg College in Tiffin, Ohio for construction of facilities for the school's Water Quality Laboratory;

$490,000 to Lake Metroparks in Concord Township, Ohio for the Environmental Education Center at Camp Klein;

$500,000 for the City of Cleveland, Ohio for the construction of the Cleveland Intercultural Center;

$500,000 to John Carroll University in Cleveland, Ohio for the needs related to the Dolan Center for Science and Technology;

$750,000 to the Ohio State University for the Neighborhood Revitalization Initiative to improve housing opportunities, public safety/crime reduction, and "Gateway Center" Facilities;

$900,000 for Franklin County, Ohio for purchase of park land;

$1,000,000 for the City of Dayton, Ohio for the revitalization of historic main Street;

$1,000,000 for Wellsville, Ohio for improvements to a riverside transportation center;

$1,000,000 to Mount Union College in Alliance, Ohio for a new science facility;

$1,500,000 to the City of Toledo, Ohio for improvements to the near downtown historic commercial district, and to leverage the potential of not-for-profit community and economic development organizations;

$140,000 to the City of El Reno, Oklahoma for development of a trolley system;

$300,000 to the City of Oklahoma City for the Oklahoma Land Run Memorial;

$490,000 to the City of Bennington, Oklahoma for construction of a multipurpose building;

$1,490,000 to the City of Midwest City, Oklahoma for Phase II of the City's tornado recovery;

$50,000 to the City of Newberg, Oregon for transition of the Newberg Central School into a community center;

$50,000 to the City of Portland, Oregon for the North Macadam Greenway initiative;

$100,000 to the Rural Oregon Continuum of Care (ROCC) consortium for scattered site transitional housing needs;

$120,000 to the City of The Dalles, Oregon for the Mid-Columbia Veterans Memorial Project;

$150,000 to the Boys and Girls Club of Albany, Oregon for construction of an addition to existing facilities;

$300,000 for Dalles, Oregon, for development of the Dalles Fiber Optic Loop;

$550,000 for the Oregon Food Bank for its food distribution efforts;

$1,000,000 for Eastern Oregon University for construction of a science center;

$200,000 for Irvington Covenant CDC in Portland, Oregon to develop affordable housing;

$20,000 to the Dormont Historical Society in Dormont, Pennsylvania for organizational support;

$20,000 to the McKeepsport Little Theater in McKeepsport, Pennsylvania for facility renovation;

$30,000 to the Senior Adult Activities Center of Montgomery, Pennsylvania for facilities renovation;

$40,000 to Juniata County, Pennsylvania for outdoor recreational facilities;

$45,000 to the Reading Berks Human Relations Council in Pennsylvania for purposes related to its mission;

$50,000 to the Armstrong County Commission, Pennsylvania for the horse park at Crooked Creek Lake;

$70,000 to the Briar Bush Nature Center in Montgomery County, Pennsylvania for restoration of the visitors center, refurbishment of the bird observatory, and education program expansion;

$90,000 to Bucks County, Pennsylvania for design and engineering costs for a beautification effort along Route 13;

$90,000 to Bucks County, Pennsylvania for the redevelopment and revitalization of the downtown business district of Bristol Borough, Pennsylvania;

$100,000 for the Philadelphia Zoo, Pennsylvania to expand construction of Children's Zoo;

$100,000 Punxsutawney Community Center in Punxsutawney, Pennsylvania for infrastructure improvements and renovation of facilities;

$100,000 to Bucks County, Pennsylvania for infrastructure and area site improvements at the Stainless Inc. property brownfield site in Perkasie Borough;

$100,000 to Discovery Square, Erie, Pennsylvania for the construction of an educational and cultural complex;

$100,000 to the Borough of Frackville, Pennsylvania for Central Business District improvements;

$100,000 to the Borough of Millerstown, Perry County, Pennsylvania for improvements to the Borough Municipal Building, which will allow the Borough to implement several community programs including substance abuse deterrent programs and clinics, Scouting programs as well as senior informational programs and facilities;

$100,000 to the Borough of New Hope, Pennsylvania for the James A. Michener Museum to build the infrastructure for a satellite facility in New Hope;

$100,000 to the Borough of Shenandoah, Pennsylvania for Central Business District economic development activities;

$100,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship repairs which will contribute to the economic development of the Penn's Landing waterfront area in Philadelphia;

$100,000 to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania for the Bloomfield-Garfield housing revitalization effort;

$150,000 to Rostraver Township, Pennsylvania for infrastructure improvements related to an economic development initiative;

$150,000 to the City of Washington, Pennsylvania for construction and operations needs of a recreation and community economic development center;

$150,000 to the State College Baseball Club, Inc. for the development and operation of a new sports complex for youth baseball and softball in Centre County, Pennsylvania;

$160,000 to the Borough of Wayensboro, Pennsylvania for infrastructure improvements for an industrial area along Ninth street;

$200,000 to the Allegheny Housing Authority of Pennsylvania to construct the Groveton Village Computer/Support Services Center;

$200,000 to the Hiram G. Andrews Center in Johnstown, Pennsylvania for an employment program for students with disabilities targeted at emerging technical markets;

$200,000 to the Scottdale Community Pool Association in Scottdale, Pennsylvania for the facility needs associated with the continued operations of the former YMCA pool;

$200,000 to the Urban Redevelopment Authority of Pittsburgh in conjunction with Northside Properties in Pittsburgh, Pennsylvania to acquire the 332 unit, scattered site affordable housing development with project-based Section 8 rental subsidy;

$200,000 to the People's Emergency Center Community Development Corporation in Philadelphia, Pennsylvania for implementation of a Neighborhood Transformation and Revitalization Plan in West Philadelphia;

$200,000 to the Johnstown-Cambria County Airport in Cambria County, Pennsylvania for customer service area renovation needs;

$240,000 to the Beaver County, Pennsylvania Corporation for Economic Development for the Riverfront Development Project, Bridgewater Crossing;

$240,000 to the Boys and Girls Club of Erie, Pennsylvania for a facility expansion project;

$240,000 to the County of Lancaster, Pennsylvania for the Sunnyside Neighborhood Development Project;

$250,000 to the City of Chester, Pennsylvania for revitalization of its waterfront;

$250,000 to the City of Scranton, Pennsylvania for the construction of a garage and retail facility at the new hotel/convention center;

$250,000 to the City of Williamsport of Lycoming County, Pennsylvania for infrastructure development for industrial expansion;

$250,000 to the Good Shepherd School in Braddock, Pennsylvania for facility renovation;

$200,000 to the Town of Johnstown, Pennsylvania for the Kernville neighborhood recreation project;

$250,000 to the City of Philadelphia, Pennsylvania for assistance to Daggett Street homeowners;

$300,000 for the expansion of facilities of the Re Place at Good Shepard Home, Lehigh County, Pennsylvania which will provide employment opportunities for persons with mental and physical challenges in sales, business administration, mechanical repair, janitorial skills and computer refurbishing;

$300,000 to the Ogontz Avenue Revitalization Corporation, Philadelphia, Pennsylvania, to assist with substantial rehabilitation of 40–50 severely deteriorated vacant properties that will be developed as a part of the West Oak Lane community development rebuilding initiative;

$350,000 for the Urban Development authority of Pittsburgh, Pennsylvania for the Harbor Gardens Greenhouse project;

$350,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Community Leadership Institute;

$350,000 to CitiVest in Wilkes-Barre, Pennsylvania for housing and economic development efforts in northeast Pennsylvania;

$400,000 to the City of Reading, Pennsylvania for the development of the Morgantown Road Industrial Park on what is currently a brownfields site;

$400,000 to the Please Touch Museum in Philadelphia, Pennsylvania for facilities needs;

$490,000 to the City of Harrisburg, Pennsylvania for the CORRIDORone Regional Rail program of the Modern Transit Partnership in downtown Harrisburg, Pennsylvania;

$490,000 to the University Technology Park, Inc. in Chester, Pennsylvania for construction of the Institute for Economic Development;

$500,000 to the Winnie Palmer Nature Reserve in Pennsylvania for development of the reserve;

$700,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Home Ownership Institute;

$900,000 to the City of Lancaster, Pennsylvania for the development of an entertainment/retail complex which is intended to enhance the economic development provide hundreds of new jobs;

$1,400,000 to the County of Cambria, Pennsylvania for the design and construction of the Northern Cambria Recreation Facility;

$250,000 to UPMC Lee Hospital in Johnstown, Pennsylvania for the Convalescent Garden project;

$25,000 to West Bay Community Action in Warwick, Rhode Island for programs supporting the elderly, the homeless, and children;

$25,000 to the Rhode Island Emergency Management Agency for needs of the First Responders Program;

$50,000 for the City of Providence, Rhode Island, for inner city recreational facilities;

$50,000 for the Rhode Island Jewish War Veterans for a veterans memorial;

$100,000 for the Coastal Institute at the University of Rhode Island for development of a sustainable management plan for Narragansett Bay;

$100,000 for the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for construction of a community center;

$100,000 for the South Providence Development Corporation in Providence, Rhode Island for the development of a recycling facility;

$100,000 to the Woonsocket Fire Department in Woonsocket, Rhode Island for equipment and technology upgrades associated with fire safety and communications;

$150,000 for Pell-Chafee Performance Center in Providence, Rhode Island to complete construction;

$200,000 for Cornerstone Adult Services in Warwick, Rhode Island for the construction of an Alzheimer's day center;

$200,000 for the Boys and Girls Club of Pawtucket, Rhode Island, for development of a new facility;

$200,000 for the Newport Art Museum in Newport, Rhode Island for historical renovation;

$275,000 to the town of Smithfield, Rhode Island for continued development and modernization of Deerfield Park, including the expansion of the Smithfield Senior Center;

$350,000 for the Herreshoff Marine Museum in Bristol, Rhode Island to restore and expand a maritime heritage museum;

$450,000 for the City of Providence, Rhode Island for the development of a Botanical Center at Roger Williams Park and Zoo;

$450,000 for the Providence Performing Arts Center for building modernization in Providence, Rhode Island;

$500,000 for Town of Johnston, Rhode Island for rehabilitation of a senior center;

$1,000,000 for Traveler's Aid of Rhode Island for relocation and expansion in Providence, Rhode Island;

$150,000 to the City of Marion, South Carolina for renovations of the Joyner Auditorium, and adjoining space, into a cultural arts center;

$190,000 to the City of Spartanburg, South Carolina for the Motor Racing Museum of the South;

$200,000 to South Carolina State University in Orangeburg, South Carolina for planning, engineering, and construction of a multidisciplinary research and conference center;

$490,000 to the City of Myrtle Beach, South Carolina for a Pavilion Area Master Plan;

$500,000 for Spoleto Festival, USA, of Charleston, South Carolina, for rehabilitation of the historic Middleton-Pinckney House;

$500,000 for the City of Charleston, South Carolina's Homeownership Initiative to create affordable housing opportunities;

$750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina;

$825,000 to Marlboro County, South Carolina for costs associated with the construction and equipping of the Marion Wright Edelman Library in Bennettsville, South Carolina;

$1,000,000 for the Sea Island Comprehensive Health Care Corporation, Inc., of Johns Island, South Carolina, for affordable housing and economic development purposes;

$150,000 for the City of Tea, South Dakota, to develop a community library;

$250,000 for the Lake Area Improvement Corporation of Madison, South Dakota, for development of the Madison Technical Center;

$300,000 for Black Hills Community Development Corporation of Lead, South Dakota, for economic development efforts related to the closure of the Homestake Gold Mine;

$300,000 for South Dakota School of Mines and Technology of Rapid City, South Dakota, for renovations and rehabilitation related to the development of the Rapid City Children's Science Center;

$300,000 for the Flandreau Development Corporation of Flandreau, South Dakota, for infrastructure related to the Flandreau industrial park development;

$300,000 for the Union Gospel Mission in Sioux Falls, South Dakota, for renovations to the historic Farley Lostcher building;

$400,000 for the City of Brookings, South Dakota, for renovations and rehabilitation to the historic Brookings Middle School;

$800,000 for the Sioux Falls, South Dakota, Development Foundation for development of a facility that will support technology-based businesses;

$550,000 for the City of Watertown, South Dakota, for development related to the Hanten Industrial Park;

$1,750,000 for planning, design, and construction of the Wakpa Sica Reconciliation Place in South Dakota;

$150,000 for Children's Village in Pine Ridge, South Dakota, for a new facility;

$150,000 for Wagner, South Dakota, for economic development activities;

$200,000 for the Aberdeen Business Improvement District of South Dakota for a downtown development revolving loan fund;

$200,000 for Turning Point/Volunteers of America in Sioux Falls, South Dakota for construction of a youth services facility;

$50,000 to the Melrose Community Technology Center in the Orange Mound neighborhood of Memphis, Tennessee for reconstruction of the historic Melrose School for use as a new community technology center;

$100,000 to the Memphis Zoo in Memphis, Tennessee for the Northwest Passage Campaign;

$500,000 to Hamilton County, Tennessee for the Broadband Economic Development Initiative;

$740,000 to the Historic Tennessee Theatre Foundation, Inc. for construction and renovation of facilities;

$950,000 for the City of Chattanooga, Tennessee for the revitalization of the Alton Park neighborhood;

$1,000,000 for the City of Memphis, Tennessee for the Soulsville Revitalization project;

$25,000 to the Acres Home Community Development Corporation in Houston, Texas for an athletic complex;

$50,000 to the Houston Community College in Houston, Texas for development of the 5th Ward Community Technology Center;

$75,000 to the City of Abilene, Texas for renovation of the historic Wooten Hotel;

$75,000 to the City of Houston, Texas's Department of Health and Human Services for the Lead Based Paint Hazard Control Program;

$100,000 to Texas A&M-Kingsville for construction of the Kingsville Center for Young Children;

$100,000 to the City of Austin, Texas for the expansion of the SMART Housing Project;

$100,000 to the Heights Association in Houston, Texas for community beautification initiatives;

$150,000 to the T.R. Hoover Community Development Corporation in Dallas, Texas for completion of the T.R. Hoover Multipurpose Center and purchase of equipment;

$175,000 to the City of San Angelo Development Corporation in Texas for the establishment of a regional industrial park;

$175,000 to the Windsor Elderly and Housing Center in Abilene, Texas for elevator replacement;

$200,000 to Willacacy County Boys and Girls Club in Willacacy County, Texas for a sports complex;

$200,000 for a design, engineering and economic feasibility study for the Trinity River Visions project in Fort Worth, Texas;

$300,000 to the Fort Worth Transportation Authority for the development of a public market in Fort Worth, Texas;

$350,000 to the City of Waco, Texas for the housing assistance program;

$500,000 for the City of Wichita Falls, Texas for the restoration of the old Holt Hotel property;

$500,000 to the Victory Art Center in Fort Worth, Texas for the adaptive use and historic renovation of the old Our Lady of Victory building;

$740,000 to the Globe of the Great Southwest in Midland, Texas for facilities expansion;

$740,000 to the Old Red Courthouse Museum in Dallas, Texas for the restoration of facilities to house the Museum of Dallas History and preservation and enhancement of artifacts in the collection;

$1,000,000 for the City of Fort Worth, Texas for the redevelopment of a residential and commercial center along Hemphill Street;

$1,000,000 for the Greater El Paso, Texas Chamber of Commerce for a local economic development initiative for the creation of jobs and housing;

$1,000,000 to Alvin Community College, Texas for the Pearland College Center;

$1,000,000 to the University of Incarnate Word in San Antonio, Texas for the renovation and expansion of the Science and Engineering Center;

$490,000 for West Valley City, Utah for the construction of the West Valley City Multi-Cultural Community Center;

$490,000 to the American West Heritage Foundation in Utah for the planning and design of a cultural and interpretive center;

$800,000 for the City of West Jordan, Utah for the development of a senior citizens center;

$1,000,000 for Sevier County, Utah for a multi-events center;

$50,000 to the Town of Boydton, Virginia for economic development activities;

$70,000 to the Fairfax County Economic Development Authority for the creation and promotion of a video detailing the historical significance of Annandale, Virginia;

$90,000 to the County of Fairfax, Virginia for the Annandale Community Cultural Arts Center;

$100,000 to the An Achievable Dream program in Newport News, Virginia for expansion of education programs;

$100,000 to the Towns of Clarksville and Chase City, Virginia for economic development at their joint industrial park;

$140,000 to the County of Northampton, Virginia for a Workforce Training and Business Development Center on the Eastern Shore of Virginia;

$150,000 for the Nelson Center in Lovington, Virginia for renovation and expansion of facilities;

$150,000 to Winchester County, Virginia for the historic restoration of the Winchester County Courthouse;

$175,000 to the Arlington Housing Corporation in Arlington, Virginia to improve and expand community centers at low income multifamily properties, and support ongoing affordable housing programs;

$200,000 to Virginia Highlands Small Business Incubator, Inc. for the development of a regional small business incubator in Southwest Virginia;

$240,000 to the City of Chesapeake, Virginia for the redevelopment of Campostella Square;

$240,000 to the Virginia Air and Space Center in Hampton, Virginia for expansion of facilities including the Aviation Gallery and the World's Fair Welcome Center;

$250,000 to Edgehill Recovery Retreat Center, in Winchester, Virginia for facilities needs;

$290,000 to the Virginia Holocaust Museum in Richmond, Virginia for facility renovations;

$400,000 to the Natural Gas Vehicle Association in Arlington, Virginia for continued expansion of the Airport-Alternative Fuel Vehicle Demonstration Project at Dallas-Fort Worth International Airport;

$490,000 to Eastern Mennonite University of Harrisonburg, Virginia for the University Commons project;

$500,000 to the Glen Burnie Foundation to establish the Museum of the Shenandoah Valley at Glen Burnie in Winchester, Virginia;

$600,000 to the Arlandria Health Center for Women and Children in Alexandria, Virginia for facilities needs;

$600,000 for the City of Staunton, Virginia for a local, cultural revitalization initiative;

$700,000 to the City of Danville and Pittsylvania County, Virginia for the infrastructure improvements for the City/County Cyber Park;

$1,000,000 for the Christopher Newport University in Newport News, Virginia for the development of the Christopher Newport University Fine Arts Center;

$1,000,000 to the St. Coletta School in Alexandria, Virginia for facilities needs;

$50,000 to the Essex Junction Lions Club for design and construction of a veterans memorial in Essex Junction, Vermont;

$100,000 to the Burlington, Vermont Community Land Trust for the start up of the Vermont Employee Ownership Center;

$100,000 to the Vermont Housing Conservation Board for the building renovation and construction of a battered women's shelter in St. Albans, Vermont;

$150,000 for the Haskell Free Library for repairs to this historic building located in Derby Line, Vermont;

$200,000 to the Vermont Foodbank for food shelf activities;

$300,000 for the Brattleboro Arts Initiative of Brattleboro, Vermont, for the rehabilitation of the historic Latchis Theatre and Community Arts Center;

$350,000 for the George D. Aiken Resource Conservation and Development Council of Randolph, Vermont for the purchase of equipment;

$500,000 for the Kaw Valley Center in Vermont, Kansas for infrastructure and community outreach;

$500,000 for the Vermont Housing and Conservation Board for development of affordable housing at Macauley Square;

$750,000 to the Vermont Housing and Conservation Board for the development of affordable housing in Vermont;

$750,000 to the Vermont Institute of Natural Science of Woodstock, Vermont to support construction of a public education and wildlife rehabilitation facility in Quechee, Vermont;

$2,000,000 for the Lake Champlain Science Center in Burlington, Vermont for facility construction and rehabilitation;

$50,000 to the City of Poulsbo, Washington for improvements to the public library;

$50,000 to the Nooksack Indian Tribe in Washington for expansion of the Youth Leaders Center facility;

$80,000 to the YWCA in Bremerton, Washington for facilities expansion;

$90,000 to the City of Duvall, Washington for the renovation and conversion of a city-owned building into a youth center;

$90,000 to the City of Maple Valley, Washington for the construction of a youth center;

$90,000 to the Greenwater Mutual Water Association of Washington state for construction of a water system to provide fire and domestic flow to the designated rural business center of Greenwater;

$100,000 to the City of Seattle, Washington for renovations to the Seattle Center Opera House;

$200,000 to Pierce County Washington for the establishment of the Gig Harbor Peninsula Historical Society and the creation of a museum and cultural center;

$240,000 to the City of Black Diamond, Washington for engineering and construction of a replacement water main and improvements to the existing pump station serving the Black Diamond region;

$250,000 to the University of Washington-Tacoma for development of the Institute of Technology;

$250,000 to the Valley Boys and Girls Club in Clarkston, Washington for facilities construction;

$300,000 for the City of Renton, Washington, for the Port Quendall brownfields redevelopment project;

$500,000 to Whitworth College in Spokane, Washington for construction of the Regional Learning and Resource Center;

$750,000 to Bates Technical College for upgrade of transmission equipment for KBTC-TV, a PBS affiliate in Tacoma, Washington;

$1,000,000 for the Port of Ridgefield of Ridgefield, Washington for brownfields redevelopment;

$1,000,000 for the West Central Community Center of Spokane, Washington, for site acquisition and preparation related to the expansion of childcare facilities;

$50,000 for the Eau Claire Area Industrial Development Corporation, Wisconsin, for the Chippewa Valley Technology Network;

$200,000 to the City of Madison, Wisconsin for the Affordable Housing Subdivision project;

$50,000 to the Medical College of Wisconsin for planning related to a Biomedical Research and Technology Incubator;

$50,000 to the Urban Open Space Foundation in Madison, Wisconsin for downtown revitalization efforts;

$80,000 to the Ashland County Sheriff's Department in Ashland, Wisconsin for an Ice Angel Windsled;

$100,000 for Fairness in Rural Lending in Wisconsin for the Community Lender Partnership Initiative;

$120,000 to the City of Rhinelander, Wisconsin for construction of a rail spur;

$275,000 for the African American World Cultural Center in Wisconsin for construction;

$175,000 for the Centro de la Communidad Unida in Wisconsin for construction of an alternative school for at risk students;

$200,000 for Adams County, Wisconsin for the construction of an industrial park;

$200,000 or the City of Beloit, Wisconsin for urban renewal activities;

$200,000 to the Wausau Kayak/Canoe Corporation in Wausau, Wisconsin for course upgrade;

$240,000 to St. Norbert College in DePere, Wisconsin for a regional library learning center;

$300,000 for the City of Appleton, Wisconsin for the reconstruction of College Avenue;

$300,000 for the City of Sheboygan, Wisconsin to demolish an old manufacturing building;

$300,000 to Alverno College in Milwaukee, Wisconsin for the modernization of their liberal arts facility for Digital Diagnostic Portfolio Technology;

$500,000 to Impact 7 for a business development project in Centuria, Wisconsin;

$1,100,000 to the Northwest Regional Planning Commission in Spooner, Wisconsin for a revolving loan fund to assist storm impacted areas in northwestern Wisconsin;

$125,000 to the Greenbrier Valley Economic Development Corporation in Lewisburg, West Virginia for a cooperative economic development effort with 4-County Economic Development Authority located in Oakhill, West Virginia;

$290,000 to Mason County, West Virginia/Point Pleasant Riverfront Park Committee for a city revitalization project;

$350,000 for Bethany College in West Virginia to complete work on a health and wellness center;

$375,000 to Regions 1 and 4 Planning and Development Councils in West Virginia for rebuilding efforts necessitated by flooding;

$700,000 for the McDowell County Commission to complete the repair and restoration of the Kimball War Memorial in Kimball, West Virginia;

$900,000 to Concord College in Athens, West Virginia for continued infrastructure development of an information technology training program;

$1,200,000 to the Mid-Atlantic Aerospace Complex, Inc. for operational needs and to support economic development projects, including facilities construction;

$2,000,000 for the Webster County Development Authority for construction of a high technology office building and small business incubator in Webster County, West Virginia;

$2,000,000 for the Wheeling Park Commission in West Virginia to aid in the construction of the National Training Center for Public Facility Managers;

$2,425,000 to the Institute for Software Research, Inc. for operational and programmatic support and facilities needs;

$3,000,000 for Shepherd College in Sheperdstown, West Virginia, to complete the renovation of the Scarborough Library;

$3,600,000 to the West Virginia High Technology Consortium Foundation, Inc. for operations, land acquisition, and development of a high technology business park;

$1,800,000 for the City of Hinton, West Virginia, for the construction of a high technology office building and small business incubator;

$1,500,000 for the Appalachian Bible College of Beckley, West Virginia, to complete its student center/library;

$540,000 to the Teton County Housing Authority of Wyoming for equity contributions in the production of affordable housing units in Teton County, Wyoming;

$2,000,000 for the Girl Scouts of the USA for youth development initiatives in public housing.

Includes language transferring no less than $13,800,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $15,000,000 as proposed by the House and the Senate.

Includes language proposed by the Senate making funds available for three years instead of two years as proposed by the House. The conferees remain concerned by the delay in the obligation and expenditure of funds provided for the CDBG formula program. HUD is directed to review the matter and to provide a report to the Committees on Appropriations no later than April 1, 2002 which identifies the average length of time used by HUD to obligate CDBG funds to entitlement communities and States; the rate at which entitlement communities and States expend these funds, including an identification of those entities not in compliance with statutory timeliness requirements; and recommendations to accelerate the obligation and expenditure of these funds.

The conferees reiterate the direction included in the House report requiring HUD to inform State and local jurisdictions that people with disabilities must participate in developing the Consolidated Plan and to evaluate plans for such inclusion.

The conferees reiterate the direction included in the House report requiring HUD to conduct a detailed evaluation of HUD's administrative oversight of CDBG targeting requirements and to report the evaluation's findings to the Committees on Appropriations no later than February 1, 2002.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $15,000,000 for costs associated with section 108 loan guarantees as proposed by the House and the Senate. Includes language making funds available for obligation for two years as proposed by the House, instead of one year as proposed by the Senate.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment as proposed by the House and the Senate.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,846,040,000 for the HOME program instead of $1,996,040,000 as proposed by the House, and $1,796,040,000 as proposed by the Senate. Includes language making funds available for obligation for three years as proposed by the Senate, instead of two years as proposed by the House.

Includes language designating $50,000,000 for the Downpayment Assistance Initiative subject to the enactment of authorization legislation, instead of $200,000,000 as proposed by the House. Language is included allowing these funds to be used for any purpose authorized under the HOME program should such authorization legislation not be enacted by June 30, 2002. The Senate bill did not include funds for this initiative.

The conferees believe that housing counseling is a critical component of effective homeownership programs, including the HOME Downpayment Assistance Initiative. Not only is housing counseling important in assisting families and individuals to understand homeownership issues, it also helps ensure that first-time homebuyers are protected against predatory lending practices. The conferees expect HUD to ensure that housing counseling is available to all homebuyers participating in programs offered under the Downpayment Assistance Initiative.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,122,525,000 for homeless assistance grants, instead of $1,027,745,000 as proposed by the House and $1,022,745,000 as proposed by the Senate.

The conferees have increased funding for this account above the amounts proposed by the House and the Senate to provide for full funding of Shelter Plus Care renewals within this account, instead of providing this funding in a separate account as proposed by the Senate. The House bill did not include funding for these costs. While funding for these renewals has been provided in this account consistent with the manner in which funding was provided prior to fiscal year 2001, new bill language is included requiring the annual renewal of all expiring Shelter Plus Care contracts if the program is determined to meet appropriate program requirements and is needed under the applicable continuum of care.

Includes modified language requiring not less than 30 percent of the funds provided under this account, exclusive of amounts for Shelter Plus Care renewals, be used for permanent housing as proposed by the Senate, instead of 35 percent as proposed by the House. Includes language requiring that all funds awarded for services shall be matched by 25 percent in funds from each grantee as proposed by the House and the Senate.

Includes language proposed by the Senate providing that funds under this account be made available for three years, instead of two years as proposed by the House. However, HUD is directed to review the obligation rates for funds provided under this account and provide a report to the Committees on steps being taken to accelerate the grant award and obligation process no later than April 1, 2002.

Includes language providing $2,000,000 for the national homeless data analysis project and $6,600,000 for technical assistance. Language is also included transferring $5,600,000 to the Working Capital Fund for the development and maintenance of information technology systems, instead of $14,200,000 as proposed by the House and the Senate.

The conferees agree that HUD should use the continuum of care process to give preference to communities that use funds for permanent housing to end homelessness for chronically homeless, disabled people and encourage communities to obtain funds for supportive services from non-HUD sources, such as the Department of Health and Human Services, the Department of Labor, and the Department of Veterans Affairs.

The conferees reiterate language included in the Senate report regarding the need for data and analysis on the extent of homelessness and the effectiveness of McKinney-Vento Act programs. Specifically, the conferees direct HUD to continue to work with local communities on a client reporting system, analyze the data within two years, and report to the Committees within 90 days of enactment of this Act on its progress.

In addition, the conferees are also providing $2,000,000 to continue the Department's national homeless data analysis project to document the demographics of homelessness, identify patterns in utilization of assistance, and document the effectiveness of the systems. The conferees believe that it is critical to develop an unduplicated count of the homeless population and direct HUD to contract with experienced academic institutions to analyze the data and provide annual reports to the Committees on Appropriations.

The conferees expect that HUD field staff will oversee the implementation of homeless programs funded under this title. This oversight should include annual site visits and desk and field audits of a representative sample of programs in each jurisdiction. Using this information, HUD should analyze Annual Performance Reports and forward an annual plan for addressing problem areas.

The conferees reiterate and endorse language in the House report regarding the Secretary's joint task force with the Secretary of Health and Human Services (HHS) to identify and target each agency's roles and responsibilities in addressing the needs of the homeless. Recognizing the fact that up to one-third of the homeless population are veterans, the conferees believe that increased coordination is necessary between the Department of Veterans Affairs (VA) and HUD to ensure each agency is fulfilling its appropriate mission. Therefore, the conferees urge the Secretary to include the Secretary of Veterans Affairs in its task force discussions. The conferees request that the Department keep the Committees apprised of these efforts and provide a report, no later than February 15, 2002, on its findings and recommendations for changes in HUD programs.

Further, the conferees reiterate the language in the Senate report concerning the Interagency Council on the Homeless (ICH), including placing the Council under the Domestic Policy Office; rotating the Chairmanship among the Secretaries of HUD, HHS, Labor, and VA; requiring the members to meet at least semi-annually; and instructing the Council to quantify the number of their mainstream program participants who become homeless, preventing homelessness, and describing how they assist the homeless.

The conferees continue to have questions about out-year cost data on contract renewals for the permanent housing programs for the homeless. Accordingly, the conferees direct the Department to include in its fiscal year 2003 budget justifications five-year projections, delineated on an annual basis, of the costs of renewing the permanent housing component of the Supportive Housing Program and separately, the Shelter Plus Care program.

The conferees reiterate language in the Senate report directing HUD to ensure that State and local jurisdictions that receive homeless assistance funding pass on at least 50 percent of all administrative funds to the nonprofits administering the homeless assistance programs.

SHELTER PLUS CARE RENEWALS

The conferees have included full funding for Shelter Plus Care renewals under the homeless assistance grants account instead of providing funds under this separate account as proposed by the Senate. The House did not include funding for this account.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,024,151,000 for housing for special populations as proposed by the House instead of $1,001,009,000 as proposed by the Senate.

Includes $783,286,000 for section 202 housing for the elderly as proposed by the House and the Senate. Of this amount, $50,000,000 is for service coordinators and congregate services as proposed by the Senate instead of $49,890,000 as proposed by the House; $50,000,000 is for conversion of eligible section 202 projects to assisted living as proposed by the Senate instead of $49,890,000 as proposed by the House; and up to $3,000,000 is for the renewal of expiring project rental assistance for up to a one-year term, the same amount proposed by the House and the Senate. The conferees direct HUD to issue a new NOFA to provide for up to three grants for the conversion of unused or underutilized commercial properties into assisted living facilities for the elderly from funds provided for section 202 conversions.

Includes $240,865,000 for section 811 housing for the disabled as proposed by the House instead of $217,723,000 as proposed by the Senate. Of this amount, $23,142,000 is for the renewal of section 811 tenant-based rental assistance as proposed by the House. Bill language is included clarifying the authorization of funds under this account for this purpose as proposed by the House. The Senate did not propose similar language and assumed funds for this purpose would be provided under the housing certificate fund account. In addition, up to $1,300,000 is provided for the renewal of project rental assistance for up to a one-year term as proposed by the House and the Senate.

The conferees reiterate direction included in the House report requiring HUD to review and modify procedures to simplify the section 811 application and review process.

Includes modified language transferring no less than $1,200,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Does not include bill language specifying amounts for project rental assistance renewals as proposed by the Senate. The House did not designate specific amounts for renewals in bill language.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

Includes language regarding the transfer of excess rental charges to this fund as proposed by the House and the Senate.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriates $13,566,000 for authorized activities from fees collected in the fund as proposed by the House instead of $17,254,000 as proposed by the Senate.

The conferees expect HUD to place a priority on monitoring safety inspections of homes and the issuance of inspection labels when determining the funding requirements for this program during fiscal year 2002. The conferees also reiterate the direction included in the Senate report requiring the use of all program fees to be fully identified in the fiscal year 2003 budget justifications.

Includes language proposed by the House clarifying that fee collections shall fully offset the expenditures from the fund. The Senate did not propose similar language.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $336,700,000 for administrative expenses as proposed by the Senate instead of $330,888,000 as proposed by the House. Transfers $332,678,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $326,866,000 as proposed by the House.

Appropriates $160,000,000 for administrative contract expenses as proposed by the Senate instead of $145,000,000 as proposed by the House. Includes language allowing up to $16,000,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $118,400,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $96,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the general and special risk program account but did not designate the amounts to be transferred from each account.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $15,000,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs. The conferees agree that funding for subsidy costs is to be allocated as follows:

—$6,919,000 for the section 221(d)(3) program;

—$5,250,000 for the section 241(a) supplemental loans for apartments program;

—$377,000 for the section 242 operating loss loans for apartments program;

—$377,000 for the section 232 operating loss loans program; and

—$2,077,000 for the section 2 property improvements program.

The conferees remind HUD that funds provided are to be used only for the programs specified above. The conferees direct HUD to improve management and oversight of all programs within the general and special risk insurance fund to ensure these programs operate in a financially sound manner. HUD is reminded that any deviations from the amounts specified above for each of these programs is subject to reprogramming requirements.

The conferees are aware that concerns have been raised about the calculation of credit subsidy for multifamily programs. The conferees understand that pursuant to the Federal Credit Reform Act, the Office of Management and Budget (OMB) is responsible for developing the risk model used to estimate the subsidy costs of all Federal credit programs, including FHA programs. Therefore, in lieu of the language included in the Senate report addressing this matter, the conferees expect HUD to work with the industry to review the technical assumptions provided by HUD to OMB for inclusion in the risk model.

The conferees also expect HUD to upgrade its information technology systems for the mutual mortgage insurance program account and the general and special risk program account. HUD needs to be able to mark each account to market at the end of each business day, including the volume of loan business and the extent of financial risk and exposure under each FHA mortgage insurance program, including the cost of all defaults and foreclosures. The conferees remain disappointed that HUD has not made the collection of this information a priority since, as of January 2001, HUD was responsible for over $500 billion in insured mortgages. As demand for FHA single-family and multifamily mortgage insurance grows, it is imperative that HUD understand the magnitude of its financial exposure and the extent of risk for loss.

Appropriates $216,100,000 for administrative expenses as proposed by the Senate instead of $211,455,000 as proposed by the House. Transfers $197,779,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $193,124,000 as proposed by the House.

Appropriates $144,000,000 for administrative contract expenses as proposed by the Senate instead of $139,000,000 as proposed by the House. Includes language allowing up to $14,400,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $41,000,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $33,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the mutual mortgage insurance fund program account but did not designate the amounts to be transferred from each account.

The conferees reiterate the direction included in the Senate report requiring HUD to immediately amend its Asset Control Area discount and appraisal structure so that local governments and non-profit purchasers can rehabilitate and resell these properties at rates affordable to low-income residents. The conferees also reiterate the guidance in the Senate report regarding timely demolition of dilapidated homes and the payment of demolition costs.

The conferees reiterate the recommendation in the Senate report encouraging HUD to bundle and sell defaulted loans through auction in non-Asset Control Areas.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $9,383,000 for administrative expenses to be transferred to the salaries and expenses account as proposed by the House and the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $50,250,000 for research and technology instead of $46,900,000 as proposed by the House and $53,404,000 as proposed by the Senate.

Includes $1,500,000 for the Millennial Housing Commission as proposed by the House. New language is included to extend the reporting and termination dates for this commission. The Senate proposed $1,500,000 and similar extension language under the salaries and expenses account.

Includes $1,000,000 for the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, and includes new language to extend the reporting and termination dates for this commission. The House and the Senate did not address this matter.

Includes $8,750,000 for the Partnership for Advancing Technology in Housing Initiative, instead of $7,500,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees assume $23,000,000 will be allocated to the Housing Survey in fiscal year 2002, the same level proposed by the House and Senate.

The conferees reiterate the direction included in the Senate report denying demonstration authority without prior congressional approval.

Language proposed by the Senate designating $3,000,000 for program evaluation activities is not included.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $45,899,000 for the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP) as proposed by the House and the Senate. Of this amount, $20,250,000 is for FHIP, instead of $19,449,000 as proposed by the House and $24,000,000 as proposed by the Senate.

While overall funding for this account is provided at the fiscal year 2001 level, funding is no longer required for the Housing Discrimination Survey which received $7,500,000 in fiscal year 2001. Rather than reduce the account to reflect this change, the conferees have instead agreed to allocate the $7,500,000 equally between FHAP and FHIP to augment their activities. The conferees expect the additional funds allocated to FHAP to be used to reduce the backlog in case processing.

In lieu of the direction included in the House report, the conferees direct HUD to expedite utilization of funds provided under this account and to report quarterly on the obligation and expenditure of funds provided, by program and activity, with the first report due no later than February 15, 2002.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $109,758,000 for lead hazard reduction, as proposed by the House and the Senate.

Of the amount provided, $3,500,000 is for a one-time grant to the National Center for Lead-Safe Housing to develop a database coordination project to integrate Federal, State and local lead activities, instead of $1,000,000 as proposed by the Senate. The House did not propose a similar provision.

The conferees agree to allocate funds as follows:

—$6,500,000 for Operation LEAP, a new initiative to provide competitive awards to non-profit organizations and the private sector for activities which leverage private-sector resources for local lead hazard control programs. The conferees direct HUD to provide an implementation plan for this new initiative to the Committees on Appropriations prior to the expenditure of these funds;

—$80,000,000 for grants to State and local governments, and Native American tribes, for lead-based paint abatement in private low-income housing;

—$9,758,000 for technical assistance and support to State and local agencies and private property owners; and

—$10,000,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards.

The conferees reiterate the House report language regarding consideration of a proposal by the Alliance to End Childhood Lead Poisoning to create a Community Environmental Health Resource Center (CEHRC) to provide technical support, training, and education and outreach to community-based organizations to evaluate and control housing-related and community-wide health hazards. While the conferees have not included an earmark for the new organization, the conferees encourage HUD to evaluate a proposal from the Alliance to create the CEHRC and provide a grant if warranted.

The conferees encourage HUD to work through the Healthy Homes Initiative with other appropriate Federal agencies to conduct research and public education on health hazards associated with mold, excess moisture, and dust.

The conferees also reiterate the direction included in the Senate report requiring HUD to develop a policy to link Federal education, outreach, and remediation efforts with State, local, non-profit, and private funding.

Language proposed by the Senate earmarking $750,000 for CLEARCorps is not included. The House did not propose a similar provision.

Does not include language proposed by the House making technical changes to the Healthy Homes Initiative. The Senate did not propose similar changes.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,097,292,000 for salaries and expenses instead of $1,076,800,000 as proposed by the House and $1,087,257,000 as proposed by the Senate.

Of the total amount provided, $530,457,000 is transferred from various FHA administrative funds as proposed by the Senate, instead of $520,000,000 as proposed by the House.

Includes language transferring $35,000 from the Native Hawaiian housing loan guarantee fund account as proposed by the Senate. The House did not include a similar provision.

Includes language providing not to exceed $25,000 for representation expenses, instead of $7,000 as proposed by the House and Senate..

The conferees agree that funds under this account are to be allocated among object classes at the levels specified in the budget justifications. HUD is reminded that any deviations are subject to reprogramming requirements.

The conferees reiterate the concerns expressed in the House report regarding HUD's approach to utilizing staff resources and the continued excessive cost per HUD employee as compared to other Federal agencies. Therefore, modified bill language is included, similar to language proposed by the House, requiring the Secretary to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002. The conferees expect this staffing plan to be formulated based on the Resource Estimation and Allocation Process to match staffing requirements with programmatic responsibilities. The plan should identify staffing levels for each program delineated by headquarters and field offices. The conferees also expect this plan to include strategies to reduce the average salary cost per employee while reallocating staffing to address core mission requirements.

The conferees reiterate the direction included in the House report regarding the annual budget justifications submission.

The conferees reiterate the direction included in the Senate report prohibiting HUD from employing more than 77 schedule C and 20 non-career senior executive service employees.

The conferees note that the inability of HUD to provide useful data on program expenditures and performance has been a deficiency perennially cited by the Inspector General and General Accounting Office (GAO). The conferees remain committed to improving HUD's capacity to disseminate useful information about the performance of HUD programs to improve the ability of HUD and the Congress to assess the effectiveness of programs and more accurately determine resource requirements. Therefore, the conferees expect that HUD's information technology (IT) strategy will prioritize those investments needed to remedy the deficiencies identified by the Inspector General and GAO. Language has been included in various accounts in title II transferring no less than $351,150,000 to the Working Capital Fund (WCF) for the development and maintenance of information technology systems, an increase of $16,850,000 above the fiscal year 2001 level. HUD is directed to provide the Committees on Appropriations a fiscal year 2002 spending plan for the WCF no later than January 15, 2002, consistent with the format of the multi-year IT plan submitted to the Committees on August 22, 2001.

The conferees understand that most of the WCF increase requested for fiscal year 2002 is for the planning and development activities related to the re-competition of the HUD Integrated Information Processing Service (HIIPS) contract. To this point little information has been provided to the Committees about HUD's plans for re-competition of HIIPS and the costs associated with implementation of the HIIPS re-competition. Therefore, HUD is directed to provide a comprehensive report on the strategy, status, and out-year funding requirements for HIIPS prior to the expenditure of any of the increase provided for fiscal year 2002.

The conferees also reiterate the direction included in the House report requiring HUD to submit a multi-year IT plan as part of its fiscal year 2003 budget submission. The conferees request that the Inspector General review this plan and provide its views to the Committees on the ability of this plan to improve oversight and management of HUD programs.

While the conferees do not adopt the language in the Senate report related to the Office of Multifamily Housing Assistance Restructuring (OMHAR), the conferees are seriously concerned with the manner in which OMHAR is currently being managed. The conferees are deeply disturbed to learn that OMHAR, an office which has enjoyed a unique amount of autonomy in the management of its staffing and the allocation of its funds, has violated the Anti-Deficiency Act in two out of the three years of its existence. As troubling to the conferees is the fact that the Committees on Appropriations were not notified of these violations sooner. The conferees fully intend to investigate the circumstances that led to these violations, and will take action at the appropriate time. In the interim, the Department is directed to revoke OMHAR's funds allotment privileges and provide vigorous financial and management oversight of OMHAR.

OFFICE OF INSPECTOR GENERAL

Appropriates $93,898,000 for the Office of Inspector General as proposed by the House instead of $88,898,000 as proposed by the Senate. Of this amount, $5,000,000 is provided by transfer from the public housing operating fund account, instead of $10,000,000 as proposed by the House.

Of the amount provided, $5,000,000 is exclusively for anti-predatory lending and anti-flipping activities. These funds are to augment, not supplant, funds already being devoted to such activities. The conferees expect that staff previously engaged in Operation Safe Home activities will be redirected to support these efforts. The OIG is directed to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002.

CONSOLIDATED FEE FUND

(RESCISSION)

Includes a rescission of $6,700,000 from the Fund as proposed by the House and the Senate.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $27,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the Senate instead of $23,000,000 as proposed by the House. Of the amount provided, $4,000,000 is for a one-time increase to address information technology requirements.

Includes language requiring OFHEO to submit a staffing plan to the Committees on Appropriations by January 30, 2002. The conferees expect this staffing plan to prioritize OFHEO's activities relative to implementation of the new risk-based capital regulation. The conferees are aware that a one-year transition period has been provided for implementation of this rule. Should additional resources be required to implement this rule, the conferees will evaluate such requirements when developing the fiscal year 2003 budget.

ADMINISTRATIVE PROVISIONS

Includes modified language related to the allocation of HOPWA funds for the Philadelphia, Pennsylvania and Raleigh-Durham, North Carolina metropolitan areas, similar to language proposed by the House and the Senate.

Does not include language proposed by the Senate extending section 236 excess income eligibility. The House did not include a similar provision.

Does not include language proposed by the Senate amending section 223(d) of the National Housing Act to authorize insurance for the purchase of existing hospital facilities. The House did not include a similar provision.

Includes language repealing the authorization sunset provisions for certain housing counseling assistance activities as proposed by the Senate. The House did not include a similar provision.

Includes language changing the premium structure for section 203(k) and section 234 single family loans as proposed by the House. The Senate proposed the same changes with minor technical language differences related to implementation.

Includes language authorizing the Secretary to waive the 40 percent rent ceiling under section 8 for an assisted living demonstration project in Michigan as proposed by the House. The Senate did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for hospital facilities. The House did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for nursing home facilities. The House did not include a similar provision.

Includes language authorizing HUD's Credit Watch program as proposed by the Senate. The House did not include a similar provision. This provision will clarify existing law to ensure that HUD has the authority to continue to implement the Credit Watch program. This program allows HUD to identify FHA lenders that originate a large number of loans that default quickly, which can be a key indicator of underwriting problems or fraud, and take corrective actions. By eliminating unqualified or unscrupulous lenders, the conferees hope HUD can reduce the number of foreclosed properties. The conferees also believe that further action may be necessary to protect homebuyers and communities, and expects HUD to consider additional steps that could be taken and report back to the appropriate committees with its recommendations.

Includes language requiring all title II programs to comply with the Department of Housing and Urban Development Reform Act of 1989 as proposed by the Senate. The House did not include a similar provision.

Includes modified language exempting Alaska, Mississippi, and Iowa from the statutory requirement of having a resident on the board of a PHA, similar to language proposed by the Senate. The House did not include a similar provision. The conferees are concerned that barriers continue to exist in some States which preclude full implementation of the statutory requirement that public housing residents be full participants on PHA boards. While language is again included providing exemptions to this requirement, the conferees believe that the States should take the appropriate actions necessary to remove barriers, rather than continuing to seek exemptions from the statute. The conferees direct HUD to review the status of implementation of this requirement, identify the factors precluding full implementation and actions being taken by the appropriate State or local entities to remove these barriers, and report its findings to the Committees on Appropriations no later than May 30, 2002.

Includes modified language requiring the Secretary to maintain section 8 rental assistance for any HUD-owned or HUD-held property occupied by an elderly or disabled resident, similar to language proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate amending the National Housing Act to increase the statutory loan limits on certain FHA multifamily and single-family programs. The House did not include a similar provision.

Does not include language proposed by the Senate related to the construction of a tribal student housing project. The House did not include a similar provision.

Includes language modifying the authorized purposes and availability of funds provided to the University of South Carolina in Public Law 106-554 as proposed by the Senate. The House did not include a similar provision.

Includes language amending section 247 of the National Housing Act to change the definitions and eligibility for single-family mortgage insurance on Hawaiian homelands as proposed by the Senate. The House did not include a similar provision.

Includes language waiving the environmental review procedures for certain HOME projects in Arkansas provided certain conditions are met as proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate providing flexible use of existing HOPE VI funds awarded for the Hollander Ridge project. The House did not include a similar provision.

Does not include language proposed by the Senate to change the Fair Housing Act's definition of discrimination based on sex from one based on gender to one based upon victimization from domestic violence. The House did not include a similar provision. The conferees direct HUD to work with PHAs to develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their victimization.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriates $35,466,000 for salaries and expenses as proposed by the House instead of $28,466,000 as proposed by the Senate. Within the appropriated level, $2,000,000 has been provided to complete the backlogged maintenance work identified prior to fiscal year 1998. The conferees commend ABMC for its diligence in identifying, prioritizing, and completing this necessary maintenance, and expect the Commission to report to the Committees on Appropriations, prior to May 1st of each fiscal year, on the current state of maintenance requirements throughout the cemetery system.

The conferees have also provided an additional $5,000,000 above the budget request for the study, planning, and initial construction costs related to a new visitors center at the Normandy American Cemetery and Memorial near St. Laurent-sur-Mer, France. The conferees are cognizant of the unique circumstances at the Normandy Cemetery, which is both the solemn resting place for 9,387 servicemen and women and a tourist destination for in excess of 1,000,000 annual visitors. Current visitor facilities are entirely inadequate to properly serve those individuals in need of privacy and counseling, as well as those who wish to better understand the historical perspective of the battles that occurred nearby. The conferees intend that in the development of appropriate plans regarding the placement, scope, and character of such a new visitor center, the Commission consult with a variety of entities, including the National Park Service, which may have particular expertise with facilities of this nature.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Appropriates $7,850,000 for salaries and expenses instead of $8,000,000 as proposed by the House and $7,621,000 as proposed by the Senate. Of the amount appropriated, $2,500,000 is available until September 30, 2003 and $5,350,000 is available until September 20, 2002. Bill language has been included again this fiscal year which limits the number of career Senior Executive Service positions to three.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $80,000,000 for the Community Development Financial Institutions Fund as proposed by the House instead of $100,000,000 as proposed by the Senate.

Includes $5,000,000 for technical assistance designed to benefit Native American communities as proposed by the Senate instead of $500,000 as proposed by the House. The conferees agree that Native Hawaiian and Alaskan Native communities are eligible entities for this program.

Provides $9,500,000 for administrative expenses instead of $8,948,000 as proposed by the House and $9,850,000 as proposed by the Senate.

Provides for a limitation on the amount of direct loans of $51,800,000 as proposed by the Senate, instead of $15,000,000 as proposed by the House.

The conferees agree with the direction of the Senate calling for inclusion of a report on rural lending practices as part of the fiscal year 2003 budget submission.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriates $55,200,000 for the Consumer Product Safety Commission, salaries and expenses, instead of $54,200,000 as proposed by the House and $56,200,000 as proposed by the Senate. The amount provided represents a $1,000,000 increase above the budget request to maintain the current level of staffing and operational expenses.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct CPSC to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions CPSC is taking to keep state and local governments, as well as consumers, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $401,980,000 for national and community service program operating expenses instead of $415,480,000 as proposed by the Senate. The House did not provide any new funds for fiscal year 2002 operations, but did not eliminate the agency.

Limits funds as proposed by the Senate to not more than: $31,000,000 for administrative expenses of which $2,000,000 is to be for a cost accounting system; $2,500 for official reception and representation expenses; $5,000,000 from the National Service Trust for national service scholarships for high school students performing community service; $240,492,000 for AmeriCorp grants, of which not to exceed $47,000,000 may be for national direct programs and $25,000,000 for E-Corps; $43,000,000 for school-based and community-based service learning programs; $28,488,000 for quality and innovation activities under subtitle H of title I; and $5,000,000 for audits and other evaluations.

The conferees have agreed to the Senate proposal of $25,000,000 for the National Civilian Community Corps, an increase of $4,000,000 over fiscal year 2001. Additional funds are provided to expand the number of AmeriCorps members serving at the five campuses currently in operation.

The conferees deleted without prejudice funding for the Veterans Mission for Youth Program as proposed by the Senate and agreed to not fund the Silver Scholarship program. The conferees believe the authorizing committees of jurisdiction should evaluate and legislate these programs in the overall consideration of the Corporation's reauthorization.

The conferees direct the Corporation to provide quarterly status reports to the Committees, beginning in January 2002, on the implementation of the new cost accounting system and on the expenditure of awards under the Trust Fund. The Corporation should also provide a copy of the Trust Fund award report to the IG. The conferees agree to the Senate proposal to provide not more than $10,000,000 for the Points of Light Foundation of which $2,500,000 may be used for establishment of an endowment; authorizes the Points of Light Foundation to use up to $2,500,000 of previously appropriated funds for this endowment; $7,500,000 for America's Promise; $5,000,000 for Communities In Schools; $2,500,000 for the YMCA; $1,000,000 for Teach For America; and $1,500,000 for Parents As Teachers. In addition, the conferees provide $1,500,000 for the Youth Life Foundation (YLF) for the same purposes contained in the fiscal year 2001 Statement of Managers (House Report 106-988). The conferees also expect YLF to continue its effort in coordinating and collaborating its activities with America's Promise.

OFFICE OF INSPECTOR GENERAL

Appropriates $5,000,000 for Office of Inspector General as proposed by both the House and the Senate.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriates $13,221,000 for salaries and expenses as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $22,537,000 for salaries and expenses as proposed by the House instead of $18,437,000 as proposed by the Senate. The conferees agreed to include funds over the request to complete construction of the proposed columbarium.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates **$70,228,000** for the National Institute of Environmental Health Sciences as proposed by the House and the Senate. Of the appropriated amount, **$45,824,000** is for research and **$24,404,000** is for worker training activities.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriates **$78,235,000** for toxic substances and environmental public health as proposed by the House and the Senate. Bill language has again this year been included which permits the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA. Funds provided for fiscal year 2002 cannot be used by the ATSDR to conduct in excess of 40 toxicological profiles.

The conferees once again encourage ATSDR to provide adequate funds for minority health professions and for the ongoing health effects study on the consumption of Great Lakes fish.

Finally, the conferees have again agreed to cap administrative costs charged by the CDC at 7.5 percent of the amount appropriated herein for the ATSDR.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates **$698,089,000** for science and technology instead of **$680,410,000** as proposed by the House and **$665,672,000** as proposed by the Senate.

The conferees have agreed to the following increases above the budget request:

1. **$2,500,000** for EPSCoR;
2. **$4,000,000** for the Water Environment Research Foundation;
3. **$5,000,000** for the American Water Works Association Research Foundation;
4. **$2,000,000** for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program;
5. **$750,000** for the Integrated Public/Private Energy and Environmental Consortium (IPEC) to develop cost-effective environmental technology, improved business practices, and technology transfer for the domestic petroleum industry;
6. **$750,000** for the Geothermal Heat Pump Consortium (GHP);
7. **$500,000** for the Consortium for Plant Biotechnology Research;
8. **$1,000,000** for the Center for the Study of Metals in the Environment;
9. **$750,000** for the University of South Alabama, Center for Estuarine Research;
10. **$500,000** to the University of California, Riverside for continued research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the CE–CERT facility;
11. **$750,000** for the San Bernardino Valley Municipal Water District for research and design (cost evaluation and environmental studies) of a mitigation project addressing the city's contaminated high groundwater table and dangers presented by liquefaction;
12. **$750,000** to the City of San Bernardino Municipal Water Department's Enhanced Reliability System of Improvements for water distribution and storage in San Bernardino, California;
13. **$1,000,000** to improve the transmission, distribution, and storage of potable water in the City of Needles, California;
14. **$750,000** for planning, design, and development of a groundwater storage system in the City of San Bernardino, California;
15. **$750,000** to the City of Glendale, California working in conjunction with the Utah State University in Logan, Utah, the University of Colorado in Boulder, and UCLA for a research study and pilot treatment plant focused on the removal of chromium 6 from water;
16. **$750,000** to the Central California Air Quality Coalition for a California Regional Sacramento and San Francisco Bay Air Quality study for ozone;
17. **$1,300,000** for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases;
18. **$1,500,000** for the Connecticut River Airshed-Watershed Consortium;
19. **$1,250,000** to the University of Miami in Florida for the Rosenstiel School of Marine and Atmospheric Science;
20. **$500,000** for the creation of a Center for Environmental Science, a joint project of the University of Chicago and Argonne National Laboratory;
21. **$1,000,000** for environmental education and research at the Turtle Cove Research Station, Louisiana;
22. **$1,000,000** for the Center for Urban Environmental Research and Education at the University of Maryland Baltimore County;
23. **$250,000** to the University of New England for the National Center for Marine Mammal Rehabilitation and Research in Biddeford, Maine;
24. **$1,250,000** for the Great Lakes Hydrological Center of Excellence partnership by Western Michigan University and the Environmental Research Institute of Michigan;
25. **$500,000** for the Missouri River Institute for research and outreach;
26. **$3,900,000** for the Mine Waste Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center;
27. **$500,000** to the University of North Carolina at Greensboro for the Bioterrorism Water Quality Protection Program with the aim of developing highly automated and inexpensive testing protocols;
28. **$1,500,000** to the University of North Carolina at Chapel Hill for the Schools of Public Health and Medicine to advance the "one atmosphere" approach to determining the health effects of air pollution;
29. **$1,200,000** for the Center for Air Toxic Metals at the Energy and Environmental Research Center;
30. **$500,000** to the University of Nebraska-Lincoln's Water Sciences Laboratory at the Water Center for field and laboratory equipment;
31. **$500,000** to the University of New Hampshire for groundwater contamination research conducted at the Bedrock Bioremediation Center;
32. **$750,000** for the Cancer Institute of New Jersey for research of the influence of environmental factors in cancer causation;
33. **$1,000,000** for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute;
34. **$100,000** for a study of air quality and noise pollution of the neighborhoods surrounding LaGuardia Airport;
35. **$500,000** to Rockland County, New York for an assessment of environmental hazards in Rockland county and the east side of Manhattan;
36. **$1,000,000** for continuation of the South Bronx Air Pollution Study being conducted by New York University;
37. **$1,500,000** to Syracuse University, New York to develop alternative approaches to assessing the impact of pollutants on environmental systems;
38. **$500,000** to the Syracuse Research Corporation in Syracuse, New York for the development of a Probability Risk Assessment Center;
39. **$500,000** to the Rivers and Estuaries Center on the Hudson in New York for research on river and estuarine environments;
40. **$1,257,000** to the Environmental Technology Commercialization Center in Cleveland, Ohio for the National Environmental Technology Incubator and technology commercialization activities;
41. **$1,000,000** to Saint Vincent College in Pennsylvania for an environmental education and teacher preparation initiative;
42. **$750,000** for a collaborative effort between the University of Tennessee, Western Carolina University and Emory University for the Air Quality Improvements for the Great Smoky Mountains National Park Initiative;
43. **$1,500,000** for the Mickey Leland National Urban Air Toxics Research Center;
44. **$1,000,000** for the Gulf Coast Hazardous Substance Research Center;
45. **$350,000** to the Texas Institute for Applied Environmental Research at Tarleton State University;
46. **$3,500,000** to the University of Houston, Texas for the Texas Learning Computation Center's Environmental Initiative;
47. **$1,500,000** to the National Environmental Policy Institute for implementation of a pilot program to address air quality and pollution in a region through the use of telework;
48. **$100,000** for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects;
49. **$250,000** for acid rain research at the University of Vermont;
50. **$1,300,000** for the Canaan Valley Institute to continue to develop a regional sustainability support center and coordinated information system in the Mid-Atlantic Highlands;
51. **$970,000** for the Canaan Valley Institute in close coordination with the Regional Vulnerability and Assessment (ReVA) initiative to develop research and educational tools using integrative technologies to predict future environmental risk and support informed, proactive decision-making to be undertaken in conjunction with the Highlands action program; and
52. **$500,000** for the National Energy Technology Laboratory for continued activities of a comprehensive clean water initiative in cooperation with EPA Region III.

The conferees have provided an additional **$68,200** for civil enforcement and capacity building activities, bringing the fiscal year 2002 funding level for those programs to no less than the fiscal year 2001 level.

The conferees have agreed to reduce funding for hazardous waste research **$1,494,100** below the budget request level.

The conferees have agreed to provide $4,000,000 from within available funds throughout the Science and Technology account, for the research, development, and validation of non-animal, alternative chemical screening and prioritization methods, such as rapid, non-animal screens and Quantitative Structure Activity Relationships (QSAR), for potential inclusion in EPA's current and future relevant chemical evaluation programs. Activities funded in this regard should be designed in consultation with the Office of Pollution Prevention and Toxic Substances.

The conferees continue to support the partnership between the EPA and the National Technology Transfer Center and expect the Agency to continue the cooperative agreement at the fiscal year 2001 level.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,054,511,000 for environmental programs and management instead of $2,004,599,000 as proposed by the House and $2,061,996,200 as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $16,000,000 for rural water technical assistance activities and ground water protection with distribution as follows: $9,000,000 for the NRWA; $3,500,000 for RCAP; $750,000 for GWPC; $1,750,000 for Small Flows Clearinghouse; and $1,000,000 for the NETC;

2. $1,000,000 for implementation of the National Biosolids Partnership Program;

3. $2,000,000 for the source water protection program;

4. $5,000,000 to accelerate the development of new and update current IRIS values;

5. $1,750,000 for Chesapeake Bay small watershed grants, to be expended as specified in Senate Report 107–43. This increase, along with EPA's redirection of $698,700 in fiscal year 2001 EPM funds to the Chesapeake Bay Program for fiscal year 2002 will result in a total of $21,267,400 available in fiscal year 2002 for the Chesapeake Bay Program. This amount is $539,300 above the fiscal year 2001 level;

6. $537,600 for the Great Lakes National Program Office for a total program level of $15,500,000;

7. $5,500,000 for the National Estuary Program for a total program level of $22,553,200. The conferees recommend that a minimum of 65 percent of the funds provided for the National Estuary Program be reserved for programs in the estuaries of national significance for which the Administrator has convened a management conference by the date of enactment of this appropriation Act pursuant to section 320 of the Federal Water Pollution Control Act, as amended, for the development and implementation of a comprehensive conservation and management plan;

8. $1,545,200 for the Lake Champlain Basin Program for a total program level of $2,500,000;

9. $2,022,600 for the Long Island Sound Program Office for a total program level of $2,500,000;

10. $2,500,000 for the National Alternative Fuels Training Consortium;

11. $200,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup and pollution prevention programs;

12. $500,000 for the Kenai River Center for continued research on watershed issues;

13. $1,000,000 for the Columbia Basin Groundwater Management Area;

14. $1,000,000 for the Frank M. Tejeda Center for Excellence in Environmental Operations;

15. $4,700,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations;

16. $850,000 for the Southcoast Harbor education and monitoring project;

17. $2,500,000 for the Southwest Center for Environmental Research and Policy;

18. $250,000 for the Northwest Straits Commission;

19. $4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka; Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University, with each Center to receive $500,000;

20. $1,000,000 to the Gas Technology Institute for the Agricultural Mixed Waste Thermo-Depolymerization BioRefinery Project;

21. $700,000 for the Alabama Department of Environmental Management for the water and wastewater training program;

22. $500,000 to the Pima County Wastewater Management Department for a regional water quality research project in Arizona;

23. $300,000 to Riverside County, California for continued work on the Special Area Management Plan portion of the Riverside County Integrated Plan;

24. $500,000 to the San Joaquin River Exchange Contractors Authority for the development, planning and design of watershed restoration projects;

25. $750,000 to Ventura County, California for the completion and implementation of the Calleguas Creek Watershed Management Plan;

26. $250,000 to establish a Santa Ana River Watershed Research and Training Program at the Water Resources Institute of California State University, San Bernardino;

27. $500,000 to the Sacramento County, California Regional Sanitation District to continue the Sacramento River Toxic Pollutant Control Program and the Sacramento River Watershed Program;

28. $500,000 to the National Park Service/Golden Gate National Parks Association for the Crissy Field tidal marsh wetlands monitoring and restoration project;

29. $500,000 for MTBE remedial activities in Santa Monica, California;

30. $500,000 for cross-media and water quality monitoring in the Sweetwater River watershed, California;

31. $500,000 for Gateway Cities, California, diesel emissions reduction program;

32. $250,000 for the Central California ozone study;

33. $250,000 to Miami-Dade County, Florida for lead screening, testing, outreach education and abatement in the Liberty City neighborhood;

34. $200,000 to Miami-Dade County, Florida to expand the existing environmental education program;

35. $500,000 to the Southwest Water Management for fishery and habitat restoration in Lake Panasoffkee, Florida;

36. $850,000 for the University of West Florida to determine if a connection exists between elevated levels of illness in Northwest Florida and the levels of toxic pollutants in the area;

37. $1,500,000 to Columbus Water Works in Georgia for an Advanced Biosolids Flow-Through Thermophilic Treatment Process demonstration project;

38. $100,000 for the American Farmland Trust to continue support for the design for the environment for farms program in Hawaii and the American Pacific;

39. $400,000 for the County of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource management by upgrading solid waste transfer stations into community recycling centers;

40. $500,000 for the Economic Development Alliance of Hawaii to promote biotechnology to reduce pesticide use in tropical and subtropical agricultural production;

41. $250,000 for the County of Maui for the control of nuisance seaweed accumulations on the beaches of Kihei, Maui, Hawaii;

42. $1,000,000 to the Water Systems Council to assist in the effective delivery of water to rural citizens nationwide;

43. $750,000 for the painting and coating assistance initiative through the University of Northern Iowa;

44. $750,000 for the Center for Agricultural and Rural Development at Iowa State University for the Resource and Agricultural Policy Systems program;

45. $500,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa;

46. $1,000,000 for Boise State University for developing multipurpose sensors to detect and analyze environmental contaminants;

47. $900,000 for the Environmental Biotechnology Institute at the University of Idaho to develop selenium control technologies;

48. $2,000,000 for the Coeur d'Alene Basin Commission, established by the State of Idaho to carry out pilot program for environmental response, natural resource restoration and related activities;

49. $500,000 to the Lake County, Illinois Stormwater Management Commission for an assessment of natural resources in the Upper Des Plaines River watershed;

50. $500,000 to Raccoon Lake, Centralia, Illinois for implementation of a water supply plan including engineering and design costs;

51. $500,000 to Purdue University in Indiana for the Contaminant Remediation Optimization Program (CROP);

52. $200,000 to the City of Shreveport, Louisiana to provide technical support for the Mayor's Clean Air Citizens Advisory Committee;

53. $100,000 for a regional water and sewer consolidation study in St. Bernard Parish, Louisiana;

54. $4,000,000 for the Lake Pontchartrain Basin Restoration Program;

55. $200,000 for a study of air quality in the Shreve-Bossier area of Louisiana;

56. $500,000 to the University of Maryland for the Regional Earth Sciences Center and mapping of wetlands in the Chesapeake Bay watershed;

57. $750,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project;

58. $1,000,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Montgomery and Prince Georges Counties, Maryland;

59. $500,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies;

60. $500,000 to the Cranbrook Education Community to implement a storm water management plan within the Upper Rouge River watershed;

61. $1,000,000 for the Food and Agriculture Policy Research Institute's Missouri watershed initiative project;

62. $500,000 for the City of Lake St. Louis, Missouri for a Water Quality study of Peruque Creek Watershed;

63. $300,000 to Mecklenburg County, North Carolina for the continuation and expansion of the Charlotte Surface Water Improvement and Management program;

64. $850,000 for continued activities of the North Carolina Central University research initiative;

65. $400,000 to Wake County, North Carolina for planning, environmental analysis and design of a watershed management plan;

66. $250,000 to the Crop Life Foundation for a North Carolina Environmental Stewardship Project;

67. $750,000 to the Town of Rosman, North Carolina for the development of engineering plans for addressing the Town's wastewater infrastructure needs;

68. $250,000 to Rowan University in Glassboro, New Jersey for the Environmental Community Revitalization and Research Initiative as a demonstration program;

69. $200,000 to the Borough of Rutherford, New Jersey for an engineering study of the area's sanitary sewer collection system;

70. $13,600 for the water quality monitoring program along the New Jersey-New York shoreline for a total of $300,000;

71. $1,500,000 to continue the sediment decontamination technology demonstration in the New York-New Jersey Harbor;

72. $100,000 for Fallon, Nevada, for arsenic removal technologies;

73. $750,000 to Alfred University of Alfred, New York for the Center for Environmental and Energy Research (CEER);

74. $250,000 to the Town of Babylon, New York for a feasibility study on expanding the Southwest Sewer District;

75. $500,000 for the development of an Environmental Leadership Institute at Niagara University, New York;

76. $250,000 to the Rochester Institute of Technology (RIT) to create a National Materials Recovery and Recycling Center of Excellence;

77. $1,500,000 for continued work on the water quality management plans for the Central New York watersheds in Onondaga and Cayuga counties;

78. $500,000 to Cornell University in New York for a demonstration project in Skaneateles, Otisco and Oneida Lake Watersheds to study the effectiveness of biological controls in addressing the environmental and ecological problems caused by milfoil, waterchestnuts and other aquatic weeds;

79. $150,000 to the State University of New York's Environmental School of Forestry for the Otisco Lake Watershed Evaluation Project;

80. $1,400,000 for the Ohio River Watershed Pollutant Reduction Program;

81. $500,000 for the Integrated Petroleum Environmental Consortium;

82. $100,000 to the City of Altus, Oklahoma to conduct environmental engineering studies for the expansion of water treatment facilities;

83. $130,000 to the City of Lancaster, Pennsylvania for lead screening, testing, outreach, education and abatement;

84. $500,000 for the Brazos-Navasota watershed management project;

85. $250,000 for the Envision Utah Project;

86. $250,000 for the Vermont Department of Agriculture to work with conservation districts to reduce non-point source pollution run-off to the Poultney-Mettowee watershed;

87. $500,000 to King County, Washington for the Direct Carbonate Fuel Cell Demonstration Project;

88. $500,000 to Franklin, Grant, and Adams Counties to support the Groundwater Management Area in Washington State;

89. $50,000 to the Lake Washington Technical College—Redmond campus for the next phase of the environmental assessment of a DoD site;

90. $1,750,000 to the Green Bay Metropolitan Sewerage District in Wisconsin for a biosolids treatment demonstration project;

91. $600,000 for a two year study of sewer system improvements for Superior, Wisconsin;

92. $1,230,000 for on-going activities at the Canaan Valley Institute, including activities relating to community sustainability;

93. $300,000 for the continued implementation of the Potomac River Visions Initiative through the Friends of the Potomac;

94. $200,000 to the Polymer Alliance Zone's MARCEE Initiative with oversight being provided by the Office of Solid Waste.

The conferees have also included an increase of $8,664,000 for enforcement activities conducted by the EPA through the Environmental Programs and Management account. Agency-wide, the conferees have restored $15,001,100 for enforcement programs and activities conducted through the Science and Technology, Hazardous Substance Superfund, and Environmental Programs and Management accounts, bringing the Agency funding total for enforcement to slightly more than the fiscal year 2001 level. The conferees expect the Agency to restore federal enforcement positions in accordance with the fiscal year 2001 Operating Plan. The conferees recognize that restoring these enforcement positions may result in the on-board personnel level at EPA to exceed 17,500 FTEs.

The conferees have agreed to the following reductions from the budget request:

1. $1,322,900 from Administrative Services;
2. $2,097,800 from Direct Public Information and Assistance;
3. $2,298,700 from Public Access programs;
4. $2,581,200 from Regional Management activities;
5. $2,896,400 from Reinvention programs;
6. $3,234,800 from Project XL; and
7. $11,260,200 as a general reduction.

The conferees direct the Agency to provide no less than the fiscal year 2001 funding level for continuing operation of the Environmental Education programs.

The conferees have, within available funds, provided $2,000,000 for the eight Environmental Finance Centers. This represents an increase of $751,000 over the budget request for this excellent program. Also within available funds, the Agency is directed to provide $3,000,000 above the budget request level for implementation of the High Production Volume Chemical Challenge Program; $200,000 for setting standards and to increase awareness of the benefits of ambient temperature glass technology; and $500,000 for the Association of Metropolitan Sewerage Agencies to provide information to the wastewater treatment industry regarding security measures, and to facilitate communication and coordination between the wastewater treatment industry and relevant governmental agencies in order to increase security at wastewater facilities throughout the nation.

Again this year, the Agency is directed to provide no less than the budget request levels for Pesticide Registration and Re-registration programs. Further, up to $9,000,000 requested to support 87 FTEs in the re-registration program may be used to support tolerance reassessment activities. Bill language has again been included in title IV, General Provisions, prohibiting funds for use to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Federal Register 31040, or any similar proposal. Finally, the conferees direct the Agency to use $1,500,000 from within available funds (other than those funds budgeted and provided specifically for registration, re-registration, and tolerance assessment activities) to further demonstrate the current, as well as the proposed expanded role of the Agency, regarding the expedited review and registration of reduced risk pesticides. The Agency is urged to provide for the Committees on Appropriations a detailed report on the results of this demonstration and any specific plans the Agency may have to expand the program.

The conferees have provided, also from within available funds, $2,000,000 for the Administrator to develop and carry out a lamp recycling outreach program. In order to increase awareness of proper disposal methods among commercial and industrial users of energy efficient mercury-containing lamps, including fluorescent and high discharge lamps, this program should be used to promote lamp recycling, in compliance with the provisions of Federal and State Universal Waste Rules. The program is to be developed jointly with State environmental agencies, and with lamp manufacturers and lamp recyclers, either as individual companies, or collectively through their trade associations.

The conferees have provided the full budget request for the Endocrine Disrupter Screening Program and direct that no reductions be proposed in the operating plan submission for this important program. In addition, the conferees are encouraged that the Agency is establishing the Endocrine Disruptor Methods Validation Subcommittee (EDMVS) of the National Advisory Council for Environmental Policy (NACEPT). The EDMVS will provide a means by which interested parties can participate to express their concerns and work to ensure a scientifically sound validation process for the animal and non-animal based screens and tests in the developing program. The conferees urge EPA to develop validation processes that incorporate the advice of the EDMVS, and the Agency is requested to provide a report to the Committees on Appropriations on the status of the EDMVS by March 15, 2002.

The conferees are aware of the extraordinary success the military services have achieved in recent years by utilizing pulse technology in vehicles and equipment. This technology has contributed to significant cost savings in battery management programs and has enhanced the ability of the military services to increase the effectiveness of their environmental responsibilities through the extension of the service life of its batteries. In light of this success of the military, the conferees expect EPA to actively investigate the environmental and monetary benefits that could be realized by encouraging government-wide use of pulse technology in the maintenance of the federal vehicle fleet and other applicable equipment.

In August 2000, EPA published an assessment of the state of the streams of the Mid-Atlantic Highlands area. Because of the importance of the Mid-Atlantic Highlands and the success of the aforementioned assessment, the conferees direct the Agency to prepare a follow-up report on the state of the Mid-Atlantic Highlands as a whole by April 15, 2002. Further, consistent with the House Report accompanying H.R. 2620, the Administrator is expected to enter into an interagency agreement with other federal agencies and cooperative agreements with states.

local governments and non-governmental organizations to carry out the goals of the Mid-Atlantic Highlands program.

The conferees note that EPA's August 1, 2001, draft report on "The National Costs of the Total Maximum Daily Load Program" does not provide any information on the cost of regulatory changes to the TMDL program on small businesses, notwithstanding specific language in the statement of managers accompanying the fiscal year 2001 appropriations Act directing EPA to conduct that analysis. The conferees intend EPA to estimate the cost to small businesses from implementation of that rule, whether those costs are imposed directly by EPA or indirectly by State programs implementing EPA regulations.

The conferees continue to support efforts being undertaken by state energy, environmental, utility and transportation agencies to integrate their programs, policies, and regulations. The conferees encourage the relevant federal agencies to actively support and participate in this effort.

The conferees are aware that controversy has surrounded adoption of EPA's mixture and derived-from rules. In its adoption of a final rule in May 2001, EPA expressed its intent to continue to pursue actions to provide exemptions for certain low-risk wastes as identified through public comments and scientific documentation. The conferees expect the Agency to expedite the review of any requests for exemptions that may result in the management of certain residues and mixtures as non-hazardous waste, and to finalize those exemptions only where science supports such a determination.

The conferees agree that unspent funds made available in prior year appropriation Acts for certain activities or projects in Cortland County, New York may be used to fund additional projects specifically in that county.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct EPA to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions EPA is taking to keep state and local governments, as well as the public, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

The conferees are aware of significant and increasing water quality and water quantity problems along the Fox River watershed in Kane, McHenry, Lake, Kendall, DeKalb, and LaSalle Counties, Illinois. The conferees urge that available funds to EPA be used to initiate the development of aggregated watershed data, a watershed-wide Geographic Information System (GIS), overall watershed water quality assessment and modeling, and a framework for facilitating a comprehensive watershed management plan. Any grants made by EPA for this project should be provided to the Illinois EPA.

OFFICE OF INSPECTOR GENERAL

Appropriates $34,019,000 for the Office of Inspector General as proposed by the House and the Senate. In addition to amounts appropriated directly to the OIG, $11,867,000 is also available by transfer from funds appropriated for Hazardous Substance Superfund.

BUILDINGS AND FACILITIES

Appropriates $25,318,000 for buildings and facilities as proposed by the House.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,270,000,000 for hazardous substance superfund as proposed by the House instead of $1,274,645,560 as proposed by the Senate. Bill language provides that $635,000,000 of the appropriated amount is to be derived from the Superfund Trust Fund, while the remaining $635,000,000 is to be derived from General Revenues of the Treasury. Additional language provides for the transfer of $11,867,000 to the Office of Inspector General, and for the transfer of $36,891,000 to the Science and Technology account as proposed by the House instead of $36,890,500 as proposed by the Senate.

The conferees have agreed to the following fiscal year 2002 funding levels:

1. $910,070,000 for Superfund response and cleanup activities.
2. $139,346,000 for enforcement activities.
3. $133,000,000 for management and support.
4. $11,867,000 for transfer to the Office of Inspector General.
5. $36,891,000 for research and development activities, to be transferred to the Science and Technology account.
6. $38,826,000 for reimbursable interagency activities, including $28,150,000 for the Department of Justice and $10,676,000 for OSHA, FEMA, NOAA, the United States Coast Guard, and the Department of the Interior.

The conferees have agreed to provide the budget request level of $97,651,600 for the Brownfields program, which includes funding from various programs within the Hazardous Substance Superfund account (totaling $94,977,400) and the Environmental Programs and Management account. The conferees further agree that the fiscal year 2001 funding levels for the SITE program and for the hazardous substance research centers be maintained for fiscal year 2002.

Once again this year, the conferees support the national pilot worker training program which recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated properties for work in the environmental field. The conferees direct EPA to continue funding this effort in cooperation and collaboration with the National Institute of Environmental Health Sciences.

The conferees agree that $100,000,000 of the appropriated amount shall not become available until September 1, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $73,000,000 for the leaking underground storage tank program instead of $79,200,000 as proposed by the House and $71,947,400 as proposed by the Senate.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response as proposed by the House instead of $14,986,000 as proposed by the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,733,276,000 for state and tribal assistance grants instead of $3,436,899,000 as proposed by the House and $3,603,015,900 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants; $850,000,000 for Safe Drinking Water SRF capitalization grants; $75,000,000 for the United States-Mexico Border program; $40,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and Alaska Native communities; $1,074,376,000 for categorical grants to the states and tribes; $343,900,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure; and $25,000,000 for a new Environmental Information Exchange Network grant program.

The conferees have included bill language which, for fiscal year 2002, authorizes the Administrator of the EPA to use funds appropriated pursuant to the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319(h) and 518(e) of FWPCA. In addition, bill language has been adopted which, (1) will permit the states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations; (2) permits the Administrator to reserve up to 1½ percent of the funds appropriated for the SRF under title VI of the FWPCA for grants under section 518(c) of that Act; (3) for fiscal year 2002, authorizes the states to transfer funds between the Clean Water and Safe Drinking Water SRF programs; and (4) stipulates that no funds provided in the Act to address water infrastructure needs of colonias within the United States along the United States-Mexico border shall be made available to a county or municipal government unless that governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

As in previous years, the conferees have included bill language which stipulates that none of the funds provided in this or any previous years' Act for the Safe Drinking Water SRF may be reserved by the Administrator for health effects studies on drinking water contaminants. The conferees have instead provided significant resources for such studies within EPA's Science and Technology account.

The conferees have included bill language which will allow the Agency to use undesignated funds appropriated in prior years for specific water and wastewater grants approved for fiscal year 2002, but have not included a provision authorizing the expenditure of funds for a new State Enforcement Grant program. Although the conferees are generally supportive of state grant programs, it is believed that additional time is needed for the Agency to review and refine this proposal for inclusion in a future budget submission. The conferees note that this action to disapprove inclusion of this new program has been taken without prejudice.

Of the funds provided for the United States-Mexico Border program, $7,000,000 is for the El Paso desalination and water supply project, and $2,000,000 is for the Brownsville, Texas water supply project.

Of the amount provided through categorical grants for air resource assistance grants under sections 103 and 105 of the Clean Air Act, as amended, $10,000,000, an increase of $5,000,000 above the budget request, is for section 103 grants to the states to develop regional haze programs under title I, part C of the Clean Air Act. It is the intention of the conferees that these funds be used to aid states in the development of emissions inventories, quantification of natural visibility conditions, monitoring and other data necessary to define reasonable progress and develop control strategies, and to support the states' participation in regional efforts to coordinate their strategies, where necessary, and at the election of the individual states. The conferees direct the Agency to disburse the funds for the regional haze program to the States' regional planning organizations within 30 days of receipt of completed grant applications.

In addition, the conferees have provided $8,000,000 above the budget request for section 105 air resource assistance grants, $22,593,600 above the budget submission for section 106 water pollution grants and $8,000,000 above the budget submission for the new Beach Environmental Assessment and Coastal Health Act (BEACH) grant program. The conferees have agreed to provide the budget request level for section 319 nonpoint source pollution grants.

The conferees agree that the $343,900,000, together with unallocated funds made available in prior appropriations Acts for communities or other governmental entities for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure, shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not financially possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and it is expected that this high level of effort and flexibility will continue throughout fiscal year 2002. In addition, the conferees agree that unspent water and wastewater infrastructure funds totaling approximately $164,000 provided in a prior appropriation Act for Franklin County, Pennsylvania may be spent for other such water and wastewater infrastructure projects in that county.

The distribution of funds under this program is as follows:

1. $1,800,000 of the Ketchikan Gateway Borough, Alaska for sewer and water improvements;
2. $1,000,000 for Pelican, Alaska water and sewer improvements;
3. $1,800,000 for Petersburg, Alaska for water and sewer upgrades;
4. $3,000,000 for the Girdwood, Alaska water extension;
5. $3,000,000 for addressing above ground leaking fuel tanks in Alaska;
6. $1,500,000 for Wasilla, Alaska water and sewer improvements;
7. $900,000 to the City of Sitka, Alaska for water and wastewater infrastructure improvements for the Sawmill Cove Industrial Park;
8. $500,000 to Tuscaloosa County, Alabama for countywide water and sewer facilities;
9. $1,000,000 for the Southeast Alabama Regional Water Authority for a water facility project;
10. $600,000 for Grant, Alabama for wastewater collection and treatment facilities;
11. $1,000,000 for the City of Jackson, Alabama for water system improvements;
12. $450,000 to Blount County, Alabama for a wastewater treatment and collection systems;
13. $1,900,000 to Rainsville, Alabama for a wastewater treatment facility upgrade and expansion;
14. $500,000 to Arab, Alabama for sewer infrastructure improvements;
15. $300,000 to Guin, Alabama for sewer infrastructure improvements;
16. $250,000 to Franklin County, Alabama for water infrastructure improvements;
17. $300,000 to Sumiton, Alabama for water system infrastructure improvements;
18. $350,000 to Sardis City, Alabama for sewer infrastructure improvements;
19. $900,000 to Shelby County, Alabama for wastewater infrastructure improvements;
20. $2,500,000 to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System;
21. $1,000,000 to the Town of Citronelle, Alabama South Alabama Utilities for water infrastructure improvements in Mobile County;
22. $500,000 to the City of Jackson, Alabama for construction of a water treatment facility;
23. $250,000 to the Town of Fulton, Alabama for wastewater infrastructure improvements;
24. $500,000 to the Mobile County Water, Sewer and Fire Protection Authority for construction of new facilities and upgrades to existing facilities;
25. $750,000 to the City of Brewton, Alabama for drainage infrastructure improvements;
26. $1,000,000 to the City of Huntsville, Alabama for water system improvements;
27. $1,000,000 to Hartselle Utilities for wastewater infrastructure in the City of Hartselle, Alabama;
28. $1,000,000 to the City of Tuscumbia, Alabama for drinking water infrastructure improvements;
29. $500,000 to the Limestone County Water and Sewer Authority for drinking water infrastructure improvements;
30. $500,000 to the West Morgan-East Lawrence Water Authority for drinking water infrastructure improvements;
31. $115,000 to the City of Luverne, Alabama for water and wastewater infrastructure improvements;
32. $485,000 to the Clay County, Alabama Water Authority for water and wastewater infrastructure improvements;
33. $2,000,000 for Union County, Arkansas for a community drinking water system;
34. $250,000 to the City of Menifee, Arkansas for wastewater infrastructure improvements;
35. $1,000,000 for the State of Arizona Water Infrastructure Finance Authority for making a loan to the City of Safford, Arizona to address the city's wastewater needs, which will be repaid by the city to the Arizona Clean Water Revolving Fund under title VI of the Federal Water Pollution Control Act, as amended;
36. $500,000 for the Santa Rosa, California, drinking water infrastructure needs;
37. $500,000 for the Los Banos, California, wastewater and drinking water infrastructure project;
38. $500,000 for Compton, California, sewer infrastructure needs;
39. $1,175,000 for Sacramento, California, combined sewer system improvements;
40. $850,000 for the Placer County, California, wastewater treatment project;
41. $500,000 for Lake County, California, for the Clear Lake Basin 2000 project;
42. $2,800,000 for the Olivenhain, California drinking water project;
43. $500,000 for Oxnard, California, area drinking water infrastructure needs;
44. $400,000 to the City of Colton, California for storm drain improvements;
45. $900,000 to the Mission Springs Water District in California to protect groundwater in the City of Desert Hot Springs;
46. $250,000 to the City of Modesto, California for replacement of the 9th Street storm drain;
47. $900,000 to the City of Laguna Beach, Orange County, California for water and wastewater infrastructure improvements;
48. $100,000 to the Calaveras County Water District, California for water infrastructure improvements at the West Point Water System;
49. $150,000 to the Tuolumne Utilities District of Tuolumne County, California for water supply infrastructure improvements and a canal optimization study;
50. $1,800,000 to the Cities of Arcadia and Sierra Madre, California for seismic infrastructure upgrades to the drinking-water delivery system;
51. $485,000 to the Metropolitan Water District of Southern California for the Desalination Research and Innovation Partnership project;
52. $485,000 to the City of Redding, California for water and wastewater infrastructure improvements for the Stillwater Industrial Park;
53. $900,000 to the City of Bellflower, California for a water infrastructure project;
54. $500,000 for the continuation of water infrastructure improvements in Twentynine Palms, California;
55. $250,000 for the Warren Valley Basin Recharge/Reuse project in Yucca Valley, California;
56. $500,000 for the Lower Owens River Project in Inyo County, California;
57. $500,000 for the completion of water infrastructure improvements in the Yucaipa Valley Water District in Yucaipa, California;
58. $250,000 for the development of a water master plan to serve the water infrastructure needs of the City of Hesperia, California;
59. $500,000 for planning and design of a sewage treatment and water reclamation facility in Apple Valley, California;
60. $500,000 for environmental engineering and preliminary design of a regional water recycling facility in Victorville, California;
61. $485,000 to the City of Compton, California for the Willowbrook Water Main Infrastructure project;
62. $675,000 to the City of Brea, California for wastewater infrastructure improvements;
63. $250,000 to the City of Pico Rivera, California for repairs and upgrades of the sewage system;
64. $540,000 to the City of Lathrop, California to address contamination of the Sharp Depot well;
65. $250,000 to Mariposa County, California for infrastructure improvements to the Yosemite West wastewater treatment and disposal facility;
66. $900,000 to the City of Huntington Beach, California for the Huntington Beach Environmental Infrastructure Project;
67. $675,000 to the City of South Gate, California for wastewater infrastructure improvements;
68. $350,000 to the City of Garden Grove, California for construction of the Yockey/Newland Storm Drain;
69. $485,000 to the City of Santa Rosa, California for the Santa Rosa Geysers Reclaimed Water project;
70. $250,000 to the County of Ventura, California for wastewater infrastructure needs in El Rio;
71. $1,485,000 for the Towns of Naturita and Nucia, Colorado for drinking water infrastructure improvements;
72. $1,000,000 for the City of Montrose, Colorado for the Montrose Wastewater Inflow and Infiltration project;
73. $2,400,000 to the City of New Britain, Connecticut for water and sewer infrastructure needs;
74. $485,000 to the Central Naugatuck Valley Council of Governments for water and

wastewater infrastructure improvements in the towns of Waterbury, Wolcott, and Middlebury, Connecticut;

75. $1,800,000 to the District of Columbia Water and Sewer Authority to mitigate combined sewer overflows into the Anacostia and Potomac Rivers;

76. $2,000,000 for the Town of Millsboro, Delaware, for wastewater infrastructure needs;

77. $2,000,000 for Eastern Orange and Seminole Counties, Florida, for wastewater treatment upgrades;

78. $900,000 to the City of Clearwater, Florida for water and wastewater infrastructure improvements;

79. $485,000 to St Johns County, Florida for septic tank replacement in the West Augustine community;

80. $250,000 to the City of Jacksonville, Florida for extension of public water hookups;

81. $485,000 to Hillsborough County, Florida for water and wastewater infrastructure improvements;

82. $4,000,000 to Miami-Dade County, Florida for water and wastewater infrastructure improvements;

83. $675,000 to the City of West Palm Beach, Florida for completion of the IPR/Renaissance project, a wetlands-based indirect potable water and wastewater reuse program;

84. $250,000 for the Central Florida Artificial Enhancement Program/Lake Marden Recharge Project;

85. $800,000 to the City of Opa-locka, Florida for drinking water, wastewater and sewer infrastructure improvements;

86. $500,000 to the City of North Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;

87. $500,000 to the City of North Miami Beach, Florida for drinking water, wastewater and sewer infrastructure improvements in the Highland Village neighborhood;

88. $500,000 to the City of South Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;

89. $900,000 to Sarasota County, Florida for the Phillippi Creek Septic Tank replacement project;

90. $900,000 to the City of Boca Raton, Florida for upgrades to the water treatment plant;

91. $485,000 to fund the Central Florida Aquifer Recharge Enhancement Program—Surface Water Recharge Projects;

92. $9,650,000 to the Florida Department of Environmental Protection for the Tampa Bay, Florida regional reservoir infrastructure project;

93. $2,000,000 for the City of Roswell, Georgia, Big Creek Watershed drinking water and sewer infrastructure needs;

94. $900,000 to Paulding County, Georgia for the Richland Creek Reservoir Project;

95. $500,000 to the Guam Waterworks Authority for upgrades to the ground water chlorination system;

96. $1,000,000 for the County of Hawaii to upgrade its drinking water system;

97. $1,985,000 for the City of Des Moines, Iowa for wastewater and stormwater infrastructure improvements;

98. $2,400,000 to the City of Mason City, Iowa for upgrades to its water treatment facilities;

99. $750,000 for the City of Bancroft, Idaho, for water system upgrades;

100. $750,000 for the City of Burley, Idaho, to continue work on a wastewater treatment system project;

101. $250,000 to the Bayview Water and Sewer District in Idaho for the Cape Horn Area Clean Water Compliance Project;

102. $250,000 to the City of Filner, Idaho for construction of a municipal water system;

103. $500,000 for Rock Falls, Illinois, wastewater treatment improvements;

104. $500,000 for Illinois' Clark-Edgar Rural Water District drinking water project;

105. $500,000 for the Monmouth, Illinois, storm sewer project;

106. $985,000 for Galena, Illinois, wastewater treatment improvements;

107. $500,000 for the City of Paris, Illinois, for drinking water infrastructure needs;

108. $500,000 for the City of Macomb, Illinois, for drinking water infrastructure needs;

109. $1,000,000 for the City of Lawrenceville, Illinois for a wastewater treatment facility;

110. $485,000 to the Village of Orland Park, Illinois for wastewater infrastructure improvements;

111. $485,000 to the City of Moline, Illinois for the City's Water Improvement Project;

112. $1,800,000 to the City of Aurora, Illinois for a combined sewer overflow project;

113. $250,000 to the City of Sandwich, Illinois for wastewater and stormwater infrastructure improvements;

114. $900,000 to the Village of Carol Stream, Illinois for expansion of the Carol Stream Reclamation Center;

115. $485,000 to the City of Chrisman, Illinois for construction of a new sewage treatment plant;

116. $900,000 to the Village of Metamora, Illinois for water and wastewater infrastructure improvements;

117. $250,000 to the Village of Justice, Illinois for a water infrastructure improvement project at the Wesley Fields water system;

118. $485,000 to the Village of Johnsburg, Illinois for construction of a wastewater conveyance and treatment system;

119. $900,000 for the City of Fort Wayne, Indiana for a model sewer improvement and stormwater retention project;

120. $630,000 to the Town of Westfield, Indiana for a sewer system improvement project;

121. $300,000 to the City of Carmel, Indiana for infrastructure improvements and an ultraviolet disinfection system;

122. $485,000 to Merrillville Conservancy District in Merrillville, Indiana for wastewater infrastructure improvements;

123. $1,000,000 for the City of Hays, Kansas for the South Russell County Water Project;

124. $485,000 to the City of Ottawa, Kansas for the engineering and design of a new wastewater treatment facility;

125. $500,000 to the City of Wichita, Kansas for wastewater infrastructure rehabilitation;

126. $1,000,000 for Daviess County, Kentucky, for drainage improvements;

127. $485,000 to Bluegrass PRIDE of Kentucky for cleanup of Bluegrass Rivers and Streams;

128. $300,000 to the City of Lawrenceburg, Kentucky for water and wastewater infrastructure improvements;

129. $200,000 to the City of Irvine, Kentucky for the Irvine Sewer Rehabilitation in Estill County;

130. $600,000 to the City of Hodgenville, Kentucky for modernization of the sewer system;

131. $400,000 to the City of Mount Washington, Kentucky for extension of water and wastewater infrastructure for an industrial park;

132. $250,000 to the City of Owenton, Kentucky for extension of sanitary wastewater collection systems;

133. $3,600,000 to the City of Somerset, Kentucky for wastewater infrastructure improvements;

134. $1,400,000 to the City of London, Kentucky for wastewater infrastructure improvements;

135. $485,000 to Ohio County, Kentucky for the Regional Wastewater project;

136. $2,000,000 for the Orleans Parish, Louisiana, sanitary sewer inflow infiltration project;

137. $500,000 for East Baton Rouge Parish, Louisiana, water and sewer infrastructure needs;

138. $485,000 to the City of Denham Springs, Louisiana for wastewater infrastructure upgrades at the Livingston Parish sewer districts Nos. 1 and 2;

139. $900,000 to St. Charles Parish, Louisiana to address noncompliance issues regarding Luling Oxidation Pond;

140. $200,000 to St. John the Baptist Parish, Louisiana for water and wastewater infrastructure improvements;

141. $900,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements;

142. $300,000 to the City of New Iberia, Louisiana for water and wastewater infrastructure improvements;

143 $100,000 to St. James Parish, Louisiana for water and wastewater infrastructure improvements;

144. $200,000 to the Bayou Lafourche Freshwater District for drinking water improvements and saltwater intrusion prevention;

145. $100,000 to the City of Thibodaux, Louisiana for water and wastewater infrastructure improvements;

146. $2,000,000 for the Bristol County, Massachusetts, combined sewer overflow projects;

147. $350,000 to the City of Lowell, Massachusetts for combined sewer overflow infrastructure support;

148. $485,000 to the Pioneer Valley Planning Commission for mitigation of combined sewer overflows along the Connecticut River;

149. $4,800,000 for biological nutrient removal upgrades at the City of Salisbury, Maryland, wastewater treatment plant;

150. $500,000 for biological nutrient removal upgrades at the Conococheague wastewater treatment plant, Washington County, Maryland;

151. $485,000 to the Hartford County, Maryland Division of Water and Sewer for a water and wastewater extension for the Oaklyn Manor and Manorville Road communities;

152. $900,000 to the City of Cambridge, Maryland for a Biological Nutrient Removal upgrade project and a combined sewer overflow project;

153. $2,000,000 for Vinalhaven, Maine for wastewater infrastructure improvements;

154. $500,000 for the City of Calais, Maine to develop a safe drinking water system;

155. $3,000,000 for the City of Negaunee, Michigan, for wastewater treatment upgrades;

156. $1,000,000 for the Genesee County, Michigan, wastewater treatment project;

157. $900,000 to the City of Bad Axe, Michigan for water and wastewater infrastructure improvements;

158. $1,800,000 for continuation of the Rouge River National Wet Weather Demonstration Project;

159. $900,000 to the City of Grand Rapids, Michigan for combined sewer overflow infrastructure improvements for the National Pollutant Discharge Elimination System;

160. $675,000 to the Village of Almont, Michigan for mitigation of combined sewer overflows and sanitary sewer overflows into the north branch of the Clinton River;

161. $485,000 to the Detroit, Michigan Water and Sewerage Department for water and wastewater infrastructure improvements;

162. $2,175,000 to Oakland County, Michigan for infrastructure improvements within the George W. Kuhn Drainage District;

163. $1,500,000 to the City of Farmington, Michigan to reline a wastewater pipeline;

164. $1,000,000 for wastewater infrastructure needs of Minnesota's Mille Lacs regional wastewater treatment plant;

165. $2,000,000 for West Bottoms, Missouri, stormwater improvements;

166. $250,000 for wastewater treatment planning for South Two-Mile Prairie, Missouri;

167. $1,500,000 for the City of Lebanon, Missouri, for wastewater infrastructure improvements;

168. $400,000 for Bates County Commission, Missouri, to coordinate and implement efforts to assist local municipalities address their drinking water needs;

169. $1,500,000 for Camden County Missouri Public Waste Water facility for sewer and water improvements;

170. $1,500,000 for the City of Cape Girardeau, Missouri for waste water and sewer improvements;

171. $2,000,000 for the City of St Louis, Missouri Metropolitan Sewer District for ongoing improvements;

172. $2,000,000 for the City of Kansas City, Missouri for Phase II stormwater sewer system in the Central Industrial District;

173. $2,000,000 for the Table Rock Lake Wastewater Initiative in Missouri as a National Community Decentralized Demonstration Project;

174. $585,000 to the Clarence Cannon Wholesale Water Commission of Northeast Missouri for water infrastructure improvements;

175. $4,000,000 for Jefferson County, Mississippi for a water and sewer improvements project;

176. $3,000,000 for the City of Ocean Springs, Mississippi for wastewater improvements;

177. $900,000 to the City of Columbus, Mississippi for wastewater treatment infrastructure improvements;

178. $485,000 to the City of Jackson, Mississippi for water and wastewater infrastructure improvements;

179. $585,000 to the City of Picayune, Mississippi for water and wastewater infrastructure improvements;

180. $900,000 to the City of Tupelo, Mississippi for wastewater improvements;

181. $1,500,000 for Lewis and Clark County, Montana for a wastewater development project;

182. $200,000 for Deer Lodge, Montana, sewer infrastructure needs;

183. $500,000 for the Galen Campus sewer upgrade project in Anaconda, Montana;

184. $2,000,000 for the City of Florence, Montana, for wastewater treatment improvements;

185. $1,485,000 for Henderson, North Carolina for the second phase rehabilitation and expansion of the water treatment facilities of the Kerr Lake Regional Water System;

186. $485,000 to the Town of Mooresville, North Carolina Water Treatment Plant for infrastructure improvements;

187. $675,000 to the County of Union, North Carolina for water infrastructure improvements;

188. $1,000,000 to the Town of Pittsboro in Chatham County, North Carolina for a water reuse pumping station;

189. $1,300,000 to Cherokee County, North Carolina for the interconnection of the water distribution systems of the Towns of Andrews and Murphy;

190. $500,000 to the Town of Burnsville, North Carolina for wastewater infrastructure improvements;

191. $1,000,000 for the Grand Forks, North Dakota, water treatment plant;

192. $2,000,000 for the Williston, North Dakota, drinking water infrastructure project;

193. $1,000,000 for Lincoln, Nebraska for wastewater management;

194. $1,250,000 to the City of Omaha, Nebraska to upgrade sewer and sanitary water infrastructure;

195. $1,500,000 for the City of Berlin, New Hampshire for water infrastructure improvements;

196. $500,000 for Salem, New Hampshire to remediate the contamination of private wells;

197. $1,000,000 for Jaffrey, New Hampshire, for a wastewater treatment facility;

198. $900,000 to the City of Nashua, New Hampshire for a combined sewer overflow program;

199. $3,500,000 to the City of Manchester, New Hampshire for a combined sewer overflow project;

200. $1,000,000 for Vernon Township, New Jersey, for wastewater infrastructure improvements;

201. $1,000,000 for Camden, New Jersey, sewer infrastructure needs;

202. $400,000 to Fanwood Township, New Jersey for sewage system sanitary improvements;

203. $2,500,000 to the Passaic Valley Sewerage Commission for continued work on wastewater treatment program;

204. $2,000,000 to the Musconetcong Sewerage Authority in New Jersey to assist the plant in accommodating sewage from Hopatcong and Jefferson Township;

205. $485,000 for wastewater infrastructure improvements for Strawbridge Lake in Moorestown, New Jersey;

206. $1,200,000 for the Dona Ana Mutual Domestic Water Consumers Association of New Mexico to upgrade water systems;

207. $750,000 for the City of Gallup, New Mexico, to upgrade its wastewater treatment plant;

208. $3,800,000 for the North and South Valley of the City of Albuquerque and the County of Bernalillo, New Mexico for a regional and wastewater project;

209. $1,350,000 to the City of Bayard, Village of Santa Clara & Ft. Bayard State Hospital in New Mexico for the regional effluent reuse plan;

210. $1,350,000 to the Village of Ruidoso, New Mexico for the water infrastructure expansion plan;

211. $900,000 to the City of Belen, New Mexico for the wastewater facilities improvements program;

212. $300,000 to Santa Fe County, New Mexico to assist in the development of their Small Community Water Systems;

213. $300,000 to the Town of Bernalillo, New Mexico for a wastewater system improvement project;

214. $200,000 to the City of Moriarity, New Mexico for water and wastewater infrastructure improvements;

215. $100,000 to the Acequia Madre De Carnuel of New Mexico for the creation of a community water system in the Community of Carnuel, Tijeras, New Mexico;

216. $4,500,000 for the City of Fallon, Nevada for drinking water facility construction;

217. $485,000 to the City of Fallon, Nevada for construction of an arsenic treatment facility;

218. $300,000 to the City of Henderson, Nevada for water and wastewater infrastructure improvements;

219. $1,000,000 for drinking water infrastructure needs in the New York City watershed;

220. $485,000 to the Village of Whitney Point, New York for the Whitney Point Wastewater Collection and Treatment System Project;

221. $900,000 to Rockland County, New York for extension of water and wastewater infrastructure of the Western Ramapo Sewer District;

222. $35,000 to the Narrowsburg Water and Sewer District to replace two sand filter beds servicing the Town of Tusten, Sullivan County, New York;

223. $675,000 to the Town of East Fishkill, New York for drinking water infrastructure improvements;

224. $675,000 to the Town of New Windsor, New York for upgrades to the existing sewage treatment plant;

225. $900,000 to the Town and Village of Harrison, New York for water and wastewater infrastructure improvements;

226. $300,000 to the Village of Larchmont, New York for storm water regulation compliance as a member of the Long Island Sound Watershed Intermunicipal Council;

227. $250,000 to the Village of Hewlett Harbor, New York for drainage improvements;

228. $100,000 to the Village of Antwerp, New York to develop a municipal water system;

229. $200,000 to the Village of Sloan, New York for water and wastewater infrastructure improvements;

230. $1,350,000 to the City of Buffalo, New York Department of Public Works for replacement of water lines;

231. $1,800,000 to the Town of Clarence, New York for wastewater treatment infrastructure improvements in the area of Clarence Hollow;

232. $485,000 to Saratoga County, New York for additional sewer lines for the Town of Halfmoon, New York;

233. $10,000,000 for continued clean water improvements for Onondaga Lake, New York;

234. $1,500,000 to the Town of Owasco, New York for sewer wastewater improvements;

235. $2,000,000 for drinking water infrastructure needs in the New York City watershed;

236. $4,000,000 for water quality infrastructure improvements for Long Island Sound, New York;

237. $1,500,000 to the Cayuga County, New York Water and Sewer Authority for sewage and wastewater treatment facility improvements;

238. $500,000 for the Village of Akron, New York for expansion of the wastewater treatment plant;

239. $500,000 for Byesville, Ohio for the Byesville Water Treatment Plan;

240. $1,000,000 for the City of Akron, Ohio for its combined sewer overflow long-term plan;

241. $485,000 to the City of Akron, Ohio for the mitigation of combined sewer overflows through Cuyahoga Valley National Park;

242. $500,000 for the City of Port Clinton, Ohio for its wastewater treatment plan;

243. $480,000 to the City of Delphos, Ohio for construction of a regional reservoir;

244. $743,000 to the City of Lancaster, Ohio for a sewer infrastructure extension project;

245. $1,800,000 to Clark County, Ohio for water infrastructure upgrades;

246. $200,000 to the City of Urbana, Ohio for water infrastructure upgrades;

247. $1,300,000 to the City of Toledo, Ohio for ongoing efforts to upgrade its wastewater treatment infrastructure;

248. $700,000 to Fulton County, Ohio for the extension of public water and sewer lines to the Village of Tedrow from Wauseon, Ohio;

249. $750,000 to the Village of Luckey, Ohio for wastewater and combined sewer overflow infrastructure improvements;

250. $750,000 to Ottawa County, Ohio for sanitary sewer infrastructure improvements for the Village of Clay Center;

251. $500,000 to the City of Bowling Green, Ohio for sewer treatment plant infrastructure improvements;

252. $900,000 to the Northeast Ohio Regional Sewer District for the Doan Brook Watershed Area in Ohio for continued development of a storm water abatement system in the Doan Brook Watershed Area of Ohio;

253. $720,000 to the City of Martins Ferry, Ohio to provide a water pump to extend the water system;

254. $765,000 to Harrison County, Ohio for a water tank and lines in the county industrial park;

255. $387,625 to the Village of Laurelville, Ohio for improvements at the wastewater treatment facility;

256. $485,000 to Trumbell County, Ohio for wastewater infrastructure improvements to the Belmont Avenue Sanitary Sewer System;

257. $2,000,000 for the City of Lawton, Oklahoma for the rehabilitation of its wastewater infrastructure;

258. $900,000 to the City of Normon, Oklahoma for expansion of wastewater treatment facilities;

259. $1,000,000 for the Lower John Day Region in Oregon for a water and wastewater treatment facilities;

260. $1,250,000 for the City of Portland, Oregon wet weather demonstration project;

261. $485,000 to Clackamas County, Oregon for surface water infrastructure improvements;

262. $385,000 to the City of Medford, Oregon for construction of water and wastewater treatment facilities and groundwater protection infrastructure project program;

263. $1,000,000 for the Coudersport Borough, Eulalia Township and Sweden Township in Potter County, Pennsylvania for water and wastewater infrastructure improvements;

264. $2,900,000 for the Three Rivers Wet Weather Demonstration program in the greater Pittsburgh, Pennsylvania area;

265. $1,000,000 for the Upper Milford Township Sewer Project in Lehigh County, Pennsylvania;

266. $485,000 to Robinson Township, Pennsylvania for water and wastewater infrastructure improvements;

267. $900,000 to the City of Corry, Pennsylvania for mitigation of combined sewer overflows;

268. $485,000 to the Borough of Big Beaver, Pennsylvania for construction of a pump station and sewer lines;

269. $900,000 to the Wyoming Valley Sanitary Authority to address combined sewer overflow problems along the Susquehanna River in Pennsylvania;

270. $250,000 to the Authority of the Borough of Charleroi, Pennsylvania for water infrastructure improvements;

271. $900,000 to the City of Titusville, Pennsylvania to mitigate combined sewer overflows;

272. $485,000 to the York City Sewer Authority of Pennsylvania for a wastewater construction project and demonstration;

273. $485,000 to Lackawanna County, Pennsylvania for construction and repair of a centralized sewer system serving Jefferson Township;

274. $150,000 to Pocono Jackson Point Water Authority for extension and upgrade of the authority's drinking water system serving Monroe County, Pennsylvania;

275. $100,000 to Pike County, Pennsylvania for the engineering and design of a centralized sewer system in the Borough of Matamoras;

276. $500,000 to the Municipality of Guanica, Puerto Rico for wastewater infrastructure improvements;

277. $3,250,000 for the Narragansett Bay Commission, Rhode Island, for the combined sewer overflow project;

278. $500,000 for the Town of Warren, Rhode Island, for sewer infrastructure needs;

279. $485,000 to the Town of Cumberland, Rhode Island for water and wastewater infrastructure improvements;

280. $2,000,000 for West Georgetown, South Carolina, regional wastewater treatment system;

281. $1,000,000 for the Laurens, South Carolina, water and sewer commission;

282. $900,000 to the Laurens County, South Carolina Water and Sewer Commission for relocation of water lines as part of the SC Route 72 corridor multilane widening project;

283. $1,000,000 for a Gravity Wastewater Collection System in the Snowden and 6–Mile Communities in Charleston County, South Carolina;

284. $485,000 to Berkeley County, South Carolina for a water extension project to Cross Community Schools;

285. $900,000 to the City of Florence, South Carolina for the Pee Dee River surface water facility;

286. $2,000,000 to the Greenville Water System of South Carolina for infrastructure needs related to high levels of uranium in the water supply;

287. $900,000 for North Sioux City, South Dakota, water and sewer infrastructure needs;

288. $2,000,000 for Aberdeen, South Dakota, drinking water facility improvements;

289. $1,200,000 for Hill City, South Dakota, water and sewer infrastructure needs;

290. $535,000 to North Valley and Summer City Utility Districts for to extend water service to Bledsoe County, Tennessee;

291. $200,000 to Sequachie County, Tennessee for the City of Dunlap's continuing rural waterline infrastructure development;

292. $900,000 to the Watauga River Authority in Carter County, Tennessee for a water infrastructure project;

293. $250,000 to the Tamina Water Supply and Sewer Service Corporation in Montgomery County, Texas for water and wastewater infrastructure improvements in the community of Tamina;

294. $675,000 to Bosque County, Texas for water and wastewater infrastructure improvements;

295. $485,000 to the City of Beaumont, Texas for water and wastewater infrastructure improvements;

296. $700,000 for the Jordan Valley Water Conservancy District, Utah for a groundwater extraction treatment remedial project;

297. $1,000,000 for Sandy, Utah for water and sewer infrastructure improvements;

298. $1,000,000 for the Ogden, Utah for final phase of sewer improvements at the former Defense Depot Ogden;

299. $200,000 to the City of Ogden, Utah for water and wastewater infrastructure improvements;

300. $400,000 for Tooele City, Utah for water and wastewater infrastructure improvements;

301. $720,000 to Logan City, Utah for the wetlands development project;

302. $250,000 to Sandy City, Utah for infrastructure needs related to usable water lines and storm drainage;

303. $500,000 for the City of Norfolk, Virginia, to update wastewater pumping stations;

304. $700,000 for the Caroline County Dawn Sewer project in Bowling Green, Virginia;

305. $675,000 to Smyth County, Virginia for wastewater infrastructure improvements in the Allison's Gap community;

306. $1,800,000 to Prince William County, Virginia for water and wastewater infrastructure improvements;

307. $1,840,000 to the Town of South Boston, Virginia for the Sanitary Sewer Overflow Abatement project;

308. $200,000 to Franklin County, Virginia for preliminary engineering for a water project;

309. $1,743,000 to Virginia's Heartland Partnership for expansion of the wastewater treatment plant to the Virginia's Heartland Regional Industrial Park located in Keysville, Virginia;

310. $200,000 to Fluvanna County, Virginia for wastewater, drinking water and water distribution system infrastructure improvements;

311. $1,350,000 to Richmond, Virginia for continued development of combined sewer overflow improvements;

312. $1,350,000 to Lynchburg, Virginia for continued development of combined sewer overflow improvements;

313. $900,000 to the City of Alexandria, Virginia for the sanitary and stormwater sewer reconstruction and extension project to mitigate overflows polluting Four Mile Run Creek;

314. $485,000 to the County of Northampton, Virginia for wastewater treatment systems improvement and development;

315. $485,000 to the City of Norfolk, Virginia Utility Department for upgrades to the water distribution system in the Haynes Tract area;

316. $500,000 to the Government of the Virgin Islands for water and wastewater infrastructure improvements;

317. $2,500,000 for the Pownal, Vermont, wastewater treatment project;

318. $1,000,000 for East St Johnsbury, Vermont, wastewater treatment project;

319. $2,000,000 for the City of Bremerton, Washington, combined sewer overflow project;

320. $1,500,000 for the Wahkiakum County Public Utility District, Washington, drinking water facility project;

321. $1,800,000 to the City of Bremerton, Washington for the combined sewer overflow treatment plant;

322. $485,000 to Dallesport Industrial Park in Klickitat County, Washington for construction of a wastewater treatment facility;

323. $250,000 to the City of Everett, Washington for pre-design and facilities planning of combined sewer overflow treatment sites;

324. $2,000,000 for the Milwaukee, Wisconsin Sewerage District for continued renovations and repairs to the sewer system;

325. $1,000,000 for the City of Racine, Wisconsin, drinking water treatment project;

326. $1,900,000 to the Village of Marathon City, Wisconsin for debt repayment on water and wastewater infrastructure;

327. $1,000,000 for the City of Brokaw, Wisconsin for the extension and expansion of the sewer and water system;

328. $675,000 to the Inwood Watershed Committee and the Eastern Panhandle Soil Conservation District of West Virginia for the Inwood Storm Water/Water Quality Management Project;

329. $1,000,000 to the Ohio County PSD, West Virginia for water and sewer infrastructure needs in the West Liberty, West Virginia area;

330. $2,500,000 to the City of Wheeling, West Virginia for water and sewer infrastructure needs;

331. $5,000,000 to the Hancock County Commission, West Virginia for water and sewer infrastructure needs;

332. $350,000 for the City of New Martinsville, West Virginia for water and sewer infrastructure needs;

333. $182,000 for the National Corrections and Law Enforcement Training and Technology Center, Inc. (NCLETTC) for water and sewer infrastructure needs;

334. $317,000 for the Barbour County Development Authority in West Virginia for water and sewer infrastructure needs;

335. $1,041,000 for the Mid-Atlantic Aerospace Complex (MAAC) for water and sewer infrastructure needs;

336. $250,000 for the Jefferson County Sewer Authority, Missouri for ongoing sewer infrastructure modernization;

337. $235,000 for Dekalb, Illinois for drinking water infrastructure improvements.

The conferees expect the Agency to develop a broad working group to review and address the spectrum of wastewater issues as outlined in the House Report accompanying H.R. 2620, request that the Committees on Appropriations be kept apprised of all activities of the working group, and further request that the working group, with the assistance of the Agency, prepare and submit to the Committees on Appropriations by July 15, 2002 a report addressing all matters as outlined in the House Report as well as those additional issues determined appropriate by the working group.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision proposed by the House and the Senate which permits the Administrator, in carrying out environmental programs required or authorized by law in the absence of an acceptable tribal program, to award cooperative agreements to federally authorized intertribal groups to assist the Administrator in implementing federal environmental programs for tribes. Funds designated for State financial assistance agreements may not be used for such cooperative agreements.

The conferees have also included an administrative provision proposed by the House and modified by the conferees which authorizes for fiscal year 2002 EPA's Pesticide Maintenance Program, including the collection of up to $17,000,000 for operation of the registration, re-registration, and tolerance assessment programs.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,267,000 as proposed by both the House and Senate.

The conferees agree that the Office of Science and Technology Policy should make the clarification of the International Traffic in Arms Regulation a high priority for resolution. The conferees expect the President's Science Advisor to address and resolve the matter by February 1, 2002.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,974,000 for the Council on Environmental Quality and Office of Environmental Quality as proposed by the House and the Senate. The conferees have again this year included language proposed by the House and the Senate which authorizes the Council to operate with one member, that member acting as chairman of the Council.

Language proposed by the Senate prohibiting CEQ and OEQ from using funds other than those appropriated under this heading has not been included. In lieu of this statutory prohibition, the conferees direct that the CEQ provide, on a quarterly basis beginning January 1, 2002, a brief report outlining the specific use of non-CEQ federal employees. Such report should include, at a minimum, the number of non-CEQ employees utilized for specific programs or projects by the CEQ, the home office of each such employee, the program or project for which the non-CEQ employee is being utilized by CEQ, and the duration each such employee is expected to be involved with such program or project.

Finally, language has been included which provides a representation allowance of up to $750 for the Chairman of the CEQ.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $33,660,000 for the Office of Inspector General, the same amount as included in both the House and Senate bill. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $664,000,000 for disaster relief, instead of $1,369,399,000 as proposed by the House and $359,399,000 as proposed by the Senate. In addition, appropriates $1,500,000,000 in contingent emergency funding for disaster relief instead of $1,300,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate. Includes language proposed by both the House and Senate providing for the transfer of $2,900,000 to the emergency management planning and assistance account for the consolidated emergency management performance grants program. The conferees have included two new provisions, neither of which was included in either bill, to allow for the transfer of amounts from the disaster relief account to other program accounts. First, $25,000,000 is available for transfer to the emergency management planning and assistance account for pre-disaster mitigation activities. Second, $25,000,000 is available for transfer to the flood map modernization fund and available for expenditure in fiscal year 2002.

The conferees are aware that on March 1, 2001 FEMA issued its "Clarification on SHMPH 'Immediate Occupancy' Requirement for using SHMPH Funding to Seismically Upgrade Existing Buildings." This Clarification defined parameters for the determination of when the "immediate occupancy" requirement in the Seismic Hazard Mitigation Program for Hospitals (the SHMPH Program) would be met by a subgrantee. The conferees urge FEMA to recognize that prior to the announcement of the clarification, many subgrantees in the SHMPH program worked diligently to move forward with their designs and construction in the belief that their plans met the undefined immediate occupancy requirement in the SHMPH program. The conferees urge FEMA to work closely with these subgrantees to ensure no disruption in their design or building schedule as a result of this program announcement.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide a limitation of $25,000,000 on direct loans, a cost of $405,000 for direct loans, and a limitation on administrative expenses of $543,000 for the disaster assistance direct loan program account. The foregoing are the same as provided by both the House and the Senate.

SALARIES AND EXPENSES

Appropriates $233,801,000 for salaries and expenses as proposed by the Senate instead of $227,900,000 as proposed by the House. The amount provided does not include the reduction to Preparedness, Training and Exercises as proposed by the House. The amount provided includes $11,000,000 for FEMA's role in consequence management associated with the 2002 Olympics and Paralympics as requested in the budget submission. The conferees have not included any funding for an Office of National Preparedness at FEMA. The conferees will entertain such funding in the future when it has had an opportunity to evaluate a comprehensive plan outlining FEMA's role in dealing with terrorism and its consequences.

OFFICE OF INSPECTOR GENERAL

Appropriates $10,303,000 for the Office of Inspector General, the same amount as included in both the House and the Senate bills.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $404,623,000 for emergency management planning and assistance as proposed by the House instead of $429,623,000 as proposed by the Senate. The amount provided includes $150,000,000 to carry out the Federal Fire Prevention and Control Act of 1974, as amended by Public Law 106–398. The conferees have included bill language which provides that up to five percent of the funds may be transferred to Salaries and Expenses for administrative expenses associated with the program. The conferees are pleased that FEMA was able to implement expeditiously the provision of this program and meet the deadline of September 30, 2001 for completion of the first round of grants. The conferees believe that this success was due in no small part to the structure of the program and the decision to limit the program to only six categories of grants rather than the fourteen categories approved in the authorization legislation. The conferees believe that FEMA should consider making grants in the area of emergency medical services, but expansion into other categories should be considered only after substantial progress has been made in addressing the needs associated with fire prevention, firefighting equipment, personal protective equipment, training, vehicles, and wellness and fitness programs.

The conferees also expect states and localities to maintain their current level of funding support for local fire departments and companies and that any Federal grant funds are to be used solely to enhance local firefighting capacity, equipment needs, vehicles, and fire prevention programs as well as any other eligible uses.

FEMA is encouraged to undertake an ongoing evaluation of the application process for the fire grant program to ensure the widest participation in the program. The conferees are particularly concerned that smaller entities with limited resources may not be able to participate fully and FEMA should consider their circumstances as it evaluates the effectiveness of the program.

The conferees urge FEMA to continue efforts to simplify and streamline the fire grant application process and direct FEMA to establish an independent advisory committee comprised of professional and volunteer firefighters to provide policy and technical guidance on implementation and administration of the fire grant program.

In addition, the conferees have agreed to provide $25,000,000 by transfer from the disaster relief account for pre-disaster mitigation activities.

The conferees are aware of the heightened importance of bringing technology applications to the local, state, and Federal levels of the emergency management community for the purpose of reducing the impact of both natural disasters and terrorist attacks. Therefore, the conferees continue to support the partnership between the National Technology Transfer Center (NTTC) and FEMA and direct continuation of the cooperative agreement at the current level of effort. Additionally, NTTC shall submit a report no later than July 1, 2002 that outlines the progress made on the commercialization endeavors and the cooperation between NTTC and FEMA.

The conferees direct FEMA to maintain the current level of support for the Administrative and Resource Planning Directorate efforts to archive key agency documents by digitization to optical disks.

The conferees believe that many of the nation's universities are vulnerable to disaster and urges FEMA to continue its Disaster Resistant University program and expand the scope to include safeguarding university assets from acts of terrorism.

The conferees direct FEMA to ensure the full and complete integration of the American Red Cross into all emergency preparedness planning, training and response activities. Further, during times of disaster, FEMA and agencies signatory to the Federal Response Plan are to support fully the work of the American Red Cross. Support shall include, but not be limited to the following, means of transportation; appropriate security clearances; access to disaster sites and threat information briefings; and planning for continuity of operations of the American Red Cross National Headquarters.

The conferees are concerned that accurate and timely information is not available to the general public and all relevant government officials during and following an act of terrorism. In an effort to improve communication, the conferees urge the Director of FEMA to work with the Nation's governors and the Mayor of the District of Columbia (DC) to designate a lead intergovernmental and public affairs official in each state and DC to serve as the central coordinator for information coming from Federal and local governments and the central source of information for the public regarding terrorism-related incidents.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

Provides for the receipt and expenditure of fees collected as authorized by Public Law 106–377. Both the House and the Senate included this provision in their respective bills.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $140,000,000 for the emergency food and shelter program as proposed by the House instead of $139,692,000 as proposed by the Senate.

FLOOD MAP MODERNIZATION FUND

Appropriates no new funding under this heading for flood map modernization. The conferees have included authority within the disaster relief account to transfer $25,000,000 to this account for flood map modernization activities.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to include bill language which authorizes the National Flood Insurance Program through December 31, 2002. Both the House and Senate had addressed this issue, but there were technical differences between the respective bills. In addition, the conferees agree to provide for salaries and expenses of up to $28,798,000, $76,381,000 for flood mitigation activities, a limitation of $55,000,000 for operating expenses, $536,750,000 for agents' commissions and taxes, and $30,000,000 for interest on Treasury borrowings. Finally, the conferees agree that up to $20,000,000 may be transferred for expenses under section 1366 of the National Flood Insurance Act.

NATIONAL FLOOD MITIGATION FUND

The conferees agree to provide for the transfer of up to $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by both the House and the Senate. The conferees further agree that $2,500,000 of the funds provided in this program shall be used to buy-out flood prone properties in Austin, Minnesota.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

Appropriates $7,276,000 as proposed by both the House and Senate.

The conferees are very supportive of the Federal Consumer Information Center (FCIC) and their efforts to provide the public with important information on government services and publications. The conferees are concerned that a change to the organization, administrative location, or the current function or mission mandate of FCIC could potentially compromise the outstanding services that FCIC currently provides. Therefore, the conferees direct that any such change be clearly outlined in a proposal submitted to the Committees on Appropriations for 30 days of review. Such a proposal shall include the justification for such action, a description of all planned organizational realignments, the anticipated staffing or personnel changes, an assessment of the effect on the current operations of FCIC, and estimates of the proposed changes on future funding needs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Of the amounts approved by the conferees in this agreement, NASA must limit reprogramming of funds between programs and activities to not more than $500,000 without prior notification to the Committees on Appropriations of the House and Senate. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval. NASA shall provide outyear implications of all reprogrammings and operating plan changes should the Committees request the information.

HUMAN SPACE FLIGHT

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to provide $6,912,400,000 for human space flight instead of $6,868,000,000 as proposed by the Senate and $7,047,400,000 as proposed by the House. The House had also proposed an additional $275,000,000 for development of a crew return vehicle for the international space station ISS. The funding provided includes a reduction of $50,000,000 associated with the cancellation of the Electric Auxiliary Power Unit upgrade which has experienced technical difficulties, an increase of $20,000,000 for high priority safety upgrades for a total of $207,000,000, an increase of $25,000,000 for the repair/replacement of doors on the Vehicle Assembly Building at the Kennedy Space Center, a reduction of $20,000,000 from the Human Exploration and Development of Space program, and a general reduction of $75,000,000 from the ISS program. The conferees have not provided any additional funding for the Crew Return Vehicle, for which the House had proposed $275,000,000. The funding level also reflects the transfer of $283,600,000 for ISS research from the human space flight account to the science, aeronautics and technology account.

The conferees are in agreement with the ISS Management and Cost Evaluation report that in order to establish a credible ISS program that achieves maximum research potential, it is necessary to keep enhancements viable. for this reason, the conferees direct that NASA should provide no less than $40,000,000 for the X–38 vehicle.

The conferees direct that not less than $207,000,000 be made available for Space Shuttle Safety Upgrades, unless NASA outlines in a fiscal year 2002 Operating Plan adjustment, agreed to by the House and Senate Committees on Appropriations, reallocations from this level necessary to preserve balance in NASA's stated priority goals for the Shuttle Program, as follows: (1) fly safely; (2) meet the flight manifest; (3) improve supportability; and (4) improve the system. The conferees agree that further clarification on NASA's shuttle upgrade program is required, including how the program relates to future shuttle alternatives and infrastructure needs. NASA is directed to submit a report addressing these issues by March 15, 2002.

The conferees are in agreement that the ISS shall be funded at no more than $1,963,600,000 in fiscal year 2002, including civil service compensation.

When the House and the Senate drafted their respective bills, the Administration had recently proposed dramatic changes to the ISS program in light of a purported shortfall of over $4,000,000,000. The redesigned station was dubbed "U.S. Core Complete" and included elimination of the Crew Return Vehicle, the Habitation Module, the Propulsion Module, a 37 percent reduction in ISS science, and undefined "management efficiencies" and better cost estimating. It was the position of the House at that time that such changes could not be endorsed given the limited amount of information available to the Congress. It was this lack of information which led the House to conclude that termination of the Crew Return Vehicle was premature, that NASA should be encouraged to pursue an international barter arrangement for development and construction of a habitation module, and that a significant add-back to the ISS science program was warranted. In the hope of getting more information, the House initiated an investigation into the ISS program with the goal of answering basic questions with regard to the real cost of the program, the underlying cause of cost increases, lapses in oversight and the causes thereof, and the extent to which previously identified problems or concerns were not addressed.

The initial stages of the House investigation have been completed with the conclusion being that the concept of "U.S. Core Complete" is ill-defined, that the science program needs to be more rigorously evaluated, that all options for enhancing crew time for research need to be fully explored, and that international agreements need to be evaluated and compliance with such agreements needs to be clarified. It is also the initial conclusion of the House investigation that NASA's lack of an integrated financial management system impedes its ability to determine the status of contract execution and provide program managers with necessary financial information.

The conferees are in agreement that first and foremost the Director of the Office of Management and Budget and the Administrator of NASA shall submit a report to the Committees on Appropriations of the House and the Senate which defines in specific detail the U.S. Core Complete configuration of the ISS and provides a ten-year total funding profile for that configuration; clearly defines the content and scope of the research science program; and provides costs and schedule to develop the Crew Return Vehicle. The conferees are aware of ongoing negotiations between NASA and the Italian Space Agency concerning a stretch version of the Multi-Purpose Logistics Module as a substitute for the habitation module. The conferees see the utility of using a proven platform and encourage NASA to move with all deliberate speed, subject to an appropriate and cost-effective barter arrangement.

The conferees are in agreement that the Director of OMB shall certify and report such certification to the Committees on Appropriations of the House and the Senate, that any proposal to enhance the ISS design above the content planned for U.S. Core Complete, is (1) necessary and of the highest priority to enhance the goal of world class research in space aboard the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in independently validated cost and schedule estimates; and (3) affordable within the multi-year funding available to the ISS program as defined above or, if exceeds such amounts, the additional resources are not achieved through any funding reduction to programs contained in Space Science, Earth Science, and Aeronautics.

The conferees are aware of a study being conducted by the National Research Council per the direction of the House Committee on Science and the Senate Committee on Commerce, Science and Transportation to address the station research program. If possible, the conferees would like the National Research Council to expand that study to compare and evaluate the research programs of the ISS which can be accomplished with a crew of three and a crew of six; and, an assessment of the probable cost-benefit ratios of those programs, compared with earth-bound research which could be funded in lieu of research conducted on the ISS.

The conferees agree with the direction contained in the Senate report for NASA to empanel a task force to study all options, together with their costs, for enhancing crew research time on the U.S. Core Complete ISS.

The conferees are concerned that NASA lacks an integrated financial management system and therefore can not adequately manage its programs. NASA is directed to place the highest priority on correcting this fundamental management deficiency, a deficiency which should have been corrected many years ago.

Finally, the conferees direct the Secretary of State, the Director of the Office of Management and Budget, and the Administrator of NASA to submit a joint explanation of how the United States is fulfilling its written commitments to its ISS international partners. This report is due no later than July 15, 2002.

With regard to the decision by the conferees to reduce the ISS budget by $75,000,000 in fiscal year 2002, the conferees note that the Post-Assembly Operations Cost Estimates (November 1999) and a report on ISS Operations Architecture (August 2000) both called for significant reductions in personnel associated with the program. Yet NASA and the ISS program management refuse to implement the provisions of these two reports for no apparent reason other than the desire to maintain a standing army of personnel. The conferees have reached the conclusion that the only way management will actually manage the program, and thereby get its costs under control, is through being forced to live with less. The conferees are reluctant to take this approach, but find that the intransient management cannot be trusted to make the tough decisions on their own and must be forced to make decisions which are in the long-term interest of the program. NASA is directed to submit to the Committees on Appropriations of the House and the Senate a report, concurrent with submission of the fiscal year 2003 budget, which describes its plans for managing and operating the ISS over the life of the station, to include specific manpower and financial needs for operation and support.

SCIENCE, AERONAUTICS, AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Space Science

The conferees have agreed to provide $2,848,937,000 for space science programs, an increase of $62,575,000 to the budget request.

The conferees agree with the House that by merging the budgets for aeronautics and space into a single "aerospace technology" program element several years ago, NASA has made it virtually impossible to account for the current investment in aeronautics. For this reason, the conferees direct NASA to reestablish a consolidated aeronautics line in the fiscal year 2003 budget submission that comprehensively covers all research base, focused, and advanced technology programs, and related test facilities and civil service costs. NASA should also provide a clear budget crosscut identifying all aeronautics programmatic activities in the current budget structure in its initial fiscal year 2002 operating plan.

The conferees recognize the need for maintaining core capabilities at NASA centers with responsibility for space science missions and operations. As a result, the conferees will support permitting the Europa Orbiter (EO) mission to be sole sourced intramurally, provided that the NASA Administrator certifies to the Committees on Appropriations of the House and the Senate in the fiscal year 2002 operating plan that such action is essential to maintain said core capabilities. The conferees expect that in making any such determination, the Administrator will guarantee that there is a specific and demonstrable plan to ensure that sufficient core and focused program outer planetary Advanced Technology Development (ATD) funds will be available to extramural entities in industry and academia through full and open competition, with the five-year profile for this competition specified in the fiscal year 2003 budget submission. NASA should proceed with the selection of Europa science instruments as planned and shall cap the total EO program costs (ATD and execution of all phases A/E) at $1,000,000,000. No reduction for EO instrument support to the selected science teams should be made in fiscal year 2002.

The conferees have not accepted the Senate proposal to reduce NASA's space operations budget by $25,000,000 by transferring Telecommunication and Mission Operations Directorate (TMOD) functions at the Jet Propulsion Laboratory to the Consolidated Space Operations Contract (CSOC). The conferees note that NASA has transferred some non-critical positions to the CSOC contract and direct NASA to continue this effort by transferring no less than five percent of the non-critical positions to CSOC and work toward increasing this percentage in future years if warranted. In addition, the conferees transfer TMOD to the Office of Space Science and direct that any savings resulting from the transfer of TMOD positions be reinvested in science missions.

The conferees agree to the following changes to the budget request:

1. An increase of $1,675,000 for the Center for Space Sciences at Texas Tech University, Lubbock, Texas.

2. An increase of $3,000,000 for space solar power.

3. An increase of $1,900,000 for the Mid-American Geospatial Information Center based at the University of Texas at Austin, Center for Space Research.

4. The conferees direct $22,000,000 be used to continue the construction of the Propulsion Research Laboratory at the Marshall Space Flight Center, of which $13,000,000 is derived from the Office of Space Science in-space propulsion augmentation and $9,000,000 is derived from the Office of Aerospace Technology in-space propulsion program. The funds remaining in the Office of Space Science in-space propulsion program are to be used for advanced technology development for planetary exploration and shall be competed on the same basis as other advanced technology development programs.

5. An increase of $3,000,000 for the Sun-Earth Connections program for Solar Probe. NASA should consolidate management for this mission with its existing SEC/Living With a Star program in lieu of the proposed termination.

6. An increase of $10,000,000 for the Sun-Earth Connections program for Living With a Star (LWS) program for a total of $50,200,000 in fiscal year 2002. The conferees believe that understanding solar variability and its effect on earth and mankind is of paramount importance as we strive to understand our galaxy. Increasing our knowledge of the effects of solar variability and disturbances on terrestrial climate change and being able to provide advanced warning of energetic particle events that affect the safety of humans and space flight are also of particular importance. The proposed funding restoration will allow LWS to proceed on the original NASA plan of Sun-Earth connected System Science whereby both the Solar Dynamics Observatory and the Geospace Missions Network will proceed in a coordinated manner to attain the program objectives. All LWS and SEC program funds in 2002 should be used exclusively for relevant ATD, science support and spacecraft development activities. Any capital projects to support the program, apart from the standard de minimis facility renovations under $500,000 should be requested in subsequent years through the standard construction of facilities program element. This LWS funding augmentation is in addition to the $8,900,000 provided for future solar terrestrial probes as requested in the budget.

7. An increase of $3,000,000 for the Center on Life in Extreme Environments at Montana State University.

8. An increase of $1,000,000 for the development of advanced materials for batteries and fuel cells, to be conducted by Virginia Commonwealth University.

9. An increase of $30,000,000 for the Pluto Kuiper Belt (PKB) mission. The conferees direct NASA to proceed with its plan for source selection, but recognize the launch dates may be altered due to delays in the source selection process. Funds provided should be used to initiate appropriate spacecraft and science instrument development as well as launch vehicle procurement. The conferees direct NASA to consolidate PKB development funds within the Outer Planets line beginning in fiscal year 2003.

The conferees have provided the budget request of $92,100,000 for advanced technology development related to the Next Generation Space Telescope (NGST) and expect NASA to vigorously pursue the development of the NGST and submit an out-year budget plan, concurrent with the submission of the fiscal year 2003 budget, for soliciting development and management proposals with the goal of a launch in 2007. If technical and budgetary constraints preclude the launch of NGST by 2007, the conferees wish to underscore their strong desire that there should be no gap between the end of the operations for the Hubble Space Telescope (HST) and the onset of operations for NGST. As part of the out-year budget plan, NASA should outline its transition plan to guarantee uninterrupted continuity between HST and NGST.

The conferees agree to provide the full budget request for the Mars program. NASA is directed to prepare a detailed plan, to be submitted to the Committees on Appropriations of the House and Senate concurrently with the submission of the President's fiscal year 2003 budget request, on future Mars missions beyond the proposed 2007 mission. The plan should have a detailed definition on the program's content, five-year budget forecast, and schedule, and shall include a five-year profile to make significant advanced technology funding available to extramural partners.

Biological and Physical Research

The conferees have agreed to provide $714,370,000 for biological and physical research programs, an increase of $353,450,000 to the budget request.

The conferees have agreed to transfer a total of $283,600,000 from the Human Space Flight account into this program for research activities associated with the International Space Station. The conferees have not included a transfer from Human Space Flight of civil service and other costs associated with these activities and directs NASA to make such a transfer as part of the operating plan to the extent such a transfer is needed.

The conferees agree to the following changes to the budget request:

1. An increase of $338,600,000 for space station research consisting of a transfer of $283,600,000 from Human Space Flight, and an increase of $55,000,000 for the Fluids and Combustion Facility and other priority space station research and equipment.

2. An increase of $2,750,000 for the Space Radiation program at Loma Linda University Hospital.

3. An increase of $1,750,000 for Earth University to research Chagas disease.

4. An increase of $1,450,000 for the development of machine/bio-interface devices to provide advanced diagnosis and countermeasures at the University of Louisville.

5. An increase of $400,000 for the Center for Research and Training in gravitational biology at North Carolina State University.

6. An increase of $1,000,000 for the New Jersey NASA Specialized Center of Research and Training. The conferees commend the work of this organization and its application not only to long-duration space missions but its impact on the agricultural and environmental business sectors. The conferees encourage NASA to continue funding these vital efforts and recommends the agency create a technology development and demonstration center in New Jersey focusing on life support issues in closed environments.

7. An increase of $1,000,000 for high definition telemedicine technology development at Florida Atlantic University.

8. An increase of $1,000,000 for Southern Methodist University's life sciences program.

9. An increase of $2,000,000 for multi-user scientific equipment for the Life Sciences Center at the University of Missouri-Columbia.

10. An increase of $1,500,000 to fund research at the University of Missouri's Center for Gender Physiology in the area of gender-related issues in space flight crews.

11. An increase of $2,000,000 to fund research at the University of Missouri-Columbia in physical, biological, and biomedical areas which address NASA strategic objectives.

Earth Science

The conferees have agreed to provide $1,573,413,000 for earth science programs, an increase of $58,435,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $1,200,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and resources at the Rosenstiel School of Marine and Atmospheric Science.

2. An increase of $428,000 for continuation of emerging research that applies remote sensing technologies to forest management practices at the State University of New York, College of Environmental Sciences and Forestry.

3. An increase of $1,425,000 for NASA's Regional Application Center for the Northeast.

4. An increase of $812,000 for operations of the applications center for remote sensing at Fulton-Montgomery Community College, Johnston, New York.

5. An increase of $14,350,000 for the Institute of Software Research for development and construction of research facilities.

6. An increase of $750,000 for on-going activities at the Goddard Institute for Systems, Software, and Technology Research, including UAV and remote sensing technology research.

7. An increase of $750,000 for the Clustering and Advanced Visual Environments initiative.

8. An increase of $4,750,000 for data storage back-up and recovery services at the Goddard Space Flight Center.

9. An increase of $1,000,000 for the Triana Science Team to continue its work in preparation for future launch. The conferees recognize that the Triana mission, as reviewed and endorsed by the National Academy of Sciences, is complete and ready for launch. However, due to Shuttle manifest conflicts, Triana has been placed in storage until launch accommodations can be established. The conferees understand that NASA is exploring all launch possibilities for the Triana spacecraft, including potential options involving foreign launch vehicles. The conferees recognize the important scientific contributions to be made by Triana and, if NASA were to identify a suitable launch opportunity for Triana, the conferees would be receptive to NASA's reprogramming resources within available fiscal year 2002 Earth Science funding toward the costs of necessary spacecraft modification and launch integration efforts to accomplish such a launch.

10. An increase of $750,000 for next generation sensing equipment, to be operated by Ben Gurion University for use in correlating measurements taken by aircraft and satellites in support of programs under the auspices of the Goddard Space Flight Center.

11. An increase of $3,000,000 from the NASA Earth Science Enterprise to be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to develop dual-use lightweight space radar technology. The conferees expect the Air Force to work closely with NASA to identify mutually beneficial technologies.

12. An increase of $1,425,000 for the United States portion of a joint U.S./Italian satellite development program to remotely observe forest fires.

13. An increase of $23,500,000 for the Synergy program to develop additional end uses for EOS data.

14. An increase of $6,000,000 for the EOSDIS Core System to expand its data processing and distribution capacity.

15. An increase of $2,000,000 for weather and ocean research at the University of Alaska and the University of Massachusetts.

16. An increase of $3,500,000 for the University of Montana for an International Earth Observing System Natural Resource Training and Data Center.

17. An increase of $500,000 for the Morehead State University Space Science Center for the reconstruction of the ADAS satellite tracking system.

18. An increase of $2,000,000 for the University of Mississippi Geoinformatics Center.

19. An increase of $1,500,000 for George Mason University Center for Earth Observing and Space Research.

20. An increase of $3,000,000 for the University of South Mississippi for research into remotely sensed data for coastal management.

21. An increase of $1,000,000 for the Mid-America Geospatial Information Center at the University of Texas.

22. An increase of $1,500,000 for Idaho State University for the Temporal Landscape Change Research program.

23. An increase of $500,000 for Utah State University to develop an Inter-mountain Region Digital Image Archive and Processing Center for Landscape Analysis, Planning and Monitoring.

24. A general reduction of $17,205,000.

The conferees expect NASA to continue to pursue options for commercial data purchase approaches on all Earth Science Enterprise program Announcements of Opportunity.

Aero-Space Technology

The conferees have agreed to provide $2,489,570,000 for aerospace programs, an increase of $113,830,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $10,000,000 for the Ultra Efficient Engine Technology for a total budget of $50,000,000 in fiscal year 2002.

2. An increase of $2,850,000 for the Earth Alert project at the Goddard Space Flight Center.

3. An increase of $2,375,000 for the NASA-Illinois Technology Commercialization Center at DuPage County Research Park.

4. An increase of $190,000 for the Rural Technology Transfer and Commercialization Center of Durant, Oklahoma.

5. An increase of $1,900,000 for the University of New Orleans Composites Research Center for Excellence at Michoud, Louisiana.

6. An increase of $522,000 for the fractional ownership test program.

7. An increase of $1,425,000 for the Glennan Microsystem Initiative.

8. An increase of $2,850,000 for the Polymer Energy Rechargeable System.

9. An increase of $475,000 for continued development of nickel metal hydride battery technology.

10. An increase of $1,900,000 for Wayne State University for its emerging technology and aerospace programs.

11. An increase of $950,000 for the University of Alabama, Huntsville, Aviation Safety Laboratory.

12. An increase of $950,000 to be used for continued development of an electric/diesel hybrid engine at Bowling Green University.

13. The following programs are to be funded within the Aviation System Capacity program: $4,200,000 for the HITS multilateration sensor and surveillance server for Airport Surface Detection and Management System, $1,200,000 for the development of the Dynamic Runway Occupancy Measurement System, $1,400,000 for development of a Runway Taxi Route Detection and Conformance Monitoring System, and $5,000,000 for Project SOCRATES.

14. An increase of $2,850,000 to expand the Space Alliance Technology Outreach Program, including NASA business incubators, in Florida and New York.

15. An increase of $950,000 for the Advanced Interactive Discovery Environment engineering research program at Syracuse University.

16. An increase of $7,600,000 for the National Center of Excellence in Photonics and Microsystems in New York.

17. An increase of $2,375,000 for the Virtual Collaboration Center at the North Carolina GigaPop.

18. An increase of $1,900,000 for the Garrett Morgan Commercialization Initiative in Ohio.

19. An increase of $750,000 for research at Marshall Space Flight Center in the area of interstellar propulsion.

20. An increase of $1,693,000 for the Dryden Flight Research Center Intelligent Flight Control System research project.

21. An increase of $950,000 for development of advanced composite materials for a super lightweight prototype structure and a generic carrier for the space shuttle orbiter.

22. An increase of $8,125,000 for hydrogen research being conducted by the Florida State University System.

23. An increase of $4,750,000 for space biotechnology research and commercial applications to be conducted at the University of Florida.

24. An increase of $2,000,000 from the NASA Space Launch Initiative be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to install a baseline Silent Sentry System at Kennedy Space Center and for AFRL to conduct an evaluation of the ability for Silent Sentry to replace current range safety infrastructure.

25. An increase of $2,000,000 for the National Technology Transfer Center.

26. An increase of $500,000 for aerospace projects being accomplished by the Montana Aerospace Development Corporation.

27. An increase of $7,500,000 for subsonic transport technology research.

28. An increase of $7,500,000 for the advanced aircraft program, equally divided between flight research and propulsion and power research.

29. An increase of $12,500,000 for NASA's rotocraft program, including funding for the NASA-Army university centers component.

30. An increase of $2,500,000 for the Hubble Telescope Project, Composite Technology Institute at Bridgeport, West Virginia.

31. An increase of $15,000,000 for aviation safety. The conferees agree that NASA should evaluate the use of retinal scanning displays in the Synthetic Visual Project, which seeks to improve general aviation safety through incorporation of new technologies.

32. An increase of $2,000,000 for a study of NASA's aeronautical test and evaluation facilities.

33. An increase of $2,000,000 for advanced research in opto-electronics at Montana State University.

34. An increase of $2,500,000 for the Delaware Aerospace Education Foundation in Kent County, Delaware.

35. An increase of $1,500,000 for Tulane University Institute for Macromolecular Engineering and Sciences, New Orleans, Louisiana.

36. An increase of $6,500,000 for the Stennis Space Center E-complex propulsion test facilities, of which $1,500,000 is for completion of the Test Operations Building.

37. An increase of $3,500,000 for an addition to the main administration building at the Stennis Space Center. NASA is directed to work with the Department of Defense to ensure that the Department contributes to the construction of facilities unique to its requirements.

38. An increase of $1,700,000 for the Independent Verification and Validation Facility in Fairmont, West Virginia.

39. An increase of $2,000,000 for non-destructive evaluation research at Iowa State University.

40. An increase of $1,000,000 for polymer research at Tulane University in New Orleans; Louisiana.

41. An increase of $2,000,000 for photonics research at the University of Maryland, Baltimore County.

42. An increase of $3,000,000 for nanotechnology programs at Purdue University.

43. An increase of $3,000,000 for the purchase of two upgraded jet engines which require limited configuration changes to the DP-2 vectored thrust testbed aircraft. The remaining funds shall be expended as appropriate for airflow analysis research, flight control research, and flight testing. NASA is directed to provide a long-range research and development plan for the DP-2 vectored thrust program to the Congress by April 15, 2002.

44. An increase of $1,500,000 for a visitor's center at Langley Flight Research Center.

45. The conferees agree that NASA needs to increase its investment in facilities at the Wallops Island Flight facility and therefore direct NASA to spend an additional $10,000,000 from within existing funds for infrastructure improvement and technology upgrades to ensure the Wallops facility remains a viable asset for NASA's use and report to the Committees on Appropriations of the House and Senate no later than March 1, 2002 on a strategic plan for Wallops future including NASA missions and other business opportunities.

46. A decrease of $6,200,000 from the Aviation System Capacity program. The goal of the Aviation System Capacity (ASC) program is to enable safe increases in the capacity of US and international airspace and airports. The conferees believe that Aviation System Technology Advanced Research (AvSTAR) will help develop new operational concepts and better understand the benefits of new technologies for reducing aviation system congestion and delays while improving safety. The conferees support the request for Virtual Airspace Modeling as a precursor to AvSTAR.

47. A decrease of $10,000,000 from the Space Launch Initiative.

48. A decrease of $10,000,000 from the in-space propulsion program.

Academic Programs

Within the Academic programs portion of this account, the conferees recommend a total funding level of $230,810,000, a net increase of $77,110,000 to the budget request. The conferees agree that Lincoln and Cheney Universities in Pennsylvania should be full participants in NASA's Minority University Research and Education Program. The Conferees recommend the following adjustments to the budget request:

1. An increase of $475,000 for the Richland School District One Aeronautics Education Laboratory, located in Columbia, South Carolina.

2. An increase of $475,000 for the NASA Educator Resource Center at South East Missouri State University.

3. An increase of $950,000 for the Carl Sagan Discovery Science Center at the Children's Hospital at Montefiore Medical Center to implement the educational programming for this science learning project.

4. An increase of $2,375,000 for the JASON Foundation.

5. An increase of $3,500,000 for continuation of programs at the American Museum of Natural History.

6. An increase of $950,000 for the Sci-Port Discovery Center at Shreveport, Louisiana.

7. An increase of $1,900,000 for the NASA Glenn "Gateway to the Future: Ohio Pilot" project.

8. An increase of $475,000 for the Challenger Learning Center of Kansas.

9. An increase of $475,000 for Challenger Learning Centers in Illinois.

10. An increase of $475,000 for the Challenger Learning Center at Wheeling Jesuit University.

11. An increase of $1,900,000 for the Alan B. Shepard Discovery Center in New Hampshire.

12. An increase of $3,000,000 to the U.S. Space and Rocket Center for an Educational Training Center.

13. An increase of $570,000 for academic and infrastructure needs at St. Thomas University in Miami, Florida.

14. An increase of $950,000 for the Ohio View Consortium.

15. An increase of $1,900,000 for the Von Braun Scholarship program.

16. An increase of $3,000,000 for the Alabama Math, Science, and Technology initiative.

17. An increase of $2,925,000 for the SciQuest Hands-on Science Center.

18. An increase of $1,650,000 for the Alabama Supercomputer Educational Outreach program.

19. An increase of $1,900,000 to the Educational Advancement Alliance to support the Alliance's math, science, and technology enrichment program.

20. An increase of $5,000,000 for the National Space Grant College and Fellowship program.

21. An increase of $475,000 for the Science, Engineering, Math and Aerospace Academy programs at Central Arizona College.

22. An increase of $340,000 to enhance K-12 science education through a program of the Middle Tennessee State University.

23. An increase of $5,400,000 for the EPSCoR program.

24. An increase of $5,000,000 for a planetarium at the Clay Center of Arts and Sciences in Charleston, West Virginia.

25. An increase of $2,000,000 for the Northern Great Plains Space Science and Technology Center at the University of North Dakota.

26. An increase of $1,500,000 for flight communications technology at the University of Connecticut.

27. An increase $1,500,000 for the Science Discovery Outreach Center at the University of North Carolina in Chapel Hill, North Carolina.

28. An increase of $1,000,000 for the Chabot Observatory and Science Center in Oakland, California.

29. An increase of $750,000 for the Des Moines Science Center in Des Moines, Iowa.

30. An increase of $4,000,000 for infrastructure needs at Mauna Kea Astronomy Education Center at the University of Hawaii, Hilo.

31. An increase of $1,000,000 for the NASA/Bishop Museum partnership in Honolulu, Hawaii.

32. An increase of $1,500,000 for the Wisconsin Initiative for Math, Science, and Technology education at the University of Wisconsin, Green Bay.

33. An increase of $250,000 for St. Mary's County Public School Technology Center, St. Mary's County, Maryland.

34. An increase of $3,000,000 for construction of a life sciences facility at Brown University.

35. An increase of $2,000,000 for instrumentation and laboratory development at Rowan University in New Jersey.

36. An increase of $5,000,000 for infrastructure improvements at the School of Science and Mathematics at the College of Charleston in South Carolina.

37. An increase of $1,500,000 for Muhlenberg College in Lehigh County, Pennsylvania to develop a national model for using NASA data and technologies in the k–12 and higher education classroom.

38. An increase of $750,000 for the Texas Engineering Experiment Center at Texas A&M University to support the Space Engineering Institute.

39. An increase of $3,000,000 for the Challenger Learning Center in Kenai, Alaska for the final phase of dormitory construction.

40. An increase of $500,000 for the Southeast Missouri State University NASA Educator Resource Center.

41. An increase of $1,000,000 for a Challenger Learning Center in Ferguson/Florissant, Missouri.

42. An increase of $800,000 for the Science, Engineering, Math and Aerospace Academy programs in Dade County, Florida.

OFFICE OF INSPECTOR GENERAL

The conferees agree to appropriate $23,700,000 for the Office of Inspector General as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conferees have included three administrative provisions which have been carried in prior-year appropriations acts and were included by both the House and the Senate. A fourth provision, prohibiting establishment of a non-governmental organization for the International Space Station as proposed by the House, has been included in the conference agreement. The conferees look forward to receiving a comprehensive proposal for managing the ISS science program at which time it will re-evaluate the foregoing prohibition.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

The conferees have allowed the cap on the Central Liquidity Facility (CLF) lending activities from borrowed funds to remain at the fiscal year 2001 level of $1,500,000,000. As part of the Committees' oversight function, the conferees direct that NCUA provide quarterly reports for fiscal year 2002 to the Committees on Appropriations detailing CLF lending activities.

The conferees have provided $1,000,000 to the Community Development Revolving Loan Fund (CDRLF) as proposed by both the House and Senate. The conferees have agreed to set aside $300,000 specifically for technical assistance grants for fiscal year 2002 as proposed by the Senate.

For the first time, $350,000 was provided in fiscal year 2001 specifically for technical assistance grants. Prior to fiscal year 2001, technical assistance grants were funded solely from interest collected from the revolving loan program. The conferees recognize that the technical assistance grant program is oversubscribed and have agreed to augment the available funds with appropriations again in fiscal year 2002. Additionally, the conferees support the revolving loan program and recognize that demand for loans to assist low-income credit unions remains strong. In order to provide the maximum benefit to both programs from available funds, the conferees have supported both programs by making available the majority of funds for the revolving loan program recognizing that interest accrued on these loans will increase the funds available for technical assistance for low-income credit unions in the future.

While the conferees are supportive of the CDRLF, the conferees find that the budget submission for the CDRLF lacks the appropriate information for the Committees to base future funding decisions. For fiscal year 2003, and thereafter, the conferees direct that the National Credit Union Administration (NCUA) provide detailed budget justifications for the loan program and technical assistance grant program. The budget justification should include a description of the program including the allowable purposes of loans and grants, the expected number and average amount of loans and grants to be awarded during the fiscal year, an estimate for the balance of the CDRLF, and estimates of future funding needs.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $3,598,340,000 for research and related activities instead of $3,642,340,000 as proposed by the House and $3,514,481,000 as proposed by the Senate. The conferees have included bill language which provides up to $300,000,000 for polar research and operations support and $75,000,000 for a comprehensive research initiative on plant genomes for economically significant crops.

The conference agreement provides specific funding levels for each of NSF's research activities as follows:

1. $508,980,000 for Biological Sciences. Of this amount, $75,000,000 has been provided for plant genome research on economically significant crops, including an initiative which invests in high-throughput sequencing (such as full-length cDNA sequencing) of economically important crops.

2. $515,800,000 for Computer and Information Science and Engineering. Up to $10,000,000 of the appropriated level may be used for operational support of the two terascale facilities.

3. $467,510,000 for Engineering.

4. $610,650,000 for Geosciences.

5. $922,190,000 for Mathematical and Physical Sciences. Of the appropriated amount, $4,000,000 is provided for the Telescope Systems Instrumentation Program (TSIP) and $5,000,000 has been provided for astronomical sciences to augment individual investigator support. The conferees expect NSF to continue its program of upgrading, on a priority basis, its astronomical facilities and equipment, including the Greenbank Observatory and Robert C. Byrd Telescope in West Virginia, and the Very Large Array radio telescope in New Mexico. The conferees have also placed a high priority on mathematics research within the amounts provided for this activity.

6. $168,900,000 for Social, Behavioral and Economic Sciences.

7. $229,730,000 for U.S. Polar Research Programs.

8. $68,070,000 for U.S. Antarctic Logistical Support Activities.

9. $106,510,000 for Integrative Activities, including $4,000,000 for the Science and Technology Policy Institute, $26,610,000 for the Science and Technology Centers, and $75,900,000 for Major Research Instrumentation (MRI). NSF is expected to continue its ongoing MRI program with developing institutions.

The conference agreement increases the budget request level for all directorates, and provides specific increases of $25,000,000 for information technology research, $25,000,000 for nanotechnology, and $12,500,000 for increased energy and fuel costs in the polar and ocean sciences as well as national facilities in physics and materials. The conference agreement also directs NSF to undertake a study to determine its appropriate role in support of regional innovation activities.

The conferees have not included funds from within the NSF appropriation for maintaining the integrity of the Homestake Mine site in Lead, South Dakota and instead have provided funding from within the Community Development Fund under title II of this Act. While the conferees acknowledge the role NSF and the National Science Board will play in determining whether the mine is a suitable facility for proposed research, as well as whether such proposed research should be a priority for the NSF, it is not appropriate for NSF to maintain the mine until such determinations are made.

In presenting the Budget Estimates and Justification Materials for fiscal year 2003 and beyond, the conferees direct the Foundation to provide five-year plans for all multidisciplinary programs which specify, among other details, the funding level and justification for each program or project.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriates $138,800,000 for major research equipment and facilities construction instead of $135,300,000 as proposed by the House and $108,832,000 as proposed by the Senate. Included within the appropriated amount is $16,900,000 for the Large Hadron Collider; $24,400,000 for the Network for Earthquake Engineering Simulation; $35,000,000 for continued development, production, and instrumentation of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER); $35,000,000 for Terascale Computing Systems; $15,000,000 for start-up costs of the IceCube Neutrino Detection project; and $12,500,000 for initial construction of the Atacama Large Millimeter Array (ALMA) radio telescope.

The conferees note that the amount provided for Terascale Computing Systems represents the initial segment of a three-year program expected to cost no less than the budget request of $55,000,000. While the conferees remain committed to this program as outlined by the Foundation, it was determined that funding the program on an annual basis made it possible to provide adequate resources to other priority projects.

The conferees are aware that the NSF Inspector General has found that funds associated with the construction of large scale research facilities have also come from other NSF appropriation accounts. This obscures the full cost of these projects. The conferees agree that the renamed major research equipment and facilities construction (MREFC) account is to provide resources for the acquisition, construction and commissioning of large scale research facilities. Planning, design, operations, and maintenance costs are contained within the research and related activities account. The conferees also remain concerned about the implementation of NSF's Large Facility Projects Management & Oversight Plan, dated September 2001.

The conferees have directed NSF to provide a report regarding the full life-cycle cost of each of the projects or facilities funded through this account since its inception. The conferees have taken the unusual step of including this statutory requirement due to its continuing concerns for the expenditure of resources for major research equipment projects and current senior management's ability to adequately address this issue.

The report should identify, for each project and by fiscal year appropriation account used, the costs of planning, design, and development; acquisition, construction, and commissioning; and operations, management, and maintenance. This report, which should also demonstrate significant implementation of the large facility management and oversight plan, is to be provided to the Committees on Appropriations no later than February 28, 2002.

The conferees further direct the Foundation to provide, in its annual budget submission to the Congress, a detailed priority-based description, multi-year budget, and milestone plan for all projects funded or proposed to be funded through the MREFC account, including those projects currently in the formal planning and development phase prior to National Science Board approval.

The conferees have changed the name of the account to Major Research Equipment and Facilities Construction to better reflect the mission to be accomplished with appropriations made available through this account.

EDUCATION AND HUMAN RESOURCES

Appropriates $875,000,000 for education and human resources instead of $885,720,000 as proposed by the House and $872,407,000 as proposed by the Senate. The conferees agree to the following funding levels within this account:

1. $80,000,000 for EPSCoR. In addition to funds provided through the EHR account for EPSCoR, the conferees expect the NSF to provide an additional $30,000,000 from within the Research and Related Activities account for research to be conducted at EPSCoR institutions, bringing the total NSF EPSCoR effort to $110,000,000.

2. $28,000,000 for the Louis Stokes Alliances for Minority Participation program.

3. $17,000,000 for the HBCU Undergraduate Program.

4. $160,000,000 for the Math and Science Partnership program. The conferees have agreed to provide significant funding for this new program despite limited details provided through the budget submission. The Foundation is strongly urged to provide regular, detailed information to the Committees on Appropriations regarding the planning and execution of this new initiative.

5. $5,000,000 for Noyce Scholarships consistent with the provisions of H.R. 1858 as reported to the House of Representatives.

6. $11,000,000 for the Office of Innovation Partnerships.

7. $5,000,000 for a new undergraduate workforce initiative, which is to include a new, merit-based, competitive grants program for colleges and universities for increasing the number of undergraduate degree recipients in science and engineering, consistent with the provisions of S. 1549.

8. $105,500,000, an increase of $10,000,000 above the budget request, has been provided to increase graduate level stipends for the research and teaching fellowship programs and the trainee program administered by the Foundation through its Graduate Education subactivity. The conferees support increasing the graduate stipend level to $21,500 during fiscal year 2002 if funding permits.

9. $2,600,000 above the budget request for the Human Resource Development subactivity has been provided to establish an initiative that will stimulate the competitive research capacity of Historically Black Colleges and Universities which offer doctoral degrees in science and engineering.

SALARIES AND EXPENSES

Appropriates $170,040,000 for salaries and expenses as proposed by the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,760,000 for the Office of Inspector General as proposed by the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conferees agree to provide $105,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House instead of $100,000,000 as proposed by the Senate.

Language is included in the bill which designates $10,000,000 to support the Corporation's section 8 homeownership program, as proposed by both the House and the Senate.

The conferees remain concerned about the shortage of available, affordable rental housing across the Nation. The Corporation has been successfully producing mixed-income affordable rental housing through the use of "mutual housing", acquisition and preservation of existing units, and a focus on asset management. Accordingly, the conferees agree to provide $5,000,000 above the budget request to the Corporation to support additional mixed-income affordable rental developments. The conferees direct the Corporation to include details on how many additional affordable, rental housing units have been created through this set-aside in its fiscal year 2003 budget justifications. The Corporation should also include information on the number of families served that have incomes below 30 percent of the area median income. There is a substantial shortage of available, affordable housing for these extremely low-income families throughout the Nation, and the conferees urge the Corporation to continue its efforts to meet the housing needs of these families. The conferees also direct the Corporation to increase its efforts in smaller metropolitan areas and rural areas where very serious housing problems exist.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $25,003,000 for salaries and expenses as proposed by both the House and the Senate. The conferees agree to limit reception and representation expenses to $750 instead of $500 as proposed by the House and $1,000 as proposed by the Senate.

TITLE IV—GENERAL PROVISIONS

Retains twenty general provisions proposed by both the House and the Senate and which were included in the fiscal year 2001 Act.

Modifies language proposed by the Senate prohibiting HUD from spending funds for any activity in excess of amounts described in the budget justification unless otherwise provided for in this Act or through a reprogramming of funds.

Retains language proposed by the House prohibiting EPA from using funds to implement the Registration Fee system codified in 40 CFR subpart U if the authority to collect fees authorized in FIFRA is extended for one year beyond September 30, 2001.

Retains language proposed by the House amending the Cerro Grande Fire Assistance Act to read "within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003."

Retains language proposed by the House prohibiting VA from using funds to implement the proposed requirement that military retirees must choose either VA's or TRICARE's health care system.

The conferees have included modified language related to a national primary drinking water standard for arsenic as published in the Federal Register on January 22, 2001, instead of language proposed by the House and the Senate. The language adopted by the conferees prohibits a delay in setting a new regulation other than that prescribed in the final rule of January 22, 2001, which includes an arsenic standard of 10 parts per billion (ppb).

In adopting this legislative provision, the conferees acknowledge that an arsenic standard of 10 ppb will likely pose significant financial costs on many small communities, and many of these communities may find it impossible, because of the financial burden, to be in compliance by 2006 as the rule requires. The conferees are concerned that, because of their complexity, the current waiver and exemption provisions found in sections 1415 and 1416 of the Safe Drinking Water Act, as amended, may not provide sufficient flexibility for the small communities to receive additional time to reach compliance. As a result, the conferees are very concerned that numerous small community water systems may not be in compliance by 2006, and that some very small communities may abandon their municipal systems in favor of untreated and unregulated private wells which could create significant other health risks for these communities. The conferees agree that the Congress and the Administration must act swiftly to provide both the time and the means for many small communities to meet the new 10 ppb standard.

To this end, the conferees direct the Administrator of EPA to begin immediately to review the Agency's affordability criteria and how small system variance and exemption programs should be implemented for arsenic. In addition, the Administrator should recommend procedures to grant an extension of time in meeting the compliance requirement for small communities when a community can show to the satisfaction of the Administrator that being in compliance by 2006 poses an undue economic hardship on that community. In developing these procedures, the Administrator should consider those actions which can be taken administratively by the Agency and those which will require the enactment of legislation. The conferees do not intend to create loopholes in the Safe Drinking Water Act for compliance to a national arsenic standard. Rather, the conferees wish to emphasize that they expect the Agency to adopt without delay all appropriate available administrative actions permitted under existing law to facilitate reasonable extensions of time for compliance of these communities.

The Agency is directed to report to the Congress by March 1, 2002 on its review of the affordability criteria and the administrative actions undertaken or planned to be undertaken by the Agency, as well as potential funding mechanisms for small community compliance and other legislative actions, which, if taken by the Congress, would best achieve appropriate extensions of time for small communities while also guaranteeing maximum compliance.

Retains language proposed by the House establishing the Minority Emergency Preparedness Demonstration Program at FEMA.

Deletes language proposed by the House prohibiting the VA from implementing the "Plan for the Development of a 25-Year General Use Plan for Department of Veterans Affairs West Los Angeles Health Care Center." The conferees have instead included report language in medical care urging the development of a reasonable development plan which is suitable for the community and improves access to VA services.

Modifies language proposed by the House prohibiting funds to be used to implement or enforce the community service requirement of the United States Housing Act of 1937 except for residents of projects funded under HOPE VI.

Deletes language proposed by the House prohibiting funding of any person or entity convicted of the Buy American Act.

Retains language proposed by the Senate requiring HUD to submit a report by January 8, 2002, detailing obligations and expenditures of title II funds for technical assistance, training or management improvement activities.

Deletes language proposed by the Senate amending section 70113(f) of title 49.

Deletes language proposed by the Senate regarding playground equipment. The conferees have instead included report language under EPA and CPSC directing those agencies to submit reports regarding chromated copper arsenate-treated wood playground equipment.

Deletes language proposed by the Senate providing $115,000,000 from NSF funds for EPSCoR, which includes $25,000,000 in co-funding.

Deletes language proposed by the Senate expressing the Sense of the Senate that the Committee on Environment and Public Works needs to address the State Water Pollution Control Revolving Fund.

Inserts language clarifying the use of funds available to NASA from timber sales.

New language is included to facilitate the use of funds provided through HUD's Community Development Block Grant (CDBG) program to aid in the recovery of New York City from the September 11, 2001 terrorist attacks. The conferees are aware funds appropriated to the President in Public Law 107-38 have been set aside to be provided to the State of New York for assistance to New York City for properties and businesses affected by the terrorist attacks of September 11, 2001 and to assist in the City's overall economic recovery. Given the extraordinary level of damage to New York City caused by the terrorist attacks and the unique circumstances affecting the economic recovery of the area, the conferees have included language authorizing the one-time waiver of requirements as the Secretary deems appropriate to facilitate this recovery.

Prior to the release of funds, the conferees expect the State of New York to submit and to secure approval from the Secretary of a plan that would allocate these funds to the highest priority economic development needs to address the emergency situation pursuant to the terrorist attacks of September 11, 2001. Language is also included requiring certain notification requirements on the use of these funds and relevant waivers being granted. The conferees request that HUD provide quarterly reports to the Committees on Appropriations on the obligation and expenditure of these funds.

The conferees do not expect these funds to be used to compensate or otherwise reimburse insurance companies for losses related to the terrorist attacks. The conferees understand that issues related to insurance costs and the terrorist attacks are currently under review by the relevant House and Senate authorization committees.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$108,346,441
Budget estimates of new (obligational) authority, fiscal year 2002	110,671,650
House bill, fiscal year 2002	112,742,553
Senate bill, fiscal year 2002	113,351,308
Conference agreement, fiscal year 2002	112,742,537
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+4,396,096
Budget estimates of new (obligational) authority, fiscal year 2002	+2,070,887
House bill, fiscal year 2002	−16
Senate bill, fiscal year 2002	−608,771

JAMES T. WALSH,
TOM DELAY,
DAVID L. HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
ROBERT B. ADERHOLT,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID PRICE,
ROBERT E. CRAMER, Jr.,
CHAKA FATTAH,
DAVID OBEY,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
TOM HARKIN,
ROBERT C. BYRD,
HERB KOHL,
TIM JOHNSON,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY CRAIG,
(except for general provision on arsenic),
PETE V. DOMENICI,
(except for general provision on arsenic),
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, we are a nation at war, a war the President has said may take years. He has asked for the Nation's patience and perseverance to deal with the perpetrators of terror and bring them to justice. A united nation stands prepared to make the necessary sacrifice and put up with the heightened security that disrupts our daily lives. It is an inconvenience that pales in comparison to the sacrifice of those brave Americans at the World Trade Center, the Pentagon, and the fields of Pennsylvania on September 11.

For elder Americans, this is a second day of infamy that they have persevered through, the first being December 7, 1941. These Americans, that Tom Brokaw aptly describes as "the greatest generation" know all too well the meaning of sacrifice and resolve. No generation has shouldered more proudly this Nation's rise to world power. No generation has borne such a heavy burden. None stands more committed than they to stand with the Commander in Chief during this struggle. They know intuitively, as did the first President of their generation born in this century, that we must put Nation above self.

With all the patriotic fervor and resolve, they stand committed today to face any challenge, conquer any foe and sustain a nation free of terror for their children. Proud veterans know that this is a match that cannot be postponed and comfort the young, in return, with the words of Roosevelt that "We have nothing to fear but fear itself." They are in every sense of the word magnificent citizens and role models. They have given much and asked little in return.

They hear all the platitudes and promises. They are celebrated in speech and in books and in the movies. But it is hard, hard to go home and look them in the eye and say there is no prescription drug relief, to say we are exhausting the Social Security surplus not only to fight Osama bin Laden but to provide corporate tax cuts. It is hard to look them in the eye as they travel to Canada for prescription drugs while Congress rolls back the alternative minimum tax.

Even amidst what must be hurtful to them, they never waiver. They stand by their Nation, their flag, their beliefs, prepared to sacrifice yet again for the Nation they love. Living out their lives in dignity is all they ask. Platitudes and promises do not heat their homes, put food on their table, or pay for the prescriptions needed to sustain their lives. Their generation believes you should be known by your deeds, not by the words that translate into empty promises.

There will be numerous speeches given on Veterans Day exalting the brave men and women of our Nation. Wreaths will be placed at memorials and people will gather in solemn remembrance and in firm resolve. When Members are back in their districts for parades and speeches and memorials, they should take a long look in the eyes of those veterans. We stand on their shoulders, the benefactors of their sacrifice and accomplishments.

They are prepared to see this second day of infamy through until justice is served. If only Congress would respond with the same resolve for them, the resolve to see their twilight years lived out in dignity, the resolve to provide them with affordable prescriptions here at home. If only Congress would show the willingness to sacrifice a corporate tax cut to preserve a life, to heat a home, to have a nutritious meal. If only Congress had the resolve to preserve Social Security and Medicare, the programs that have kept our elderly barely above the poverty line.

This is an unprecedented opportunity. The Nation stands united behind the President and Congress to root out terrorism.

AIRLINE SECURITY BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. STRICKLAND. Madam Speaker, tonight we are gathered to discuss a serious issue, and that is the issue of airline security. One of my colleagues from the great State of Texas is here and is on a limited time schedule, so I will begin this hour together by turning the time over at this point to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. First of all, let me congratulate the gentleman on taking this opportunity for us to come and say a few words on this very important issue. It is an issue that we recognize that we have not come to grips with since September 11, and I just wanted to share with my colleagues a couple of statistics.

Prior to September 11, we had over 9 million passengers. After that date, we have had only 5 million. So we have had a drastic decrease.

There is no doubt that people have some serious concerns about flying. A lot of people that are flying now are those that have business and those that have to, but a lot of people are choosing not to fly. And for good reasons they feel insecure in terms of the situation that they find themselves in.

The actions of the House leadership have delayed the passage of strong airline security legislation. Politics must give way to action. This is not the time to be partisan. This is not the time to be playing games at the expense of our national security. It is a time to deal with it. It has been 7 weeks. So we have to come to grips with it.

We must provide the best security we can at our airports. Not just adequate security, not just sufficient security; no, we need to provide the best security, and we will not get the best security if we continue to auction it off to the lowest bidder. We have to come to learn the hard way that airline security is a national security. So we need to recognize that national security should be in the hands of highly trained, highly motivated Federal law enforcement personnel.

The current work force, brought to us by private contractors, are underpaid and undertrained, and we recognize that. We all understand that, and we all realize that we have a serious problem. This weekend someone managed to slip through at the O'Hare Airport at Chicago. He did not just have one knife but seven folding knives with blades up to 4 inches. He also had a stun gun and a small container labeled teargas pepper spray.

This is unacceptable. The American people expect our airport security personnel to be able to handle the job and be able to do the right thing. We cannot take chances. We cannot accept what we have before us, and we have to make sure that when it comes to tourism, when it comes to trade, when it comes to security in the air that we make it as secure as possible.

What disturbs me is that the company at O'Hare is the same company that has already been cited by the FAA and has been placed on probation. Here we have a company that we continue to allow to be there, continue to allow them to do the things they have been doing.

□ 2030

It is obvious that the private companies do not provide the type of security that we need. The private companies, no matter what, are going to cut corners. When it comes to our national security, we should not live with those types of situations where they are going to cut corners.

Mr. STRICKLAND. Madam Speaker, the gentleman talks about the private security company that is responsible for the situation in Chicago. That same company is responsible for the security at the Columbus, Ohio, airport which I flew out of this morning. While I was standing in line waiting to get on the airplane, there was a lady who started talking about her frustration. She knew I was a Member of Congress, and she said we need to federalize these workers. Who can I write to and express my opinion. I shared with her some names that she could contact.

Then she told me this story. She said when I came to the Columbus, Ohio, airport, and I am a quilter, I went through security and after I went through security, I realized I had a large pair of scissors and what she described as a rotary blade cutter. She got through security and realized she had these scissors and blade. She said they were valuable to me, and I knew if I was caught with them, they probably would take them away, so she went back through security and took them to her car and left them in her car and then came back to the airport. She said I am furious I was able to get through security this morning with those scissors on me.

Madam Speaker, it is happening over and over and over. This one particular company, the Argenbright company, seems to be very, very lax in the expectations they have for their employees, apparently for the training they provide; and certainly they are very lax with the supervision. Otherwise, these multiple incidents would not happen.

It is a dangerous situation. Some of my colleagues have expressed that they think I ought not to say that flying is not safe. So I will say it this way; flying still has a risk attached to it. Is that risk less than it was before September 11? Perhaps. In some cases it may be much, much less. But the fact is that people have a right to accurate information. The American traveling public has a right to know what kind of security exists before they choose to get on an airplane and fly, especially if they are going to put their family members at risk. We are trying to inform the public, and the public is the one that will ultimately force this Congress to do the right thing and force the airlines to do the right thing. Until they feel safe, they will not return to the airlines as they have in the past.

Mr. RODRIGUEZ. Madam Speaker, I agree with the gentleman completely. A survey showed that 85 percent of Americans support the importance of federalizing our airline screeners. There is no doubt even after we have Federal workers we are still going to have some breaches. But I feel confident that those people can do a better job in making sure. I have had some experience with Customs workers. Those Customs workers have the experience and are able to tell and question people. For example, on the Mexican border, they were able to catch some people by asking where are you headed and why are you going there. They sensed some problems, and they were able to catch them. They have worked there and they understand.

The type of workers employed as airline screeners, we have all seen the turnover rates. Up to 400 percent. Not to mention that same company has hired people with criminal records. Here we have some criminals who have been in jail, they are providing our security. We have a real problem in this country. I hope that we come to grips with these issues.

Whether my colleague is a Republican or a Democrat, we need to do the right thing, and the right thing is to get good law enforcement people. National security is nothing less.

I heard today on the House floor the discussions about the fact that a Member was angry on the Republican leadership that we made an indication that our security here in the Capitol is federalized. They are Federal workers. He was embarrassed that we compared them with the workers in airline security. They should not be any less. They should be trained. Just because they look at luggage and people coming through, they need to be trained. They also need to be on the lookout for the types of people that are coming through. It becomes important that we do the right thing.

Madam Speaker, I thank the gentleman for allowing me to go a little ahead of everyone else. I thank the gentleman for what he is doing. It has been 7 weeks since September 11. Hopefully, we can get some Federal law enforcement workers that know what they are doing.

Mr. STRICKLAND. Madam Speaker, I thank the gentleman from Texas for joining us tonight. I have some other colleagues here, including the gentlewoman from California (Ms. WOOLSEY), and I yield to the gentlewoman.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman for yielding me this time and putting together this Special Order tonight.

I believe we have been forced to view aviation security in a brand new way. These past events emphasize that aviation security is vital to our national security, but also to our national economy. We have to get people back on airplanes. We cannot run the business of this Nation if people will not fly from one place to another. We are in very unfamiliar territory now, and we have to carefully assess what constitutes appropriate responses in this very new world that we are living in because whatever our response, we will leave a permanent mark on the lives of the American people.

If Congress passes the aviation security measure that the House passed last week, I believe that the American people will know, they will not be surprised, and we cannot fool them that we have passed a status quo proposal. We will not have passed the best proposal. The public will know that we passed a measure to keep those same private companies in charge that the gentleman from Texas and the gentleman from Ohio just referred to. Those are the same companies in charge on September 11, and they are still in charge of security.

The public will know that as Members of Congress we did not rise to the occasion and we will not pass the remedies that were desperately needed.

Mr. STRICKLAND. Madam Speaker, we had quite a heated debate last week about two competing approaches. One would federalize our airline security workforce so the traveling public would know they were being protected by those who were answerable to Uncle Sam, who were law enforcement personnel, who were properly trained, who were adequately paid, and who were supervised.

I would like to just share with the gentlewoman some thoughts that I saw in an editorial in USA Today on November 6. "House Barters Away Strong Protections for Flyers." Want to know why at a time when tight airline security is needed, the House rejected a tough bipartisan bill and passed a weak version favored by the Republican leaders? First, stop looking at the House as a law-making body; think instead of a flea market.

"Last Thursday, the day of the vote, the House was one big bazaar. Lawmakers with swing votes were doing the selling. Their price: Last minute special interest amendments and political pay offs." That is the opinion of USA Today.

After the Senate passed a bipartisan bill 100 to nothing, and as the gentlewoman from California (Ms. WOOLSEY) stated, we cannot get more bipartisan than 100 to nothing; yet there were Members on the other side of the aisle that accused many of us in engaging in bipartisanship. All we wanted was an opportunity to pass the bill that the Senate passed so it could have gone directly to the President, he could have signed it into law the next day, and today we could have a strong airline bill in effect. We were not able to do that; but I believe when the American people come to realize what is at stake here, they will force this Chamber and this Congress to do the right thing.

I have another editorial from my hometown paper, The Portsmouth Daily Times: "Federalize Airport Workers." The Columbus Dispatch over the weekend had a long, thoughtful editorial opinion chiding this House for not doing the right thing and saying we need to federalize this responsibility. We still have that opportunity because the House and the Senate will take their competing bills to conference, and we still have an opportunity to have a bill that federalizes these workers and makes the situation not perfectly safe because it will never be perfectly safe to fly, but as safe as we can make it. Thus far we have not passed a bill that makes the traveling public as safe as they can be or as safe as they should be.

Ms. WOOLSEY. Madam Speaker, first of all I read that same USA Today article on the airplane flying here from California this morning. I was hoping that everybody else on the airline was missing it because it was kind of frightening.

I do not know if the gentleman heard the pilot that spoke at our press conference last week before we voted on the aviation security bill. He said one of the reasons the opposition to federalization is speaking so loudly is that they fear that federalization will equal labor unions. He said, I want to remind the public, I want to remind everybody here today and the press, that all of the heroes in this country since September 11, the pilots, the airline attendants, the firefighters and the police officers, every single one of them belong to a labor union. So what is the fear?

The gentleman is right, we do have another chance. Our chance this week would be to agree to the other body's language to federalization, follow their lead and agree to some really meaningful provisions that will put our citizens first, not the airlines, not the private companies that contribute great amounts of money to these individuals that are insisting that we stay private.

Since the other body did vote 100 to nothing, we know that is a bipartisan idea. We also know that the public is going to watch what we are doing, and they want us to take care of them.

Mr. STRICKLAND. Madam Speaker, the gentleman from Washington (Mr. INSLEE), who is an attorney, has joined us; and I would like to inquire regarding a legal matter.

Another Member of this body suggested to me because these private companies, at least two of the largest private companies that are responsible for airline security at many of our major airports are foreign-owned companies, as a result, their CEOs would be unable to get security clearance so that they would be able to get classified information.

□ 2045

The question has been raised with these private security companies responsible for airline security, what would happen, for example, if the CIA or the FBI came across information that was classified in nature but was relevant to airline security or some incident that may happen. Would it be possible for these private companies to have access to that information so that they could work collaboratively or would that be possible? Would you have a legal opinion about that?

Mr. INSLEE. Let me express an American opinion, that is just not a legal opinion, which is whether you are a lawyer or not a lawyer, you want law enforcement information to be used by law enforcement personnel.

The nature of your question points out the exact flaw of continuing this failed experiment of having private contractors provide this service. They are not in a law enforcement context and this is a law enforcement responsibility. We do not share law enforcement information with people that you might not be able to have total confidence in. Unfortunately, these contractors have shown nothing but something akin to a Keystone Kops approach to this law enforcement situation. That is why this bill, the Republican bill that passed out of this House last week, is generating nothing but disdain as far as I can tell all across the country.

Mr. STRICKLAND. I think I hear you saying that the private companies, the private security companies, have the primary motive of making a profit, and a government law enforcement system would have the primary motive of protecting the public. Is that a fair way of phrasing that comment that you just made?

Mr. INSLEE. As always, the gentleman has done it with much more eloquence than I have been able to muster, but that is exactly right.

When we have the Border Patrol, we do not contract out the Border Patrol because we do not want to see the contractor's motivations to have low cost, low bid, cutting corners affect the law enforcement security issues that we have. It is the same with firefighters and police.

The reason we feel that way in this country is that these jobs are life-and-death jobs. If the job is done well, people live. If the job is not done well, people die. This is why we believe so strongly and Americans believe so strongly all across the country. I am hearing on Main Street, I am reading USA Today, I am reading the Seattle Post Intelligencer, I am reading the New York Times, this bill is a clinker because it does not match Americans' expectations that we have a law enforcement type system.

Let us just talk for a moment about this Keystone Kops idea. Since September 11, look at what has happened. Since September 11, when you would think these companies would be telling their employees to be on their best behavior, they would have their best front line people, their most trained people, they would be on their toes and they would have bells and whistles on, since September 11, we have had a test by the FAA at Dulles Airport that serves the Nation's Capital, you think would be the acme of achievement for these private contractors.

They went out to Dulles Airport a couple of weeks ago and they tried to run the gate 20 times with weapons that would show up on the magnetometer; guns, knives, I do not know what they used. Out of that 20 times, seven times people went through without being challenged by the security personnel. Almost half the times they failed at the Nation's principal airport. The company that was already fined $1 million for hiring felons we found is hiring felons again.

Now just the other day we have heard about this story where the guy ran through the system with multiple knives, stun guns, Mace, the only thing they kept him from taking on the plane was a Stinger missile. That was the only success they had. Yet the Republicans want to continue that status quo arrangement.

The status quo has failed. We hope this conference committee sticks by the Senate version which has a Federal responsibility.

Mr. STRICKLAND. I would like to ask my friend a question. Perhaps you cannot give me a definitive answer, but I am puzzled. Why is it that when the American people overwhelmingly want to federalize this function, when newspapers like the Columbus Dispatch in Ohio and the New York Times, the Portsmouth Daily Times, newspapers all across this country are editorializing in favor of federalizing this security function, and the Senate passed a bill that would do that 100 to nothing, is it puzzling to you that this House just would not get on board, do the right thing, pass the Senate version which could go directly to the President for his signature? And although the President has indicated he is not crazy about the bill, his spokespersons have said that he would be willing to sign it. We could have such a law in effect now, today.

Do you have any theory as to why this House would be so intractable in its approach to this issue?

Ms. WOOLSEY. If the gentleman will yield, I would like to suggest that if the GOP version does not sway towards the other body's, the Senate's version, it will be because they really do not want this to pass at all, because it is not going to pass. We will not get out of conference with the House version of that bill. So nothing will go to the President and we will not have an aviation security bill.

Mr. STRICKLAND. So we could enter the Thanksgiving holiday season without a security bill? And people who go to the airports to get on airliners would do so knowing that this House, this Congress, had failed to take action to protect them. That would be truly a sad set of circumstances.

Mr. INSLEE. To answer the gentleman's question, I am not so much puzzled as I am extremely disappointed because it is pretty obvious to anyone who has followed this with any but the scantiest degree of attention what is happening here. The companies that have failed the American people over and over again, the companies that have allowed sticks, guns, bottles, knives, everything short of a Stinger missile on these airplanes, have run up to their friends in Congress and have tried to save their bacon and their contracts and tried to put a kibosh on this bill that passed the Senate 100 to nothing, totally bipartisan, because they are trying to save their contracts and their potential profits.

There is nothing wrong with profit, but the problem is, these companies should lose their contracts. These companies should not be providing this service.

We have not seen anything in the Republican bill that will keep these same companies from not winning these same contracts. This same company that had seven knives get through security the other day and seven out of twenty through Dulles who are hiring ex-felons after they have already been fined $1 million, under the Republican bill could come up and they could get the same contract again. That is a pathetic failure of congressional responsibility.

Mr. STRICKLAND. Is it not true that this same company has already been fined over $1 million?

Mr. INSLEE. Already been fined $1 million. They got caught again with their hand in the cookie jar, hiring ex-felons. You have to ask yourself another question, how can this system of private contractors under Federal supervision be such a failure? Would one think that if we had a Federal agency supposedly riding herd on these contractors we could accomplish a fair degree of training and certification? One would think.

But the problem is this dirty little secret. We knew in 1995 that these companies were giving us a lousy job, they were not providing adequate security; and this Congress passed measures to require the FAA to adopt additional rules. But it never happened in 6 years. The reason is that every time the FAA tried to pass a meaningful safety regulation, those companies and airlines, too, to some degree, sent lobbyists up to Congress and blocked those safety regulations.

That is why this experiment is a failure, because our agencies have been under the control of the ones they are supposed to be regulating. And you cannot break that iron cycle unless we get campaign finance reform which we have also not had a vote on. The American people need to know that the reason this has not passed is, we have a sick campaign financing system that needs to be reformed. But until we get that, we need a new system of airline safety.

Mr. STRICKLAND. I do not want to put words in the gentleman's mouth, but as I listened to you, I am starting to feel some anger. I said earlier I felt frustration and puzzlement, but what you are saying, it seems to me, is that you believe that there is a system in place here that would allow special interest money, special interest contributions, to be so influential over the actions of this House that we could take action or fail to take action which would literally put the lives of Americans at risk. Is that an overstatement in your judgment or do you think it is a fair statement?

Mr. INSLEE. That is a fair statement, that this Chamber put the financial security of special interests above and beyond the personal security of Americans who are in airplanes. It was a very sad day. That is why I hope the conferees will change the result that came out of this House.

Ms. WOOLSEY. If the gentleman will yield, I think it would be good if we laid out right here in our conversation how we think it would be different if it was federalized, how the standards would be set, and they would be national standards, and there would be a Federal corps of workers that would be hired, trained, monitored and supervised and actually earn a livable wage; and we would have a work force not too dissimilar from the work force we have here protecting us at the Capitol. We have the Capitol Police. They are Federal workers. They are not contracted. We do not contract the Marines.

Mr. STRICKLAND. It has been brought up in this Chamber on multiple occasions that we are protected here at the Capitol of the United States by police officers. They work for Uncle Sam. Some have taken offense when we have suggested that it is not fair for those of us who live and work in this Capitol to be protected by these well-trained professional individuals, who are adequately paid, adequately trained, adequately supervised, while we would be willing to let the American traveling public expose themselves to unnecessary danger. And when we pointed out the unfairness of that, some have taken offense.

But I think it is absolutely fair. Why should you as a Congresswoman or why should I as a Congressman have a different level of protection than other Americans who may be in vulnerable positions and threatened by terrorists? I think we should not. We should not have any less or any more protection.

I think what we have now is a system that leaves the traveling public, when they go to our airports, vulnerable. I know there are those who do not want us to say that, because they want the American people to go back and live a normal life. They know our economy needs our airlines to be successful and the public to feel like they can travel safely.

The public can travel safely if we do the right thing in this Chamber. It is in our hands.

I see that our friend from the great State of Colorado (Mr. UDALL) has joined us. Welcome.

Mr. UDALL of Colorado. I thank the gentleman for yielding. I want to thank my good friend the gentleman from Ohio (Mr. STRICKLAND) for calling this important special order tonight.

I want to change the thrust of our discussion, if I could, somewhat and talk about the economic consequences of not having an airline security bill in place. In my home State, we have a beautiful airport, Denver International Airport, known as DIA locally. It is a driver in our economy and a driver in the entire Rocky Mountain West of all of the States' economies that make up the Rocky Mountain West. We have seen a falloff of about 30 percent in flights, in concessionaire revenue and in subsequent falloff to the local tax collection moneys that accrue to the city of Denver, which incidentally has a responsibility to pay the bonds that covered the cost of the airport.

I have talked with a lot of people in the business community across the various sectors in our State, high tech, telecommunications, manufacturing, agriculture, you name it, we have it. I say, what can we do to bring our economy back to where it was? They say the number one thing we can do is get people back on airplanes again.

The ripple effect in our economy of people using our air transportation system, which is still second to none, is phenomenal. That is why passing this legislation is so, so important. That is why it was so disappointing to all of us here last week when we did not take the opportunity to pass the legislation. It was bipartisan in nature, as we all remember. It would have been on President Bush's desk on Friday. We would now today on Tuesday be in the process of implementing this legislation.

I also wanted to just underline what I have heard here too about the law enforcement function that we are trying to put in place. The people who are now doing the security work at our airports are well-intentioned. Many of them are hardworking. They want to do a good job. But they are not law enforcement professionals.

That is what we want to do by federalizing this work force. We would be able to provide them with the training, with the uniformity of approach, with a relationship with the intelligence community so that we can do a better job of catching people who should not be on our airplanes. We would provide these people with a career track.

There are some very thoughtful proposals that would link our airport security system, were it to be federalized, to Customs and to the Immigration and Naturalization Service.

□ 2100

People could work across those various agencies. I think that is a powerful concept and one that would be very, very useful to us.

Mr. STRICKLAND. I do not think the gentleman was here a few moments ago when I pointed out an issue that had been brought to me regarding the fact that some of the larger private firms that provide security at our airports are foreign-owned firms, and, consequently, the CEOs of those companies would be literally unable to achieve a high level of security clearance that would enable them to have access to classified information which may be essential as the FBI and CIA and other law enforcement agencies gain access to information, for example, about a terrorist threat.

On the other hand, if this was a Federal function, it would be quite easy for these Federal law enforcement agencies to work collaboratively, to share information, to make plans, to develop strategies together. It seems to me that is a glaring problem that I have not heard addressed as we have discussed this bill.

Mr. UDALL of Colorado. If the gentleman will yield further, I want to affirm what the gentleman has just pointed out, that we have the opportunity here as we move to provide for the homeland defense, two months ago, few of us had heard that term, "homeland defense," but we now have that responsibility, not only to ourselves and our constituents, but to our children and their children. If we were to continue the work of the Homeland Security Commission headed by Senator Rudman, a Republican from New England, and Senator Gary Hart from Colorado, who suggested that we combine about 40 Federal agencies into a Homeland Defense Agency, part of that would be airline security. It is so, so crucial. It is at the core of our economic activity and our economic strength.

So I think the gentleman makes a very good point as to why it is important now, as soon as possible, to get about the job of federalizing our airport security and airline security system.

Mr. STRICKLAND. I would share a thought with my friend from Colorado, that I think it may not happen, what we are talking about here, it really may not happen until the American people become so determined that it has to happen. By that I mean only perhaps after the American people start calling and writing and making demands upon their elected Representatives and upon their Senators.

I would just share one additional thought from the USA Today editorial. It says: "This week a House-Senate conference is charged with reconciling the competing bills, giving Congress one more shot at putting security wholly in the hands of the Federal Government, where it belongs."

So we can still do this, as the House and Senate meets. We just passed a resolution here, or a motion to instruct, asking that this be accomplished by this Friday, so there is still time this week for the American people to let their will be known, to make phone calls or to write letters or to send emessages or to visit their Representatives and express their opinions.

Mr. UDALL of Colorado. If the gentleman will yield further, he makes a very, very important point; and I want to once again remind the viewers that the bill had bipartisan support. This is not about Republicans or Democrats. This is not about partisan advantage or disadvantage. This is about creating a new system of airline security that will ensure that every person who gets on our world-class airline system will know that they are going to arrive safely at their destination. They will know that when they go to the airport that they are going to proceed through a security system that is going to treat them respectfully, treat them as if their time is important, but also make sure that the bottom line is emphasized, which is to ensure that our airline system is safe and secure.

Mr. STRICKLAND. My friend understands that last week we spent a good deal of time talking about the fact that much of the baggage that is placed in an airliner is not screened for explosive devices. It is estimated that perhaps 5 percent is. But even the 5 percent that is being screened at Dulles International Airport, if I could just share a personal incident, this happened to me three times. I have flown out of Dulles now five times in the last few weeks, and three times I have been selected to have my luggage screened for explosive devices. Now, I am not sure what kind of profile I fit. Sometimes I think that maybe I am being screened because I am a Member of Congress and they want to convince me that the system is working. But here is how they have asked me to have my bags screened.

I have gone up to the ticket counter, I have given them my ticket, I have received my seat assignment. Then the person behind the ticket counter says to me, sir, we would like for you to take your bag and walk down this corridor until you come to the first crossover, turn to your left, go to the next main corridor, turn to your left, and you will see the machine, one of these CTX machines, $1 million machines, you will see one of those machines over on your right, and they will screen your bag for you.

Now, that is absolutely absurd. Any person who was devious enough to have an explosive in a bag would not voluntarily, without being observed or without being escorted, carry that bag around and ask someone standing on the other side of the wall to screen that bag for an explosive device. It is just simply absurd.

This Argenbright Company, I assume, is involved in that kind of process. It is so ridiculous, it is almost unbelievable. I am almost embarrassed to share that, because I know it is hard for people to believe that we would have a $1 million machine, we would have a process in place that would be so absurd and call it security.

I see my friend from California has stood.

Ms. WOOLSEY. Well, this is not about being inconvenienced; it is about being inefficient and senseless. We were talking about should we be protected here at the Capitol in a different fashion than our constituent in the traveling public is protected, and the answer, of course, is no.

We have to remember that it is the pilots that fly those planes and the flight attendants that work so hard to make us comfortable that are telling us and told us last week, federalize the system. That is what we would feel safe with.

They will; the public will. We know it is better. So we have one more chance this week in the conference discussion, the public does not care what a conference is or is not, but it is one more chance that we can get together and do the right thing.

I agree with the gentleman from Ohio (Mr. STRICKLAND) that it is time for the different Members of Congress here to hear from their constituency about this. But we have to remind them, they cannot send letters, because we do not get any mail. Phone calls, e-mail, call the district offices, but be heard.

Mr. UDALL of Colorado. If the gentleman would yield for another minute, I want to thank my colleague from California (Ms. WOOLSEY) for joining us as well. I wanted to make one final point.

Frederico Pena, the Mayor of Denver, well respected for his accomplishments, helped to see that our new international airport was first approved and then built; and it has now become a world class facility. He then served as the Secretary of Energy and then Secretary of Transportation. He wrote an editorial last weekend entitled "Federalize Airport Screeners." If I could, I would like to enter this in the RECORD. He makes a compelling set of arguments for why we need to move to federalize our workers. He rebuts all of the arguments that have been made by people who do not want to take this step.

I know my colleague, the gentlewoman from California (Ms. WOOLSEY), talked about this argument that somehow unionizing these workers would result in them being less productive; and we would not have an opportunity to dismiss those who were not effective. That is inaccurate at best, and just not right, when you get under the surface and understand what we were proposing in our legislation last week.

He says, just one example, that some people say the one-size-fits-all solution would not work. That was one of the arguments against our legislation. But it is uniform, consistent high security at all airports, which is exactly what is necessary, because terrorists can find the weakest link, as they did when they went to Boston and drove to Portland, Maine, flew back to Boston and then boarded those airlines that hit the World Trade Center.

If I could, I want to thank my colleague for hosting this very important Special Order, and I hope a week from now we can all celebrate because this legislation will be on the President's desk, he will sign it, and before the holiday season begins, we can know that the American people will not only be secure physically, but secure psychologically. That is as important in this process as providing for the physical safety of all Americans who use our world-class aviation system.

Mr. STRICKLAND. I would like to share an anecdote regarding the wonderful Denver Airport. I know my friend is rightly proud of that great airport; but there is a problem there, and I would share this true story with the gentleman.

About a month ago some friends of mine in Denver, a young man with his wife and very young child, were going to fly to Columbus, Ohio, to visit this young man's mother. So they went to the Denver Airport, they had their tickets, they checked their luggage.

As they sat there waiting to get on the plane, they noticed someone who appeared to be nervous to them, and maybe they were allowing their imaginations to run wild. I do not know if they had a right to be concerned or not. But as they observed individuals boarding the plane that they were to fly, they saw this individual get on their plane, and so they were frightened so they chose to not fly on that airplane, but to drive from Denver to Columbus, which is a long distance.

But, guess what? Their luggage stayed on that plane. In the past we have thought, well, if a person checked luggage and flew on the plane, they would be unlikely to try to explode that plane because they would lose their own lives. But in this incident the traveling persons did not even bother to take the flight, and yet their luggage remained on that airplane.

That is another problem. We do not match passengers with luggage.

Mr. UDALL of Colorado. If the gentleman will yield, it strikes me that given the advances in telecommunications and computing and data processing, that all we need is the will and the resources to provide the system that would make that bag and passenger match, something that could be done.

Mr. STRICKLAND. It absolutely could be done. But once again, there is a story in the newspaper today saying the airlines are opposed to this, because they say it would cost too much and it would slow down the process.

We cannot put a price tag on public safety. There are reasonable things we can do. It may add somewhat to our inconvenience. But as that woman in Columbus, Ohio, said to me, this woman who had gotten through security with a pair of large scissors, she said, I would not mind the inconvenience if it kept me safe. But people do not feel like what is currently happening is going to keep them safe. Quite frankly, I do not think that will be the case until we federalize this effort.

Mr. UDALL of Colorado. People of all backgrounds and professions and experiences in my district have said to me, I will gladly pay the extra $2 or $3 on each ticket to insure that the security system is one that provides me a safe experience, provides my family and my friends a safe experience, and provides all Americans who want to use our air system with the understanding and the security of knowing that they are not going to be threatened by another set of terrible acts such as we saw on September 11.

I want to thank my colleague for hosting this Special Order tonight.

Mr. STRICKLAND. I thank the gentleman for joining us. I yield to the gentleman from Washington.

Mr. INSLEE. I just want to answer a couple of the questions people have asked about our plan of federalizing these security forces.

One of the arguments against this essentially has been you will not be able to layoff incompetent people once they are Federal employees. People should realize that in the Senate bill we have made provisions to give additional flexibility to management to lay people off, to take disciplinary action, consistent with their law enforcement function.

We need to treat these people like FBI agents, Border Patrol and Federal Marshals. They should have a similar disciplinary system, that perhaps does have more flexibility for management than a different Federal job. That is a really a red herring, because we have taken care of that, to make sure that if there is incompetence in that workforce, we can take care of it, just like we need to with Federal Marshals and the like. That is taken care of.

The second argument people have played is there are some other countries that have different systems. There are some other countries that do have some private contractors under government supervision, which is fine. Other countries have managed in some circumstances to make that work.

But those countries are not America. We are 20 times bigger than some of those countries, number one. Number two, those countries have not had a 10-year continued pattern of failure like we have had with this system; and, number three, and most importantly, those countries do not have a sick campaign system that allows these people with tons of money to come into the FAA and Congress and spread influence around and stop safety from being implemented.

□ 2115

Mr. Speaker, that is the difference that we have to pay attention to.

Mr. STRICKLAND. Mr. Speaker, that is a very good point. It is amazing to me that a company responsible for the security of the traveling public could violate procedures, hire felons, give false statements, be fined $1 million and continue to be allowed to provide, quote, "security to our traveling public."

Mr. INSLEE. Mr. Speaker, it is a symptom of the illness that affects our system, of why we have not had sufficient regulation.

But I do not know what the campaign system is in some of these countries, the Netherlands and other places, but I know that they do not have a system like we do; otherwise they would have lousy security. They would have lousy security because the security companies would come in, spread influence around and block any safety or yank in their contracts when they do not do a good job.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, the gentleman has just reminded me of the fact that the gentleman and I sent a letter to the Speaker and to the majority leader asking that this House of Representatives not adjourn, that we stay in session throughout this year and attend to the important business of the American people.

One of the items we need to be attending to is the campaign finance issue. The campaign finance bill passed the Senate. All we need to do is pass it here in the House. The President has indicated, I believe, that he would sign the bill if the House were to pass it. If we did that, it would be a wonderful holiday gift to the American people, because the American people could then have confidence that regardless of what decision we made in this Chamber regarding airline security and a whole host of other things, that we were doing it out of the right motive, and that we were not doing it because we were trying to please some large contributor. That would be an amazing, wonderful gift for the American people.

That is why I do not think we should adjourn this House. We should not adjourn this House in time of war, we should not adjourn this House until the people's business has been attended to. That is one of the critical items that we need to address.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, every time the gentleman brings up campaign finance reform, I see the shelf, and if the leaders of this House will not move towards the other body's federalizing of aviation security, we are going to take aviation security and shelve it. So there will be campaign finance reform on the shelf, there will be aviation security on the shelf, there will be HMO reform on the shelf. It is all because of campaign finance reform. The gentleman is so absolutely right.

We have to remind everybody that last week the aviation security bill only passed out of the House with four additional votes on the passing side. That is not a mandate from anybody. So it needs to go back to ground zero and be rethought.

Mr. STRICKLAND. Mr. Speaker, it is of interest that the gentlewoman mentioned three critical issues: campaign finance reform, a Patient's Bill of Rights, which has passed the Senate, and now airline security. These three huge issues that are of such great importance to the American people could become law if we could just get the leadership in this Chamber to take the stranglehold off this Chamber and let it work its will.

We are near the end of our time together. I am wondering if the gentleman from Washington (Mr. INSLEE) would just take a moment and reiterate the process that we are facing here. We have had the House and Senate bill. What is likely to happen? How can this bill become law by the end of this week? What needs to happen?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, as the gentleman knows, the Senate passed a strong version requiring the Federal Government to assume responsibility for security of Americans in the air. It was 100 to zero. The bill came over to the House. It languished here for weeks and weeks and weeks after September 11. The Republican leadership refused to bring it up, essentially because they could not pass it. They finally brought it up last week and a very, very narrow margin passed a different version that had this giant hole in it, more Swiss cheese than anything; and now it goes to a conference committee where members of the House and Senate will meet to try to reconcile this to come up with a bill.

We are just very hopeful that now that America has found out about this bill and people have found out, as Siskel & Ebert would say, it is two thumbs down for America on its failure to federalize this responsibility, that the conferees will, in fact, adopt the Senate version and have the Federal Government have Uncle Sam take over this system like they should have done

10 years ago to prevent guns, knives, sticks, bottles and everything else getting through this poor system.

That can happen in conference committee. It can be signed into law by Monday by the President. We are hoping that Americans let their Members of Congress know what they think about it so that that is exactly what will happen.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, this is the situation: A relatively small number of Members of the House of Representatives and a relatively small number of Senators will make up this conference committee, and they will get together and try to resolve the differences, and then they will bring back a final version to this House to be voted upon and to the Senate to be voted upon. So it is still possible, is it not, that that conference committee could decide to federalize this security apparatus?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, it is very possible, and it is more likely if Americans will let their elected officials know that that is what they want to see happen, that they want certified Federal marshals, Federal officials at these gates to make sure people are not taking bombs and are not hijacking airplanes. And if we do that, we think this conference committee can, should and will adopt a federalized work force.

I want to thank the gentleman for helping to get that message out.

Mr. STRICKLAND. Mr. Speaker, I want to thank the gentlewoman from California and the gentleman from Washington State and the gentleman from Texas and the gentleman from Colorado for joining us this evening.

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight on an issue that is similar to that which has been discussed on this floor for the last hour or so, and that is national security. It was focused almost entirely, the last hour, that is, on airline or airport security.

It is an incredibly important issue. No one denies the fact that what is happening around the country in our airports in terms of security has got to be improved, and that there is a great deal of concern about how that should be accomplished, whether it is the federalization of screeners at airports or not.

That seems to be the major sticking point, and it is an interesting one, certainly. It is not a very relevant point, however. I am afraid it is only a rhetorical point. It provides the minority party the opportunity to come to the floor of the House and suggest that the majority party is responsible for a lack of action that would lead to airline and airport security because we have not passed their brand of airport security.

Now, that is predictable; it is understandable. That is the way this House operates.

It is interesting to note that little, if anything, can be accomplished in terms of true overall airport security and certainly, very little can be accomplished in terms of national security by simply doing what is suggested needs to be done over the objections of the majority party; and that is to federalize the screeners that look through that little box as stuff passes through the x-ray machine as one tries to reach one's flight.

That is really what this is all about. Should those people, the screeners, be Federal employees? Somehow, we are led to believe that in doing that one thing, just by making that one person, because remember, Mr. Speaker, regardless of the fact that those folks who were up here for the last hour kept talking about federalizing the system, we are not talking about federalizing the system.

The system includes airplane pilots and airplane attendants and baggage handlers and food handlers and mechanics and people who sell the tickets at the airport and people who pick up bags when people come to the baggage check-in area. That is the system. That is the airport system. No one, absolutely no one that I know of up to this point in time, has suggested federalizing that whole process, eliminating the private entrepreneurial activity that goes on in airports all over this country, eliminating airlines taking over instead of the variety of airlines that we have.

Federalizing the system would mean one airline run by the Federal Government. It would mean all pilots, all airline attendants, everybody I mentioned earlier would be part of this, quote, "Federal system." That is what federalizing the system means.

Now, they use that phrase, "federalizing the system," but they are not really talking about that. They are talking about federalizing one tiny little part, making Federal employees of the people who look through that screen to determine what is going past the x-ray machine. And they are suggesting that somehow, somehow by magic, as if by magic, doing that, making those people who peer through that screen Federal employees, we will all be safer.

Now, there is a cachet to the whole concept of federalization. I understand it. It is a knee-jerk reaction. The other body had that reaction when they passed the original bill. It was a knee-jerk reaction. Some of those Members of the other body closer to the second half of knee-jerk were on television explaining why that needed to be done and suggesting that there is some enormous advantage to be gained as a result of making all of the folks who screen your baggage and look through that little machine Federal employees. But no one has ever said why.

Not once, not even in the 1 hour previous to this debate that I am having tonight, this discussion, did I hear anybody say that if we federalize these screeners, we will all be safer because. Because why? They will be what? Better trained? Well, fine. Does that mean that only a Federal employee can be trained?

Well, I do not think so. I do not think anybody believes that that is the case. Then why would it be better just to make them Federal employees?

Mr. Speaker, I do not know how many times my colleagues take advantage of that particular mode of transportation, airplanes.

□ 2130

I do it twice a week. My family periodically joins me out here. My sons, my daughters-in-law, my grandchildren all fly on airplanes quite often.

They are the dearest things in my life, and to suggest, as our Members did in the previous hour, that if we vote against the federalization of airport security workers, of these baggage screeners, we are really surrendering to these money interests who evidently have put a lot of money into all these campaigns, and that is what has corrupted the system, they have suggested that the gentleman or I would in fact vote for a piece of legislation because somebody put money into my campaign, even though I thought that we would be less secure as a result of it.

First of all, Mr. Speaker, I put every single person who donates 5 cents to my campaign on our Web site. Anybody can go to it any time they want. That is more than the FCC requires. They require that we disclose periodically anybody that has given us over $200. We put everybody there. Everybody who gives us any money, we list them. We disclose them.

I challenge anyone to go to our Web site, my Web site, and find any contribution from Argenbright or any of these other organizations that we are talking about, security organizations.

I will tell the Members something else: if I were in charge right now of airline security, airport security at DIA, I would think very, very strongly of firing Argenbright. From everything I have heard, they are not doing a very good job. That may be the case. But I suggest, Mr. Speaker, it is easier to fire Argenbright security than it is to fire even one Federal employee.

I suggest something else: if the same circumstance would happen in the future as happened yesterday or the day before in Chicago when someone went through the security process; now as I understand it, here is what happened: somebody came through the security process, and they were detected as carrying something that needed to be identified; and those screeners found this gentleman carrying two knives, and they took them away from him.

What they did not do at that point in time was search his baggage. That happened some point later in the process when he was trying to board the plane and they found these other knives.

Okay. Now let us assume something was wrong in this whole thing, that they should have searched his bags earlier; undeniably true. But remember, they found, these incompetent private employees found the two knives initially and took them away. That is what they were supposed to do at that point.

Maybe there was some problem with what should have happened next, and as a result of that, some people may very well be fired as a result of not doing what was right and following procedure. I do not know exactly what the procedure was; but if there was something wrong, they could be fired, and I would suggest that they should be fired. We are not talking about an unimportant activity here; we are talking about the safety of the flying public. So I think the standards should be very high. If somebody did not meet that standard, they should be dismissed.

Think for a moment, Mr. Speaker, what would have happened if the exact same scenario that I just laid out had occurred, but the employees there had been Federal employees.

Does anybody think for a moment, by the way, that if we federalize the screeners, that this similar type of situation would not happen? Is that what I am being told by the other body, by the other body and including the other Members who spoke earlier, that if we federalize the screeners by making them Federal employees, somehow what I have just described, this process that happened in Chicago, would not happen?

Of course, why? Just making them Federal employees would make them, what, more astute, more intent on making sure that the procedures were followed? No. It is a problem, of course, of training and of standards. We know that. And it is silly to assume that just simply having Federal employees there would have changed the outcome.

But what would have changed, Mr. Speaker, is the possibility of the kind of action taken against the employees, because if they were Federal employees, regardless of what we try to write into a law about our ability to fire a Federal employee, about our ability to transfer a Federal employee, about our ability to stop a strike or a work slowdown of a Federal employee, all those things have been challenged in court; and time and time again they have been thrown out.

So it is just enough to put that into a piece of legislation, and to suggest that that is the way in which we would build a firewall between irresponsible action on the part of the union and the safety of the flying public is a ruse. It cannot happen. We cannot write laws to force people or to make it illegal for people to go on work slowdowns and strikes and to actually be fired if they are Federal employees if they do something wrong.

Mr. Speaker, I spent 12 years as the regional director of the U.S. Department of Education. I assure the Members that the ability to actually dismiss someone for incompetence as a Federal employee is darned near impossible. It would take, sincerely, it would take years; and it would take hundreds of thousands of dollars to get rid of just one, let alone several people who we found to be incompetent.

So I wonder, with that being laid out there, I just wonder, Mr. Speaker, what would be the outcome if these were Federal employees who had not followed the regulations correctly, as perhaps this happened in Chicago? We can at least fire the ones in Chicago. We will never be able to fire the Federal employees who would go through that same process and unfortunately make the same mistakes.

Now, somehow people, again, as I say, would feel better. They would go, oh, gee, that is all right. I feel better. I am more secure if these guys are Federal employees that are looking through that screen.

That is not it. If Argenbright, which has been referred to oftentimes in the last hour as the major contractor for security, if they are not doing it right, fire Argenbright. Fire Argenbright tomorrow. Bring someone else on who can do a better job. If whoever is responsible for hiring and firing Argenbright does not do their job, then hold them accountable politically. That is the process that I believe would make us more secure.

I fly, as I say, every week, Mr. Speaker, twice a week to my family. I would never do anything, I would never cast a vote for anything that I did not believe would improve the security for my own family, and certainly myself.

So to suggest that our opposition to this particular proposal is based on, on what, payments I had gotten, or other Members have gotten, for voting the way we vote? As I say, go look. We were moving close there to taking down the gentleman's words when he suggested such a thing.

The other countries, we can look around the world and think about the other countries that have tried this. Yes, I know that they brought this up saying, well, the other countries have done this, but they are not like America. They do not have a political system that allows us or allows their politicians to be bought off. That is what they were saying.

I do not know about the Speaker, but I think that kind of statement is irresponsible. I think the suggestion of the Members on the other side that it is only our system of government that prevents us from federalizing airport security, and that is essentially what they said. Go back and read their words. They said that other countries do not have a system that allows the corruption of politics to occur as a result of the money that private companies put into this.

As I say, I had never heard of Argenbright Security in my life until this discussion over airport security began some month or two ago. They have certainly never contributed to my campaign; and I will tell the Members what, if they had given me 5 cents or $5,000, which I suppose is the most they could give; no, they are a corporation, perhaps they cannot give a dime.

I do not know what the actual legal status of their arrangement is, but the reality is they have never given us any money. If they are a corporation, of course they never have been able to give any Member of this body any money.

So to suggest that our support for a private company being held to high standards, federally established standards, is somehow injudicious or an aspect of corruption, then I suggest that we take a very close look at those people who are making these charges and ask ourselves, for what purpose would they be coming to this floor with those kinds of spurious allegations?

There are many countries, many countries, such as the Netherlands, Japan, Belgium, France, Great Britain. These are excerpts from articles from the Washington Post with regard to countries who have at one point in time either employed or used federalization as a way to handle the airline security and moved away from it, or never started it to begin with.

The Netherlands: "As an armed member of the Dutch Royal Police looked on, the guard, an employee of a private contractor who had undergone a year of training through the Royal Police Academy, began questioning the couple."

These are examples of what we can have, where we can have Federal oversight and private actual implementation of the process.

Japan. At Japan's Narita International Airport, the airlines hire separate companies to screen checked baggage, but combine to hire one contractor, one contractor to X-ray carry-on bags.

Belgium. Sixty government inspectors work at the Brussels airport to oversee about 400 employees of private companies; 60 inspectors oversee 400 employees of private companies.

Securitas, an arm of the Swedish Securis group, AB.

So there are alternatives to this Argenbright outfit, evidently.

France. In France, airports do the hiring of security contractors and must draw from a list of companies approved by the Interior Ministry. Fine. No problem.

Great Britain. Britain allows its airport to either hire a contractor or to perform the work themselves. Fine. Our bill, the bill that they so readily castigated over here, does exactly that. It allows the President to make whatever choice he wants in terms of how we will handle this issue, federalization or private or some combination thereof.

But it is the height of hypocrisy to come to this floor and suggest that the only way this can be done, because, of course, we are the only Nation that would be in this position of having private security firms overseen by the Federal Government, actually be responsible for the security of our airport; to castigate us for that and not share with the American public the truth of the matter, that there are many governments that do. And this is not a definitive list of those countries that have tried federalization of airport security and moved away from it; there are many others.

I suggest that we all should look carefully at this issue, and we should refrain from suggesting on the floor of this House or in any other medium that if a person votes for or against the bills that were on this floor not too long ago with regard to airline security, that we are doing so for any reason other than what we believe in our hearts to be the best thing for this Nation, and certainly for our own personal security, if nothing else, and for the security of our families who fly all of the time.

Now, Mr. Speaker, let me get to the second point of my discussion this evening. It will probably not be a surprise that that point is going to revolve around the issue of immigration and immigration reform.

I find it fascinating that we spend many hours on debate, in debate on this floor on the issue of, in this case, airline security, and whether or not to actually make that individual who looks through that little box a Federal employee.

This has just been so, so difficult for us to handle, such a major issue, such an incredibly important change in the procedure in America, that it deserves the hours that have been spent here in debate.

I find it amazing that we have chosen to spend that much time in the debate over whether or not one tiny part of the entire airline system, just the lady or man who looks through that little screen, should be a Federal employee, that we find that to be the most important thing to talk about when it comes to our Nation's security; and we spend little if any time dealing with what I consider to be a far, far more important issue, and that is this: Would it not be better, would it not be better to spend at least as much time in the determination of who gets into this country in the first place, keeping track of them once they get here; trying to keep people who want to do us ill, want to do us ill, is it not better to do that than to even worry about what happens to them as they go through airport security, once they are here, once they are in the Nation?

How is it that we can ignore the fact that there are millions of people in this country illegally, that there are millions of people who have overstayed their visas, millions of people who violate our laws all the time, and we are so worried here?

I heard reference after reference to the fact that some of these private companies hire "noncitizens" to do the security at the airport, to look through that screen.

□ 2145

This has been said with aghast, taken aback, to use the Casa Blanca line. They are shocked, shocked to find that noncitizens are being employed at the airports. Hello, noncitizens, and not just noncitizens but illegal aliens in the United States are being employed in every aspect of American life; and no one seems to care about that, and no one seems to care about the fact that hundreds of thousands, in fact, millions of people cross our borders every single year, without going through the system, without going to apply for a visa, without coming through a border checkpoint so that someone could determine who they are and where they are going and why. Millions of people come across our borders where there is no checkpoint and where no visa is required. They sneak into the country.

It is true that certainly a huge, vast percentage of the people who do that are not coming here to do harm to the United States. They are coming here for their own personal benefit, and it is understandable. It is also true that some of them may not have the best interests of the United States at heart. It is true that some of them who come across illegally may, in fact, be coming here to do us harm.

Mr. Speaker, 19 people, all of them noncitizens of this country, on September 11, 19 people, as we all know too well, hijacked airplanes, crashed them into buildings or were prevented from doing so by the heroic efforts of certain efforts of the crew and/or passengers, I should say, on one of those flights.

Who were they? Who are these people? Who were these people? All, of course, unable to tell their own story because they are dead. But who were they and how did they get here?

My staff asked the INS shortly after September 11 for a list of those people and for their immigration status. We got nothing back; and finally, the only thing that they told us to look at was a press release from the FBI that listed all 19 people and had three of them identified with a particular status, and all of them were visa holders.

One of those they had identified had overstayed their visa. It turns out that 13 were here on visa status of one form or another, one category or another, some of those here illegally because they had overstayed their visas or were not doing what the visa had said they were supposed to be doing here.

Six of them, Mr. Speaker, up to this point in time, as to this time right now, November 6, we have not the slightest idea how they got here or who they are. We may know their names, but we do not know what their status was. We do not know how they entered the United States of America, six of them. The INS finally had to admit it. It is one of those shrug-your-shoulders, I-do-not-know, I-am-not-sure, I-do-not-know-how-they-got-here.

Let me suggest that they did not come through the regular process. Let me suggest that they did not apply for a visa in Saudi Arabia. We would know that. Let me suggest they did not come through one of the border checkpoints and use their name. We know that. We would know that.

Let me suggest they got here some other way. How could that be? How could it be that somebody could come into the United States and we would not know it? Of course, that is how millions of people come into this country. They swim across rivers. They take canoes across rivers in the north. It is a little colder. They walk across into the deserts of the South or into the mountains in the north, but they come by the millions.

We have absolutely no plans today to defend against that. Nothing will change. Nothing has changed. We are approaching the 2-month mark since the tragedy in New York and Pennsylvania; and yet I have seen not one significant piece of legislation on this floor or even in the developmental stages that would reform the process, reform the immigration system so that we could begin to think that our borders are being secured. Nothing.

We are certainly concerned about whether or not the person that looks through that little device at the airport is a Federal employee. Give me a break, Mr. Speaker. Where in the world are our priorities here? Do we honest to God think that if we only federalize the screeners that we will be safe in America? That something as horrendous, if not even more so than the September 11 event, would not occur? Do we really believe that? Of course not. Of course not.

It is political rhetoric, my friends. It is partisanship rearing its ugly head on this floor. Incredible as that may sound, that appears to me to be what is happening here; and it is a reluctance on the part of this body, certain Members of this body certainly, to advance the concept of immigration reform because of the fear of two things: one, the political backlash that will occur among certain ethnic groups.

There is a fear that if we were to try and clamp down on our borders, especially Mexican nationals who come to the United States, stay here for a long enough period of time, either vote illegally themselves or through gaining legal status or their children who are born here as American citizens and who then vote, would somehow make one of our parties pay the price for being hard on immigration.

There is that fear. There is a recognition of the fact that most of the people, massive numbers of immigrants coming across the border eventually grow into, as they become eligible to vote and some of them, of course, unfortunately, voting even if they are not eligible to do so, but will vote primarily for one party, in this case the Democratic Party.

So the Democratic Party is reluctant to talk about this issue, although they are very happy to talk about whether or not screeners should be Federal employees, spend hours on it. But they will not talk about illegal immigrants coming across the border and the threat that porous borders poses to this Nation. Again, I say it is not the vast majority of people coming across those borders illegally that pose a threat to the health of the Nation or the stability of the Nation in a very immediate sense, although they may pose that in the long run. But the fact is that unless we secure our borders against all of those people who are trying to come here illegally, we cannot hope to prevent another incident.

Even if we did, I understand fully well, Mr. Speaker, that even if we did do everything I am suggesting, put troops on the border, if not active military put on National Guard troops to secure our borders, use technology to monitor the borders, use every aspect of military and police work available to us to make sure our borders are secure, overnights and patrols and electronic monitoring, if we did all of that, we cannot be absolutely positive that nothing else would ever happen as a result of somebody sneaking into the country.

But let me ask, Mr. Speaker, let me ask the American public, should we do any less? Should we not do everything we can to make sure that those borders are secure simply because we cannot make sure they are absolutely impervious?

Mr. Speaker, I have said on more than one occasion that, God forbid, if something else happens similar to the occurrence of September 11, and we find that they are perpetrated by people who came into the United States illegally, or even came here legally with a visa status that we gave them but did not monitor, and they perpetrate another event of a similar nature, I suggest, Mr. Speaker, that we are not just going to be held to be irresponsible as a Congress, but we are going to be held to be culpable. And I recognize that this is a very strong statement, but I cannot for the life of me figure out why it is not true.

We sit here, Mr. Speaker, with the ability to put in place a system that would be far more efficient than presently exists. We are the only people, this Congress is the only thing that can act. We cannot expect States to actually do the work of immigration reform for us. We have to do it. We are the only ones with that authority and with that responsibility.

But why is it that we have refused to do so? As I said, there is a political price to pay, that is for sure. And we understand that there is a political benefit to pandering to illegal aliens. There is also on our side of the aisle a reluctance to deal with this issue because of economic implications. The fact is that many, many of our jobs are being taken, many jobs in this country are being taken by illegal immigrants or by people who are here legally but are willing to work for less than an American citizen would work for. That is true. And, therefore, we have pressure on our side, on the Republican side, the people who have business interests, to avoid doing anything that might impede the flow of low-cost employees, low-wage, low-skilled people; or in some cases like H1B, which I will talk about in a minute, high-skilled people but still lower paid.

Let me go into that for a moment, Mr. Speaker. H1B is a visa category that allows people to come into the United States, about 160,000 a year, by the way. And they can stay here for up to 6 years to work in jobs that, quote, "no one else will take." Jobs like computer programmer at some of the most prestigious companies in America in terms of technology. These really rotten jobs that no one else will take, computer programmer, analyst.

We were told by the mavens of industry that in this particular arena, technology, that we could not hire enough people. They could not hire enough people, qualified people, here in the United States. So we had to grant H1B visa status to 165,000, at least, every single year. Let them stay for 6 years. So we now accumulated several million, 4 or 5 million people here in the United States on that status, H1B visa status.

Now, unless it has escaped us, Mr. Speaker, and I do not believe it has, there has been a change in the economy over the last year. Starting with the last quarter of the Clinton administration, the economy has begun a slow but steady decent into what is now undeniably a recession. Yesterday, I believe it was, unemployment figures came out; and the figures were frighteningly high, higher than they have been in well over a decade. Especially frightening in the area of high-tech jobs where hundreds of thousands of people have been laid off.

Mr. Speaker, in America today there are factually millions of people looking for work, people who can operate in this capacity as a computer programmer or whatever and people with various other skills who are looking for work.

□ 2200

I suggest, Mr. Speaker, that it is time for us in this body to revisit the whole idea, the whole issue of H–1B, and I have, in fact, introduced a bill to abolish H–1B visas. I think, Mr. Speaker, we do not need them anymore. I do not think we needed them when we passed them. I think we did it as a favor to some large corporations in the United States because they could get people to come to the United States and work for less than they could hire an American worker to do the same job.

And I say that with the recognition that there are people in the United States who I know today are unemployed and unemployed because an H–1B visa holder took his or her job, took a job that those people would be qualified for and would be doing except, of course, they asked for more money.

Now, this kind of thing, to my friends on our side who are Libertarians and who feel as though we should not really care about the issue of high wages for American employees, that it is all a function of markets and we should just simply erase the borders, let people come and go freely, that is all fine. It is an idealistic concept. But the idea of open borders, I think by now has been totally and completely discredited, for obvious reasons. Look where we are. Look what has happened to us. Look what happened on September 11.

The idea that American citizens who need and want jobs should be kept from those jobs because there are H–1B visa holders here is, I think, unconscionable. But it is where we are.

And let me tell my colleagues what has happened, Mr. Speaker. It is true because there have been many layoffs in industry, the high-tech industry especially, that some of these H–1B holders are out of work or were out of work. Now, the law says, by the way, that if they are no longer employed by the company that hired them to bring them over here as an H–1B visa holder, they must go home. That is the law.

The INS has said essentially that we are going to look the other way. They say, do not worry about it. When H–1B holders call them and say, what am I going to do, I am out of work, am I going to have to go home? They say, well, we are in the process of writing regulations, so we will let you know. Other people have been told they have a couple of months to look for another job; take another job away from an American citizen because, after all, you are here. We would not want you to be disadvantaged. We would not want you to have to leave the country.

The INS is no longer an organization that looks out for the best interests of the United States. The INS is an organization that has turned into a bunch of social workers. Immigration social workers. That is how they think of themselves, Mr. Speaker. They are not concerned about the health of this Nation, about the impact of massive immigration on the overall course of the Nation, and certainly not concerned about the fact that American workers are being displaced by H–1B visa holders.

Why do we still have H–1B visa holders in light of the fact that there has been a significant turndown in the economy? For one reason, Mr. Speaker, because this body is afraid to take that up. There are powerful interests who want the H–1B visa status to be expanded, certainly maintained, because they get many workers here at a lower price than they can hire American workers for. That is the story. I wish it were not true, but it is true.

And it is actually totally understandable, I suppose, if you are an employer whose eye is only on the bottom line and could not care less about the United States of America. And, believe me, what we now call multinational corporations, that is a good, good descriptor. They are multinational. They could not care less about America. Their interests are bottom line, and so should they be.

Maybe we can argue their interests should be just that, bottom line. But I argue that our interests in this body should be for the people in the United States who are citizens of this country, who are looking for jobs and are competing with people who have been brought into the country, albeit good people.

I do not suggest for a moment because someone is here as an H–1B visa holder that they are a bad individual. That is absolutely not true and irrelevant. They are fine people looking to better their own lives. I understand it. I empathize with them. But my job is not to make sure that every single unemployed person in the world is given the opportunity to take an American job. That is not what I consider to be my responsibility as a Member of this body.

Yet my bill for the elimination of H–1B status will not be heard, I will predict. We will not even get a hearing, Mr. Speaker. My bill to put a moratorium on the deliverance of visas will not be heard, I fear. My request, as the chairman of the Congressional Immigration Reform Caucus, to have a bill that would actually reform the INS by abolishing that responsibility that they take so casually, that is for enforcement, abolishing that and creating a brand-new agency that includes some of the responsibilities that are now given to the INS, Customs, Treasury, Coast Guard, and others for border security and internal security.

We would abolish those agencies, or those parts of agencies that are now given that responsibility, an overlapping and confusing and conflicting responsibility, and create a new agency under Governor Ridge, under the Homeland Defense Agency. We could call it the National Border Security Agency, or whatever we want; but let us make sure that it has only one responsibility, not to on the one hand hand out green cards and help individuals get legal status in the United States, help them figure out a way to get here and achieve their life's dreams as an immigrant, but has as its only responsibility to make sure that people we do not want in this country cannot get into this country, and to make sure that those people who are here illegally are deported.

Now, that is the true and real responsibility of a Federal Government. It is especially our responsibility now. It does not mean we slam the door shut to every single immigrant. We will hear that, I know; that what we are trying to do is deny our heritage as immigrants, as a nation of immigrants. Poppycock. It is irrelevant to talk about the fact that we are all here as immigrants.

Yes, well, so what? What has that got to do with September 11 and what we should do from that day forward? It is irrelevant. It does not matter. Because if we continually look to the past in that respect to try to determine what we do in the future, why do we not simply abandon the border? How much of a death wish do we have?

It is not the fact that we cannot grow our own terrorists. It has happened. But it is the fact that right now the most significant threat we face to this country does not come from a homegrown terrorist; it comes from an immigrant, people who are here either legally or illegally, who are not U.S. citizens, and are here to destroy this Nation.

Now, how do we stop that? Do we just say that only those people whom we deem to be potential terrorists are going to be given a hard time trying to get a visa? Well, that is what we have proposed.

That is the huge immigration reform proposal we have had so far, that we are going to make it much more difficult, Mr. Speaker, for anybody to come into this country on a student visa; and we are going to actually try to make sure if they do come in on a student visa, they go to school.

Well, I feel so much better. That, combined with making sure that that person that is peering through that little box a Federal employee will make me sleep so much easier at night. Idiotic. Almost incomprehensible. But here we are. Here we are.

By the way, when I talk about my suggestion for a bill that would move us in the direction of a brand-new agency, it will not be heard. I am sure it will not find its way into legislative format. I am more than willing to draft a bill, Mr. Speaker, but if history is any guide, I am going to bet that I would not be very successful in getting that bill heard in the committee of reference, the Committee on the Judiciary, chaired by the gentleman from Wisconsin (Mr. SENSENBRENNER), or any other place in this process.

I suggest that there is a problem that needs to be addressed of far greater significance than who pays the salary of the person who looks through the screening device at the airport when we talk about the security of the Nation. Far more serious. Far more serious. The defense of the Nation begins with the defense of our borders.

I find it fascinating, almost, again, incomprehensible that time and again I have to come to this floor and plead with my colleagues to do something significant about immigration reform, to do something that would in fact improve the security of the Nation; that in fact would help us all sleep a little easier.

I ask my colleagues to think about the fact that as we stand here tonight on the floor of the House, not one thing has happened to improve the security of our borders, although a great deal of attention is paid to trying to get on an airplane in America. And whether it is improved or not, I do not know. I certainly go through a lot more security every single week than I ever did before.

But nothing has really happened to change the fact that if a person wanted to come into this Nation and avoid being detected, he or she could easily do so. All it would take is the willingness to expend a little energy to get around the border security checkpoint. That is all it takes.

We talk about tightening the visa requirements. I am all for it. But I ask, Mr. Speaker, for us to apply just a tiny bit of logic to this whole process, this whole question, to this controversy.

Let us assume for a moment that we have someone, a member of the al-Qaeda, or any one of the other various groups that want to do us harm, and that person is in, let us say Saudi Arabia today, or Pakistan or the UAE, or any country that requires a visa. And by the way, we do not require every country to actually approve visas for people coming into the United States.

But let us say that person is coming from one of those countries, and they go to the consulate to try to get a visa and they find out the requirements are a little more difficult: that there is actually a form they have to fill out, maybe even a fingerprint they have to give, maybe even some other form of identification that actually will be shared with other agencies; and that information from the CIA and other groups will all be stored in one place, and we will be able to determine whether this person trying to come into the United States is connected with a terrorist organization; and therefore we will say to them, no, sir, you cannot come in, we will not give you a visa.

Then will we go, oh, thank God, that stopped that. That person is now probably going to go home and say, you know, Mr. bin Laden, I tried to get into the United States but, hey, they would not give me a visa. So I guess I just will not go any farther with this plan. I will just go home and take my bomb with me. I do not think so. I do not think so, Mr. Speaker.

Again, let us apply a little logic. If that person wants to come into the United States, and let us assume we actually tighten up visa requirements, then that person, of course, will come the way that millions of others come every year. He will simply walk across the border, the part of the border that is undefended, and come into the United States, probably the same way that at least six of the nineteen hijackers on September 11 came in. We do not know because, as I say, the INS cannot tell us. They have not the slightest idea how they got here. They shrug their shoulders. I do not know. Gee, we are just the INS, do not expect us to keep track of people.

Here is an interesting statement that was reported in the Marietta Daily Journal in Georgia. It is from Fred Alexander, who is the INS Deputy District Director, speaking to a group of "undocumented day workers."

□ 2215

If I am driving without my driver's license, I am undocumented. But if I am here illegally, I am an illegal alien. "It's not a crime to be in the United States illegally. It's a violation of civil law."

Oh, I see. It is not a crime to be here illegally. That sentence makes all of the sense in the world. No problem. I do not know if this fellow is really that unable to understand the English language. Perhaps he himself is not able to really communicate well in English, although his name does not suggest it. It is not a crime to be in the United States illegally; it is a violation of civil law. I do not know what that means except this guy is trying to say do not worry about being here illegally. The INS is here to help you. That is what he is saying.

Members wonder why we are concerned about the INS and why we are trying to push this body into truly reforming the INS. There will be bills put into the hopper that will split the INS into two. That idea is not good enough because of course, if we do not gain control over the entire process, we will soon be left with this peculiar and at least questionable method of border security where people actually look at lines, and this happens, Mr. Speaker. People will actually view which line is being monitored, and this is coming across the border now, which line is being monitored by border patrol and which line is being monitored by any other agency. Customs in this case in particular, because of course Customs has certain regulations that they have to follow and Border Patrol has others. Border Patrol does not look in certain places where Customs will look. If you are trying to smuggle drugs in, you will come in via one line; and if you are smuggling people, you will come via the other. That happens. It is incredible, but it is true. It is because we have this mish-mash of responsibilities.

Trying to actually change all that, reform the system, this is our greatest opportunity, Mr. Speaker. This is the greatest opportunity we have ever had to reform immigration; but I fear that the lethargy, the inertia is so strong and the political obstacles to overcome are so great. We fear the political ramifications of immigration control, both Republicans and Democrats. Those ramifications are significant, but none more so than the potential safety of the Nation.

We have asked, this is our e-mail address and if Americans want to get in touch, we have encouraged them to write Tom.Tancredo@mail.house.gov for more information about immigration reform and for us to be in communication with people when there are important bills coming up in the Congress that they should be aware of and that we can request their help.

This is the only way that this will happen, the only way any of the reforms will be accomplished is if there is a huge outcry, to both Senate and Members of the House, to please, please do something more than just give lip service to immigration reform. Please develop true immigration reform proposals, put them in front of the President for him to sign.

We are going to be looking at one issue coming soon, and that is the extension of 245(i). The only thing we are going to do is perhaps extend amnesty for literally millions of people who are here illegally. That is going to be coming up on the House floor. Whether it is a part of the Commerce, State, Justice appropriations bill or a freestanding bill, that is what we are going to be asked to do, not throw out H–1Bs or diversity visas which give 55,000 visas to special countries because they do not send us enough people, many of those Middle Eastern countries, not to reduce or eliminate the number of immigrants coming into the country, not border security, not doing anything about truly trying to significantly change and improve immigration at INS by creating a new agency, entirely new agency. None of that.

What we are going to be asked to do is to extend, for the ability of people to stay without going through the process of being reviewed in their country of origin so we will not know whether or not they have a criminal background or whether or not they are connected with any sort of agency that will bring harm to the United States. That is what we are going to be facing.

If people are willing to help us, we encourage them to go to that Web site, Tom.Tancredo@mail.house.gov. We need the help of everyone on this issue. It is the only way we will improve the whole procedure of immigration. It is the only way we will reform immigration and the only way we will be able to sleep easier at night, and that is what we are seeking here. It is far more important in my mind and in the mind of most people than who pays the salary, than the person who looks through the screening device at the airport.

TRIBUTE TO JERRY WILLIAMS AND REPRESENTATIVE BOB DORNAN

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I congratulate the gentleman from Colorado (Mr. TANCREDO) for his very excellent statement about the state of the country with respect to control of our borders and the important need to hesitate at this point in our history and put together a strategy that allows us to control our borders and to get a handle on immigration, and on all of the people who have come into this country legally but stayed beyond their legal limit and apparently did not care. I would hope to work with the gentleman and lots of others in the House over the next several months and try to get our arms around this important issue. I thank my colleague for his statement.

Mr. Speaker, on 9–14, just a couple of days after the tragic occurrence that we have been so focused on, a real American, a great Westerner, passed away. That gentleman was named Jerry Williams. I knew him as Mr. Williams because I had a lot of respect for him and for the legacy that he represented.

If one drives north from my district in San Diego and you go past Camp

Pendleton, it is the only open area between San Diego and the greater Los Angeles area, and you proceed north, you can drive for hours without leaving the site of lots of pavement, lots of construction, lots of traffic and lots of people. That is the southern California that most Americans know. They see it on television. They see it in person when they fly into LAX or San Diego or any other metropolitan area in southern California.

But if one goes north and inland, one comes to a different California. It is a California of rolling foot hills, and I am speaking of the Santa Barbara area, big oak trees draped with Spanish moss, and a legacy and a tradition of the Old West, a tradition that was started with the founding of the missions along the California coastline.

There are not a lot of great Western families left in southern California because we have urbanized enormously; but there are still a few, and Jerry Williams was one of those great Western ranchers. He represented a hospitality, a big heart, a sense of giving, a sense of community, that is now more rare in the West than it was 20 or 30 years ago.

I got to know him by knowing his sons, Rodney and J.P. Williams, and their families, and their good neighbor, John Wiester and his wonderful wife. The Santa Ynez Valley has a spirit of hospitality, just inland from Santa Barbara 15 or 20 miles with one coastal range between the valley and the Pacific Ocean.

President Ronald Reagan found that area to be the area that he wanted to locate in and he put his house on top of that mountain range about 10 miles or so from the Pacific Ocean.

But that was the world of Jerry Williams. He was a rancher. He was a farmer. He was a businessman extraordinare. Jerry gave of himself to his community during his entire life. He and his wife, Nancy, lived in the Santa Ynez Valley for 40 years. Wild Turkeys flew overhead, and they had a pet raccoon or two. They had a wonder world for their grandchildren, and I could see this was a Western family that really cared about family.

Jerry Williams was a member of the Santa Barbara Cattlemen's Association; the Santa Barbara Fiesta Days is an event that we all remember. For 10 years he was a member of the board of that wonderful event until for the last 10 years he was the chairman of that particular board. This was a guy who represented a lot of California that many of us knew and loved and would like to see return. It is the California of graciousness and hospitality and goodness and people who make business deals by shaking your hand, not by bringing in a troop of lawyers. That was Jerry Williams.

Mr. Speaker, I just wanted to talk about Mr. Williams a little bit and to honor his legacy and the tradition that he has left in the California ranch country.

Mr. Speaker, I would like to talk about another individual. This individual is very much alive. I thought about him today as I was going through the New York Times and read the story about the defeat of Daniel Ortega, who at one time was the leader of communist Sandinistas in Nicaragua, and ran for president, and for the third time was defeated, this time by Enrique Balanos who is a businessman who was arrested a number of times, who always spoke out against the Sandinistas and had much of his property confiscated during the Contra wars.

This race was considered to be one that would go down to the wire. Mr. Balanos won a fairly convincing victory, but it is not just the victory of Mr. Balanos over the former Sandinista leader that I think is impressive and reminds me of this other guy I am going to talk about; but it is the fact that there was an election, and it is the fact that there was a former communist leader running in that election, putting himself before the will of the people, before the electorate, to let them pass judgment of his fitness for judgment. That is the miracle of Central America and the miracle of the Reagan administration a lot of Members of what this House of Representatives and the other body did in the 1980s to bring about in a Central America that before was one in which military dictatorships were the order of the day, but to bring all of those military dictatorships, whether it was Nicaragua or Salvador or Guatemala, to bring those countries to become fragile democracies.

□ 2230

Obviously this democracy in Nicaragua has endured longer than many experts had predicted.

One of the gentlemen who really worked in those days to help this country win that freedom for Central America was a guy named Bob Dornan. Bob Dornan is a great friend of mine and a friend of many members of the House here. I see my good friend the gentleman from California (Mr. ROHRABACHER) here, who stood side by side with Bob and myself and many others during the Contra wars.

He was a great friend of ours. And because his election was so close and was contested for so long, we never had a chance to sit around or to gather on the House floor as we often do when a Member retires or leaves office pursuant to an election and talk about that Member. We have not had that opportunity. We never did that, because that election was contested for such a long time that we never went through that tradition.

And so I just wanted to say a word or two today and invite my good friend, the gentleman from California (Mr. ROHRABACHER) to say a few words about this guy Bob Dornan.

I am reminded when our troops were killed in Somalia, when the American Rangers were killed and we had that crisis, that Bob Dornan was the one member of the House Armed Services Committee who flew for a dozen hours by himself to go to that location, to meet with the survivors and then came back and personally talked with the families of every American who had given his life in that particular mission, that very dangerous mission. That was Bob Dornan.

Bob Dornan knew every aircraft that was ever made in this country and a few that were made in other countries. He flew everything. He flew every jet aircraft and every bomber and every recon plane that we had. But it was really the people that he loved the most.

He did a wonderful job as the chairman of the Personnel Subcommittee on the House Armed Services Committee, and he loved people so much and loved people who wore the uniform so much that he was the one guy you could count on to meet with families when there had been a tragedy, when there had been a firefight, when there had been a death, and talk to them about the value of their loved one to the United States of America. I will always remember Bob for that and remember him for his great expertise as a fighter pilot who knew the equipment that we were voting on in the committee and on the House floor.

Of course, everybody has their favorite Bob Dornan story, but I can tell you, he was one guy when I was a freshman as a candidate for the House Armed Services Committee back in 1980 and we had a lot of great Members like former colleague Dan Lungren and Pete McCloskey and Bill Lowery and lots of others who were well qualified, probably more qualified than me for that position, and Bob Dornan himself all running for that post.

Bob got up when we were about ready to take the vote and said, you know, there is one guy there who is an Army veteran from Vietnam who has got a district that is a military district and probably deserves this seat or needs this seat more than anybody else, and that is Duncan Hunter. I was as much shocked by that as all my other colleagues, but Bob Dornan, instead of voting for himself, voted for me and let me as a freshman have that particular seat. What a wonderful display of generosity and selflessness that represented. That was the true Bob Dornan and is the true Bob Dornan.

One great thing about him is Bob Dornan stays current with the affairs of the day. He is still in the media. He is doing lots of work now in radio. And so the people across the country still have the opportunity to listen to this guy and listen to that good conservative wisdom that he has displayed so often.

I would be happy to yield to my good colleague, the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I think the gentleman is right. This is a very good day for us to remember Bob Dornan, the day after Daniel Ortega has lost again in a free election in Nicaragua, because I have no doubt if it was not for Bob Dornan and a few stalwarts, and I was very proud to be at your side and at Bob's side during this time during the Cold War when very, very few people were up making the case for supporting the Nicaraguan resistance, Bob was there.

And now we have free elections in Nicaragua, but not only just Nicaragua. Had we not had those freedom fighters that we were supporting to fight the Sandinistas, we would have lost all of Central America. There would not have been a disintegration of the will of the Soviet Union's leadership which happened during Afghanistan and Nicaragua. If they would have seen instead that the Communist forces were just making their way up Central America towards Mexico, you can bet they would have been emboldened rather than weakened as they were. That was an incredible fight.

Bob Dornan, he does not get the credit for it; you are right. People look back right now, they are not going to give Bob Dornan credit for that, but I have no doubt that if it was not for the strength and the vigor and the energy and the excitement that he put into that, I do not think we would have won that. I can honestly look back and think that, because Bob was there 100 percent.

When he was with you, he was with you 100 percent. The Afghans know that. The Vietnamese who were fighting the Communist dictatorship knew that. People all over the world who were struggling against Communist oppression, he would just pop in on them, he would pop right in and say, "Hold firm, we're going to be with you. Don't worry about it. We're with you right now. What can we do?" He would get right in the action.

We have a cloakroom back here where the Republicans sit. Bob Dornan would sit there for hours telling us about these various personalities that he had worked with that love America, that need our help and were in a very precarious situation. Or he would be telling us about a new weapons system, because not only was he for strengthening those people who were struggling against the Soviet Union, he was for bolstering the strength of the ultimate freedom fighters, and those ultimate freedom fighters are the ones who wear the uniform of the United States of America, because he knew that our freedom fighters, the people in the United States military, had been done a great wrong, especially during the 1970s when we permitted their strength to be so drained that they were at risk. Their own lives were at risk, not only was our country at risk. Bob would talk about that.

I remember him talking about the food stamps that these kids in our military had to be on at the time. Bob was there not only for the freedom fighters overseas but he was for our freedom fighters as well.

When I was in the White House, and I was in the White House during most of the 1980s, Bob had had his ups and downs. I do not know if he remembers, but when he was on a down time one time in his career, I think he had given up his seat for somebody else, I think that is what it was, he ended up making my office sort of his command center. He took over my desk and, sure enough, he was right at home there.

Mr. HUNTER. That is true. Bob Dornan never had an office. He always had a command center.

Mr. ROHRABACHER. He certainly did. I was looking back in my photos the other day. Sure enough, there we were.

Which leads me to another thing about Bob. Bob really worked his heart and soul out for Ronald Reagan, and he worked his heart and soul out for George Bush, Sr. Let us all admit, Bob made people mad, we all know that. He got people angry because he is an Irishman who has got a temper. We all know that. But Bob never got the appreciation that he deserved for the things that he did.

I know George Bush, Sr., he worked a full year trying to make sure that man became President of the United States. Then when Bob was down and out, as I say, he was there during the Reagan years, and it was not President Reagan, it was his staff, they did not do right by Bob.

Mr. HUNTER. That is true. Bob Dornan, I think, went to more States for George Bush than anybody else.

Mr. ROHRABACHER. Than George Bush did, I am sure.

Mr. HUNTER. Except George Bush.

Mr. ROHRABACHER. I bet he went to more States than George Bush did.

Mr. HUNTER. You are probably right; he probably did.

We have all seen that the great thing about great Republican Presidents is you continue to love them even when their bureaucracy sometimes does not measure up to their measure of goodness. I think Bob understands that. I think we all have to deal with that on a day-to-day basis.

Mr. ROHRABACHER. If the gentleman will yield further, as I get older, I realize that all of us, every single one of us, has our good traits and our bad traits. We have things that are very admirable and other parts of us that perhaps are not as admirable. Sometimes, because Bob had such a temper, it blinded some people to the very good things that he was doing.

I know many times in technology development issues, most people think of me now because I am so involved with this Afghan thing that they think of me as the Afghanistan guy or the international relations guy, but actually I have spent a lot of time on technology issues in the Science Committee. I am the chairman of Space and Aeronautics.

Whenever we would be in a tight spot and we needed to make sure that a critical piece of technology for America's space program that perhaps had dual use for our military as well, we would go to Bob and Bob would make sure it got done. I can think of two or three times where it was so important and Bob made sure he did it. He took the time and energy to buttonhole the appropriator and make sure that he understood the magnitude of the decision of how much money was going to be spent developing a piece of technology.

Mr. HUNTER. That is true. I think one reason Bob was so helpful on aerospace issues and on military issues and was so good to this House and such a leader in the House is that Bob Dornan loved and appreciated American air power.

Somebody mentioned the other day that American troops had not been killed by foreign air power, that is, by an adversary's air power, for something like 40 years. That is the period of time during which we have held total mastery of the skies in all the engagements that we have been involved in.

Mr. ROHRABACHER. That did not just happen.

Mr. HUNTER. It did not just happen. It is a function of a lot of great expertise, leadership and technology, and guys in the House of Representatives like Bob Dornan. Bob was one of a kind in supporting that continued superiority of air power.

You have got to have a good old Irish temper if you are an Irishman. I think that is one of the great things about Bob Dornan. When you were in a tight spot, you just wanted Bob to get angry at your adversary and you were taken care of.

Mr. ROHRABACHER. That is correct. I should say, if you are not getting people mad at you, perhaps you are not doing your job if you are a Congressman.

But sometimes, I have to admit, Bob lost his temper. But I will say this about Bob, and he does not like it when I say this, he has a temper; but you can see through the temper and you know that he has, he had and has, a wonderful heart. He has a heart of gold. He hates me to use that expression, for whatever reason, but I think he does have a heart of gold. He had a lot of passion in him. He cared a lot. That can get you in trouble sometimes.

With his own constituents, I know sometimes the news media would just take a picture when he had lost his temper about something. I will just have to say that I think it is, again when you say when someone is not appreciated, I think it is wrong what happened to Bob in the end in this body, what happened in the end here, we permitted, and I know that you worked a lot on this and so did I, but the rest of our Members did not.

Bob Dornan did not lose his election. That last election that he had was stolen with the use of illegal immigrant votes. Everybody here knows it and every now and then when you try to confront people with it, they will pull you aside and say something, oh, well, Bob Dornan, he flies off the handle and does this or that.

No, Bob Dornan won his election and his opponent in that election, or maybe not his opponent, maybe it was just his opponent's campaign team, who knows whether his opponent knew about it personally or not, but I can just say that clearly it was illegal alien votes that made the margin of victory. We should never have let that stand. When we let that stand, we did ourselves a disservice and we did Bob Dornan a disservice.

Mr. HUNTER. My colleague is absolutely right. Bob Dornan won the majority of the legal votes cast in that particular race. It is sad that so many officeholders who were in a position to do something about that, to pursue the investigation, became intimidated and allowed that thing to fall through. That happened throughout the State of California. Folks that were supposed to be subpoenaed left and went to other countries.

In the end the race card was played by the opponents of Mr. Dornan's campaign. That is sad, because everybody, regardless of your ethnic background or your religious background, everybody has got a stake in free and fair and honest elections. Bob Dornan got the majority of the votes in that election.

Mr. ROHRABACHER. The gentleman from Colorado (Mr. TANCREDO) was here a few moments ago talking to us about how illegal immigration has gotten so totally out of control. There is no doubt about this. Again he mentioned the fellow who was just caught up at O'Hare in Chicago trying to smuggle the knives and the stun gun onto an airplane. That is a horrible thing no matter who was doing it, but that person was here illegally. He was an illegal immigrant into our country. Not only should he have been arrested, of course, for trying to smuggle these weapons onto the airplane, he should never have been here at all.

□ 2245

I think that it was during this time period when Bob's election was stolen from him and other people backed away that the message went out that government was not going to do anything about illegal immigration. We would even let one of our own Members have his House seat taken by a margin created by illegal alien votes. So I think that was a bad disservice for Bob, it sent a very bad message to the country, and we should regret it in many ways right now.

Mr. HUNTER. There is one other area that Bob was very concerned about, and I think most Americans today, especially in the wake of the September 11 attacks are concerned, and that is the problem that we have, and the problem is that we have no defense against incoming ballistic missiles.

The argument against having a defense against missiles has always been that somehow it is unthinkable, it is unimaginable, that cities in the United States could be attacked by incoming missiles. It is not that there are not dozens of countries around the world making these missiles, and I would just hold up this chart to show the dozens of countries. Each one of these lines and boxes represents ballistic missiles that are being developed by various individual countries around the world. It is not that dozens of countries are not making these missiles, which are becoming increasingly capable of covering large distances, meaning a number of them can now reach the United States from various locations around the world. But it was somehow that it was too Buck Rogerish to imagine a missile attack on the United States.

Remember when we first started talking about missile defense, and Ronald Reagan started talking about it in 1980, the put-down, and in politics you always try to get, whether you are conservative or liberal, you use a put-down with a touch of humor, and the put-down was this was Star Wars; that this was somehow so unimaginable that we would have an incoming missile hit an American city, that it was something that was more appropriate for a movie screen, where people would go and leave the real world for a few hours and watch a movie, than in real life. So that was a derision that a lot of journalists accorded the idea you should defend yourself against incoming missiles.

Of course, we defended ourselves against every other invention of warfare in this century. We defended ourselves against tanks; we came up with counter measures. We defended ourselves against machine guns. We defended ourselves against aircraft. We learned how to make radar to shoot down aircraft. When our own aircraft were shot down with radar, culminating in hundreds of planes being shot down in the Vietnam theater, we developed an airplane that could avoid radar, that at some places could not been seen by radar, the so-called stealth airplane. So every time there has been a technology that could defeat America's military developed by another country, we always built a countertechnology to defend ourselves.

For the first time in this century, in fact, in our history, we had people saying we should not defend against incoming ballistic missiles. Of course, we made the treaty with the Soviet Union where we promised not to defend ourselves, they promised not to defend themselves, and the idea was no matter who threw the first rock or missile, there would be such a huge response from the other side that both sides could be assured of destruction. That was called the MAD doctrine, mutually assured destruction. To a large degree, we still operate under that with the Soviet Union. We still have no defense against incoming missiles.

But today there are lots of countries, dozens of countries, who never signed that agreement not to defend themselves, or not to attack an America that did not defend itself, building ballistic missiles around the world. So right now President Bush is meeting with President Putin of Russia, and they are both acknowledging the reality that while we have made this agreement between our two countries for better or for worse, there are lots of countries that never signed the agreement who are building these systems with increasing capability to go further and further; and a number of these missiles can now reach the United States of America.

Mr. ROHRABACHER. If the gentleman would yield, I think it is sometimes mind-boggling to be here and to just understand that there are people who will permit something that is so horrendous a threat to the United States of America and just brush it off, just not even think about it, just sweep their hand as if it is not an issue because it is so stupid even to consider it.

There is an arrogance, a personality of arrogance in some of these debates that are overwhelming. Whether it is illegal immigration, where clearly, I mean, millions of people coming in, are bound to have a terrible impact on us in some way; or, I might add, during the last 8 years when I was up giving speeches trying to convince people we could not permit Afghanistan to go the way it was. Just the last administration, the Clinton administration, I might add, some of them, my fellow Members of my Committee on International Relations, just brushed it away as if I was being delusional or something, by suggesting that the last administration was actually having policies that helped the Taliban.

Then missile defense, based, as Ronald Reagan said, on an immoral theory. The immoral theory is we should kill millions of innocent people because our innocent people have been killed. That is an immoral theory. We should have

MAD, mutually assured destruction. We are not just destroying their military capabilities. It is based on the idea we are going to slaughter tens of millions, if not hundreds of millions, of women and children.

Now, that is an immoral premise. That is what MAD, that strategy leaves us with. Having a defense system, as Ronald Reagan said, is a moral decision, is a moral stance facing this type of challenge. Instead of saying we are going to kill all of your women and children, you are saying no, we are going to defend ourselves.

Mr. HUNTER. Another thing has happened since September 11, and that is a lot of Americans realize there are people in the world who do not care about mutual assured destruction; and there are people who have technology, who understand how to leverage technology. Today the experts call it asymmetric warfare, that is, you do something that has a great deal of leverage and damage capability, far beyond the parity or the proportionality of your military to the other military. That is, you may have a very small military that could not in a conventional war take on the United States of America; but if you can use a technological weapon, and that includes today missiles, you can do a lot of damage, far beyond your size.

So I think since September 11 it is no longer unimaginable that one of these thousands of missiles that are now being built by our adversaries may in fact be used by them at some point. In fact, with all the construction of ballistic missiles that is taking place right now, it would be the first time in our history that all this construction and development and technology dollars went into a program and it was never utilized.

When we saw technology go into the building and development of tanks, they used tanks. When we saw building and technology development go into the development of machine guns, they used them. The same thing with aircraft and artillery. So the idea that the bad guys are building these missiles but they do not intend to ever use them is itself a myth. I think it is becoming harder and harder to explain why we are not building defenses against missiles.

Finally, we now have a lot of Americans who were killed in that Desert Storm attack with Saddam Hussein's Scud missiles, that killed Americans; and we saw for the first time on the battlefield American casualties caused by ballistic missiles. We sent up our Patriot missiles to try to intercept them. The Army thinks they got about 80 percent hits. We had some private experts from the outside that said they did not think we got any hits. Probably the truth is somewhere in between. But right now we have more capability to knock down those Scud missiles.

Mr. ROHRABACHER. The phoniest argument against missile defense that I know is that we should not build it because it will never work. Well, who would advocate building a system that does not work? If it does not work, it will not be built. The fact is that no one on this side of the aisle or either side of the aisle who believes in missile defense would ever consider building a system that did not work.

But the major decision we have to make is if we can build a system that works, should we build it? And those people who are opposing the missile defense system, they do not want to face that argument. They just want to say it will not work, and, then, again, brush it away in an arrogant manner.

Mr. HUNTER. That is the offering that George Bush, President Bush, is making to the American people with this defense budget. He is requesting the dollars to expand our missile testing range, which presently is in the Pacific. We fire our missiles now, our test missiles, out of Vandenberg. We fire them due west. They cross over Hawaii at about 148 miles above the Earth's surface. And we fire an intercepter missile from Kwajalein Island at that incoming target missile. When they hit, they are both going about three times the speed of a 30.06 bullet.

The last test we did a couple of months ago it was a success, although it was an easier test. We had a transponder part-time in the missile going out. We shot that same shot a number of times, because we have a very limited test range.

So what President Bush has offered to all Members, whether you are for missile defense or against missile defense, is to do some really tough testing. He has said, and General Kadish, who heads up the Ballistic Missile Defense Office, said was, okay, let us do some tough testing. The critics want it; they say this is too easy. Let us have some tough angles. You shot that pheasant going straight away. Have angles where they cross. Let us have some higher speeds; let us have some difficult geometries. Let us have some more difficult radar acquisition.

To do all of that, you have got to build a bigger test range. You cannot just have this narrow alley where you throw the same target up in the same position every time and you shoot it from the same position.

So we are now expanding this test range in this defense bill to Alaska, to a location at Fort Greely and a location at Kodiak, Alaska. So we are now going to have some very difficult shots.

It will also allow us to shoot-look-shoot. We will have multiple engagements. We throw up a missile, and if we miss it with first shot, we will try to get it with a second one. So we will have a chance to evaluate our success just seconds after we fired our first intercept; and, if we miss that intercept, we come back with a second intercept.

So President Bush has taken the challenge from all the naysayers that you talked about that said it does not work. A lot of the naysayers say we do not even want to test it. It is so unthinkable, we do not want to test it. That is no longer a reasonable position. That is why we need every penny of funding that the President has requested in this defense bill for missile defense.

Mr. ROHRABACHER. I think what we also to have understand, if the President is successful in his strategy, missile defense will actually in the end cost us less, much less, than what President Reagan envisioned missile defense costing, because if President George W. Bush is successful, we will be working with the Russians, as Ronald Reagan had suggested we might do in a more peaceful world; and we could actually work with the Russians to build this shield. It would help bring down the cost. This is something that would make the world a lot safer.

But for us to just suggest that no country, that we could rely on this mutually assured destruction, which was a policy from the 1950s and 1960s, is so ridiculous. China or Korea, for example, you have regimes that murder their own people by the tens of thousands. Why do they care then if we would retaliate against them and kill 100,000 or 200,000 of their people? They do not care. That does not deter them at all.

Mr. HUNTER. We just had an attack by people who did not care about mutually assured destruction.

Mr. ROHRABACHER. Absolutely. I would like to thank the gentleman for, number one, his leadership, and also for helping us recall that Bob Dornan played such an important role on issues like this and other defense issues that have made the country safer.

I am pleased to be standing here at your side now, and wish Bob a lot of success in his radio program that he has on, I guess, on a daily basis.

Mr. HUNTER. I want to thank my good friend for his contribution to this Special Order. I think it is appropriate that we started in southern California talking about Jerry Williams, who was a great cattleman and really carried forth a tradition and legacy of the West in his home and with his great family up in the Santa Ynez Valley where Ronald Reagan settled, and where you and I and Bob Dornan campaigned a number of times.

That was really, to some degree, the heart of the political movement that supported then Governor Reagan through a couple of campaigns for the U.S. Presidency and ended up with leadership in the 1980s that proved the validity of peace through strength. That is the idea that we in the United States would become so strong that we would be able to deter aggression. That means we could not only protect ourselves, but we could protect lots of others.

□ 2300

We did a lot of great things for the world. We freed a lot of people. This little article from the New York Times about the President or the head of the Communist Sandinistas, former dictator of Nicaragua, being beaten in a free and fair election in Nicaragua is great evidence of the validity of the idea of peace through strength that we engendered in the 1980s.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, let us note that for the record, I noted about a week ago on the Los Angeles Times editorial page, they had some leftist, as they always do, lamenting about Latin America and how horrible it was, this war in Latin America in which we stopped the Communists from taking over Latin America, and yes, it was certainly an imperfect war, and there never was a perfect war; innocent people were hurt and there were some unsavory characters on our side at times. But I say to the gentleman, there would be no democracy there; all of these countries would be like North Korea.

Mr. HUNTER. Or Cuba.

Mr. ROHRABACHER. Or Cuba, if we would have lost then, but here we have in the L.A. Times, giving column inch after column inch to these old leftists who are proven wrong every time, and here again we have an election in Nicaragua where the people soundly reject everything this leftist was claiming about Latin America, everything he was claiming about Nicaragua, and the people down there do not believe a darned word of it.

But guess what? Guess what? The L.A. Times gives people like that all of that coverage, and they would not say a good word about Bob Dornan in his entire career. The L.A. Times would not give him one column inch. Detractors, yes. People who were espousing the virtues of the Sandinistas and these people who would have enslaved the people of Latin America, the Communists, they get all of the space they need. Bob Dornan has never gotten a column inch.

Mr. HUNTER. Mr. Speaker, reclaiming my time, that is true. Daniel Ortega is probably sitting in an empty room right now in Nicaragua with an old copy of the Los Angeles Times predicting that he was going to win this election in one hand, and a "Dear Commandante" letter from the more liberal Members of this House of Representatives in the other hand, assuring him of his primacy. That is all he has left.

Mr. ROHRABACHER. Mr. Speaker, the gentleman is correct.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for participating. Mr. Speaker, God bless the family of Jerry Williams, God bless Bob Dornan and his family, and God bless Ronald Reagan and his family and the strength that he brought to our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,105.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 7, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4510. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107-143); to the Committee on Appropriations and ordered to be printed.

4511. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [Releases No. 34-44992; File No. S7-26-98] (RIN: 3235-AH04) received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption For Motorcycles [FRL-7095-8] (RIN: 2060-AJ76) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [AD-FRL-7095-6] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylene Oxide Emissions Standards for Sterilization Facilities [AD-FRL-7096-1] (RIN: 2060-AC28) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Incorporation by Reference of Approval State Hazardous Waste Management Program [FRL-7014-9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska [Alaska 001; FRL-7082-4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4517. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to the Compliance Certification Requirements [FRL-7096-4] (RIN: 2060-AJ04) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Administrative Orders Issue to Airport Operators and Airlines Regarding Control of Pollution from Ground Support

Equipment (GSE) for the Houston/Galveston (HGA) Ozone Nonattainment Area and a Non-Road Large Spark-Ignition Engine rule for the HGA and Dallas/Fort Worth (DFW) Ozone Nonattainment Areas [TX-134-4-7508; FRL-7093-1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nitrogen Oxides Budget Trading Program [DC 050-2027a; FRL-7094-7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Philadelphia-Wilmington-Trenton Area [PA041-4180; FRL-7089-4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; Alabama, City of Huntsville, and Jefferson County [AL-T5-2001-02; FRL-7091-2] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; Kentucky [KY-T5-2001-02; FRL-7095-1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Determination of Attainment for PM10 Nonattainment Areas; Montana and Colorado [MT-001-0038, CO-001-0065; FRL-7093-7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Partial Operating Permit Program; Allegheny County; Pennsylvania [PA-T5-AC2001a; FRL-7093-3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; Designation of East Kern County Nonattainment Area and Extension of Attainment Date; California; Ozone [CA-059-RECL, FRL-7093-4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4526. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2001 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 107-142); to the Committee on Veterans' Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. Supplemental report on H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes (Rept. 107-231 Pt. 2).

Mrs. MYRICK: Committee on Rules. House Resolution 277. Resolution providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes (Rept. 107-271). Referred to the House Calendar.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2620. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-272). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GALLEGLY:

H.R. 3229. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. MORAN of Virginia, Mr. NADLER, Mr. CASTLE, Mr. FERGUSON, Mr. FOSSELLA, Mr. GRAVES, Mr. GRUCCI, Ms. HOOLEY of Oregon, Mr. JOHNSON of Illinois, Mr. LAFALCE, Mr. SHUSTER, and Mr. SWEENEY):

H.R. 3230. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. SENSENBRENNER (for himself and Mr. GEKAS):

H.R. 3231. A bill to replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.R. 3232. A bill to direct the Federal Election Commission to make grants to States which have adopted an instant runoff voting system for presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. ACEVEDO-VILA:

H.R. 3233. A bill do permit a dependent of a Federal employee who is currently enrolled in the Department of Defense domestic dependent elementary and secondary school system in Puerto Rico to continue such enrollment until graduation from secondary school; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3234. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Education and the Workforce.

By Mr. BROWN of Ohio:

H.R. 3235. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. WAXMAN, Mr. STARK, Ms. NORTON, Mr. ANDREWS, Ms. RIVERS, Mr. BOUCHER, Ms. KAPTUR, Mr. KILDEE, Mr. KUCINICH, Mr. KLECZKA, Mr. GREEN of Texas, and Mr. HALL of Ohio):

H.R. 3236. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. BONIOR):

H.R. 3237. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LATOURETTE, Mr. RANGEL, Mr. BARRETT, Mr. KLECZKA, Mr. POMEROY, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. COYNE, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FILNER, Mr. MURTHA, Ms. KILPATRICK, Ms. SOLIS, Mr. SANDLIN, Mr. OWENS, Ms. LEE, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. FRANK, and Mr. MCDERMOTT):

H.R. 3238. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mrs. WILSON, Mr. NORWOOD, and Mr. GREEN of Texas):

H.R. 3239. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois:

H.J. Res. 72. A joint resolution proposing an amendment to the Constitution of the

United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. **ENGLISH** (for himself, Mr. VISCLOSKY, Mr. QUINN, Mr. EHRLICH, Mrs. JONES of Ohio, Mr. NEY, Mr. STUPAK, Mr. GEKAS, Mr. EVANS, Mr. SPRATT, Mr. DINGELL, Mr. BERRY, Mr. HOUGHTON, Mrs. MYRICK, Mr. SHIMKUS, Mr. CALLAHAN, Mr. DOYLE, and Mr. BROWN of Ohio):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9-13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Ways and Means.

By Mr. **JACKSON** of Illinois:

H. Con. Res. 263. Concurrent resolution expressing the sense of Congress that any Presidential candidate should be permitted to participate in debates among candidates if at least 5 percent of respondents in national public opinion polls of all eligible voters support the candidate's election for President or if a majority of respondents in such polls support the candidate's participation in such debates; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. GORDON and Mr. HERGER.

H.R. 218: Mr. CAMP, Mr. DEFAZIO, and Mr. CRENSHAW.

H.R. 250: Mr. FORD.

H.R. 265: Mr. ANDREWS and Ms. LEE.

H.R. 303: Ms. MILLENDER-MCDONALD and Mr. WELLER.

H.R. 488: Mr. FARR of California.

H.R. 510: Mr. TANNER and Ms. HARMAN.

H.R. 531: Ms. PELOSI.

H.R. 536: Mr. MOORE.

H.R. 604: Mr. FARR of California and Ms. DELAURO.

H.R. 782: Mr. EHRLICH, Mr. OWENS, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, Ms. LEE, and Mr. NEY.

H.R. 898: Ms. ESHOO and Mr. GONZALEZ.

H.R. 910: Mr. THOMPSON of California.

H.R. 921: Mr. RYUN of Kansas.

H.R. 952: Mr. DOYLE.

H.R. 981: Mr. GIBBONS and Mr. COMBEST.

H.R. 1043: Mr. DAVIS of Illinois.

H.R. 1097: Mr. DAVIS of Illinois and Mr. MATHESON.

H.R. 1129: Mr. WAXMAN.

H.R. 1158: Mr. UDALL of Colorado.

H.R. 1212: Mr. RILEY, Mr. CHAMBLISS, and Mr. GEKAS.

H.R. 1307: Mr. RAHALL.

H.R. 1354: Mrs. JO ANN DAVIS of Virginia and Mr. CONYERS.

H.R. 1360: Mr. ISRAEL, Mr. BARCIA, Mr. BOEHLERT, Ms. DELAURO, Mr. BORSKI, and Mr. BROWN of Ohio.

H.R. 1436: Mr. FLETCHER, Mr. SHERMAN, Ms. WATERS, Mr. SHOWS, Mr. SHUSTER, Mr. ETHERIDGE, and Mr. SKELTON.

H.R. 1460: Mr. PETERSON of Minnesota.

H.R. 1485: Mr. KING, Mr. FERGUSON, Mr. BORSKI, Mr. CONYERS, Mr. PAYNE, Mr. WYNN, and Mr. HILLIARD.

H.R. 1487: Mr. CUNNINGHAM.

H.R. 1536: Ms. PELOSI.

H.R. 1609: Mr. FLETCHER.

H.R. 1629: Mr. LANGEVIN.

H.R. 1795: Mr. PHELPS and Mr. CARDIN.

H.R. 1822: Mr. PAYNE.

H.R. 1862: Mr. STRICKLAND.

H.R. 1887: Ms. NORTON.

H.R. 1919: Mr. FORBES, Mr. BLUMENAUER, and Mr. SHUSTER.

H.R. 2074: Mr. LEWIS of Georgia.

H.R. 2117: Mr. INSLEE.

H.R. 2134: Mr. ANDREWS.

H.R. 2166: Mr. NADLER and Ms. BALDWIN.

H.R. 2254: Mr. KUCINICH.

H.R. 2269: Mr. HERGER.

H.R. 2349: Mrs. MINK of Hawaii, Mr. BERMAN, and Ms. KAPTUR.

H.R. 2380: Mr. CLYBURN, Mr. JEFFERSON, Ms. WATERS, Mr. LEWIS of Georgia, Ms. CARSON of Indiana, Mr. WATT of North Carolina, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT, Mr. MATSUI, and Mr. GORDON.

H.R. 2405: Mr. GUTIERREZ.

H.R. 2417: Mr. PICKERING.

H.R. 2623: Ms. NORTON and Mr. HINCHEY.

H.R. 2693: Mrs. MALONEY of New York and Ms. BERKLEY.

H.R. 2750: Mr. OWENS and Mr. DOYLE.

H.R. 2758: Mr. JACKSON of Illinois.

H.R. 2820: Mr. STUPAK, Mr. KING, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. UNDERWOOD, Mr. CLEMENT, and Ms. SLAUGHTER.

H.R. 2839: Mr. NADLER.

H.R. 2896: Mrs. BIGGERT.

H.R. 2946: Mr. MARKEY, Mr. NADLER, Mr. BARCIA, Mrs. NAPOLITANO, and Mr. HOYER.

H.R. 2981: Mr. PETERSON of Pennsylvania, Mr. OSBORNE, and Mr. STUPAK.

H.R. 3015: Mr. LANGEVIN.

H.R. 3024: Mr. WHITFIELD.

H.R. 3026: Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. PASCRELL, Mr. UDALL of Colorado, and Mr. FORD.

H.R. 3029: Mr. FILNER and Mr. BLUMENAUER.

H.R. 3935: Mr. HOUGHTON and Ms. WOOLSEY.

H.R. 3046: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. CANTOR, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. NEY, Mr. CLEMENT, Mr. BACHUS, and Mr. FARR of California.

H.R. 3054: Mr. ISRAEL, Mr. CAMP, Mr. QUINN, Mr. BERRY, Mr. RANGEL, Mr. MCINNIS, Mr. PALLONE, Mr. GILMAN, Mr. CRANE, Mr. WYNN, Mr. BENTSEN, Mrs. EMERSON, Ms. LEE, Mr. UDALL of Colorado, Mrs. ROUKEMA, and Mr. ISAKSON.

H.R. 3059: Mr. COSTELLO.

H.R. 3067: Mr. WAXMAN and Ms. WOOLSEY.

H.R. 3107: Mr. BROWN of Ohio.

H.R. 3115: Mr. DUNCAN, Mr. PAYNE, Mr. RUSH, and Mr. BACA.

H.R. 3134: Mr. GIBBONS and Ms. BERKLEY.

H.R. 3163: Ms. LEE, Mr. WYNN, Ms. HOOLEY of Oregon, Mr. MCGOVERN, Mr. COSTELLO, Ms. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, Mr. BOEHLERT, Mrs. CHRISTENSEN, and Mr. MEEHAN.

H.R. 3172: Mrs. MALONEY of New York, Mr. ORTIZ, Mr. BLUNT, Mr. JONES of North Carolina, Mr. FROST, Mr. KIRK, Mr. BAIRD, Mrs. BIGGERT, Mr. VITTER, Mr. SWEENEY, Mr. GORDON, and Mr. RAMSTAD.

H.R. 3175: Mr. GILMAN, Mr. HOLT, and Mr. MENENDEZ.

H.R. 3194: Mr. ANDREWS, Mr. BARRETT, and Mr. BACA.

H.J. Res. 23: Mr. FORBES.

H.J. Res. 54: Mr. TERRY.

H. Con. Res. 102: Mr. BOUCHER and Mr. FLETCHER.

H. Con. Res. 164: Mr. LANGEVIN.

H. Con. Res. 211: Mr. SANDERS.

H. Con. Res. 216: Ms. MILLENDER-MCDONALD.

H. Con. Res. 230: Mr. WU, Mr. TANCREDO, Mr. TRAFICANT, Mr. RANGEL, and Mr. SABO.

H. Con. Res. 249: Mr. HOUGHTON, Mr. CRENSHAW, Mr. TAYLOR of North Carolina, Mr. BROWN of South Carolina, Mr. PETERSON of Pennsylvania, Mr. BASS, Mr. YOUNG of Florida, Mr. REHBERG, Mr. HILLEARY, Mr. UPTON, Ms. ROS-LEHTINEN, Mr. LEACH, Ms. PRYCE of Ohio, Mr. PORTMAN, Mr. HOEKSTRA, Mr. MCCRERY, Mr. LEWIS of Kentucky, Mr. ENGLISH, Mr. CAMP, Mr. KERNS, Mr. GREENWOOD, Ms. DELAURO, Mr. MARKEY, Mr. LAFALCE, Mr. WEINER, Mr. ACKERMAN, Ms. VELÁZQUEZ, Mr. MCHUGH, Mr. GRUCCI, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. MANZULLO, Mr. CULBERSON, Mr. SHIMKUS, Mr. SCHROCK, Mr. TAUZIN, Mr. TIAHRT, Mr. HAYES, Mr. BOSWELL, Ms. MILLENDER-MCDONALD, Mrs. CLAYTON, Ms. LOFGREN, Mr. KUCINICH, Mr. ANDREWS, Mr. DEFAZIO, and Mr. MOORE.

H. Con. Res. 253: Mr. WATT of North Carolina, Mr. COSTELLO, and Mr. UDALL of New Mexico.

H. Con. Res. 254: Mr. HOEFFEL and Mr. TOOMEY.

H. Con. Res. 257: Mr. PETERSON of Minnesota, Mr. FARR of California, Ms. LEE, Mr. PAYNE, Mr. SHOWS, Mr. CAPUANO, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. KIND, Mr. MALONEY of Connecticut, Mr. HILLIARD, Mr. POMEROY, Ms. PELOSI, Mrs. CHRISTENSEN, Mrs. CLAYTON, and Mr. TOWNS.

H. Res. 128: Mr. LEVIN.

H. Res. 235: Mr. GRUCCI.

H. Res. 265: Mr. EVERETT and Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. PETERSON of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

45. The **SPEAKER** presented a petition of the California State Lands Commission, California, relative to a Resolution petitioning the United States Congress to continue the moratorium on oil leasing in FY 2002, to take all steps appropriate and necessary to protect California's coast by ending all new oil leasing and preventing development of oil and gas from the 36 undeveloped federal oil leases remaining off the coast of California; to the Committee on Resources.

46. Also, a petition of the Elk County Board of Commissioners, Pennsylvania, relative to a Resolution petitioning the United States Congress that the Board condemns the cowardly and deadly actions of the terrorist attacks and supports the President as he works with his national security team to defend against additional attacks, and finds the perpetrators to bring them to justice; jointly to the Committees on Armed Services, the Judiciary, and Energy and Commerce.

EXTENSIONS OF REMARKS

CONGRATULATING THE CITY OF KOCHI, JAPAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the city of Kochi, Japan, on celebrating their 400th year of existence. Kochi has a special relationship with Fresno, CA, because the two have been Sister Cities since February 11, 1965.

Kochi is a city that is rich with history. Yamanouchi Kazutoyo, a successful warrior of that period, took up residence in the city of Tosa in the year 1601. Kazutoyo's status as a warrior and his loyalty to the Tokugawa Ieyasu earned him a vast area of land to farm and develop. He recognized that the future development of the town would be impossible at the site in Tosa. So he moved his government back to the Otaska area and built Kochi Castle, the foundation of the great city.

Kochi is a progressive city that has long been at the forefront of social and political progress. Kochi is proud to be the first city in Japan to grant voting rights to women. Several key figures in the birth of modern Japan, such as Sakomoto Ryoma and Itagaki Taisuke, were from Kochi.

Fresno is proud to be a Sister City with Kochi, Japan. This relationship encourages growth, fosters understanding, and develops friendships through cultural, educational, and personal exchange.

Mr. Speaker, I rise to congratulate the city of Kochi, Japan on their 400-year anniversary. I urge my colleagues to join me in wishing the city of Kochi many more years of prosperity and good fortune.

AMERICAN LIVER FOUNDATION, DISTRICT OF COLUMBIA CHAPTER'S 3RD ANNUAL LIVER WALK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. MORELLA. Mr. Speaker, I rise today, in honor of the American Liver Foundation, District of Columbia Chapter's 3rd Annual Liver Walk. The walk is designed specifically to raise awareness and funds necessary to combat liver diseases such as hepatitis and bilateral atresia. I ask my colleagues to join me in support of the American Liver Foundation and their tireless work and dedication to eliminate liver disease.

The American Liver Foundation is a national, voluntary nonprofit organization dedicated to the prevention, treatment, and cure of liver disease through research, education, and advocacy. Nearly 4 million Americans are infected with Hepatitis C and 8,000 die each year as a result and the number of fatalities is expected to reach 30,000 annually within the next two decades. In 1998, 573 liver transplants were performed on children in the United States and over 80 percent were under the age of 2 years old, a child's liver transplant will cost $200,000 to $300,000 during the first year of care. An increase in research can make it possible to develop improved treatments and find cures and a major effort is necessary to control the increase in liver diseases.

Mr. Speaker, it is estimated that 1 in 10 individuals in the Washington, DC, metropolitan area suffer from liver disease. Broad-based chapter support and activities generate support in our communities that will result in more effective treatment and prevention, improved care to those afflicted, and cures for those who now have only hope. The Greater Washington DC Chapter of the American Liver Foundation offers hope and assistance to the many suffering with liver disease and their families through programs such as their upcoming "Liver Walk." I applaud their efforts and I am proud to lend my support to this program.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BASS. Mr. Speaker, I was regrettably absent on Wednesday, October 17, 2001, and consequently missed a recorded vote on H.R. 390. Had I been present, I would have voted "yea" on rollcall vote No. 390.

AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. MANZULLO. Mr. Speaker, I am pleased to join with my good friends, Representatives JIM MORAN and JERROLD NADLER in introducing the American Small Business Emergency Relief and Recovery Act of 2001. The purpose of this emergency legislation is to help small businesses meet their payments on existing debts, finance their businesses, and maintain jobs in the aftermath of the terrorist attacks on September 11 by strengthening and expanding access to the Small Business Administration's (SBA) loan and management counseling programs.

To help turn the economy around, this bill includes changes to two of SBA's main non-disaster lending programs in order to encourage borrowing and lending for new and growing small businesses that may otherwise be reluctant to start or expand their businesses in the post-September 11 economy. This bill also includes provisions to aid our small business federal contractors facing increased costs such as when they have found it difficult to access federal facilities to work on existing contracts due to security constraints. Finally, this bill increase authorization levels for SBA's various technical assistance programs to insure that adequate individualized help is available to small businesses coping with the aftermath of the terrorist attacks.

This bill includes changes that will be included in the manager's amendment in the nature of a substitute to the Senate counterpart of this legislation, introduced by the chairman and ranking member of the Senate Small Business and Entrepreneurship Committee, Senators JOHN KERRY and CHRISTOPHER "KIT" BOND (S. 1499). Most of the changes contained in the manager's amendment in the nature of a substitute to the original S. 1499 are technical in nature mainly to accommodate concerns raised by the Congressional Budget Office, the SBA, and the Office of Legislative Counsel. These changes have been developed jointly between the Senate and House Small Business Committees, and are identical, word for word.

After two hearings and listening to dozens of small business owners across the Nation, small businesses in need of help fall into three categories for the purposes of this Act: (1) those suffering from direct, physical damage, (2) those suffering from indirect damage, and (3) those in need of general economic stimulus. This legislation is not the only source of help for our nation's small businesses. It is meant to complement—not supplant—the efforts undertaken by other congressional committees and the executive branch to revitalize our economy.

For those small businesses still suffering from direct damage as a result of the terrorist attacks on September 11, this legislation first modifies the SBA's disaster loan program to deal with concerns raised by small businesses, particularly from the downtown Manhattan area. For small businesses located in the areas of New York, Virginia, or contiguous areas declared disaster areas, the bill increases loan amounts from $1.5 million to $6 million for both economic injury disaster loans and physical disaster business loans. It also increases the aggregate amount that a small business may borrow through the SBA from $1.5 million to $12 million. The bill increases the size standards for certain industries, in terms of number of employees or gross annual receipts and gives the SBA Administrator the authority to waive or increase a size standard through an expedited process. It also

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

defers the payments and forgives the interest on these loans for 2 years.

Second, for those small businesses suffering indirect damage, this legislation modifies the 7(a) or General Business guarantee loan program of the SBA. These are small businesses not physically damaged or destroyed or in the vicinity of such businesses, but affected because they are a supplier, service provider or complementary industry to any affected industry, especially the financial, hospitality, travel and tourism industries, or are dependent upon the business of a closed or suspended business or sector. These businesses would be eligible for 7(a) Guaranteed Business Loans, under more unfavorable terms, including a reduced interest rate, elimination of the upfront borrower fee, a reduction of the lender's annual guarantee fee by half, and an increase in the government's guarantee percentage to 90 percent. This temporary change to the 7(a) program would sunset one year after enactment.

In the third category of assistance, this bill contains a general economic stimulus for those small businesses in need of capital and investment financing, procurement assistance, or management counseling in the economic aftermath of September 11. There are incentives for small businesses and lenders to use the 7(a) program, the 504 Certified Development Company guarantee loan program, which is used for plant construction and expansion and equipment acquisition, and the Small Business Investment Company (SBIC) program.

As an economic stimulus, the bill reduces by half the upfront 7(a) guarantee fee paid by the borrower; reduces the lender's annual guarantee fee from 0.5 to 0.25 percent for the life of the loan; establishes a government guarantee percentage of 85 percent on all such loans (regardless of size); and gives the SBA Administrator the authority to waive or increase a size standard. In addition, the bill eliminates the upfront 504 loan program guarantee fee of 0.5 percent paid by the borrower and reduces by half the borrower's annual guarantee fee for the life of the loan. These changes to the 7(a) and the 504 program would expire one year after enactment. The bill also raises the authorized program level of the SBIC program, the SBA's venture capital initiative, by $900 million to meet anticipated demand as other private sector sources for venture capital dry up.

The legislation also establishes an expedited procedure whereby federal small business contractors can apply for an equitable adjustment to their contracts if costs have been incurred due to security or other measures resulting from the September 11 terrorist attacks. An adversely affected small business owner would first apply to the contracting officer for monetary relief. The contracting officer would work with the agency's Office of Small and Disadvantaged Business Utilization and the SBA to determine the amount of any monetary adjustment. A decision is required within 30 days. The provision establishes a $100 million fund at the SBA to pay for these contract adjustments. The program would sunset, permitting small businesses 11 months after enactment to apply for the adjustment.

The bill also authorizes additional funds for various SBA management assistance programs to help small business successfully utilize the temporary changes to the SBA loan guarantee programs as outlined above. It increases funding. for Small Business Development Centers (SBDCs) by $25 million, of which $2.5 million will be available for businesses in New York's disaster area and $1.5 million for businesses in Virginia's disaster area. The funds would be used to provide free individualized assistance for small businesses adversely affected by the terrorist attacks. No matching state funds would be required.

The bill increase funding for the Women's Business Centers Program by $2 million and also waives the non-Federal matching requirement. Funding for Microloan Technical Assistance is also increased by $5 million for similar purposes. Lastly, the legislation increases funding for the Service Corps of Retired Executives (SCORE) by $2 million to provide free advice from experienced businesspersons to struggling small business owners dealing with the aftermath of the events of September 11.

Finally, the SBA's Office of Advocacy is authorized in this bill to expend $500,000 to study and report on small businesses adversely impacted by the attacks of September 11, and measure the effect of this legislation on small businesses.

This bipartisan bicameral legislation is endorsed and strongly supported by small business groups, including the U.S. Chamber of Commerce, National Small Business United, the Small Business Legislative Council, the National Association of Government Guaranteed Lenders (NAGGL), the National Association of Development Companies (NADCO), the Association of Women's Business Centers, the National Community Reinvestment Coalition, and the National Limousine Association.

Mr. Speaker, I invite my colleagues to join me in passing this emergency legislation so that we can get assistance to needy small business owners as soon as possible.

HONORING LAVERNE SCHWALM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Laverne Schwalm for his service to our country as a member of the U.S. Merchant Marines. Mr. Schwalm passed away 1 year ago, on October 26, 2000.

Ensign Schwalm was born in Toledo, OH, and attended high school in Deerfield, MI. After high school he joined the U.S. Merchant Marines at the age of 17. He began his service in the Merchant Marines in 1944 and worked as a radio operator. He and his family first lived in California in 1947, when he was stationed in San Francisco. Laverne and his wife moved to Fresno when he left the Merchant Marines in 1949. After the Merchant Marines Laverne worked as a foreman at Pittsburgh Steel Company for 25 years.

Laverne and his wife Billie were married for 53 years. He is survived by his wife, 4 children, 10 grandchildren, and 11 great-grandchildren.

Mr. Speaker, I honor Laverne Schwalm for his service to our country. I urge my colleagues to join me in honoring Mr. Schwalm's accomplishments.

HONORING THE 41 YEARS OF SERVICE OF ANDE YAKSTIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 41 years of service and the retirement of Ande Yakstis from the Alton Telegraph Newspaper in Alton, Illinois.

Ande Yakstis, award-winning reporter, retired on Friday, November 2, 2001 from the Alton Telegraph after a distinguished 41 year career at the historic newspaper. Ande has been described by his colleagues as a skilled veteran reporter as well as a community-minded journalist.

Throughout his 41 years, Ande witnessed many changes at the Alton Telegraph, ranging from different newspaper ownership to changing news philosophy, but Ande has always kept the importance of freedom of speech and community journalism in the forefront of his mind.

Ande started his career at the Telegraph in 1960 with the late publisher Paul S. Cousley and well-known editor Elmer Broz. Ande has previously described Cousley as a publisher with great integrity and respect. Cousley was credited with carrying on the tradition of Elijah P. Lovejoy, the abolitionist newspaper/publisher/editor. He had a great impact on Ande, teaching him about being a newspaper person, how to inform people about issues in government, reporting on school district affairs and coverage of the business community.

When Ande started as a cub reporter, Madison County was noted for illegal gambling and other related activities. He gained a reputation as an investigate reporter. who exposed the racketeering empire of local mobster, Frank "Buster" Wortman. As a result of his stories exposing the gangsters, the Illnois Crime Investigation Commission teamed up with FBI and other law enforcement authorities to shut down organized crime operations in both Madison and St. Clair Counties.

Another highlight of his career came in 1969, when he and former Telegraph reporter Ed Pound began an investigation of an Illinois Supreme Court Justice who allegedly received a gift of stock after he set a defendant free in a crime. After the story appeared, an investigation of the Supreme Court was undertaken by both the Illinois and Chicago Bar Associations. Following the hearing, two justices of the Court resigned. Both Ande and Ed Pound were then nominated for a Pulitzer Prize for their stories on the Supreme Court Investigation. They were also honored with the National Associated Press Managing Editors Award for the Supreme Court Expose.

In addition to these honors, Ande was awarded the Illinois Associated Press First Place award for news and feature writing 10 different times and twice was nominated for a

Pulitzer Prize for his news reporting. His career was further distinguished in 1997, when he was awarded the Elijah P. Lovejoy award for a lifetime of writing stories to improve the quality of life of people of all races and nationalities.

Ande is known for his writing ability, but most of all, he has been involved in many humanitarian efforts in the community during his 41 year career. In the early 1960's, Ande spent time tutoring young black children to help them to read. Ande has said his greatest reward as a journalist comes when one of his stories helps a child get an organ transplant or when a story he writes helps a local food pantry receive donations of food for hungry families. It is then, that Ande believes his life as a writer has been worthwhile.

In 1975, Ande was presented the Brotherhood Award from Black Churches in Alton for his stories promoting justice and racial harmony in the community. He organized a campaign to rebuild the historic Rocky Fork New Bethel A.M.E. church in Godfrey after it was burned by arsonists. Ande has also volunteered at the Salvation Army to help the poor with food and clothing and helped the late Frances Jackson to start the Alton Food Crisis Center which feeds hundreds of people each month.

Ande is a veteran of the Korean War and has spent a lifetime as an advocate for the rights of men and women who served in the armed forces.

Mr. Speaker, I ask my colleagues to join me in honoring the 41 years of service of Ande Yakstis and to wish both he and family the very best for an enjoyable retirement.

INTRODUCTION OF THE SAFE NURSING AND PATIENT CARE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. STARK. Mr. Speaker, I rise to introduce the Safe Nursing and Patient Act of 2001 which I am introducing with a group of colleagues today.

There are some 500,000 trained nurses in this country who are not working in their profession. Of course, their reasons for leaving nursing are many. But consistently cited are concerns about the quality of care that nurses' feel able to provide in many health care settings today and increasing requirements to work mandatory overtime.

Listen to these words of a nurse in the state of Washington:

> I have been a nurse for six years and most of the time I have worked in the hospital environment. It is difficult to tell you how terrible it is to "work scared" all the time. A mistake that I might make could easily cost someone their life and ruin mine. Every night at work we routinely "face the clock." All of us do without lunch and breaks and work overtime, often without pay, to ensure continuity of care for our patients. Yet, we are constantly asked to do more. It has become the norm for us to have patient assignments two and a half times greater than the staffing guidelines established by the hospital itself. I cannot continue to participate in this unsafe and irresponsible practice. So I am leaving, not because I don't love being a nurse, but because hospitals are not safe places: not for patients and not for nurses.

If we want to ensure quality patient care and a strong nurse work force today and in the future, we must make stories like this nurse's much less frequent. One way to do that is to enact legislation prohibiting hospitals and other health care providers from forcing nurses to work hours beyond what that professional nurse believes to be safe for patient care. That is the purpose of the Safe Nursing and Patient Care Act.

The current practice of mandatory overtime is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

A recent report by the General Accounting Office, Nursing Workforce: Emerging Nurse Shortage Due to Multiple Factors, concludes as follows:

> [T]he current high levels of job dissatisfaction among nurses may also play a critical role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession . . .

We have existing government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers, and other professions can safely work before consumer safety could be impinged. However, no similar limitation currently exists for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would set strict limits on the ability of health facilities to require mandatory overtime from nurses. While nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care, mandatory overtime would only be allowed when an official state of emergency was declared by the Federal, State or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes as there are alternative staffing and quality measures moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to $10,000 for violations of the act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain antidiscrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

This legislation is not the final solution. I believe that standards must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care.

I know that our Nation's hospital trade associations will claim that my solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

This bill takes the first step to address the problem by strictly limiting the ability of providers to force nurses to work beyond their professional opinion of what is safer for fear of losing their jobs. This is a very real problem facing the nursing profession and that is why my bill is endorsed by the American Nurses Association, AFSCME, AFT, SEIU, AFGE, UAW, and the AFL–CIO—organizations that speak for America's nearly 3 million nurses.

I urge my colleagues to join with me in support of the Safe Nursing and Patient Care Act. Again, my bill is not the only solution. I also support efforts to increase the number of people entering the nursing profession and have cosponsored legislation to achieve that goal. But, we must also take steps to improve nursing now so that today's nurses will remain in the profession to care for those of us who need such care before new nurses can be trained and be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues to enact the Safe Nursing and Patient Care Act which will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

WORDS OF VERNON JORDAN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Ms. NORTON. Mr. Speaker, I rise to draw to the attention of the House the words of a distinguished American, Vernon Jordan. In this House, he is well known through the major roles that chart his extraordinary life: civil rights worker, civil rights leader, leading lawyer, international investment banker. Mr. Jordan's life will be understood through his own words in his autobiography entitled Vernon Can Read, just released and excerpted in the October 29th issue of Newsweek.

However, Mr. Speaker, in light of what September 11 brought down on our country, what I want to submit for the RECORD today is a remarkable, recent speech by Mr. Jordan to the First Congregational United Church of Christ located in his hometown, Atlanta, Georgia.

I can only imagine how the hometown congregation must have received these inspiring and thoughtful words from Vernon, whom they saw off to DePauw University as a boy and have seen him return as one of the nation's wise men. I have no doubt that Mr. Jordan is also so regarded by this House and ask that excerpts from his remarks be made a part of today's RECORD.

FIRST CONGREGATIONAL CHURCH IN ATLANTA

Thank you, for inviting me here today and for this opportunity to join you for your homecoming service.

For what I am and what I have achieved, I owe that experience and to the people who guided me while I have run this race . . . through all of life's trials and tribulations, joys and triumphs.

I had planned to talk about those people today . . . about my parents who steered me on a straight and narrow path . . . about my teachers at Walker Street, E.A. Ware and David T. Howard High Schools, the counselors at the Butler Street YMCA . . . and about the role of the black church, and its historic mission as a beacon of hope and opportunity for black people.

But like all Americans, my thoughts this past fortnight have been elsewhere.

My thoughts have been with those many thousands of innocent victims of horror . . . with their families and friends . . . and with our wounded nation.

My thoughts have been about how we got to this perilous situation . . . what we must do to overcome it . . . and of the need to affirm our values—especially as those values come under attack from the forces of evil.

The world has changed radically in the past decade. It is a world that has become more complex and more integrated than ever.

The great worldwide division of the past half-century was the struggle between communism and freedom. Freedom won. The American model of freedom and free markets is now the world's model.

But freedom's victory is being tested in a world of diverse cultural, social, and economic traditions. The giant leap forward of technology and free trade have left many behind. The pervasive march of modernity disrupts traditional cultures. Worldwide migrations sharpen culture clashes. The industrial world ages while the developing world's population growth strains its ability to feed or employ its people. The power of new multinational institutions—the European Union, the World Trade Organization, worldwide corporations, and mass media, among others—breed resentment and distrust.

About the only constant is the craving for full participation in political decisions that affect people's lives and in the economic decisions that affect their livelihoods.

That is why many people believe the rush for markets and profits leads to exploitation, unemployment and human suffering. Americans, who have benefitted from the triumph of markets, dismiss such feelings at our peril. For our vision of a fair, democratic capitalist society must include social justice and equitable division of the benefits of the free market.

Absent that, there is a tendency toward a turning within, a rejection of the outside world and modern ways, a rush to a form of traditionalism that wallows in envy and hate—a traditionalism that is not only economically counterproductive, but reflects insularity and deep mistrust of all outsiders.

Broadening the base of freedom and prosperity should be a cornerstone of America's policy. Not only because it might shrink the numbers of disaffected who can be recruited for terrorism. But because it is the right thing to do, the just thing, the moral thing. And it is also practical, for the more people who are productive and well-fed and housed, the higher everyone's living standards will be. The world over.

But it is easy for many of us to be so fixed upon existing poverty and injustices that we confuse case and effect. They are not the causes of terrorism.

A hatred of modernity and a love of evil are the causes of terrorism. And in this world, as we have so painfully seen, there is no hiding place from terrorism.

It is good to remember that at a homecoming service whose theme is "For the Glory of God and the Good of Humankind." For destroying innocent lives has nothing to do with the good of humankind and everything to do with pure, unadulterated evil.

Our response to the evil of September Eleventh is very clear. By definition, those acts were acts of war. By the principles of international law, self-defense and common sense, we will strike back at the networks of terrorists who attacked us, the networks that support them and are committed to harm us, and the governments that give them shelter, arms and resources.

War is a terrible thing. No one in his or her right mind wants it. But if it is forced upon us—as it has been—it must be pursued as Jeremiah says, with "fury like fire, and burn that none can quench it, because of the evil of your doings."

Even as we do so, we must be clear about what we are fighting for and why. For many Americans today, gripped by shock and trauma, simple revenge is enough. But great causes cannot be rooted in negativism. Nor can they be driven by raw emotions.

We did not go into World War II solely to avenge Pearl Harbor or because the Nazis were bad. We went to war—and won that war to defend freedom and democracy from those who would replace it with tyranny and despotism.

Yes, our democracy was flawed. But our affirmation of democracy during World War II set the stage for its expansion and growth in the post-war era.

Now we are called upon to defend freedom from chaos and mindless terror. This new kind of war will be long and difficult, for the enemy is elusive and as we have seen, modern societies are highly vulnerable.

We will win that war if we fight for our American values and if we act consistent with those values.

If we defeat them militarily but in the process become less free, less open—they will have won.

Such measures are part of being at war and they are acceptable limitations so long as our basic freedoms are intact.

We must not allow the inroads on those basic freedoms that can happen in times of national emergency. In World War One, there was a "Red Scare" in which the government ignored constitutional rights like freedom of speech. In World War Two, Japanese Americans, including U.S. citizens were forced into detention camps.

Such things happen during wartime, when feelings run high. They must not happen again. For even if we win battles, we would lose the war. We must be on guard against subverting our constitution and our civil liberties in the name of defending the constitution and liberty.

The terrorists who turned civilian planes into destructive missiles were sending a message. It was a message that was not addressed to the White House or the Pentagon or to Wall Street. It was addressed "to whom it may concern" and that means all Americans and all free people.

But they are all Americans. And in the eyes of the terrorists, they all stand for values that are central to the American fabric. And that was enough to make them targets. Just as you and I and all our loved ones are targets now.

Black Americans hold America's values dearly. At times, it seemed as if we were the only ones who did. When this nation was in the grip of racism and segregation, it was black people who reminded America of its basic values of freedom and democracy. It was black Americans who helped America to close the gap between its beliefs and its practices.

And America has responded to our pleas and our demands by changing. Not as fast as we might wish. Not as willingly as we hoped. But change it was. We must understand that change and help moved it forward. For we cannot be frozen in a bitter past; we cannot forever lick yesterday's wounds.

And if we have done so much when we had so little, think how much more we can do now that we have so much more.

We have in fact changed the face of American and the world. We are a great people, and we are patriotic Americans. Take heart. from our glorious past and be encouraged by it because it can inspire us to understand the great things we can do when we come together to do them.

HONORING LARRY HIBDON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Larry Hibdon for his years of dedicated service to the community. After 29 years with the City of Madera's Parks Department, Mr. Hibdon retired last year.

In 1971, Larry began his recreation and community services career as a Recreation Playground Leader. From there, he earned his degree in Recreation from Fresno State University and continued to progress his career with the City of Madera. He spent some time as their Community Services Supervisor and finally became the Director of Parks and Community Services, a position he has held for 13 years.

Larry Hibdon's guiding principal has always been that a Parks and Recreation Department is designed to serve the people. Under Larry's direction and guidance the Parks and Community Services Department has reached new heights. The following are some major milestones for this department under Larry's direction: starting the Disabled Adult Program, creating the Summer Youth Enrichment School, creating the Christmas Basket Program, creating the 50 acre Lion's Town & Country Regional Park, groundbreaking for Madera's first Senior Center, inception of the Madera County Arts Council, creating and opening the Madera Municipal Golf Course, creating the 37 acre Millview Sports Complex, first bike lanes in Madera, creating the Madera Beautification Committee, the Gateway Tree Project implementation, grand opening of the Pan-American Community Center, and the repair of the Route Bus system in Madera.

This list only begins to highlight the vision that Larry has had for Madera. He has continually been dedicated to getting more parks, recreation and leisure activities for all Maderans. In 1999 Mr. Hibdon received the California Parks and Recreation Society District VIII Howard B. Holman Award. The award is the highest honor that can be bestowed in the profession of Parks and Community Services by the profession in the State of California.

Mr. Speaker, I rise to pay tribute to Larry Hibdon for his active and distinguished community involvement. I urge my colleagues to join me in wishing Larry Hibdon many more years of good health and happiness.

IN RECOGNITION OF BIA/SC PRESIDENT LUCY DUNN

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize my constituent, Ms. Lucy Dunn, of Coto de Caza, California, for her personal and professional commitment to the building industry. Ms. Dunn was elected Secretary Treasurer of the Building Industry Association of Southern California in 1998 and has served in successive years as second and first vice president before being elected president. In addition, Lucy also serves as director and member of the California Building Industry Association and the National Association of Homebuilders, where she serves on the Environmental Committee.

Lucy's involvement is not limited to the building industry however. She has served as a director and/or member of the Orange County Business Council, the Lincoln Club of California, the Huntington Beach Chamber of Commerce, the California Office of Historical Preservation Subcommittee on Archaeology, the National Foundation for Economic and Environmental Balance and the Bolsa Chica Conservancy as a founding member.

Orange County Metropolitan magazine ranked Ms. Dunn among the country's "Hot 25" people in business for 1992 and 2000, she was nominated for the Orange County Business Council's "Women in Business Award" in 1995 and 1996, and was recognized as the California State Legislature's "Woman of the Year" in March 1997 for her outstanding service and dedication to the people of California.

As Lucy Dunn completes her term as president I would like to congratulate Ms. Dunn for her service and commitment to her profession and the community. I wish her great success in all her future endeavors.

AN AMERICAN PILOT RETURNS HOME

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BLUNT. Mr. Speaker, I rise to report to my Colleagues that another brave American pilot is coming home. However, this one is not returning from an air strike to destroy the Taliban hiding in Afghanistan; this pilot is returning from a mission against the enemies of Freedom who threatened our world over a half century ago in France.

On January 15, 1945, First Lieutenant William Wyatt Patton Jr. of Stark City Missouri disappeared while flying his P–51 Mustang on a weather scouting mission out of an allied air base in Wormingford, England. After the events earlier this year, I am sure than too many families today know firsthand the sorrow and heartache that Lt. Patton's family felt in southwest Missouri when they learned that their son was missing. A year later their son was officially declared dead by the U.S. Army Air Corps. However like those families whose loved ones disappeared in the collapse of the World Trade Center, the sense of closure eluded the family whose son who still had not come home.

William Patton was committed to serving our country. He first tried to enlist long before the outbreak of World War II at age 16. Official disapproval over his young age and small size didn't stop him. Shortly, thereafter he began working at a military mess hall eating what he could to gain the necessary weight and working diligently until he could join the Army. Lt. Patton eventually entered the service in 1934 and was in Hawaii as a seasoned member of the military when the Japanese bombed Pearl Harbor in 1941.

Dedication and perseverance as a young airman marked his career as he earned the Distinguished Flying Cross; the Air Medal; the American Defense Service Medal with One Bronze Star; the European-Africa-Middle Eastern Theater Ribbon; Four Bronze Service Stars for participating in action in Normandy, Northern France, the Rhineland, and the Ardennes. He also received the Purple Heart.

All soldiers are not fortunate enough to return home to their families after the battle and enjoy the freedoms they have fought to protect. Unfortunately, Lt. Patton was one of those.

The remains of a P–51 Mustang were recently discovered in a farmer's field near the village of Longueville, France. The United States Army Central Identification Laboratory has now determined the remains of the body inside that aircraft are in fact those of a Missouri farm boy who gave his life as a soldier and as a patriot. Mr. Speaker, Lt. Patton is finally beginning his last journey home to his family in Southwest Missouri after fifty-six years. He will join his comrades in arms from every war since the Civil War in burial at the National Cemetery in Springfield, Missouri.

As our young men and women in the service find themselves today scattered around the world waging war against terrorism, it is important to remember that in war all must be prepared to make the ultimate sacrifice. Some, sadly, will be required to actually make that sacrifice. However that sacrifice is not only made by the airman, the soldier, the sailor, the marine, or the guardsman, but by their family and their loved ones as well.

To the family of Lt. William Patton, I would like to say thank you, this Congress thanks you, and the citizens of our country thank you. We understand that our freedom is purchased by the sacrifice made by Lt. William Patton and by you.

A PROCLAMATION RECOGNIZING UNION LOCAL HIGH SCHOOL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. NEY. Mr. Speaker, Whereas, in the wake of the September 11th tragedy, the students of Union Local High School completed a painting of a 150 foot American flag; and,

Whereas, they have shown their loyalty and support for the United States of America by boldly showing their patriotic spirit; and

Whereas, the students have been extremely generous in creating and donating to a "September 11th Fund"; and,

Whereas, the students also demonstrate devotion to their country through decorations, songs, speeches, pins, and patriotic enthusiasm;

Therefore, I invite my colleagues to join with me and the citizens of Ohio in thanking the students of Union Local High School for their unmatched allegiance to the United States of America.

TRAGIC TUESDAY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to share a poem written by an extremely talented individual, Miss Kira Schiavello of Saddle River, NJ. Kira lives in my district which was particularly hard hit by the World Trade Center disaster. The loss of life and strain on our community has been difficult, to say the least. However, we are finding a new strength in the Fifth District of New Jersey. Kira Schiavello has captured the experience of September 11 and the resulting challenges in a moving poem entitled "Tragic Tuesday." Kira displayed an eloquence and insight beyond her young years as she not only depicted this terrible tragedy but also expressed the emotional and soul searching reactions of Americans. I would like to take this opportunity to share her poem with my colleagues. As we work to protect her generation's future, let us be inspired by the true patriotism and strength that they now show.

Mr. Speaker, I ask that the following poem by Kira Schiavello be submitted to the CONGRESSIONAL RECORD.

TRAGIC TUESDAY

On September 11, 2001,
America was under attack.
There was an empty gap in NYC,
And the skies above were black.

First, the North twin tower was hit
By a hi-jacked, passenger jet.
The sight of the explosion in the sky,
Americans will never forget.

Then, to the world's shock and disbelief,
The South Tower was crashed into.

Those close by just ran and screamed;
It was like nothing they had been through.

As if nothing else could ever go wrong,
Two more planes were seized!
They hit Pennsylvania and The Pentagon,
Until finally the terrorists were pleased.

But the damage to the US was not done,
For the Twin Towers dropped to the ground.
Blinding dust filled up the air;
And the world shook with the trembling sound,

Under the ruble, five stories high,
Are brothers, sisters, dads and moms.
Their innocent lives are gone forever;
Because of the terrorists' flying bombs.

America has never seen a tragedy
As devastating as this.
It will continue to affect our everyday lives,
For as long as we exist.

The faceless criminals were looking to ruin
Our happiness, our liberty, and our spirit.
But surely they were stunned to find;
That they came nowhere near it.

If those evil cowards were here today;
They'd see people sob and cry.
But behind those tears, they'd surely find,
Our flag still flying high.

In the face of this tragic Tuesday;
America did unite.
And those who tried to hurt our pride;
America will fight.

We'll join as one and win the war,
Till our strength is doubted no longer.
If anything, this tragedy
Will only make us stronger.

HONORING LARRY FORTUNE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I would like to honor Larry Fortune, the president of Fortune Associates, who was recently featured in an executive profile for the Fresno Business Journal newspaper. The question and answer Executive Profile, printed in the Fresno Business Journal on August 6, 2001, reads as follows:

Q. What is your essential business philosophy?

A. By attracting and utilizing the most experienced and professional agents in the market we can give the most experienced and professional service to our clientele.

Q. What is your best professional accomplishment?

A. The recruitment and engagement of our current sales staff.

Q. If you could effect any change in the community, what would it be?

A. I would reduce taxes, fees and red tape so as to lure employment to the Fresno area.

Q. Goal yet to be achieved?

A. I have many goals, not least of which are:

1. Write a book.
2. Produce a TV series about agriculture in the San Joaquin Valley.
3. Travel throughout Russia, the Orient and Africa.
4. Get two kids through college and off the Larry scholarship plan.
5. Start a landscape award program in Fresno.

Q. What is a good yardstick of success?

A. Each time a current customer refers a new client to us, we are being successful.

Q. What is the best way to keep your competitive edge?

A. We continually talk with accomplished, experienced and professional agents in the community always looking for a mutually beneficial situation.

Q. Toughest business decision?

A. To switch from a "residential" office to a "commercial" office in 1995.

Q. Who has been your mentor?

A. My father, Don who died four years ago. Hardly a day goes by without somebody in the community reminding me of what a "great, trustworthy friend" my father was.

Q. Three words that best describe you?

A. Happy-Alive-Family

Q. Person you are most interested in meeting?

A. My children when they are adults.

Q. What is your organization's five year vision?

A. We believe that we will maintain our position as one of Fresno's top two or three preeminent commercial brokerages, not by expanding but by continuously providing the same high level of professional, competent service that got us where we are today.

Q. What is the community service project, organization or event closest to your heart?

A. Tree Fresno has probably done more to better the appearance of Fresno and raise the community pride in the last several years than any other organization.

Q. Best business advice you've ever received?

A. That even though customers sometimes do not want to hear the truth, they will always remember favorably the person who tells the truth.

Q. Three greatest passions?

A. My wife, my kids, my business.

Q. Favorite way to spend leisure time?

A. Traveling or working in the yard.

Q. Most influential book?

A. Winning Through Intimidation by Robert Ringer.

Q. Death row dinner?

A. Shish kabob, rice pilaf, carrot and raisin salad and chocolate cake.

Mr. Speaker, I rise to honor my friend Larry Fortune for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in wishing Mr. Fortune many more years of continued success.

PAPERS OF MISCONDUCT, U.S. ATTORNEY'S OFFICE OF THE DISTRICT OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. TRAFICANT. Mr. Speaker, these pages are hereby memorialized in the RECORD to document prosecutorial misconduct in the U.S. Attorney's Office of the Northern District of Ohio.

JANUARY 24, 2000.

Congressman JAMES A. TRAFICANT, Jr.,
Overhill Rd.
Youngstown, OH.

DEAR JIM: On November 1, 1999 I reached my 70th birthday. As you know, I retired for good on January 2, 1999, after practicing law for almost 47 years. Also, after having been one of your staff members for 14 years.

My relationship with you was a most rewarding experience in my life. I found the work I did interesting and profoundly exciting because I was able to do something good for people and our community of Youngstown-Mahoning Valley, Ohio.

It took me the most part of last year to try to relax and try to enjoy life without the workaholic tendencies I had for most of my adult life. The arrival of our gorgeous granddaughter, Lara, certainly helped me to be able to sit back and start "smelling the roses."

A most disconcerting event took place on Thursday, January 13, 2000. I thought that I should call it to your attention because you appear to be the "main target" and I was obviously contacted in their attempt coerce me to agree to certain allegations that are absolutely not true. The following is what happened.

On Thursday morning at about 8:30 AM someone called me on the downstairs phone—I live in a high-rise condominium here on Singer Island, Florida. I was informed that I should let him in because they had to talk to me about you. He would not tell me what it was all about. At this point, I felt coerced and compelled to let them come up to our apartment and I did.

Three gentlemen came in and showed me their credentials and then gave me their cards. Two of them were real bruisers, or maybe I should say "big". The two FBI persons were, Michael S. Pikunas of Youngstown, Ohio and John E. Stoll, also of Youngstown, Ohio. The other fellow was Charles L. Perkins, Special Agent for the Internal Revenue Service, Criminal Investigations. At this point I really felt intimidated. They made it clear that they were out to find information that could or would be used against you. In fact, they made it clear that if I admitted what they brought up they would protect me.

At my age, and in my poor health condition, I am surprised I did not collapse. They said that others in your office and elsewhere had said certain things about me that violated Federal Laws. I was absolutely astonished. By the way, they never read me my rights but they just kept on pressing me to admit to things that I not only did not do but I could never have thought of doing.

They said they had evidence of my not working enough to justify being paid. They said that I should have filed a disclosure statement each year as required. They said I gave you back some rental that had been paid for your space at 11 Overhill Rd. They said that I gave you part of what I received for my pay. They also said I earned more money than I should have while on your staff. In general, they said that I was in violation of many laws and that if I admitted to these violations so they could "get you" they would really "protect me."

Jim, as you know, I am not a criminal lawyer. I was absolutely puzzled and certainly felt intimidated. I have never been accused of violating the law or even violating ethics as a lawyer. I really pondered over whether I should contact you because I know how busy you are and how many things are on your mind at all times. But, the other day, I really received a shock.

A local FBI agent, Jeff Danik, called me and informed me that the Youngstown fellows had asked him to serve a subpoena on me. We finally got together on January 20, 2000. To my continued amazement, the subpoena requested that I appear in Cleveland, Ohio on February 1, 2000 to testify regarding John Doe. Of course, I know they are referring to you as "John Doe".

First of all, they did not give me much notice. Also, I live in Florida and am retired.

Why should I pay my own expenses to travel to Cleveland? In winter to boot. I have had to hire legal counsel to protect myself. How can the Government do this and get away with it?

Jim, I certainly did deny and am denying that I have violated any laws anywhere. The office building, as you know, was transferred out of my name when I discovered during your orientation as a new Congressman that I could not keep the building in my name. I was informed by the appropriate Congressional Committee that I did not have to be the one who was designated to report my assets etc.

I also was informed that I did not surpass the earnings where I could not still practice law. I also don't see how I could have shared my pay with you or anyone when I know I was losing income by being with you. Also, I know I don't have to tell you what I did and how many hours I worked while on your staff. All of this is nonsense.

I wish that all of this would go away but as a lawyer of many years I guess I should know better. Since I have known you, I have learned that your intellect and judgment would surpass anyone I have ever met—and I mean that it just doesn't seem fair that I can be intimidated, coerced and whatever else during my retirement and at this time of my life.

I hope it is not some desperate political maneuver on someone's part. If it is, I shall really lose my faith in our system.

I am very sorry that I must discombobulate your mind with all of this. I am trying to ease my discomfort a bit but I also feel compelled to let you know what is happening.

Please let me know if you have some words of comfort and maybe some advice. I really am confused and agitated at this point.

Sincerely,

HENRY A. DIBLASIO.

STATE OF OHIO, COUNTY OF MAHONING—AFFIDAVIT OF JOHN INNELLA

After being duly cautioned on my oath in accordance with the law, I, John Innella, hereby depose and say:

At approximately 1:00 p.m. on Monday, April 30, 2001, I was in the company of James A. Traficant, Jr., and was unexpectedly interrupted by Henry Nemenz.

1. Henry Nemenz voluntarily told James Traficant in my company, that "Morford was trying to put words in his mouth".

2. His (Nemenz) attorney told him to "tell Morford what they wanted to hear so that he would not be indicted".

3. In my presence, James Traficant and Henry Nemenz talked about their original deal which was $17,000.00 for the barn and additions because Jim Traficant already had the poles and metal for the building.

4. In my presence, they discussed that the construction man said he would bring in twenty (20) Amish and they would get the job done in a week.

5. Nemenz said that he eventually got rid of his construction man because of faulty construction and poor management.

6. Nemenz and Traficant discussed the fact they legitimately came to a reasonable business settlement that Nemenz would have made with anyone under similar circumstances.

7. Nemenz told Traficant that he was told by Morford "not to talk to Traficant".

8. Nemenz told Traficant that all money that Traficant owed, was paid in full, including the truck.

9. In my presence, Traficant and Nemenz agreed that the stretching out of the work to be performed was the cause of the cost overruns, and that it was not the fault of James Traficant, which they had mutually agreed to be $17,000.00 in addition to the truck.

10. Traficant and Nemenz agreed in my presence that Traficant-had settled the accounts in full.

11. Nemenz stated in my presence that when Morford interviewed him, he had four assistants, and the situation was intimidating. He said that they did not want to hear what he was saying. He said that he basically "told them what they wanted to hear".

12 In my presence, Nemenz also said that the conversation was "bull shit".

13. Nemenz said that he has agreed to sell Traficant a black corvette. He said that he had realized that Traficant had invested money in the car to make repairs because it had sat so long unused. He further stated that he realized Traficant put hardly any miles on the corvette. But when flap developed over the barn, Nemenz decided that he wanted the car back, saying that he would give credit for any of the expenses. The real reason he wanted the car back was that it was purchased as a graduation present for his son, and his son was upset because Henry had sold it. Henry also said he was also upset over the problems that had developed concerning the construction work at the farm. Nemenz admitted that he agreed to sell the car to Traficant, and thanked Traficant for returning the car.

14. I was present during this entire conversation at Bruno's Restaurant in Poland, Ohio.

Further Affiant Sayeth Naught.

Sworn to and Subscribed before me on this 13th day of June, 2001.

JOHN INNELLA.

STATE OF OHIO, COUNTY OF MAHONING—AFFIDAVIT OF PAT NAPLES, JR., JUNE 1, 2001

This affidavit is being freely made and recalled to the best of my recollection.

This affidavit concerns the phone conversation between myself and Assistant Attorney General Craig Morford.

This conversation took place after the 30 federal indictments were handed down. The phone conversation lasted the better part of an hour, if not more, and was tape recorded.

The conversation started out by me telling Craig Morford that he had a name missing from his indictments. I mentioned the name and then he became very quiet. Morford asked how I knew him and I proceeded to tell him that in the early 80's I was a Lieutenant with the Mahoning County Sheriff's Dept. in liquor and vice, and I was in charge of investigating this person. We would conduct investigations on establishments that were involved with organized crime within the city of Youngstown that were not being investigated by Chief Wellington, and this person was one of those. Morford stated that he did know this person but didn't have enough to indict him.

I also told Morford that this conversation had to stay strictly confidential for how high up in the crime family this person was, I did not need any retribution because the last time that I got close to Altshler and Strollo I had a fire bomb threat at my parent's home and my windows broken out of my car.

(It was later found out that Morford did not keep this conversation confidential. He did let a criminal defense attorney know that there may still be a pending investigation on this subject. This criminal defense attorney was defending another person for murder and one of his subordinates for a gambling charge, putting myself and my family in jeopardy.)

My main purpose in calling Morford was to look into improprieties in a local municipal court. As the conversation went on I told him about a drug distributor in Youngstown with connections with law enforcement. I mentioned that I really didn't want to give this information out to just anybody because of the quantity that this person deals with. Craig Morford stated I would have to get together with his FBI agent Jeff Sedlack, I told him that I really don't trust the FBI office in Youngstown because of my past experiences with them. Morford tried to assure me that those agents were no longer there, and that you can trust Sedlack, because Morford didn't trust the other FBI agents either. He stated Sedlack was assigned there to help clean that office up or help to clean its image up, or something along that line.

Mr. Morford's further comments and the way he presented the FBI here in Youngstown was not to be trusted, but you can trust Sedlack.

PAT NAPLES, Jr.

[Re. U.S. vs. James A Traficant, Jr., Case No. 4:01 CR 207]

TRANSCRIPT OF TAPE-RECORDED CONVERSATION BETWEEN CONGRESSMAN JAMES A. TRAFICANT, JR., AND RICHARD DETOR, FORMER EMPLOYEE OF U.S. AEROSPACE, MANASSAS, VIRGINIA, ON AUGUST 1, 2001

(Tape prepared by Lisa C. Nagy-Baker, a notary public within and for the State of Ohio on this date, August 28, 2001, from a tape supplied by Congressman Traficant.)

Mr. TRAFICANT. Hello.

Mr. DETOR. Returning the page.

Mr. TRAFICANT. Yeah. How you doing?

Mr. DETOR. Well, having fun.

Mr. TRAFICANT. I know. I got some information to give you. I got it straight from Chance's son that J.J. did perjure himself in the Chance trial, and that's what they did. He went ahead and lied on me to save his ass.

Mr. DETOR. Yeah.

Mr. TRAFICANT. So I don't know. What's happening with you? What did you hear?

Mr. DETOR. I have been threatened, intimidated, essentially tried to mold into being forced to lie. If I speak to anybody, they'll come arrest me immediately. He told me that he had me on perjury, although I've never provided a statement to him. They said that I'm wearing Union pants [unintelligible], and I either need to become wise and tell them what they want to hear, or they're going to name me August 15 as a co-conspirator.

Mr. TRAFICANT. Okay. They want you in essence to lie, don't they?

Mr. DETOR. Yes.

Mr. TRAFICANT. All right. Let me ask you: the reason why is, this is the good news. I've got two people now that were both told the same thing, and I've got one of them who said it in front of a witness; and I'm going to make a motion for prosecutorial misconduct on their threatening and intimidation; and I'm going to do that, and they may call you as a witness.

Mr. DETOR. I've been threatened with the IRS. They told me that the IRS was immediately going to investigate me and that they were holding the IRS off, and I've been threatened with going and being six weeks in a trial. They realize that I would lose my security licenses and I would lose my [unintelligible] licenses if there were any kind of a Federal charge if found guilty, which would reasonably come, in all likelihood. And they have called and been on me and tried every threat, and they've gone all through my wife, what kind of salary, why I bought the house I bought, why I drive the kind of car I drive, you know, what my background is.

It has just been a nightmare of unbelievable proportions. I really feel that I'm living in Red China.

Mr. TRAFICANT. Okay. Let me ask you this. They more or less said to you that they wanted you to lie, didn't they?

Mr. DETOR. What they did is when they asked the question, they say, well, this is what you're saying; and they change what you're saying; and you stop and you go, no, that is not what I am saying.

TRAFICANT. They want you to more or less admit to the way they're interpreting it, which would be a lie, wouldn't it?

DETOR. Yes.

TRAFICANT. But they give you the impression that if you more or less accept their version, you'll have no more problems.

Mr. DETOR. Give immunity. They won't get the IRS. No questions. No ifs and or buts. I'm dealing with an attorney named Plato Cacheris, right there in Washington; and I was dealing with one law firm. I said this is not acceptable. This is not the United States. They can't sit there and try to ask me to lie. They can't even suggest it. They told me they subpoenaed all my bank records in the blind and all my IRS stuff. You know, I mean I've listened to one story after another from the Assistant U.S. Attorney.

Mr. TRAFICANT. What was his name?

Mr. DETOR. Morford.

Mr. TRAFICANT. Yeah. He's the one doing the threatening?

Mr. DETOR. Yeah.

Mr. TRAFICANT. And he basically wants to lie, and he'll let you alone, won't he?

Mr. DETOR. Yes.

Mr. TRAFICANT. Let me ask you something. I'm having a hearing because I am going to call and give notice of the courts to call Morford as a witness; and I have to have a hearing on his behavior, and I will have three people that will be testifying to the same thing you will testify to; and if you were an attorney you'd lose your license, wouldn't you?

Mr. DETOR. Oh, absolutely. This is not ethical. I've gone through hell. I have literally gone through hell.

Mr. TRAFICANT. What I'm going to tell you is I am going to subpoena you in this process against Morford; and all I want you to do is tell the truth that if you would lie, they would lay off you; and that's the bottom message they gave you. Isn't that a fact?

Mr. DETOR. Yes.

Mr. TRAFICANT. Are you going to show up if I subpoena you for such a hearing?

Mr. DETOR. You have to handle it through the attorney's name is Plato Cacheris.

Mr. TRAFICANT. Could you give me that so I can write it down. Hold a minute. Spell that.

Mr. DETOR. It's C-A-C-H-E-R-I-S.

Mr. TRAFICANT. Plato?

Mr. DETOR. Yeah, Plato Cacheris. ***/***—hold on a second. I got to find his card here in my pocket. I forget the last four digits. They said if I talked to anybody, they'd come arrest me immediately. If I did this—it's just been unbelievable. It's ***/****.

Mr. TRAFICANT. Yeah, but I'm my own attorney, and I have a right to talk to individuals that are being investigated.

Mr. DETOR. That's correct.

Mr. TRAFICANT. Did they say you couldn't talk to me?

Mr. DETOR. Yeah, well, nobody. What they've done is violated my Constitutional rights. I've gone to Plato and asked Plato to go up to the public ethics group to bring this to their attention.

Mr. TRAFICANT. Did he?

Mr. DETOR. He's doing it now. He's in the process of doing it.

Mr. TRAFICANT. Let me ask you this; if you would do this, if you would file a lawsuit against them—I can't advise you—I'm not an attorney; but here's what happened with another guy who comes out, and I'm having lunch with the guy—I think I told you this, Richard—he comes out and he was in a Rotary meeting. He sat down and said, Jim, I love you; I apologize for what's happening. I said, well, tell the truth. What did you tell the Grand Jury? He said, I told the Grand Jury the truth; that we really didn't do anything wrong.

Mr. DETOR. All right. You need——

Mr. TRAFICANT. But the bottom line was my attorney told me that if I didn't tell them what they wanted to hear in the words they wanted it said, they were going to indict me. My attorney said you don't need this shit. He was a businessman; you understand?

Mr. DETOR. My attorney told me the same thing. Do you want to spend $200,000 defending yourself, or is this person susceptible? And I said I cannot lie. I cannot place myself in any situation that I heard anybody ask or request for papers or anything. And the attorney reviewed it; he looked at it and he said the meals, they're all below $6; there's not even ethics violations. There's nothing wrong with it.

Mr. TRAFICANT. I paid for some of those meals.

Mr. DETOR. That's what he said.

Mr. TRAFICANT. It showed, didn't I? I paid for a lot of meals.

Mr. DETOR. Yes, and even the purchase of the boat. The boat, there is no issue; there is no problem.

Mr. TRAFICANT. I'll call the ethics committee about it. And you remember when J.J. was so happy he wanted to buy the boat, and I said J.J. you don't need this boat; but Al does want this boat, and I don't want your money; do you remember?

Mr. DETOR. Yes.

Mr. TRAFICANT. How about contract; did you ever get the contract on that boat? I never got it.

Mr. DETOR. Yep, I got it.

Mr. TRAFICANT. Could you send me a copy of it?

Mr. DETOR. Yes, I'll do it through the attorney.

Mr. TRAFICANT. Do that and do that fast. Here's what I'm telling you. You let your attorney know that I'm going to move for a hearing for Morford, on Morford, that he has done this now; and if you come up and testify to that, this son of a bitch may go to jail because what they're doing, this Gestapo shit.

Mr. DETOR. It is. And I never thought it could exist, and I would never have been able to be convinced. I would never have believed it in a million years. But it's exactly what they're doing. It's exactly what they've been doing to me. I mean, they have just ruined my life.

Mr. TRAFICANT. How about Al Lang?

Mr. DETOR. Haven't heard a peep from him.

Mr. TRAFICANT. But you know that's what they did to him; and, shit, he don't have the balls; he'd have probably said anything, wouldn't he?

Mr. DETOR. I have no idea, but the thing is I've talked to other people, and they've all looked at me and they've said you can only tell the facts, you can't stand before a judge and lie to him. You can't do it. We know the type of person you are. They said we also know the type of person you are; if you thought there was anything unethical or anything wrong, you would have had nothing to do with it. I said there was not even a question of anything wrong or any improper actions at any time in my mind in any way, shape or form, nor did I ever hear anybody ask for anything in any way, shape or form for anything.

Mr. TRAFICANT. And you were there at everything we did, weren't you?

Mr. DETOR. Well, everything I know of.

Mr. TRAFICANT. Yeah, I never met with Cafaro; and when I did, you know, this business about him giving money, he was such a damned liar; he lied to everybody; but to save his ass, he would lie and say anything, wouldn't he?

Mr. DETOR. Well, when they asked me, I said I'm not even aware of him getting any money from the boat at all. I said I thought Al sunk the boat, ruined it and he's stuck with it with no value on it now.

Mr. TRAFICANT. That's exactly what he did.

Mr. DETOR. I said the boat was professionally appraised. It had a value. I said he was buying it for less than that value. I said, he ruined it. He damaged it and just walked from the deal. I said, I'm not aware of dollar one that went to anybody other than the money that he spent on doing the repairs and then decided to go ahead and he was out of it. I said if there had been any kind of a fee for favors or anything else, somebody would have bought it; it would have been all the way; it would have been a done deal. They wouldn't have spent a year——

Mr. TRAFICANT. I would have taken the $26,000 check from J.J., wouldn't I?

Mr. DETOR. Yep.

Mr. TRAFICANT. God damned right; he was so happy; but that's the bottom line, what they have on J.J. is he perjured himself with the Chance gate, and you've got that impression when he was going through that period of time, didn't you?

Mr. DETOR. I was told that.

Mr. TRAFICANT. Who told you?

Mr. DETOR. Came through an attorney.

Mr. TRAFICANT. Do you remember the name of the attorney?

Mr. DETOR. It was one of the attorneys—oh, you know who it was? The attorney's name was J. [unintelligible], and he was advised of that by Al Lang.

Mr. TRAFICANT. I see. And evidently Al Lang had known that J.J. had perjured himself?

Mr. DETOR. Yeah.

Mr. TRAFICANT. While the guy sits in jail, Chance had told his son and his son had told me that the attorneys had set him up to get J.J. to lie. He didn't know until after he saw my national TV show and talk show that, in fact, that Leonardo [phonetic spelling], his attorney, was working with the Feds and they set Chance up. Chance said he never got the $13,000 from Strollo; but his attorney is the one that convinced him he had to find somebody that was a legitimate rich businessman and recommended Cafaro. Could you imagine that?

Mr. DETOR. Unbelievable.

Mr. TRAFICANT. Yeah, so anyway. I think you're on good grounds. If they indict you, you're not going to lie for these bastards, are you?

Mr. DETOR. No.

Mr. TRAFICANT. I think we're going to have a hell of a fight here, but anyway, I'm going to have a hearing, and I'm going to call you as a witness in that hearing.

Mr. DETOR. Yep. That's fine. I'll grab the attorneys that were, you know, present with me.

Mr. TRAFICANT. But having known this and having known now that there are others that I could call, you should sue them; believe me, Richard.

Mr. DETOR. We're going up to talk to public ethics to talk to everybody we can because it's out of control. write a letter to the U.S. Attorney General.

Mr. DETOR. [Unintelligible.]

Mr. TRAFICANT. You should also write a letter to the U.S. Attorney General about what they're doing because this speaks to what they've done with everybody in this case. You've got people lying. They either have something to gain or something to lose, and they've made mountains out of molehills. They've made half truths into felonies. They've made loans into kickbacks, and I've had it.

Mr. DETOR. Yep.

Mr. TRAFICANT. And you know I wouldn't accept any money. You personally know that?

Mr. DETOR. No.

Mr. TRAFICANT. I mean, J.J. wanted to give me money over that car deal; remember that 6,000? And I wouldn't take no money from J.J., and I told him I wouldn't; remember?

Mr. DETOR. And I guess the stuff that Al Lang handled it in that corner of it, I don't really have any knowledge of. They jumped all over me trying to ask about the $12,000. I said this is ridiculous. I've got witnesses of where I returned it to [unintelligible].

Mr. TRAFICANT. Yeah, I know that; but I mean, you do know that after that car we thought was only going to be 1,000 that I rented to go to Louisiana which turned out to be 6,000, that J.J. wanted to give me money and I would not accept it. You knew that?

Mr. DETOR. Well, I knew you wouldn't accept anything.

Mr. TRAFICANT. Yeah, I told you to tell them I don't want their money.

Mr. DETOR. Yeah, you wouldn't accept anything on anything. All you wanted J.J. is to do what he agreed to do.

Mr. TRAFICANT. And that was to do what?

Mr. DETOR. To purchase the vehicle.

Mr. TRAFICANT. He wanted to purchase the vehicle. You have those papers, don't you?

Mr. DETOR. Yes.

Mr. TRAFICANT. I want a copy sent to me of those; and second of all, the only thing I wanted from J.J. was he would move not only the company but the headquarters up to Youngstown.

Mr. DETOR. Correct.

Mr. TRAFICANT. That's about where it is. So anyway, I'm going to have this hearing and, Richard, I'm going to be calling you. Give me your address. I don't have your address.

Mr. DETOR. You know what, it's through Plato Cacheris because they said they would arrest me instantly if I talked to anybody. If you hear an attorney so I understand that you're representing yourself so I can——

Mr. TRAFICANT. you can refer me to your attorney.

Mr. DETOR. The best thing to do is to handle the rest of it right through Plato. He'll deal with it. We are going to public ethics. We're going to everybody. I've had threats on me. They called my little girl, the nine-year old, little Kaitlyn.

Mr. TRAFICANT. Who called her?

Mr. DETOR. I don't know, but they told her that I'm going to be dead. All kinds of things. I have literally——

Mr. TRAFICANT. How do you know it was the Feds who did it?

Mr. DETOR. I don't know who did it, but all I know is my life has gone to hell; and when I brought it to their attention when they interviewed me, they laughed about it and blow it off.

Mr. TRAFICANT. Even the threats to your daughter?

Mr. DETOR. Yes. That's my daughter. If I answer, nobody talks. If she answers, they talk to her, and they tell her that daddy's going to be dead. Daddy's bad; all kinds of things. It's devastating her. It's making her a nervous wreck.

Mr. TRAFICANT. And you suspect it's the government?

Mr. DETOR. I don't know who it is.

Mr. TRAFICANT. You wouldn't suspect it to be Al Lang doing that, would you?

Mr. DETOR. No, I can't figure out what beef he has.

Mr. TRAFICANT. And what would Cafaro have from doing that?

Mr. DETOR. The thing is when they tried to tell me Al Lang's saying things, who the hell is [unintelligible] buying all those God damned boats for it. I never heard anything to the contrary in my entire life.

Mr. TRAFICANT. Yeah.

Mr. DETOR. Has he lost his mind?

Mr. TRAFICANT. Yeah, and I think it's very important and I want you to talk to your attorney. If you could send me all those documents that I've asked for, and tell him what we've talked about and that he should go ahead and sue the bastards because I'm going to have them into court; and that would be a hell of a thing with you suing them and me having them into court for their behavior with another guy. He can deny all he wants, this other guy. I have a witness that heard this other guy say those things.

Mr. DETOR. Have you talked to any of the Congressional ethics groups or anything on any of this stuff?

Mr. TRAFICANT. I can't because it's a criminal thing, and I'm just going to go through the courts; and they've got a couple people that are really lying through their teeth. I've been targeted, I told you that, for all these years. You know that. You could tell by the way they're treating you.

Mr. DETOR. Right.

Mr. TRAFICANT. But Morford was the one that did the threatening?

Mr. DETOR. Yeah.

Mr. TRAFICANT. And he wanted you, in essence, to lie?

Mr. DETOR. That's what came out because it could not be understood any other way; and then when they didn't like what I was saying, they said, well, we didn't want to say this and we didn't want to shake you up, but the IRS has a lot of interest. We've subpoenaed all your records in the blind, which I find is unconstitutional and illegal [unintelligible]; but they tell me they've subpoenaed all my records in the blind and that the IRS wants to launch an audit against me immediately and that there were significant issues there; and they told me that I was going to be arrested and taken out of my office; that I would be taken to Cleveland to be arraigned. I'd have to post a bond, and then I'd have to spend a significant amount of money defending myself.

I keep going over these issues and issues and issues, and none of these make any sense. I don't even know where there's anything even done wrong; and they said—well, they go on and on and on.

Mr. TRAFICANT. You basically told them that I did nothing illegal?

Mr. DETOR. Pardon me?

Mr. TRAFICANT. You basically told them I did nothing illegal?

Mr. DETOR. I didn't either. There's nothing illegal.

Mr. TRAFICANT. I know that. They would not accept it, would they, Richard?

Mr. DETOR. Oh, no. Absolutely no.

Mr. TRAFICANT. Well, I'm telling you, I can't advise you but I would get your attorney to file a lawsuit immediately knowing know—have your attorney call me—and knowing now that I'm moving to have him called as a witness in this trial, Morford; and she's going to call a hearing on it to see whether or not I can call her; and I will call you as a witness to show his prosecutorial behavior. This is illegal.

Mr. DETOR. This is illegal.

Mr. TRAFICANT. They were extorting you.

Mr. DETOR. Yes, they were.

Mr. TRAFICANT. And if they've done this to you, what do you think they've done to others?

Mr. DETOR. I mean, the thing that I told them, I said, I can't speak for the individual in any way other than when I was with him; and I find this unbelievable to think anything to the contrary. I said I find it unbelievable that any staff member could be doing anything to the contrary because they are so, they seem so sound and straight and narrow with things being done right and things being done properly. I said, I don't see it any other way. I said I'm sorry; I just don't see anything.

Mr. TRAFICANT. Yeah, but the bottom line is Morford let you know in no uncertain terms if you lied, your problems would all go away; and if you didn't, boy, you were going to end up in jail?

Mr. DETOR. Yes.

Mr. TRAFICANT. That's the bottom line.

Mr. DETOR. Yes.

Mr. TRAFICANT. All right. Well, listen, you have your attorney get in touch with me; and I'm recommending to you that you consider filing a lawsuit against him because I'm going to have a hearing on Morford's behavior.

Mr. DETOR. I think, to tell you the truth, that the whole thing needs to be thrown out.

Mr. TRAFICANT. Well, this may lead to that, your participation.

Mr. DETOR. It's out of control.

Mr. TRAFICANT. They're either going to screw you, me, or they're going to get away with it or they're going to get their ass in a sling; and maybe it's their ass in a sling and everybody's afraid to go after them. And I'm one of the few in America, Richard.

Mr. DETOR. Yeah, I know.

Mr. TRAFICANT. And I'm afraid to death. I'm not talking big. I'm afraid to death, but I'm going after these bastards. This is not what America's supposed to be. We shouldn't have to fear our God damned Gestapo government.

Mr. DETOR. Well, they referred to me as collateral damage; and if I wasn't smart enough to get out of the way and decide whether I was wearing a Union shirt or Confederate pants—that's what he said to me quote-unquote, you're wearing Union pants and confederate shirt or something of that nature. They're shooting at you from both sides. You better make sure you know which side you're going to be on, but you better be on the winning side because you're in a lot of trouble. I said to them, I'm sorry; I don't see what I'm in trouble for. I didn't see anything happen. I wasn't aware of anything. I didn't see one transaction of anything that you're alleging. And then they said, well, he took

$40,000 on his boat. I said that's nonsense. That is absolute, 100 percent nonsense. I said I'm not aware or ever heard anybody say anything about it. And they said J.J. Cafaro gave him money out in Youngstown personally and finally the FBI steps in and [unintelligible]. I had no knowledge of that.

Mr. TRAFICANT. Oh, but you know that Cafaro was such a liar. You know that J.J. wasn't giving me cash. If he was going to give me cash, he would have brought in $26,000 to buy a boat, wouldn't he?

Mr. DETOR. If J.J. Cafaro wanted to go do something in a way, he would have just gone and done it. There's no doubt in my mind. J.J.'s proven to be a liar through and through. He induced my family to move down here. He fraudulently did it. Damn it, my family was able to hang on to the house by my wife's working, by me working. You know, I've got security plans. In my entire life I have never done one thing wrong in any way, shape or form. I respect the government; I respect the government offices. I respected the Congressional bodies, the executive bodies, everybody. I've worked for benefits for this government to a degree; and to hear this and—

Mr. TRAFICANT. And to be threatened that if you don't lie, you're going to go to jail, that doesn't sound American, does it?

Mr. DETOR. It's not. It absolutely is—

Mr. TRAFICANT. And that's the bottom line, isn't it, Richard?

Mr. DETOR. Yep.

Mr. TRAFICANT. Okay. Well, listen. If you file that suit, that suit should also be filed against Cafaro when you do it, or do you have one filed against him?

Mr. DETOR. I've got one filed against him now. And the other thing that I was requested to do was drop my charges against Cafaro or settle it because they did not want me in court with Cafaro before this case.

Mr. TRAFICANT. You know why? They know that J.J. is a liar. J.J. called them a liar on the stand in the Chance trial, and this is why they're worried about it. This is why they got to have somebody. They know what they're doing and it's completely illegal. They're forcing you not to, in fact, make yourself whole over an illegal act by Cafaro. He broke the law in Virginia.

Mr. DETOR. Yeah, what they have is—well, I've got him [unintelligible] he was writing all these bad checks, and I had even gone to the Commonwealth attorney to make sure that nobody had given their [unintelligible].

Mr. TRAFICANT. Yeah, and here they are trying to protect Cafaro because Cafaro to save his own ass from perjury is lying about me.

Mr. DETOR. What kind of witness does Cafaro really make when the reality comes out that the guy's lying—

Mr. TRAFICANT. Well, he's going to have Al Lang to make him look like he's telling the truth, but they can't handle the fact that you are so upright and upstanding a man of integrity, and it's going to blow their case; do you understand?

Mr. DETOR. Yeah, they tried to tear me apart, IRS. They tried then saying that I committed fraud in order to obtain my house, which is nonsense because the bank told them I qualified for the house before I even moved. I was all prequalified. They tried to tell me that I was trying to support my wife's lavish lifestyle. They had no idea that my wife has worked 20 years, worked her way through college and that her family is very financially well off; and we have never sought money from anybody. And when I moved from New Jersey, I was carefully, carefully debt free and had no obligations to anybody; and the thing about having to commit fraud with a bank in order to obtain a mortgage is pure nonsense. That's where they've gone. They've gone after me in every way, shape or form.

Mr. TRAFICANT. And Cafaro lied to you from day one, didn't he?

Mr. DETOR. Yes, he did.

Mr. TRAFICANT. And everything he said was a lie?

Mr. DETOR. And I have numerous other witnesses where he lied to them. He lied about their employment.

Mr. TRAFICANT. Who were some of those witnesses?

Mr. DETOR. You got Lonnie Sikowski, 30 years at the FAA. You got Walt Allison, former CIA, top level clearances. You have Amanda Simon. You've got a guy named Jim Phillips who sold the airplane to Cafaros, and then they try to say they're not responsible when I was right there in a meeting where they said it was Cafaro Company's. See, they're using it against me saying that they're not Cafaro Company. [Names are phonetic spellings.]

Mr. TRAFICANT. Have your attorney send me a list of those names, too. Listen, I'm going to let you go, but keep in mind I'm going to be calling you because I'm taking this son of a bitch to a hearing.

Mr. DETOR. Like I said, I can only tell the truth. I fear of my children's lives. I'm scared to death.

Mr. TRAFICANT. You're going to be subpoenaed by me.

Mr. DETOR. Do it through the attorney.

Mr. TRAFICANT. I will.

Mr. DETOR. The threats and intimidation; I'm willing to go to the media. I'm willing to go anyplace, you know.

Mr. TRAFICANT. File you lawsuit and go the media and say in their zeal to get Traficant, they wanted me to lie. That's the bottom line; and they pressured me to lie and made it known very clearly from what you told me that if I lie, all my problems would go way.

Mr. DETOR. I didn't lie. They wanted me to. I refused. I just said I keep calm. I've discussed it with my wife. I discussed it with other associates. They said that I was [unintelligible] with the IRS. I basically couldn't even speak, and my family members sat there with me, and they said, Rick, we know you; you won't lie; you don't lie; don't lie. Don't be coerced into lying. I said they're telling me they're going to ruin my life if I don't.

I basically am at a breaking point. I'm mentally running, I mean to tell you the truth. I'm ready to just go ahead and blow my head off. It is so bad, if it wasn't for my kids and the strain it would have on my kids, I'd be gone.

Mr. TRAFICANT. Richard, why don't you go public. Talk to your attorney; go public, file the lawsuit when you do, and I'm calling for a hearing on his conduct, on Morford's conduct. Listen to me carefully and you won't have any more problems because the truth sets us free.

Mr. DETOR. Yes, it does.

Mr. TRAFICANT. I'll get back to you. Thanks, big guy. All right. Have your attorney call me. Is he involved with any law firm or is that his firm?

Mr. DETOR. Plato Cacberis is Monica Lewinsky's attorney.

Mr. TRAFICANT. He was.

Mr. DETOR. Yes.

Mr. TRAFICANT. How do I reach him, is his phone number in the phone book?

Mr. DETOR. Yes, that phone number I just gave you.

Mr. TRAFICANT. Very good.

Mr. DETOR. All right.

Mr. TRAFICANT. Thanks, guy. Have him send me the documents. Bye now.

Mr. DETOR. Bye.

Mr. TRAFICANT. That was Richard Detor. This is Wednesday, August 1, 2001, and it's approximately 1:18 p.m. This conversation involved the behavior of the government, the FBI, the U.S. Attorneys and their extortion.

REPORTER'S CERTIFICATE

I hereby certify that the above and foregoing is a true and correct transcription of the tape-recorded conversation represented to be recorded on August 1, 2001. This record was prepared from a tape recording provided by Congressman James A. Traficant, Jr.

LISA C. NAGY-BAKER,
Registered Diplomate Reporter Notary Public.

RECOGNIZING EL PASO ARTIST ERNESTO PEDREGON MARTINEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize an artist from my district. Ernesto Pedregon Martinez is a renowned international self-taught artist and muralist. He was an illustrator and artist for the federal government for more than 35 years. He also served as a professor of Mexican-American art at El Paso Community College for nine years.

Mr. Martinez was born and raised in the poor barrios of South El Paso. The focus of his work reflects his understanding and first-hand knowledge of the daily struggles of the Mexican people. Mr. Martinez is considered one the nation's leading Mexican-American artists. In addition, Ernesto Martinez has been a frequent guest speaker at many civic, religious, and military functions. This includes an appearance in Mexico City on the international program "Siempre en Domingo" with Raul Velasco.

Ernesto Martinez served our country in the military. He served in World War II with General Terry Allen's famed 104th "Timberwolf" Division in Europe. He was awarded the Bronze Star in combat, Combat Infantry Badge, and Battle Stars. In addition, Mr. Martinez has been active in the community of El Paso by serving as the Commander of the Veterans of Foreign Wars Post Number 9173 and the Vice-Commander of American Legion Number 36. He has also worked with the Disabled American Veterans, the Lions Club, the Boy Scouts of America, the Knights of Columbus, LULAC, and many other organizations.

Mr. Martinez has most notably been recognized for his artistic abilities. He was selected as the "Texas State Artist" in two-dimensional works of art in 1997–1998 by the Senate of the State of Texas. In 1998, he was featured in "The Voice of America," a U.S. Government overseas television program and has been featured in numerous books. He was also recognized in "Who's Who in American Art," in the years 1976, 1993, 1994 and was honored by the El Paso City Council for outstanding contributions to Mexican-American culture in 1977.

Mr. Martinez's work has been commissioned as murals in many locations in El Paso including works such as "Pre-Colombian Mexico," exhibited at Bowie High School; the "Congressional Medal of Honor," at the Veteran's Clinic; and "Desert Storm," which is a military mural commissioned by the Junior League and located at Stout Gym on Ft. Bliss. In addition, Mr. Martinez's work has been exhibited at the Centennial Museum and Glass Gallery at UTEP; the Corbett Gallery at New Mexico State University; the University of Colorado at Boulder; the El Paso Public Library; the Chamizal National Memorial Gallery; and the El Paso Civic Center.

Mr. Speaker, I applaud the work and legacy of Mr. Ernesto Pedregon Martinez. He has made El Paso very proud.

HALLOWEEN CELEBRATED BY OUR SAILORS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Halloween was recently celebrated by sailors aboard the USS *Theodore Roosevelt*. The crew celebrated with a door-decorating contest, improvised jack-o'-lanterns and the ship's mascot donning a ghost costume.

The festivities included a three-foot man-made jack-o'-lantern made by the ship's airframe department in their free time. The door-decorating contest produced a picture of Dracula in a cemetery, with one of the gravestones for Osama bin Laden. The ship's mascot, a moose, put on a ghost costume and trick-or-treated up and down the carrier's passage ways.

Activities like these keep spirits high and create a break from daily activities for our sailors during a difficult time. I know the Members of the House will join me in paying tribute to America's men and women in uniform who nobly serve aboard the USS *Theodore Roosevelt* and around the world.

RECOGNIZING ACHIEVEMENTS OF THE FIRST UNITED METHODIST CHURCH OF ANSONIA, CONNECTICUT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, I take this opportunity to recognize the 150th anniversary of the First United Methodist Church of Ansonia, CT.

Since its first meeting in 1848 at the home of James Booth, the Methodist Episcopal Society of Ansonia has been an invaluable member of the community. In 1851, the Ansonia Methodist Society was formed and began meeting in the second story hall of a building on the corner of Main and Bartlett Streets. This hall became the first house of worship for the Ansonia Society. As membership expanded and the society outgrew its meeting hall, they began looking for a new house of worship. A new church was built on Main Street, and the first worship service took place there on April 22, 1865. A fire damaged the church in April of 1887. Through the dedication of the parishioners, and with the help of a local Baptist Church, the building was reopened in August of 1887.

Tragically, in December 1943, another fire destroyed the Main Street Methodist Church. In the true spirit of America, the Trinity Methodist Church opened its doors, minds, and hearts to the membership of the Main Street Methodist Church and in 1944 the two churches merged. Combining resources, a new sanctuary was planned and the first worship was observed on June 24, 1951. On November 5, 1951, Bishop G. Bromely Oxnam formally dedicated the newly completed building.

As the Trinity Methodist Church opened its doors to the Main Street Methodist Church, so has the First United Methodist Church of Ansonia opened its doors to the community. Hosting the Ansonia 2001 Education and School project meetings, making itself available to many community groups and organizations who need meeting space, serving as the site for the Ansonia High School Baccalaureate worship, and offering itself as a place of prayer and hope when many churches came together the day following the tragic events ofSeptember 11, 2001.

At this troubling time in our Nation's history many Americans turn to their church as a foundation of support. For 150 years the First United Methodist Church of Ansonia has been providing its community with that support. As you can see, the First United Methodist Church is a sterling example of what America stands for—unity, diversity, and commitment to community. Mr. Speaker, I am honored to represent the membership of the First United Methodist Church and wish them another 150 years of successful community service.

TRIBUTE TO SCOTT C. SCHWARTZ, D.D.S.

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the generosity and kindness of one of my constituents, Scott C. Schwartz, DDS.

Scott is an orthodontist in Deer Park, LI, who has brought much happiness—and beautiful smiles—to thousands of children and adults in Long Island. He now would like to continue to bring that happiness and those smiles by offering his services to all of the children of Suffolk County who lost a parent in the World Trade, free of charge.

It is so very heart-warming to see a person helping to get America to smile again. I applaud and thank Scott for his kind and heartfelt actions. I ask my colleagues to do the same.

RECOGNIZING MR. CHARLES HART FOR BEING NAMED 2001 TEXAS SUPERINTENDENT OF THE YEAR

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize a good friend and important member of the El Paso community.

The Texas Association of School Board's Superintendent of the Year is a person chosen for dedication to improving educational quality, board-superintendent relations, student achievement, and commitment to public support and involvement in education. This year's recipient truly epitomizes every one of these qualities. Mr. Charles Hart of the Canutillo Independent School District (ISD) has deservingly been named the 2001 Texas Superintendent of the Year.

Mr. Hart began his career teaching high school in El Paso in 1966. He steadily moved up the public school ranks and in 1997, he became superintendent of Canutillo ISD. During his four year tenure, Mr. Hart, along with the Board of Trustees, has been instrumental in moving Canutillo ISD forward into a leadership role in public education. Canutillo ISD has implemented instructional programs and policies in student services, special education, special programs, technology and career education that have helped students succeed academically and socially.

The selection committee noted Mr. Hart's ability to change the district's perception, bringing the community together in support of its schools. Also cited by the committee were the success of the innovative parental involvement Mother/Daughter and Father/Son programs and the steadily improving student achievement and fiscal stability of the district. Canutillo ISD has been at the forefront in a variety of innovative programs including Two-Way Dual Language, Reading Renaissance, Service Learning, Migrant Academics 2000, Agricultural and Health Sciences, and many more.

Mr. Hart currently serves on the boards of the Texas Fast Growth Coalition, the Southwestern International Livestock Show and Rodeo, and the El Paso Teachers Credit Union. In addition, he is a member of the Region 19 Administrators Council, the El Paso Jaycees, the Golden Boot Club, and the Boys Baseball of El Paso, among others.

The students, faculty and Board of Trustees are all fortunate to have such a hardworking and dedicated individual at the head of their school district. I have known first hand of the tremendous work he has done throughout the years and I would like to again, extend my congratulations to my good friend, Mr. Charles Hart of the Canutillo Independent School District for his well deserved recognition as the 2001 Texas Superintendent of the Year.

HONORING MARILYN BUCHI OF FULLERTON, CALIFORNIA

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ROYCE. Mr. Speaker, I rise to honor Marilyn Buchi, a constituent of mine from Fullerton, California. As the outgoing President for the California School Boards Association (CSBA) for 2001, I wanted to recognize Marilyn for her continuous efforts on behalf of children and education throughout the local community and the State of California.

Her involvement has benefited a variety of organizations, including the American Association of University Women, League of Women Voters, National Assistance League and American Heart Association. She was named the 1998 Woman of the Year by the Fullerton Chamber of Commerce. Marilyn has served on the Fullerton high school board since 1983 and has been on the board of the North Orange County Regional Occupational Program. She has been active in the CSBA for more than a decade.

Her leadership benefits our community and she serves as a role model for our youth. It is with great pride that I recognize the achievements of Marilyn and bring to the attention of Congress this successful educator as she finishes her term as President of CSBA.

RECOGNIZING THE PATRIOTISM OF ROARING BROOK ELEMENTARY SCHOOL'S 3RD GRADE CLASS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to share the accomplishments of students in my district who have shown true patriotism in the wake of the September 11, 2001, attacks. In recognition of their achievements, I would like to read their letter to you and the American people:

> Since the events of September 11, 2001, it has been a time for patriotism. In Avon, Connecticut, a third grade class (7 and 8 year olds) of Roaring Brook Elementary School, has tried to be better patriots. They have learned state capitals. They have talked about the nation's history and what it means to be an American. They have made red, white and blue pins for their mothers and made a quilt of flag pictures.
>
> They have also found that being a patriot is something like Thanksgiving—everywhere they look they see things that are special about America, and worth being thankful for. So, if you do not want to fly the flag, make pins or recite state capitals, the 3rd graders of Roaring Brook Elementary School suggest that you can be a patriot in some much simpler ways. They invite you to join them in thinking about some of the special things in America, and why those are worth some kind of special effort in this special time.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 425, H.R. 3150, The Secure Transportation for America Act of 2001 Had I been present I would have voted "yea".

Mr. Speaker, I am extremely pleased that the amendment I offered, which would allow sky marshals to fly home on their days off at no cost to themselves, was considered as part of the manager's amendment to H.R. 3150. While this amendment is a simple change, it could provide up to 20 percent additional law enforcement on flights and provide complimentary seats to the sky marshals that wish to return home on their days off.

Frankly, I believe this provision is a winner for everyone. For the airlines, it provides an added measure of security on flights, for the sky marshals, it enables them to be home with their families during their time off, for the government, it is cost effective in terms of providing additional flight security at no additional cost to the government, and for the public it is an additional layer of security to ensure our airways are safe.

Finally, in a very small way, it expresses our gratitude towards the individuals who risk their lives everyday to ensure our safety while traveling on airplanes.

AMERICA'S CAREGIVERS—EVERYDAY HEROES

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. PUTNAM. Mr. Speaker, in the 2 months since September 11, Americans have discovered that the age of heroes is not past. We have rediscovered that heroes do not live in movies or on the pages of novels, but in the everyday reality of our military units, our police stations, fire departments, and post offices. And we have discovered that, unlike our enemies, American heroes make their sacrifices in the cause of life, not death.

It is only right, then, that during this season of thanksgiving, when history demands that we give particular thanks for the many blessings that have been bestowed on us as individuals and as a Nation, we give special recognition to another group of everyday heroes; America's caregivers.

The generous support provided by caregivers to those who need help if they are to remain in their homes and communities is a reflection of American family and community life at its best. Thanks to the efforts of these everyday heroes, Americans with disabilities and a growing number of elderly Americans are able to stay in familiar surroundings and to maintain their dignity and independence. Caregivers share not only their time, but also their resources, spending some $2 billion a month of their own assets for groceries, medicine, and other aid. Surely, their extraordinary generosity and compassion fits our definition of heroism.

A care recipient is a person who may be ill, elderly, or disabled or otherwise needs assistance with the tasks associated with daily living. A 1999 study prepared by the National Alliance for Caregivers reported that 23 percent of American adults regard themselves as family caregivers of individuals aged 50 and older. In addition, the report notes that one in five care recipients live in the caregiver's home.

But the efforts of our caregivers are not limited to caring for the elderly or disabled. The challenges of 21st Century society have created a new category of caregiving in America. Many older relatives now take care of children whose parents are not able to care for their children themselves. These generous seniors, who in many cases had already raised their own children and were looking forward to retirement, have embraced the challenges of parenting a new generation of young people. Their everyday heroism gives millions of our most vulnerable youth the opportunity to grow up in stable, loving homes, nurtured in America's traditional values.

America's caregivers—everyday heroes among us—deserve our lasting gratitude and respect. Today, it is my honor, and pleasure, to recognize the many contributions that America's caregivers make to the quality of our national life. Thank you, and may God bless America.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Democratic alternative to federalize our airport security. September 11, 2001 will forever be remembered as a day that evil visited our great nation as never before. Four hijacked airliners were transformed into missiles, slamming into the Pentagon and the World Trade Center. These attacks caused enormous and previously unthinkable loss of life.

The Senate has approved the Aviation Security Act by a unanimous vote of 100–0. This bill calls for a federal force of 28,000 passenger and baggage screeners and armed security guards at key checkpoints throughout airports. The bipartisan Senate plan includes many measures the President supports, including more plainclothes sky marshals on commercial flights and strengthened cockpit doors. The Aviation Security Act, as passed by the Senate, represents precisely the kind of action Congress should take to respond to the September 11 attacks.

Mr. Chairman, the primary responsibility of the federal government is to ensure the safety and security of the American people. Our recovery from the economic downturn is being hampered by the public's fears about aviation security. Improving security at our nation's airports will have positive benefits on all aspects of our economy. When people see the level of security at their local airport increase, they will no longer be aftaid to return to the sky, and our country can get back to normal. This Congress must act and act now to ensure the safety of the flying public and get our economy growing again. We must show these evildoers that their efforts to terrorize us will not succeed.

I will vote in favor of H.R. 3150, the Secure Transportation for America Act, because I believe that we must get this process moving, but the Senate-passed Aviation Security Act is the far superior bill. We must put politics aside and put the interests of the American people first. I am hopeful the House and Senate will come together in a bipartisan way to pass sound airplane security legislation and send it to the President to be signed into law as soon as possible.

TRIBUTE TO REV. HARRY HENRY SINGLETON II

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Rev. Harry Henry Singleton II, of Conway, SC, who was recently honored by the Conway Branch off the NAACP. Rev. Singleton's contributions to his community include his work as a teacher, pastor, and community leader. Many honors have been bestowed upon Rev. Singleton for his leadership by various churches, community service organizations, and individuals.

"H.H.," as I affectionately call him attended Allen University in Columbia, SC, and its J.J. Starks School of Theology. He also attended South Carolina State University in Orangeburg, SC, and the University of South Carolina in Columbia.

Before becoming the first black male to teach at Myrtle Beach (South Carolina) High School, Rev. Singleton was employed as a Science teacher at four other schools in South Carolina. In 1994, after 30 years of teaching, Rev. Singleton retired from the teaching profession.

In 1997, "H.H." retired as pastor of Cherry Hill Baptist Church in Conway, SC and was named Pastor Emeritus of the church. During his long tenure as Pastor of Cherry Hill, he was often called upon to provide leadership to various community causes many of which were far beyond the call of duty.

Rev. Singleton has served as Chairman of the Education Committee of the NAACP, 2nd Vice President, 1st Vice President, and member of the Executive Board of the South Carolina Conference of NAACP Branches. As President of the Conway Chapter of the NAACP, Rev. Singleton is called upon for consultation on issues involving race, gender, housing, and age discrimination. He has assisted numerous individuals with obtaining educational and job opportunities in areas they were previously denied. He has encouraged many black community leaders to pursue positions on city and county councils, the county school board, and the South Carolina General Assembly. Other accomplishments of the Conway NAACP under Rev. Singleton's leadership include the introduction of the NAACP's Back to School/Stay In School Tutorial Program, implementation of Single Member Districts for the election of Horry County School Board Members, and the negotiation of Fairshare Agreement Programs with Businesses creating more upper management and other job opportunities for African Americans.

In 1989, the Rev. Singleton advised black members of the Conway High School Football Team who were protesting treatment of its black quarterback. As a result of his action, he was fired from his teaching position. Seeking redress of his firing, Rev. Singleton filed a lawsuit against the school district and was restored to his teaching position by Court mandate in 1991. Rev. Singleton also successfully fought against the privatization of Horry County's Automobile Garage which would have resulted in the permanent dismissal of seven employees. His challenging the Horry County Police Department's hiring practices in 1993 resulted in the promotion of several black officers and the elimination of discriminatory employment screening tests.

Mr. Speaker, I ask you and my colleagues to join me today in honoring a personal friend, Rev. Harry Henry Singleton II for the incredible services he has provided, and I might add, continues to provide, to his congregation, and community. I sincerely thank Rev. Singleton for his outstanding contributions and commitment to pursuing justice and equality within his community, and congratulate him on receiving the Conway Chapter NAACP Tribute award and wish him well in all of his future endeavors.

REGARDING H.R. 3090, THE ECONOMIC SECURITY AND RECOVERY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. LANGEVIN. Mr. Speaker, I rise to express my support for enacting a fair and reasonable economic stimulus package, and to voice my strong opposition to H.R. 3090, the Economic Stimulus and Recovery Act.

For the economy to get back on track, it needs insurance against a severe recession in the short run and insurance against escalating deficits and debts in the long run. A stimulus package consisting of temporary tax relief and temporary increases in government spending can provide both.

With the exception of the household tax rebate aimed at lower- and moderate-income workers, this stimulus package does little to help those that need it most. The majority of the tax provisions contained in this package are permanent, including a cut in the capital gains tax, a retroactive repeal of the corporate Alternative Minimum Tax (AMT) and an extension of benefits for multinational insurance and finance corporations. These permanent changes will not stimulate the economy in the short run and instead will put the Social Security and Medicare trust funds at risk in the long-term.

Additionally, the acceleration of recently-enacted tax cuts would only benefit the top 25 percent of all income tax filers, who are likely to save more and spend less of these tax cuts than those with lower incomes. A more effective stimulus package would combine the household rebate aimed at lower- and moderate-income workers with a temporary incentive for business investment.

Congress has historically responded to severe economic downturns by providing additional weeks of extended unemployment benefits for workers. In fact, during the 1990–1991 recession, Congress extended unemployment insurance (UI) benefits nationally on four separate occasions. H.R. 3090 blatantly disregards these past precedents by simply giving states a mere $9 billion worth of block grants that may or may not be used to extend or increase unemployment benefits for laid-off workers.

This measure also falls to provide laid-off workers with adequate health care coverage. The average monthly COBRA premium is unaffordable for most displaced workers, who are barely making ends meet with their monthly UI benefits. Although H.R. 3090 would give states $3 billion in health care block grant funds, thousands of workers who have lost their jobs since September 11th would still remain uncovered.

Equally important to these short-term stimulus policies is insurance against escalating debt. We need a multiyear budget plan that covers the real costs of both the war on terrorism and the country's commitments to current and future retirees. Unfortunately, if this measure is adopted, its permanent toll on government revenues will require even more painful trade-offs among the nation's priorities in the future.

Even before the terrorist attacks, the enormous tax cuts scheduled over the next decade had dealt a severe blow to the nation's long-term fiscal outlook. According to both the Office of Management and Budget and the Congressional Budget Office, during the next decade, the federal surplus will be limited to funds earmarked for Social Security and Medicare. The Administration's tax cuts for the most affluent households have already wiped out the remaining on-budget surplus.

We must ensure these surpluses are replenished so that we can honor our future obligations. We must also provide every dollar needed to win the war against terrorism and to ensure the security of Americans wherever they may be. But in addressing these new and urgent priorities, we should remember the challenges that we faced even before the tragic attacks. Without compromising our vital commitments, we need to ensure that any policy changes address these new short-term challenges without worsening our continued long-term concerns.

For these reasons, I support the balanced, fiscally responsible Democratic substitute that deals with our immediate economic concerns without damaging the nation's fiscal health. It provides immediate relief to displaced workers while stimulating the economy with temporary business and individual tax cuts. Unlike H.R.

3090, the substitute promotes long-term economic stability and national security by making targeted investments in our nation's infrastructure. Finally, the substitute pays for itself by delaying the top income tax rate cut approved earlier this year, which benefits only our nation's wealthiest individuals.

I urge my colleagues to support the Democratic substitute and to reject this reckless and misguided economic stimulus package, which will further jeopardize our future fiscal security, while offering little assistance to those most vulnerable in the current economic climate.

TRIBUTE TO DR. FRANK BIASCO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise to take a moment today to recognize and celebrate the life of a great Floridian and a great American, Dr. Frank Biasco.

Dr. Biasco would say that his specialty was human services. He was referring to his doctorate in counseling psychology and masters in social work. Those who knew him best can tell you that he loved serving his neighbors. The people of northwest Florida and the students he loved to teach were enlightened from his extensive experience in public life. Anyone who came in contact with Dr. Biasco was inundated with his infectious energy, vigor and commitment to his community. His memberships in countless organizations and professional groups, and the influence and legacy to our community will be felt for years to come.

Dr. Biasco's leadership spanned his life. He was on active duty in both WWII and the Korean war and his vast influence in local politics changed the landscape of the First Congressional District of Florida forever. He will always be remembered for his tireless fight for our environment and wetlands. Dr. Biasco was awarded with numerous community and volunteer awards for his services, and the influence he had on our youth will continue for many years.

We are all saddened with the sudden loss of such a great man but can take solace that he will be serving us in a greater capacity. We will miss our dear friend and we will continue to celebrate the legacy he gave to our community.

ARIZONA'S SECOND CONGRESSIONAL DISTRICT—HOME OF THE 2001 WORLD CHAMPION ARIZONA DIAMONDBACKS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. PASTOR. Mr. Speaker, I rise today to congratulate and pay tribute to the World Champion Arizona Diamondbacks. The Diamondbacks dethroned the mighty New York Yankees in a thrilling Game 7 to claim the 2001 World Series Championship in what many are calling the most exciting Series in history. I am proud to say that I am a Diamondback fan, but also I am proud to say that their home, Bank One Ballpark, resides in the Second Congressional District of Arizona, of which I have the honor of representing.

The Diamondbacks are the youngest expansion team to win a Major League Baseball World Series Championship, accomplishing this feat in only four years of existence. There was a tremendous amount of dedication and work by a great number of individuals toward reaching this goal and all involved should revel in this great accomplishment. And what is more important, these dedicated individuals came together to form a team—a championship team.

First, let me commend all the owners, especially the Managing General Partner Jerry Colangelo. For over 30 years, Jerry has not only been dedicated to building championship teams in Arizona but is highly regarded for his commitment to improving his community.

The Diamondback front office must be recognized as well. Rich Dozer, President of the club has supported the efforts of everyone associated with the Diamondbacks, and we would not be champions without him.

I want to congratulate General Manager Joe Garagiola, Jr. for his work in assembling this championship team. His foresight in combining the unique talents of each player into a formidable contender, truly deserves recognition.

I want to pay tribute to the man who steered the Diamondbacks to the pinnacle of baseball and became the first manager since 1961 to win the championship in his first year, Manager Bob Brenly. His coaching staff, Bob Melvin, Dwayne Murphy, Eddie Rodriguez, Glenn Sherlock, Chris Speier, and pitching coach Bob Welch, were all instrumental in the success experienced all year.

My granddaughter's favorite Diamondback, the mascot D. Baxter the Bobcat, who keeps us all laughing, even when things might not be going our way.

All these people have played an important role in bringing Arizona its first professional Championship and they each have staffs that have helped them every step of the way. The city of Phoenix, the surrounding communities, and the State of Arizona thank you all.

But, Mr. Speaker, we will never forget Jay Bell crossing the plate in the bottom of the 9th Inning of Game 7, with the winning run. We will never forget Luis Gonzalez, after hitting 57 home runs during the season, dropping a bloop single over second base—one of his shortest hits of the year, but his longest hit in the hearts of Diamondback fans—to drive in that winning run. Who can forget Tony Womack's clutch hit to drive in the tying run.

Finally, Mr. Speaker, I want to commend the three Most Valuable Players. Craig Counsell was selected the MVP of the National League Championship Series. Craig's performance throughout the post season was outstanding. His clutch hitting and tenacious defense served as an inspiration to his fellow players and helped to propel the Diamondbacks to victory after victory.

However, the Diamondback pitching tandem who garnered World Series MVP honors will go down in history as one of the greatest pitching combinations of all time. The names Johnson/Schilling will be synonymous with each other in baseball, just as Ruth/Gehrig and Koufax/Drysdale. Curt Schilling and Randy Johnson are both masters of their craft who dominated pitching this year. They were first and second in the National League this year in both strikeouts and earned run average, and they set a record for combined strikeouts by teammates.

Mr. Speaker, November 4, 2001 will be a day long remembered by Arizonans. It was a day in which we shared the joy and glory of a Diamondback victory and welcomed the first World Championship to Arizona. The City of Phoenix, the State of Arizona, and the whole country congratulate these World Champions on a job well done!

COMMENDING COMMANDER CARLOS DEL TORO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. DIAZ-BALART. Mr. Speaker, on December 8, 2001, Commander Carlos Del Toro will take command of the USS *Bulkeley*, the newest Aegis Guided Missile Destroyer.

The USS *Bulkeley* is named in honor of Vice Admiral John D. Bulkeley. Vice Admiral Bulkeley was a true hero, serving our nation through 55 years of active duty. From his role in the landing at Normandy to his role as Commander of the U.S. Naval Base at Guantanamo, he served our country with loyalty and honor.

It is only appropriate that the commander of the USS *Bulkeley* embody the same exceptional characteristics of the ship's namesake. Commander Carlos Del Toro immigrated to the United States in 1962 from Cuba. He left a land sadly beset by oppression and dictatorship, and has devoted his life to defending liberty and democracy.

After graduating from the U.S. Naval Academy in 1983, Commander Del Toro began his honorable military career serving aboard the USS *Koelsch,* later serving on the USS *Preble*, and the USS *America*. While serving as the assistant engineer on the USS *America* aircraft carrier, he was deployed to the Persian Gulf twice in support of Operation Desert Storm.

Commander Del Toro has received a Masters Degree in Space Systems Engineering and Electrical Engineering from the Naval Postgraduate School, and served as Space Systems Program Manager at the Pentagon. He was responsible for managing a satellite ground station in support of our nation's national security. Following his work at the Pentagon, Commander Del Toro received a Master's Degree in National Security and Strategic Studies from the Navy War College, and served as Executive Officer of the USS *Vincennes,* a guided missile cruiser homeported in Japan.

Commander Carlos Del Toro has spent his Naval career preparing for his next assignment leading the USS *Bulkeley*. He honors the United States Navy, and he honors the United States of America. As a fellow Cuban-American, Mr. Speaker, it is a special privilege for me today to congratulate Commander Del Toro for his multiple career successes and to wish him and the crew of the USS *Bulkeley* Godspeed as they set to sea to defend America.

TRIBUTE TO EMILY MASAR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Miss Emily Masar of La Junta, Colorado. Emily has been selected as this year's National Philanthropy Day Outstanding Youth for her exceptional community service. For this, Mr. Speaker, the United States Congress commends her.

Emily is a student of La Junta High School and first became interested in volunteer activities in 1999. Since then Masar has started the Respite Nights program and has recruited numerous volunteers. The Respite Nights program provides services and support to adults and children with developmental disabilities. Currently, Masar and other volunteers have contributed over 350 hours to the program.

In a recent edition of the *La Junta Tribute-Democrat*, Kat Walden of the Arkansas Valley Community Center said, "Emily is a shining light that, as a young woman, has not only been willing to volunteer her time but also take the added responsibility of coordinating the Respite Nights program." Emily's strong work ethic and dedication to community service remind us of the strength of America's youth. It is reassuring to know we have people like Emily to lead us into the future.

As a constituent of Colorado's Fourth Congressional District, Emily Masar is truly a positive role model for the youth of America. She not only makes her community proud, but also her state and country. I ask the House to join me in extending our warmest congratulations to Ms. Emily Masar.

PATRIOTIC POEM WRITTEN BY SARAH BETH SOENDKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SKELTON. Mr. Speaker, I am proud to share with the Members of the House this excellent poem written by 11-year old Sarah Beth Soendker, of Polo, Missouri. She is the granddaughter of Mr. and Mrs. Carl Soendker, of Lexington, Missouri. She wrote the poem in remembrance of the victims of the attack on America. The fine poem is set forth as follows:

AN AMERICAN PROMISE

We will stand tall if our soldiers die, if war
  starts again or if our hearts cry.
We will stand tall if our country should lose,
  if our men go to war, that's our news.
We will stand tall if our houses are burned,
  or if our country is attacked, we will
  still not be ruined.
We may be trapped in this world of sin, but
  at least we still have our pride, our
  courage and we can win!
An American Promise that we will make,
  we'll hold the flag high and this flag we
  won't let them take!

Sarah has also had two poems published in the 2000–01 editions of "Anthology of Poetry by Young Americans."

HONORING DESTINY FOLMER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an exceptional and caring young woman, Destiny Folmer, who recently help raise $400 for the Colorado Brian Injury Association. Destiny's mom is a brain injury survivor who helped inspire her to engage in this worthy cause. Destiny recently tried to ensure that others suffering brain injuries will survive and recover by participating in the Pikes Peak Challenge. At only fifteen years old, she and her father performed the fifteen-mile hike up Pikes Peak and, after nine long hours, finished the grueling hike. By completing the challenge, she was able to raise the $400 for the Association. Mr. Speaker, not only is her family proud of her achievements, but her community is proud and appreciative of her charitable heart. Destiny Folmer has truly displayed a caring heart and the many that will benefit from her dedication are grateful for her selfless act. She is a special young woman that is worthy of the praise of this body of Congress. I would like to thank Destiny for being a role model to us all.

COMMEMORATION OF THE UKRAINIAN FAMINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. HINCHEY. Mr. Speaker, today, November 6, 2001, we remember one of the most horrific events the world has ever seen: the induced famine that was forced on the Ukrainian people by the Soviet government between 1932 and 1933. Ukrainians live all over the world now, but their homeland was under a non-conventional attack whose purpose was to eliminate the Ukrainian nation from existence. Seven million people were killed through starvation while a surplus of grain sat in warehouses. Despite the magnitude of this crisis, the Ukrainian Famine remains largely unknown outside the Ukrainian community. The truth has been hidden from us for far too long and now it must be brought to light.

Under the reign of Josef Stalin, the Ukrainians resisted the unimaginable atrocities that befell them. After the heroic efforts of the Ukrainian independence movement toward the end of World War I, Stalin forced a famine on the "breadbasket of Europe," Ukraine. One-fourth of its population was killed during this horrendous act of genocide.

A reporter from the Manchester Guardian managed to slip inside the famine area and described it as, "A scene of unimaginable suffering and starvation." He witnessed the terror and suffering that the people endured and attempted to show it to the world. Until 1986, the Soviet government did not admit to the man-induced famine. For two years people starved to death and the survivors were forced to eat rodents, eat the leather from shoes, and in extreme cases they were forced to eat the dead. The seven million deaths over two years was the highest rate of death caused by any single event, including any war that the Ukrainian people have ever fought. There is no precedent of such a hideous act in recorded history.

Ukraine and the United States have witnessed human suffering and newly independent Ukraine is helping the United States during our time of mourning. Ukrainian Americans lost people in the attacks of September 11 who were as innocent as those that died in the famine. They will join together on November 17 at St. Patrick's Cathedral in New York to commemorate the terrible acts perpetrated upon Ukrainians nearly three-quarters of a century ago. The survivors will always remember the past in order to prevent such suffering from occurring ever again.

DR. HENRY KISSINGER'S EXCELLENT ANALYSIS OF OUR WAR ON TERRORISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. LANTOS. Mr. Speaker, today's issue of the Washington Post includes an excellent oped by our nation's former National Security Adviser to the President and former Secretary of State, Dr. Henry Kissinger. He gives an outstanding strategic analysis of our current war on terrorism. In particular he emphasizes the importance of recognizing that our objectives in Afghanistan are limited, and we must realistically limit what we seek to do there. His analysis of our tasks beyond our action in Afghanistan is equally prescient.

Mr. Speaker, I urge all of my colleagues to read Dr. Kissinger's brilliant article "Where Do We Go From Here?" and I ask that the full text be placed in the RECORD.

[From the Washington Post Nov. 6, 2001]

WHERE DO WE GO FROM HERE?

(By Henry Kissinger)

As the war against the Taliban gathers momentum, it is important to see it in its proper perspective. President Bush has eloquently described the objective as the destruction of state-supported terrorism. And for all its novelty, the new warfare permits a clear definition of victory.

The terrorists are ruthless, but not numerous. They control no territory permanently. If their activities are harassed by the security forces of all countries—if no country will harbor them—they will become outlaws and increasingly obliged to devote efforts to elemental survival. If they attempt to commandeer a part of a country, as has happened to some extent in Afghanistan and Colombia, they can be hunted down by military operations. The key to anti-terrorism strategy is to eliminate safe havens.

These safe havens come about in various ways. In some countries, domestic legislation or constitutional restraints inhibit surveillance unless there are demonstrated criminal acts, or they prevent transmitting what is ostensibly domestic intelligence to other countries—as seems to be the case in Germany and, to some extent, the United States. Remedial measures with respect to these situations are in train.

But the overwhelming majority of safe havens occur when a government closes its eyes because it agrees with at least some of the objectives of the terrorists—as in Afghanistan, to some extent in Iran and Syria and, until recently, in Pakistan. Even ostensibly friendly countries that have been cooperating with the United States on general strategy, such as Saudi Arabia, sometimes make a tacit bargain with terrorists so long as terrorist actions are not directed against the host government.

A serious anti-terrorism campaign must break this nexus. Many of the host governments know more than they were prepared to communicate before Sept. 11. Incentives must be created for the sharing of intelligence. The anti-terrorism campaign must improve security cooperation, interrupt the flow of funds, harass terrorist communications and subject the countries that provide safe haven to pressures including, in the extreme case, military pressure.

In the aftermath of the attack on American soil, the Bush administration resisted arguments urging immediate military action against known terrorist centers. Instead, Secretary of State Colin Powell very skillfully brought about a global coalition that legitimized the use of military power against Afghanistan, the most flagrant provider of a safe haven for the most egregious symbol of international terrorism, Osama bin Laden.

The strategy of focusing on Afghanistan carries with it two risks, however. The first is that the inherent complexities of a trackless geography and chaotic political system may divert the coalition from the ultimate objective of crippling international terrorism. Though the elimination of bin Laden and his network and associates will be a significant symbolic achievement, it will be only the opening engagement of what must be viewed as a continuing and relentless worldwide campaign. The second challenge is to guard against the temptation to treat cooperation on Afghanistan as meeting the challenge and to use it as an alibi for avoiding the necessary succeeding phases.

This is why military operations in Afghanistan should be limited to the shattering of the Taliban and disintegration of the bin Laden network. Using U.S. military forces for nation-building or pacifying the entire country would involve us in a quagmire comparable to what drained the Soviet Union. The conventional wisdom of creating a broadly based coalition to govern Afghanistan is desirable but not encouraged by the historical record. The likely—perhaps optimum—outcome is a central Kabul government of limited reach, with tribal autonomy prevailing in the various regions. This essential enterprise should be put under the aegis of the United Nations, with generous economic support from the United States and other advanced industrial countries. A contact group could be created composed of Afghanistan's neighbors (minus Iraq), India, the United States and those NATO allies that participated in the military operations. This would provide a mechanism to reintroduce Iran to the international system, provided it genuinely abandons its support of terrorism.

The crucial phase of America's anti-terrorism strategy will begin as the Afghanistan military campaign winds down, and its focus will have to be outside Afghanistan. At that point, the coalition will come under strain.

So far the issue of long-term goals has been avoided by the formula that members of the global coalition are free to choose the degree of their involvement. A la carte coalition management worked well when membership required little more than affirming opposition to terrorism in principle. Its continued usefulness will depend on how coalition obligations are defined in the next phase. Should the convoy move at the pace of the slowest ship or should some parts of it be able to sail by themselves? If the former, the coalition effort will gradually be defined by the least-common-denominator compromises that killed the U.N. inspection system in Iraq and are on the verge of eliminating the U.N. sanctions against that country. Alternatively, the coalition can be conceived as a group united by common objectives but permitting autonomous action by whatever consensus can be created—or, in the extreme case, by the United States alone.

Those who argue for the widest possible coalition—in other words, for a coalition veto—often cite the experience of the Gulf War. But the differences are significant. The Gulf War was triggered by a clear case of aggression that threatened Saudi Arabia, whose security has been deemed crucial by a bipartisan succession of American presidents. The United States decided to undo Saddam's adventure in the few months available before the summer heat made large-scale ground operations impossible. Several hundred thousand American troops were dispatched before any attempt at coalition building was undertaken. Since the United States would obviously act alone if necessary, participating in the coalition became the most effective means for influencing events.

The direction of the current coalition is more ambiguous. President Bush has frequently and forcefully emphasized that he is determined to press the anti-terrorism campaign beyond Afghanistan. In due course he will supplement his policy pronouncements with specific proposals. That will be the point at which the scope of the operational coalition will become clear. There could be disagreement on what constitutes a terrorist safe haven; what measures states should take to cut off the flow of funds; what penalties there are for noncompliance; in what manner, whether and by whom force should be used.

Just as, in the Gulf War, the pressures for American unilateral action provided the cement to bring a coalition together, so, in the anti-terrorism war, American determination and that of allies of comparable views are needed. A firm strategy becomes all the more important as biological weapons appear to have entered the arsenals of terrorism. Preventive action is becoming imperative. States known to possess such facilities and to have previously used them must be obliged to open themselves to strict, conclusive international inspections with obligatory enforcement mechanisms. This applies particularly to Iraq, with its long history of threats to all its neighbors and the use of chemical weapons.

The conditions of international support for a firm policy exist. The attack on the United States has produced an extraordinary congruence of interests among the major powers. None wants to be vulnerable to shadowy groups that have emerged, from Southeast Asia to the edge of Europe. Few have the means to resist alone. The NATO allies have ended the debate about whether, after the end of the Cold War, there is still a need for an Atlantic security structure. Our Asian allies, Japan and Korea, being democratic and industrialized, share this conviction. India, profoundly threatened by domestic Islamic fundamentalism, has much to lose by abandoning a common course. Russia perceives a common interest due to its contiguous Islamic southern regions. China shares a similar concern with respect to its western regions and has an added incentive to bring an end to global terrorism well before the 2008 Olympics in Beijing. Paradoxically, terrorism has evoked a sense of world community that has eluded theoretical pleas for world order.

In the Islamic world, attitudes are more ambiguous. Many Islamic nations, though deeply concerned about fundamentalism, are constrained by their public opinion from avowing public support, and a few may sympathize with some aspects of the terrorist agenda. An understanding American attitude toward traditional friends of America, such as Saudi Arabia and Egypt, is appropriate. Their leaders are quite well aware that they have made compromises imposed on them by brutal domestic necessities. The administration clearly should make every effort to help them overcome these circumstances, to improve intelligence sharing and the control of money flows. But it must not undermine these governments, for in the short term, any foreseeable alternative would be worse for our interests and for the peoples involved.

Yet there are limits beyond which a serious policy cannot go. There is no reason for treating as members of the coalition countries whose state- supported media advocate and justify terrorism, withhold intelligence vital to the security of potential victims and permit terrorist groups to operate from their territory.

These considerations apply especially to Iran. Geopolitics argues for improved U.S.-Iranian relations. To welcome Iran into an anti-terrorism coalition has as a prerequisite the abandonment of its current role as the leading supporter of global terrorism as both the State Department and the bipartisan Bremer Commission have reported. An Iranian relationship with the West can prosper only when both sides feel the need for it. Both sides—and not only the West—must make fundamental choices. The same is true to a somewhat lesser degree of Syria.

The war on terrorism is not just about hunting down terrorists. It is, above all, to protect the extraordinary opportunity that has come about to recast the international system. The North Atlantic nations, having understood their common dangers, can turn to a new definition of common purposes. Relations with former adversaries can go beyond liquidating the vestiges of the Cold War and find a new role for Russia in its post-imperial phase, and for China as it emerges into great power status. India is emerging as an important global player. After measurable success in the anti-terrorism campaign, when it does not appear as concession to the terrorists, the Middle East peace process should be urgently resumed. These and other prospects must not be allowed to vanish because those that have the ability to prevail shrink from what their opportunities require.

HONORING ALLEN NOSSAMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor San Juan County Judge Allen Nossaman, as he celebrates his retirement. After 16 years of service, Judge Nossaman has stepped down from his position in Silverton, Colorado. It is my pleasure to recognize the many years of dedicated work that Judge Nossaman provided to his community.

Allen Nossaman has decided that, due to health reasons, he will resign from his position as a judge and move to Durango, Colorado, where he will work on his writings of the history of San Juan County. Judge Nossaman has long been a champion of preserving Colorado's history and its historical landmarks. While in Durango, Allan will help expand the San Juan County's current three-volume history that he has already penned, preserving Colorado's past.

Mr. Speaker, it is my privilege to pay tribute to Judge Nossaman for his contributions to the Western Slope of Colorado. Allen Nossaman's service as a judge and commitment to preserving Colorado's history deserves the praise and recognition of this body. I wish Allen the best and send my warmest regards to him and his family.

WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BOEHLERT. Mr. Speaker, last week, joined by Representative BRIAN BAIRD and six other colleagues, I introduced H.R. 3178, the Water Infrastructure Security and Research Development Act. Senators JEFFORDS and SMITH, the chairman and ranking minority member of the Senate Environment and Public Works Committee, introduced the companion measure, S. 1593.

This bipartisan, bicameral legislation is a direct response to the physical and cyber threats facing our drinking water and wastewater treatment systems. H.R. 3178 authorizes and coordinates Environmental Protection Agency assistance ($12 million a year for 5 years) to public and private nonprofit entities to research and develop technologies and related processes to increase protection of America's water resources. Research projects will include improved vulnerability assessments, methods for real-time detection and monitoring of chemical, biological, and radiological contaminants, cyber security measures, and information sharing and analysis. The bill will also have multiple benefits outside of the terrorism context as water managers and public officials gain more tools to detect, monitor, and respond to contamination and other problems confronting infrastructure.

Water is the lifeblood of a community. Water lines form the lifelines for citizens and their families and for local, regional, and national economies. Terrorist attacks, whether physical or cyber, are a clear and present danger. We can mitigate that danger with a coordinated program of research and development. Science, technology, and appropriate dissemination of information are keys to building, maintaining, and operating secure and sustainable water systems.

I urge my colleagues to join the growing list of cosponsors and supporters of H.R. 3178. I also want to thank water management professionals, such as the Association of Metropolitan Water Agencies and the Association of Metropolitan Sewerage Agencies, and engineering and scientific research organizations, such as the American Society of Civil Engineers, for their help on the bill. I look forward to working with all of my colleagues, both on and off of Capitol Hill, as the legislation advances.

HONORING BETTY FEAZEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity to recognize the life and memory of Betty Feazel, who recently passed away at the age of eighty-five. Betty was from Pagosa Springs, Colorado where she was a longtime resident and a strong voice for the environmental movement.

Betty began spending her summers in Pagosa Springs when her family bought the At Last Ranch in 1922. Later she studied philosophy at Wellesley College, graduating in 1938, and eventually started a family with her husband Earnest. He died in 1976, and she relocated permanently to the At Last Ranch where she began her conservation and preservation efforts.

Betty played a large role in preserving open spaces in her county and was instrumental in establishing the Southwest Land Alliance, which is a non-profit organization, created to provide tax incentives to land owners who donate their land's developmental rights. In order to honor her memory and recognize her efforts, the Betty Feazel Open Space Fund has been created. This fund will continue to aid landowners that choose to donate the development rights of their property.

Mrs. Betty Feazel dedicated an incredible amount of time and effort to preserving our nation's open spaces to ensure that future generations would have the opportunity to experience and appreciate them. Betty fought long and hard for this noble cause that will continue to be fought in her name. My thoughts and prayers are with Betty's family and friends at this time of mourning. Betty will surely be missed and her memory and her mission will endure for many generations.

PAYING TRIBUTE TO JUDY TURNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Judy Turner for her significant contributions to our educational system. Mrs. Turner has served the Montrose County School District Re-1J for over two decades and was the heart and soul of the School District.

Judy Turner began her career with the District in 1975, as a volunteer for Oak Grove Elementary School. As a volunteer, Judy was instrumental in reestablishing the school library. Her work led to a full-time position as the media paraprofessional at Oak Grove. After five years, Judy moved on to Centennial Junior High School, where she held the position of guidance office secretary. After serving as secretary to the district's central office, Judy moved onto the district's superintendent office serving in a secretarial capacity for four superintendents. The current superintendent, George Voorhis, noted that Judy trained his predecessors, and lamented she will leave before he can finish learning from her.

Mr. Speaker, Judy Turner has devoted much of her life and countless amounts of time and effort to the Montrose County School District for over twenty-five years. I would like to thank her for her commitment to the school district and extend my congratulations on her retirement. The District will certainly not be the same without her.

HONORING THE LIFE OF DON EASTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the life of Mr. Don Eastman who recently passed away. A native of Gunnison, Colorado, Mr. Eastman made tremendous contributions to the surrounding community as a leader and role model for others.

As a young man, Don joined the Marine Corps as a 2nd Lieutenant and served in the Korean War. Don Eastman was a patriotic citizen who loved his country and put the needs of the nation before his own. Upon retiring as a Lieutenant Colonel from the Marine Corps Reserve, Don pursued a career in banking back in his hometown of Gunnison, Colorado. Don followed the footsteps of those family members before him when he was named President of the First National Bank of Gunnison, a position he held for 15 years before retiring.

Don Eastman was well known throughout Gunnison and was well received by all people he came in contact with. Even though the Eastman name was a foundation of life in the community, Don made it a point to establish himself as a community leader. Don served with the Western Colorado Economic Development Council, the National Highway 50 Federation Commission, and Club 20. Don was also a member of the Rotary Club and the Gunnison County Chamber of Commerce. Additionally, Don's role in the banking business allowed him to provide assistance to local ranchers, small businesses, and college students. Don Eastman played a monumental role in the development of Gunnison and its surrounding community.

Mr. Speaker, it is with profound sadness that I recognize the life and passing of Mr. Don Eastman. Don dedicated his life to serving his nation and fellow citizens. Don will be missed most by his family and close friends who knew him best, as well as the community that he so proudly served.

HONORING CURTIS A. WERDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Curtis A. Werden and his contributions to this country. Curtis began his service in the military in 1944, serving as a pilot in Italy during World War II.

Mr. Werden flew the P-51 mustang fighter-aircraft and was assigned to the 31st Fighter Group, 306th Fighter Wing of the 15th Air Force. During his tour, Curtis flew fighter escort missions for B-17 and B-24 bombers over Nazi-held territory in Western Europe. During these missions, Curtis was assigned with providing air cover for the squadron from attacking enemy fighters. Curtis flew 63 missions protecting bombers, and allowing the Allies to carry forward the mission of repelling and defeating the Nazis.

Mr. Werden retired from the Army Air Corps as a Captain in 1945. His decorations include the Distinguished Flying Cross, the Air Medal with six oak leaf clusters and the European Campaign Medal. As a member of the 31st Fighter Wing he received the Presidential Unit Citation, an award reserved for outstanding units in the European and Pacific theatres.

Mr. Speaker, it is with great pride and privilege that I recognize Curtis A. Werden for his service to this country. He served selflessly in a time of great need, bringing credit to himself and this nation.

HONORING THE CONTRIBUTIONS OF CAPCO INC.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, our nation is now confronted with a challenge that we have never faced before—fighting an important war against terrorism. Following the terrible attack against our country on September 11, 2001, that struck New York City and Washington, DC, we have seen numerous heroes from all walks of life emerge as we rebuild from this horrible attack. One of the unseen but critical contributors to this new battle is Capco Inc. located in Grand Junction, Colorado. Their efforts to further our success against an elusive enemy are greatly appreciated and I would like to recognize this company and its employees for their efforts.

As the U.S. flag drapes across workstations, the 128 employees of Capco are diligently working to produce rifles and other defense weapons that are currently being used by our military. But most noticeably, this firm produces modification kits that transform M16 rifles into the M16A2. Eighty percent of the construction for these weapons is performed at the Capco facility.

When Capco Inc. moved to Grand Junction in 1971, capacitors and electronic devices were the focus of their production. However, their focus changed first when it was a subcontractor for companies manufacturing military electronics, and then again in 1991 when it was awarded a contract with U.S. Department of Defense to produce smart mines. Since that time, they have become the largest maker of the M16 rifle in the United States and produce many other items used in battle, including impulse cartridges.

Mr. Speaker, as we continue to defend freedom across the globe, equipping our troops with quality munitions is imperative. Capco Inc. has answered its call to duty by creating reliable and superior products that will ensure our success in the future of this conflict. I would like to extend my gratitude to the company for its role as an active supplier to our country's efforts to promote peace and security. They deserve this body's support, now more than ever, and I thank them for their diligent service.

PAYING TRIBUTE TO NANCY WALLEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the career of Nancy Wallen and her service to the citizens of Colorado who have flown on United Airlines. Nancy is a dedicated worker who has specialized in customer service by putting the needs of others first. It is my pleasure to honor Nancy Wallen for the work she has accomplished and congratulate her upon retiring from United Airlines.

Nancy Wallen began her career in the transportation industry when she joined United in 1968. Nancy originally worked as flight attendant before being promoted to an inflight supervisor the following year. Nancy's loyalty to United is admirable, giving the company eleven years before opting into a new career path. However, Nancy returned to United within a few years where she blossomed as a concierge in the Red Carpet Club at Stapleton airport. She has proven herself capable of managing a wide variety of responsibilities while serving in an important leadership role for those who worked with her. Nancy contributed to a smooth transition from Stapleton to the Denver International Airport playing an integral role in the VIP/Special Services Program for United. Nancy has decided to end her career where it first flourished, in Denver, Colorado.

Mr. Speaker, Nancy is a specialist in customer service and will be dearly missed by the many frequent patrons who looked forward to her smile, sincerity, and professionalism. I commend Nancy for her long and successful career and send her my best wishes and warmest regards in her retirement.

PAYING TRIBUTE TO PETER N. LONCAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, it is an honor and a privilege to recognize a serviceman from World War II. Peter Loncar, a current resident of Montrose, Colorado, fought courageously for the freedom of our great nation in the Philippines during World War II. Peter endured battle and made tremendous sacrifices to protect his fellow Americans.

Peter Loncar, along with the rest of the 108th Infantry Division, was sent to fight the Japanese soldiers in the Philippines. They made their way onto the shores of Luzon, an island north of Manila, and battled courageously until they gained control of the island. Each battle had its casualties, but the 108th remained diligent and was eventually able to defeat the Japanese forces.

Peter Loncar left the battlefield and the war with several citations recognizing the significant contributions he made to the war effort. Some of his distinguished accomplishments include: the Good Conduct Medal, American Defense Medal, combat infantry badge, and four bronze stars. These are all lasting symbols of the valor that he displayed in the face of danger during the war.

Mr. Speaker, the United States of America called upon Pete during a time of significant conflict and he responded. This nation and this body are indebted to him for the perseverance and the bravery that he displayed in his service to our flag. I would like to extend my warmest regards and thanks to Peter for his commitment and sacrifice to our nation during World War II.

PAYING TRIBUTE TO ELIZABETH FLOYD AND RITA FARRELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, our nation has been experiencing very difficult times since the terrorist attacks on September 11, 2001, but we have pulled together out of patriotism and resolve from the losses that our nation has suffered. I would like to take a moment to recognize the significant contributions to the relief effort by two remarkable young ladies from Snowmass Village, Colorado.

Elizabeth Floyd and Rita Farrell, both 14 years old, dedicated their time and effort to directly aid the relief efforts in New York and Washington D.C. Elizabeth and Rita circulated throughout their community selling white and blue lapel ribbons for one dollar apiece; the proceeds of their venture to be donated to the American Red Cross. They have collected a considerable amount of money from their effort, sometimes meeting ribbon orders as high as two hundred.

Mr. Speaker, these two young ladies are wonderful examples of how our country has pulled together after the devastating attacks on September 11th. They are role models to us all and worthy of the praise and admiration of this body. I would like to thank Elizabeth and Rita for the significant contributions they have made, not only to the American Red Cross relief effort, but also to the unity of our nation.

HOUSE OF REPRESENTATIVES—*Wednesday, November 7, 2001*

The House met at 10:00 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

NOVEMBER 7, 2001.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. John S. Reist, Jr., Professor of Christianity and Literature, Hillsdale College, Hillsdale, Michigan, and Pastor, Somerset Congregational Church, Somerset, Michigan, offered the following prayer:

Almighty God, our Heavenly Father, we are grateful for the Members of this House whom we have elected by Your Providence to do Your work.

We ask that You give Your wisdom to this House as they consider and debate.

We request that You grant to them, and through them, to us, the power to choose the right and the will to do the right, not only for us but for all mankind.

We pray that whether in this House or in far-off mountains and trenches or in the skies or the corridors of power, all of us might eventually and finally rejoice that we in our time and in our place will have made out of this present challenging moment a memorable passage toward Your coming kingdom of righteousness and peace.

We pray this in the name of Jesus Christ and for the sake of all humanity. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3061. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3061) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, and Mr. DEWINE, to be the conferees on the part of the Senate.

EXTENDING A WELCOME TO THE GUEST CHAPLAIN, THE REVEREND DR. JOHN S. REIST, JR.

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, I rise to introduce our guest chaplain today, and we certainly welcome today's distinguished guest chaplain, my personal pastor, Reverend John Reist, Junior.

Reverend Reist is a great American and a community leader. He has served as a veteran in the Armed Forces. He now combines his duty at the Somerset Congregational Church with his work as a professor of Christianity and literature at Hillsdale College. He has been recognized as teacher of the year, served as academic dean and is now the executive director of the Michigan Association of Scholars. He holds a Ph.D. degree in English from the University of Chicago and has been widely published.

His warmth, his devotion, his humor and understanding make him an outstanding counselor to his congregants and his students. These qualities have led to a doubling of our congregation in the 3 years since he came to our church.

Reverend Reist is distinguished by his love for his family, his church and his college, and his ability to motivate and cultivate those around him. I am proud to welcome him here today as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

SALUTE TO THE WORLD SERIES PLAYERS, ARIZONA DIAMONDBACKS AND NEW YORK YANKEES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, there is no doubt that this is a trying time in our history. Questions of great moment confront this House, and yet precisely because this is a time of national need, it is entirely appropriate that we focus likewise on our national pastime because the recently completed World Series offers to millions of Americans more than just diversion and amusement. It offers again reinforcement of the positive characteristics of teamwork and rising to the task when the chips are down.

As one who is honored to represent the great State of Arizona, I come to this well today to salute the new world champion Arizona Diamondbacks. Randy Johnson, Curt Schilling, absolutely thrilling on the mound. Quite

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rationally and reasonably co-Most Valuable Players in the series.

I salute likewise the American League Champions New York Yankees because it is a simple notion in sports, to be the best, you have to beat the best, and that is what the Diamondbacks accomplished as a team.

So we salute the D-backs as World Champs. We salute the Yankees, and let us get back to work on behalf of the American people.

GAO EMPLOYEES EPITOMIZE PROFESSIONALISM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise on behalf of all of the Members of the House. It is not every day that Members of the House and their staffs have to evacuate their congressional offices due to an unseen but potentially lethal health hazard. In fact, as all of us know, it was unprecedented.

Today, on behalf of all of my colleagues, I want to express my sincere thanks to David Walker, the Comptroller General of the United States, and all the dedicated employees of the General Accounting Office who were relocated or otherwise inconvenienced to accommodate Members and their staffs while House office buildings underwent precautionary testing for anthrax.

Those employees' graciousness and patience demonstrated their teamwork and the fact that their important work was uninterrupted when thousands, I emphasize, Mr. Speaker, thousands of us descended on GAO headquarters, is a tribute to their professionalism and to their Americanism. It also reinforced our American ethic that, working together, there is little that we cannot do.

Again, Mr. Speaker, on behalf of the entire House, I thank David Walker, all of the employees at GAO for their cooperation, their graciousness and their facilitation of the business of America.

NATIONAL HISPANIC SCIENCE NETWORK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to announce that the National Hispanic Science Network on Drug Abuse is holding its first annual conference on Hispanic Drug Abuse Research this weekend here in Washington, D.C.

The mission of the National Hispanic Science Network is to foster biomedical research on drug abuse among Hispanics and to facilitate its application to public health.

This conference will share its findings with prominent investigators affiliated with the universities from across the Nation. Also in attendance will be representatives from national research policy organizations and representatives from the National Institute on Drug Abuse.

The National Hispanic Science Network is working toward reducing health disparities between Hispanics and other populations. This group is committed to involving Hispanic scientists in federally supported research through mentoring, training, networking and technical assistance opportunities.

Please join me in congratulating the National Hispanic Science Network on Drug Abuse for its dedication in assisting Hispanics through research and education.

FORTRESS AMERICA

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, it is time for us to confront the double message we have sent the American people in the wake of the tragedy of September 11.

On one hand, we exhort Americans to travel, spend money, go out on the town and help revive the sagging economy. On the other hand, when they come to the Nation's Capitol, they find it closed, locked and off limits.

What kind of example are we setting for America's museum of democracy? Is ours a government of by and for the people or a government that lives behind heavily guarded, closed doors?

When Americans come to Washington, D.C., they get the same dreary refrain at the White House, the FBI and the Supreme Court: Closed to the public. When they come to the House of Representatives they find their Member of Congress can no longer provide a guided tour of the storied corridors, the Capitol dome or the old Senate Chamber. Instead our visitors are sent for 10 minutes to sit by themselves in the gallery.

Mr. Speaker, there are those who say we need a Capitol littered with jersey barriers, ugly fences and awful planters so we can feel safe in our fortress, but I say we should not let security concerns rob us of the freedom to participate in and petition the government. If terrorists can wander all the way to the Capitol without being discovered, we really are in desperate straits.

Mr. Speaker, when will you give the American people back their Nation's Capitol?

HUMAN CLONING

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, time is running out for us to stop mad scientists from cloning innocent human beings.

Infamous fertility specialist Severino Antinori is working with a team of scientists right now to clone humans. He recently told the BBC radio, and I quote, I think in 3 or 4 months we will have the first pregnancy. Asked whether he would have a cloned human being by September 2002, he said, I hope and I believe.

Columnist Charles Krauthammer is one of the many calling on the Senate to pass a human cloning ban. He recently said, and I quote, "Sanity and prudence combined to produce a great victory on July 31 when the House of Representatives overwhelmingly defeated—the margin was over 100 votes—the legalization of early human embryonic cloning. But the fight is not over. The Senate needs to act as well."

Our government, Mr. Speaker, cannot sit idly by as unethical scientists play God and redefine what it means to be a human. We cannot allow this violation of human rights, this crime against humanity, to take place on our watch.

We need a cloning ban and we need it now.

AMERICA'S GREATEST PASTIME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, baseball will eliminate two teams. Some surprise. Tickets average 50 bucks. A program is $10; popcorn, $5; parking, $20. A hot dog and a beer cost about $10 to $12 at most stadiums. Beam me up. The umpire said, "Play ball," not "monopoly."

When a family of four needs a second mortgage to go see a baseball game in America, it does not take Dr. Ruth to explain to major league baseball what has gone wrong. I yield back what is left of America's great pastime after the greatest World Series perhaps in our history.

STIMULUS PACKAGE FOR AMERICA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, over in the Senate, the majority leader said of our stimulus package it is not a front-burner issue as other legislation is, particularly government spending.

On behalf of the nearly 7.7 million unemployed Americans, that is just plain wrong. These people know that bills do not stop coming just because someone stops working. These people need relief and they need it now.

We need to give our economy a much-needed boost. Giving people the kind of economic security with more money will do just that.

The House-passed tax bill will give the average family of four approximately 944 more dollars every year. That is nearly $1,000 to pay off credit, school, charity or save for retirement. That is a car payment, insurance and gas for a month.

TOM DASCHLE was wrong. To the 700,000 who filed for unemployment last month alone, economic security is a front-burner issue. I urge the Senate majority leader to think about the 7.7 million unemployed and make economic security a front-burner issue.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Members are reminded they should not mention the remarks of Members of or quote from the other body.

SUPPORT TRAVEL AMERICA NOW ACT

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, the time has come to address the devastating impact the terrorist attacks have had on our travel and tourism industry, which is vital to America and to Rhode Island.

Last year, this industry attracted over 15 million visitors and generated over $3.2 billion in Rhode Island and nearly $600 billion nationwide. It employs 61,000 Rhode Islanders and more than 19 million people across the country.

The Travel America Now Act, sponsored by my colleague, the gentleman from Arizona (Mr. SHADEGG), encourages Americans to resume travel and provides targeted tax relief to businesses and consumers.

We reacted quickly to help the airlines. Now Congress must do the same for the millions of businesses and people who are indirectly affected by the attacks and are in equal need of assistance. Not only will this bill strengthen the travel and tourism industry but also the American spirit.

SUPPORT TRADE PROMOTION AUTHORITY

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today on behalf of the workers, farmers, and entrepreneurs of my State whose families are supported by exports from Illinois. Together, they exported more than $32 billion in goods and services to some 208 foreign countries last year.

It is important to realize that these individuals not only are helping to keep our State's and Nation's economy rolling, they are sharing America's best with the world. Numbering more than 400,000, these workers expect their government to do everything in its power to protect their markets and new opportunities.

Unfortunately, America's trade negotiators lack the one essential tool, trade promotion authority, or TPA, that they need to make the deals that eliminate barriers to trade and open doors to new marketplaces.

Make no mistake, our foreign competitors have this authority and they use it to their advantage. Of the more than 130 free trade agreements in force today, the U.S. is party to just three. If this were the military, we would be charged as AWOL.

Mr. Speaker, we cannot let our exporting companies and their workers down. Let us pass H.R. 3005.

NOW IS THE TIME TO PASS HATE CRIME LEGISLATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, since the tragedy of September 11, young children are being spit on, called names, harassed, and hurt because they are Muslim or they look like they might be Muslim.

State governments and local police need the tools to fight and prosecute these hate crimes. We must elevate the status of hate crimes within Federal law to ensure that the punishment fits the seriousness of the crime.

We must set an example for young people that we do not tolerate hate; that they are protected; and that they can feel safe and they will be secure. Now is the time to pass hate crime legislation.

CONGRESS SHOULD BAN CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a month ago, a Dr. Zavos of Cyprus announced that he expected to be able to create a cloned human being within 3 or 4 months. That means 2 or 3 months from now.

Mr. Speaker, cloning human beings is wrong. Cloning human beings is immoral. Any scientist who intends to clone a human being should be stopped. The scientific community says so, the American people say so, and earlier this year, the House of Representatives said so.

The few scientists who promote cloning call it progress. Well, I want to remind my colleagues that years ago Adolf Hitler employed the science of eugenics and also called it progress. The Nazis wanted to create a race of German supermen, the way dog breeders try to breed championship dogs. That was wrong. It was stopped, and it has not been tried again.

Now we have a few rogue scientists trying to clone human beings. We cannot stop Dr. Zavos, only the Government of Cyprus can do that, but we can stop the scientists in this country who are trying to do the same thing.

The other body needs to bring this bill up for a vote before it is too late.

ECOTERRORISM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in spite of the ongoing war that America is waging against terrorism in Afghanistan, we continue to face ecological terrorist attacks right here at home.

Just last month, ecoterrorists used timed fire bombs to attack and destroy a Federal facility near the California-Nevada border in order to protest Federal efforts to round up and control excess wild horses.

Ecoterrorism, Mr. Speaker, continues to grow as Web sites teach disciples how to manufacture and use these fire bombs. These deadly terrorist attacks, like Ted Kaczynski's, have already killed or wounded American citizens and destroyed millions of dollars of public and private property.

Although the national media has virtually ignored this issue, the American people are forced to deal with its very real consequences. We must prove by our actions that we know how to deal with this deadly terrorism; and we must show that regardless of its source, target, or motive, it will be eliminated.

As the President has said, we must eliminate all terrorist cells at home and abroad by exposing them and those who harbor and support them until our Nation is rid of this growing evil.

TRADE PROMOTION AUTHORITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, leadership is only proven through action. And time after time in its history, the United States has proven itself a leader. But as we lead the world in an effort to eradicate terrorism, we risk advocating our position of leadership in an area that is just as vital to

America's well-being: international trade. Or spelled another way: jobs.

National security and economic security are not mutually exclusively. With more than 130 preferential trade agreements in the world today, shockingly, shockingly, the United States is a party to only three.

This disparity has real consequences for us at home. American workers, manufacturers, and producers are losing markets for their products and income for their families. For their sake, we must take action to turn this around.

Fortunately, Congress does have a chance to pick up the mantle of leadership once again by passing trade promotion authority. I urge all my colleagues to join me in supporting America's leadership role in the world by supporting TPA.

CONGRESS SHOULD BAN CLONING

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, science is a wonderful thing. Who would have thought a couple of generations ago that a man would go to the Moon, or we would have a vaccine for polio. The work our scientists do in labs have brought great things into the world. But we have also learned that just because something is possible does not mean we should do it. Science has to be governed by morality.

The cloning of human beings is a case in point. Just because we can clone a human being, does not mean we should. Experimenting with human life is wrong. Cloning human lives, whether for experiments or reproduction, is a line we simply should not cross.

Earlier this year, the House voted overwhelmingly to make it illegal; but until the other body brings it up for a vote, that ban cannot become law. We are in a race with time. Our colleagues in the other body must bring this bill up for a vote as soon as possible.

We need to get this bill to the President's desk before it is too late.

CONGRESS SHOULD BAN CLONING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, after decades of Christian education and religious study, there are two things that I know for sure: number one, there is a God; and number two, I am not Him. The entire debate over human cloning flies in the face of these two great truths.

Many Americans learned, after this institution banned human cloning earlier this year, that we are truly close to this moral horror, a horror that uses bad science, science that went through 277 deeply mutilated animals before Dolly the sheep was conceived and birthed successfully.

It is unthinkable that we would not act on this House's call to ban human cloning; that we would not respond to the President's thoughtful message to the world in August that we must think deeply, we must legislate thoughtfully along the fault lines of religion, morality, and technology.

I urge our colleagues in the other body to move and to move now on banning human cloning in the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are instructed not to urge action through the other body.

BAN HUMAN CLONING

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, we stand at the threshold of discovery. However, there is a line that science must not cross.

Human cloning threatens the physical identity of people, it violates their rights, and it demeans their unique individuality. In fact, even most scientists admit that most attempts to clone would end in failure. By allowing this practice, we are condoning mass creation and the destruction of human life.

The truth is, we do not know what all the consequences of cloning a person really are. But we do know that cloning raises serious ethical and moral questions. The excuse of advancing science is not really worth the risk in this case.

Time is of the essence. Scientists say that cloned human babies could be born next year. Earlier this year, the House passed a vote to ban human cloning in the United States. I urge my colleagues in the other body to follow along and to vote to ban human cloning.

We must respect life or risk reaching a moral point of no return.

HONOR FALLEN HEROES OF NEW YORK

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, on November 18, 2001, firefighters from around the world will gather in New York City to honor the memories of the 344 emergency service personnel who lost their lives on September 11.

I am proud to note that my hometown of Spokane, Washington, will be represented by more than 50 firefighters who will pay their own way to stand with their brethren at this memorial service. To put New York's loss in perspective, the city lost as many firefighters in a day as Spokane has in its entire department.

As we honor those who have passed, we may also look to those who have survived. We in the House unanimously passed a Victims Tax Relief Act, the HEROS Act, which provides relief from Federal education loans to surviving families, and legislation expediting Federal payments to the survivors of public safety officers. We should also honor the fallen heroes of New York by strengthening our public safety programs.

As a member of the Congressional Fire Services Caucus, which has done so much to educate Members on these issues, I support legislation introduced by the gentleman from Delaware (Mr. CASTLE) which would allow Good Samaritans to donate equipment to fire departments.

Federal resources are also important. Last year, we provided $100 million in grant equipment, and I support additional funding this year. I commend the service of firefighters and am proud to acknowledge the efforts of those serving the Spokane community and all of eastern Washington.

SUPPORT ECONOMIC STIMULUS PACKAGE

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, last week we passed an economic stimulus bill to bolster our economy and stop the hemorrhaging of jobs that is going on around our Nation. Thousands of residents of North Carolina's eighth district have lost their jobs, especially in textiles and other manufacturing plants.

Given the current state of the economy, one would think passing this legislation would be one of the top priorities of Congress. But, Mr. Speaker, we read that the Senate majority leader thinks that a bill to save jobs is not a front-burner issue.

□ 1030

Needless to say, we have different priorities. Getting Americans back to work and creating more jobs is a front-burner issue with me, and I hope it is a front-burner issue with a majority of Members of Congress. It is imperative that we act now so the President can sign this bill and we can get our economy moving forward once again.

APPOINTMENT OF CONFEREES ON H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. KOLBE, CALLAHAN, KNOLLENBERG, KINGSTON, LEWIS of California, WICKER, BONILLA, SUNUNU, YOUNG of Florida, Mrs. LOWEY, Ms. PELOSI, Mr. JACKSON of ILLINOIS, Ms. KILPATRICK, MR. ROTHMAN, and Mr. OBEY.

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, I very much appreciated the indulgence of the Chairman and Ranking Member of the Foreign Operations Appropriations Subcommittee earlier this year when we considered this appropriation on the House floor. We engaged then in a colloquy regarding the importance of funding for the U.S. Agency for International Development's Office of Environment and Urban Programs.

I believe this is one of the important nonmilitary components of the war on terrorism. When Secretary of State Powell appeared before our International Relations Committee late last month, he and I shared an exchange regarding the importance of investing in infrastructure, human capital, and entry-level industries in the urbanized regions of the developing world. As someone whose public service has focused on livable communities in the United States, I've been increasingly concerned about the urgent international implications.

The cities of our world are already overwhelmed by human needs and economic instability. Today, 30 percent of urban residents throughout the world lack access to safe drinking water; waterborne disease kills 5–12 million people each year; 50 per cent do not have adequate sanitation facilities. These conditions are getting worse by the day. Within the next 25 years, 2.5 billion more people will move to cities throughout the world; 95 percent of this movement will occur in developing nations. Here, the poverty, malnutrition, and chronic diseases of rural areas will become focused in new "mega-cities" of 10–20 million people, creating an even greater strain on natural resources, human health, economic well-being—and the stability—of these nations and the entire world.

This dangerous trend has not gone unnoticed. In its Outlook 2015 Report, the CIA ranked rapid urbanization as one of its top seven security concerns. "The explosive growth of cities in the developing countries," the report concludes, "will test the capacity of governments to stimulate the investment required to generate jobs, and provide the services, infrastructure, and social supports necessary to sustain livable and stable environments. Cities will be sources of crime and instability as ethnic and religious differences exacerbate the competition for ever scarcer jobs and resources."

Foreign assistance programs are critically important if cities in developing nations are to meet the demands of their rapidly growing populations. We need to help them build the capacity to provide basic infrastructure needs, promote economic growth, reduce environmental degradation, and improve health services for their residents. Programs that focus on not only the symptoms but also the causes of growing poverty and social unrest are our best defense against increasing human misery and global instability.

It is clear that we need additional resources to enable the U.S. Agency for International Development to address these challenges. Last year, its Office of Environment and Urban Programs operated on a budget of $4 million—the cost of four cruise missiles—down from an $8 million budget in 1993. This steady pattern of disinvestment, which continues into this fiscal year, is dangerously eroding our ability to address urban problems just as they are becoming more critical to our own national security.

Increased funding for the Office of Environment and Urban Programs would permit AID to build on its past successes and would encourage and strengthen the involvement of our public and private sector partners in these critical activities.

I have asked Secretary Powell to provide information from AID identifying the role cities will play in economic, security, and social development issues and its intended response to the growing urban crises, including a description of current funding and staffing levels as well as projected future needs.

I look forward to continuing to work with Chairman KOLBE's Subcommittee, and with my own Committee, the House International Relations Committee to strengthen funding for this vital purpose. AID allocates resources internally to its Office of Environment and Urban Programs. I hope its funding will be considerably higher for FY02 than the $4 million it was given in FY01.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put two of the questions on which further proceedings were postponed yesterday in the following order:

H.R. 2998 by the yeas and nays, and

H.R. 852 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

RADIO FREE AFGHANISTAN ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2998, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2998, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 429]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Collins
Paul

NOT VOTING—25

Ballenger
Barton
Brown (OH)
Burton
Conyers
Crane
Cubin
DeLay
Ehrlich
Engel
Fletcher
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kilpatrick
Lofgren
Meek (FL)
Meeks (NY)
Moran (VA)
Pallone
Roybal-Allard
Sessions
Strickland
Sweeney
Young (AK)

☐ 1055

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a scheduling conflict on the morning of November 7, I was not present for rollcall vote 429, on H.R. 2998, to authorize the establishment of Radio Free Afghanistan. Had I been present, I would have voted "yea" on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on roll call No. 429, I was unavoidably detained in my district and missed rollcall vote No. 429. If I had not missed rollcall vote No. 429, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on this next question.

NATHANIEL R. JONES AND FRANK J. BATTISTI FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 852.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. REHBERG) that the House suspend the rules and pass the bill, H.R. 852, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 430]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—22

Ballenger
Brown (OH)
Burton
Conyers
Cubin
DeLay
Engel
Fletcher
Jackson-Lee (TX)
Jones (OH)
Kilpatrick

Lofgren
Meehan
Meek (FL)
Meeks (NY)
Moran (VA)
Myrick
Pallone
Sessions
Strickland
Sweeney
Young (AK)

□ 1105

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall No. 430, I was unavoidably detained in my District. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on rollcall Nos. 429 and 430, I was inadvertently detained. Had I been present, I would have voted "yea" on both measures.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 278) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Reform: Mr. Lynch of Massachusetts, to rank after Mr. Clay of Missouri; and

Committee on Veterans' Affairs: Mr. Lynch of Massachusetts, to rank after Mr. Rodriguez of Texas; and Ms. Davis of California, to rank after Mr. Udall of New Mexico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3167, GERALD B. H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) a further amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Lantos of California or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified closed rule for consideration of the Gerald Solomon Freedom Consolidation Act. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The rule provides for consideration of only the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD, if offered by the gentleman from California (Mr. LANTOS) or his designee, which shall be considered as read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a noncontroversial rule for a noncontroversial; but important, bill. The Gerald Solomon Freedom Consolidation Act endorses the work of President Bush and President Clinton to expand NATO into Eastern Europe. It also authorizes military assistance to seven potential NATO members.

Mr. Speaker, during its markup of this measure, the Committee on International Relations passed one amendment, an amendment to name H.R. 3167 after our former Committee on Rules chairman, Gerald Solomon. Chairman Solomon, who passed away the week before last, was a dear friend to all of us on the Committee on Rules, and he and Mr. Moakley, who, unfortunately, passed away earlier this year, were quite a pair together. They disagreed often, but they always did it as gentlemen and they always did it with a great deal of humor, and quite frankly, all of us miss them a lot.

While he was a Member, Chairman Solomon was also a strong advocate for NATO. Indeed, during his last year on the Hill, he even published a book about NATO expansion. It is fitting, therefore, that we honor Mr. Solomon with this bill today.

I urge my colleagues to support this rule, as well as the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time.

Mr. Speaker, this is a modified closed rule. It will allow for the consideration of the Gerald B. H. Solomon Freedom Consolidation Act of 2001.

As my colleague from North Carolina has described, this rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. This rule will permit a Democratic substitute, if offered by the committee's ranking minority member. No other amendments may be offered from the House floor.

The bill expresses the support of Congress for expanding the number of members of the North Atlantic Treaty Organization. It recognizes the importance of admitting seven specific nations in Central and Eastern Europe. This legislation is in keeping with the vision expressed by both President Clinton and President Bush.

I want to take this opportunity to express my sadness at the loss of former House Member and Committee on Rules chairman Jerry Solomon, who died last month of heart failure. Jerry and I often found ourselves on different sides of the issue, but we were fully united in our respect for the House of Representatives and our role in leading the Nation.

Jerry was a man of honor and integrity. He spoke his heart and he stood up for his beliefs without hesitation. It is fitting that this bill is named in his memory.

With that, I urge the adoption of the rule and of the underlying.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Charlotte for yielding me this time, and I want to congratulate her, as well as I see my friend the gentleman from California (Mr. LANTOS) here, the ranking minority member of the Committee on International

Relations, and the gentleman from New York (Mr. GILMAN), and the gentleman from Illinois (Mr. HYDE) is in the Chamber. I wanted to congratulate them.

I want to thank the gentleman from Ohio (Mr. HALL) for his statement. I see the gentleman from Nebraska (Mr. BEREUTER) is here. I tried to mention just about everybody in the Chamber. The gentleman from Florida (Mr. GOSS) is right behind him.

I do not want to see any other Members, so I can make my points here.

Mr. Speaker, this is a very important piece of legislation. Both the gentleman from Ohio (Mr. HALL) and the gentlewoman from North Carolina (Mrs. MYRICK) made it clear it is a fitting tribute to my predecessor, Jerry Solomon. We continue to mourn his passing and extend our condolences to Freda and his wonderful family.

We know that Jerry Solomon was, as was stated so eloquently in the tributes that were given at his funeral last week, a real fighter, and I considered him to be a fighter with a heart, because he was one who stood firmly for principle, but had a great warmth and kindness to him as well.

□ 1115

He fought as hard as anyone to expand the cause of freedom throughout the world. I should say parenthetically that I had the privilege of joining my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from North Carolina (Mr. BALLENGER), for a delegation that observed one of the freest and fairest elections that I have had the opportunity to observe in the many years that I have been able to serve here in the Congress and visit elections around the world; and this election took place in Nicaragua just this past weekend. We saw the people of Nicaragua overwhelmingly state their preference, and I should say that I am very gratified that they came out on the side of freedom and self-determination, and it is something that would have made Jerry Solomon very proud. That was in this hemisphere.

The legislation that we are talking about today, Mr. Speaker, is focused on the very important North Atlantic Treaty Organization alliance which, as we all know, has been critically important to many of the national security and foreign policy successes that we have had around the world.

Mr. Solomon wrote a very thoughtful volume on the importance of NATO expansion, and I believe that that is one of the major reasons that his name is very appropriately tied to this legislation. As the gentleman from Ohio (Mr. HALL) said, the prospect of the expansion of these seven countries into the NATO alliance is something that I believe is on the horizon, and I believe that we need to encourage it. I should say that President Bush is a strong proponent of NATO expansion and has made that clear in more than a few addresses and in his policy proposals.

So I think that we have done the right thing here in paying tribute to our dear friend, Jerry Solomon. I will continue to miss him every day. I am happy to say that there is a spectacular portrait of Mr. Solomon that is in the Committee on Rules and, I would invite any of our colleagues who would like to come by and take a look at that portrait if you have not testified before the Committee on Rules lately to come and visit us there and to know that when we overwhelmingly pass this rule and the legislation itself, it will be a great tribute that we can provide to this wonderful man.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time at this time. I could have some requests, so I would ask the gentlewoman from North Carolina (Mrs. MYRICK) to go ahead with her speakers, and I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time and for her service, of course, on the Committee on Rules as well.

Mr. Speaker, as we continue to defend democracy and freedom, which is what this Nation is about today, and the battle in the war against terrorism within our own borders, it is important to remember that we are not alone. We are not the only country that upholds the ideals that we are fighting for. Our friends and allies in the NATO alliance have helped us to defend democracy across the Atlantic and beyond in so many ways and for so many years during the Cold War. We now have the opportunity to expand our NATO alliance and allow new democracies in Central and Eastern Europe and other areas to join in the defense of freedom, something we all care greatly about.

This legislation outlines and reaffirms congressional support for further enlargement of NATO as expressed in statements by President Bush and former President Clinton. It does not call for the admission of any specific country to NATO, but is supported by the candidates of all contenders which meet the criteria outlined by the current NATO members. Estonia, Latvia, Lithuania, the Baltics, Slovenia, Slovakia, Bulgaria and Romania are keenly interested, I know from personal experience, and there are others.

In addition, the Solomon Act authorizes funding for military assistance for each candidate in accordance with administration requests for 2002. In other words, we are together on this here on the Hill and downtown. The modest cost of this assistance is a very small price to pay for the potential of gaining long-term allies in a formalized way in this critical region of the world. As a member of the House of Representatives delegation to the NATO Parliamentary Assembly, I have been privileged to see firsthand how the expansion of NATO is a lot more than about just the falling of the last remnants of ice from the old Cold War. The fact is, just a dozen or so years ago, many of these nations we are talking about were part of a Warsaw Pact that was pledged to destroy NATO. Think about that. Now, these nations are vying for a relationship of mutual protection with the West.

As we move through these uncertain times, it is of great importance, of course, that we cultivate the strongest ties possible with all of the nations of Europe. NATO expansion, under membership guidelines and procedures already agreed upon, will help the United States achieve this very, very important goal.

Mr. Speaker, I cannot possibly count the number of hours, meetings, trips, speeches, reports, or personnel we have talked to and invested in the question of NATO expansion. In all of this, Jerry Solomon, his vision, his leadership, showed the way; and he made the case very forcefully. He even made the case in Moscow that someday Russia will join NATO, and I have no doubt to believe that.

This legislation will send a strong and welcome signal. People do pay attention to what this Congress does, and now is the time to gear up for the expansion in NATO that will be discussed one year from now in Prague. I urge support for this legislation. It really does matter.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Florida (Mr. GOSS). As chairman of the Permanent Select Committee on Intelligence and vice chairman of the Committee on Rules, we rely on him a lot for his expertise in this area, and it is quite evident that he has been involved in this for many, many years. So I thank the gentleman.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule, but in opposition to the underlying legislation. Let me take a moment to salute Jerry Solomon, who was a dear friend. We will miss Jerry Solomon. It is a pain in our hearts that we will have as someone who meant so much to us and he is no longer with us. I worked so many hours on so many issues over the years with Jerry that I think that no doubt, on both sides of the aisle, he will be dearly missed.

Now let us talk about NATO. NATO will not be missed. NATO has done its job. NATO deserves to pass on, because NATO accomplished its mission and now it deserves to dissolve.

We called on this organization, we created this organization back when there was a major Soviet threat to invade Western Europe. Thus we created NATO in order to deter war, not to waste money, because that money was necessary at the time. But instead, to deter a Soviet invasion of Western Europe. It did its job, and it did its job well.

During the Cold War, it served to stand guard and to deter attack and that attack was deterred; and it saved lives and it helped us come to the end of the Cold War. But the Cold War is over. The price we paid for NATO in the tens of billions of dollars was worth it back then. It is not worth it now.

In fact, what NATO today is is nothing more than a subsidy for the defense of Western Europe and in Europe as a whole. They can afford, our European friends can afford to pay for their own defense now. When NATO was first created, they were coming out of World War II, their economies were in a shambles; and yes, we stepped forward to protect the world against communism, just as we stepped forward to protect the world against Japanese militarism and Nazism. We can be proud of that, and we can be proud of the role NATO played. But today, the purpose NATO was created for has passed away, and the Europeans can afford to pay for their own defense. By staying in NATO, we are going to continually be involved in missions like those in Kosovo and Bosnia, right in our European friends' backyard, and we end up paying a major portion of that battle in Kosovo and Bosnia. That makes no sense.

Our European friends are richer than we are. The European governments have many, many more services for their people than we have for our own people, because we are spending that money trying to police the world. By keeping NATO going, it just reinforces that policy that the United States is going to be the policeman of the world.

Furthermore, by expanding NATO the way this bill is proposing, we are slapping Russia in the face. Come on. Come on, now. NATO was established to counter the Soviet Union, and now the Russians have done what we always wanted them to do: cast off this dictatorship. And what do we do? We try to expand this military alliance right into their front yard. That is wrong.

Russia has disbanded the Warsaw Pact; it is trying to be democratic. President Putin is making efforts. In fact, he was the first one to call President Bush to offer his help when America was attacked on September 11. We should not be putting that type of pressure on a democratic Russia. We should, instead, be reinforcing that we are their friends and no longer consider Russia a threat. If Russia ever goes back to its old ways, we can reconfigure that. I would just say NATO is not helping us as much as they should in this current crisis, so why should we continue subsidizing our European friends.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, we have here a satellite photograph of a section of the Euro mountains in Russia called Yamantau Mountain. Here is Yamantau Mountain. Just south of Yamantau Mountain are two cities, two closed cities, by the way; and they house about 60,000 people that do nothing but work on Yamantau Mountain.

Now, Yamantau Mountain is the largest, deepest, nuclear secure facility in the world. The Soviets and now the Russians have spent about $6 billion on Yamantau Mountain. We have had two defectors from Yamantau Mountain; and with what they have told us, we know roughly what is down there. It is enormous, about the size of inside our Beltway with railroad tracks running in opposite directions and enormous rooms carved out of the rock.

Again, it is the most nuclear secure facility in the world. The Russians will not tell us why they are doing it. They have just ramped up activity there. They have built accoutrements there that they do not have in their other cities, tennis courts and so forth. They cannot pay their military. They cannot afford $200 million for the service module of the space station, but this is important enough to them that they keep pouring millions and millions and millions of dollars into it, $6 billion currently. Its only use is either during or postnuclear war.

Now, I ask my colleagues, why would Russia do this? When they have all of these needs in their society, why would they pour all of this money into Yamantau Mountain? What I am told is, they are paranoid. They do not believe we are their friends. They are planning for a nuclear war. They apparently believe that it is inevitable and winnable, and they are going to win it with this kind of preparation. We have no idea what they are going to do there, but we know that they are building and spending a lot of money on it.

Now, my question is, why at this time in history would we want to feed Russia's paranoia? Why would we want to enlarge NATO right up to their borders? NATO they perceive as a threat to them. For the first time in its history, we used them as an aggressive power in Kosovo.

□ 1130

If we want a friendship society, a goodwill society, in Europe, please, Mr. Speaker, call it something else. Do not call it NATO. NATO is very threatening to the Russians. It was set up to counter the Warsaw Pact. The gentleman from California (Mr. ROHRABACHER) said it did its job. It was very successful. The Warsaw Pact does not exist.

Mr. Speaker, this is a very unwise political move. I cannot understand how we could perceive that it is in our national security interest to enlarge NATO and feed the paranoia of the Russians when they continue to pour money into things like Yamantau Mountain.

This is not a good bill. I support the rule; I vigorously oppose the underlying bill.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of the rule. The rule is noncontroversial, but the bill itself, the bill to expand NATO and the foreign aid involved in it, is controversial from my viewpoint. It may not be controversial here in Washington, but if we go outside of Washington and talk to the people who pay the bills and the people who have to send the troops, they find this controversial. They think we are taken for saps as we go over and extend our sphere of influence throughout the world, and now extending into Eastern Europe.

I, too, was a friend of Jerry Solomon. We came into the Congress together in 1978. One thing for sure that Jerry understood very clearly was the care that we must give to expanding our influence as well as sacrificing our sovereignty, because he was strongly opposed to the United Nations.

As chairman of the Committee on Rules, he would permit my amendment to come up and at least debate the effectiveness of belonging to the United Nations, so I have fond memories of Jerry, especially in his support of my efforts to try to diminish the United Nations' influence and the taking away of our sovereignty.

Mr. Speaker, this is one reason why I do oppose NATO. I believe that it has a bad influence on what we do. We want to extend our control over Eastern Europe, and as has been pointed out, this can be seen as a threat to the Russians.

NATO does not have a good record since the fall of the Soviets. Take a look at what we were doing in Serbia. Serbia has been our friend. They are a Christian nation. We allied ourselves with the KLA, the Kosovo Muslims, who have been friends with Osama bin Laden. We went in there and illegally, NATO illegally, against their own rules of NATO, incessantly bombed Serbia. They had not attacked another country. They had a civil war going on, yet we supported that with our money and our bombs and our troops, and now we are nation-building over there. We may be over there for another 20 years because of the bad policy of NATO that we went along with.

Mr. Speaker, I think we should stop and think about this, and instead of expanding NATO, instead of getting ready to send another $55 million that we are authorizing today to the Eastern European countries, we ought to ask: Has it really served the interests of the United States?

Now that is old-fashioned, to talk about the interests of the United States. We are supposed to only talk about the interests of internationalism, globalism, one-world government. To talk about the interests of the United States in this city is seen as being very negative, but I would say if we talk about U.S. security, security of the United States of America and our defense around the country, it is very popular.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from the Seventh District of Missouri (Mr. BLUNT), our deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of the rule and of the bill, and I particularly appreciate the fact that this bill has been designated to honor our good friend, Jerry Solomon, who represented us so well in the association of NATO parliamentarians and who had made so many friends for America around the world, and particularly with our NATO allies.

There is no question that NATO has been the most successful alliance in history. I would not want to revisit all of the issues of our policies in Eastern Europe today, but I think if we look back at who was following whose lead in what we did the last couple of years, it might not have been us following NATO as much as NATO following us on policies that were vigorously debated here on this floor.

That is not what this bill is about. This bill is about whether we continue to open the doors of NATO to nations that meet the standards that NATO set, nations that add to the common defense of NATO, nations that so much want to be on this side of the curtain of freedom, if the curtain of freedom ever comes down again.

Recently, at the NATO parliament meeting in Lithuania, those of us who represented the House of Representatives there saw people come out who remembered clearly not only what it had been like to live under the Soviet Union, but remembered what it had been like to be dominated by the Nazis; people who did not want to have that ever happen again; people who were desperate, because if they had not been in a concentration camp or sent out of the country, they knew somebody in their family that had.

Person after person, group after group, came chanting NATO, NATO, NATO, with a sense of desperation; that if the line of freedom is ever drawn again, they know which side of that line of freedom they want to be on.

This does not mean that the line of freedom has to end at the Russian border. In fact, meeting the right circumstance, the line of freedom can extend, but it does mean that those countries that are striving to meet the standards that NATO set, those countries that are striving to meet the standards that NATO set for membership that can add to the common defense, that are democracies today and want to ensure that democracy can best ensure that democracy by joining this family of nations and being part of NATO, by being part of the NATO parliament, by being part of the NATO defense structure.

This is hugely important to the countries mentioned. All of them are not included in NATO as a result of anything we do, but we are just making the point again that that door is open to peace-loving people, freedom-loving people, people who honor democracy, and these countries are among those.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his historical perspective on what has happened with NATO over the years.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the author of this legislation.

Mr. BEREUTER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am very pleased to follow the articulate statement offered by the distinguished gentleman from Missouri (Mr. BLUNT). He spelled out, I think in some detail, why NATO continues to be very important to the democracies of Western Europe and to the United States and Canada, as well.

Indeed, in Lithuania, we saw graphic examples and heard from people on the streets, at high levels of government and the people in the booths selling things to us why NATO was so important, why they do not want to come under totalitarianism again.

In fact, I think there is strong bipartisan support for the continuation of NATO. The dissident voices we heard here today are certainly appropriate in a democracy, but I think they do not reflect the bipartisan recognition that NATO has been important, it is important today, and it will be important in the future.

There are probably two critical institutions in Europe today which help ensure that this security umbrella will be over the nations of the former Warsaw Pact in Central and Eastern Europe and that they will be able to continue their movement towards democracy and a full array of human rights. They are, first and foremost, NATO; and secondly, the European Union.

As the countries, seven of which are identified for authorization, or reauthorization, in this legislation move towards, or hope to successfully gain, membership in NATO, they are making a number of changes. They are embracing a full array of the features of democracy to meet the criteria for NATO membership, they are providing for transparency in their military budgets, they are providing for civilian control of their military, and they are providing for the kind of interoperability of their defense systems with those of the 19 countries of NATO.

It is on the basis of NATO that we were able to form a coalition that performed so well in the Persian Gulf, that was brought to bear after we had some failures from the United Nations in certain parts of the Balkans, and which today underlie the coalition which President Bush and the United States have built in our war against terrorism.

It is not by accident that it was the other countries of NATO which provided the first meaningful response to a coalition against terrorism when they invoked Article 5, that meant that when there is an attack on one of its members, in this case from a foreign source on the United States, they said by invoking Article 5, that it is an attack on all of us. So this defensive alliance, 52 years of age, has taken on some new responsibilities for Western democracies and for the United States, in this case in the war against terrorism. It is a critical institution.

As we see the other countries of Eastern and Central Europe attempt to secure EU membership and NATO membership, we should also note that NATO has created the Partnership for Peace program to permit not just these seven countries, but a wider array of countries, even into the former Soviet Union, with an opportunity to eventually move towards full integration with Western institutions and Western democracy through NATO membership.

Indeed, the door is not shut to Russia. In fact, we have provided, through the North Atlantic Council, a special opportunity for Russia to have input into the deliberations of NATO; not anything approaching a veto, for certainly something we would not want to give them.

Mr. Speaker, If we did not have NATO today we would have to create something like it.

So, Mr. Speaker, I not only urge support of the rule, but since time is limited on the debate on the bill itself, I thought it was appropriate to make these remarks here today with respect to the importance of NATO today and into the future.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill appears to be in very good shape. The rule is certainly acceptable to us.

I think it is fitting that we call this bill the Gerald Solomon Freedom Consolidation Act. Mr. Solomon was chairman of the Committee on Rules for the few years in which I served under him. As a Democrat, and he was a Republican, he was tough, he was difficult, but he was a fair man. He never lied. He was a man of integrity. He was a good Representative.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for his kind comments about Chairman Solomon.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-273) on the resolution (H. Res. 279) waiving points of order against the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, which was referred to the House Calendar and ordered to be printed.

GERALD B. H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mr. BEREUTER. Mr. Speaker, pursuant to House Resolution 277, I call up the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to House Resolution 277, the bill is considered read for amendment.

The text of H.R. 3167 is as follows:

H.R. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom Consolidation Act of 2001".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .".

(2) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to NATO, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(3) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(4) At the Madrid Summit of the NATO Alliance in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance in the first round of NATO enlargement, and the NATO heads of state and government issued a declaration stating "[t]he Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(5) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .".

(6) In late 2002, NATO will hold a summit in Prague, the Czech Republic, at which it will decide which additional emerging democracies in Central and Eastern Europe to invite to join the Alliance in the next round of NATO enlargement.

(7) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement, that the realization of NATO membership by one or more of these countries would be a success for all, and that eventual NATO membership for all of these countries would be a success for Europe and NATO.

(8) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(9) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe".

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998;

(2) supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communique of 1999; and

(3) endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

SEC. 4. DESIGNATION OF SLOVAKIA TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) IN GENERAL.—Slovakia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of Slovakia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note) and the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established

under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) Authorization of Foreign Military Financing.—Of the amounts made available for fiscal year 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $6,500,000 is authorized to be available on a grant basis for Estonia;

(2) $7,000,000 is authorized to be available on a grant basis for Latvia;

(3) $7,500,000 is authorized to be available on a grant basis for Lithuania;

(4) $8,500,000 is authorized to be available on a grant basis for Slovakia;

(5) $4,500,000 is authorized to be available on a grant basis for Slovenia;

(6) $10,000,000 is authorized to be available on a grant basis for Bulgaria; and

(7) $11,500,000 is authorized to be available on a grant basis for Romania.

(b) Conforming Amendment.—Subsection (a) of section 515 of the Security Assistance Act of 2000 (Public Law 106–280) is amended by striking paragraphs (1), (5), (6), (7), and (8) and redesignating paragraphs (2), (3), (4), and (9) as paragraphs (1) through (4), respectively.

The SPEAKER pro tempore. The amendment printed in the bill is considered adopted.

The text of H.R. 3167, as amended, is as follows:

H.R. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gerald B. H. Solomon Freedom Consolidation Act of 2001".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .".

(2) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to NATO, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(3) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(4) At the Madrid Summit of the NATO Alliance in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance in the first round of NATO enlargement, and the NATO heads of state and government issued a declaration stating "[t]he Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(5) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .".

(6) In late 2002, NATO will hold a summit in Prague, the Czech Republic, at which it will decide which additional emerging democracies in Central and Eastern Europe to invite to join the Alliance in the next round of NATO enlargement.

(7) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement, that the realization of NATO membership by one or more of these countries would be a success for all, and that eventual NATO membership for all of these countries would be a success for Europe and NATO.

(8) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(9) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe".

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998;

(2) supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communique of 1999; and

(3) endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

SEC. 4. DESIGNATION OF SLOVAKIA TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) In General.—Slovakia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) Rule of Construction.—The designation of Slovakia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note) and the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) Authorization of Foreign Military Financing.—Of the amounts made available for fiscal year 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $6,500,000 is authorized to be available on a grant basis for Estonia;

(2) $7,000,000 is authorized to be available on a grant basis for Latvia;

(3) $7,500,000 is authorized to be available on a grant basis for Lithuania;

(4) $8,500,000 is authorized to be available on a grant basis for Slovakia;

(5) $4,500,000 is authorized to be available on a grant basis for Slovenia;

(6) $10,000,000 is authorized to be available on a grant basis for Bulgaria; and

(7) $11,500,000 is authorized to be available on a grant basis for Romania.

(b) Conforming Amendment.—Subsection (a) of section 515 of the Security Assistance Act of 2000 (Public Law 106–280) is amended by striking paragraphs (1), (5), (6), (7), and (8) and redesignating paragraphs (2), (3), (4), and (9) as paragraphs (1) through (4), respectively.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the House of Representatives delegation to the NATO Parliamentary Assembly, this Member rises in strong support for H.R. 3167, the Gerald B. H. Solomon Freedom Consolidation Act of 2001.

Indeed, this legislation enjoys the support of Members from the elected leadership on both sides of the aisle, including the Speaker of the House, the distinguished gentleman from Illinois (Mr. HASTERT); the House majority leader, the distinguished gentleman from Texas (Mr. ARMEY); the minority whip, the distinguished gentleman from Michigan (Mr. BONIOR); and the chairman of the House Republican Policy Committee, the distinguished gentleman from California (Mr. COX).

Additionally, the chairman of the Committee on International Relations, the distinguished gentleman from Illinois (Mr. HYDE); the ranking minority member of the Committee, the distinguished gentleman from California (Mr. LANTOS); and the chairman emeritus of the committee, the distinguished gentleman from New York (Mr. GILMAN); and the chairman of the subcommittee on Europe, the gentleman from California (Mr. GALLEGLY), are cosponsors of the measure.

Mr. Speaker, this Member is also pleased to note that among the cosponsors are many Members of the House delegation to the NATO Parliamentary Assembly, including the chairman of the House Permanent Select Committee on Intelligence, the distinguished gentleman from Florida (Mr. GOSS), the distinguished gentleman from Illinois (Mr. SHIMKUS); the distinguished gentleman from Colorado (Mr. HEFLEY); the distinguished gentleman from Tennessee (Mr. TANNER); the distinguished gentleman from Colorado (Mr. MCINNIS); the distinguished gentleman from Texas (Mr. LAMPSON); the distinguished gentleman from Florida (Mr. BILIRAKIS).

Also, the distinguished gentleman from Florida (Mr. MICA). not a member of the delegation, who has been very active in NATO expansion issue is a cosponsor, as would be the gentleman from Texas (Mr. THORNBERRY), the gentleman from Maryland (Mr. WYNN), and the gentleman from Pennsylvania (Mr. BORSKI), if we had had their names in time.

□ 1145

The measure before this body today outlines and reaffirms congressional support for further expansion of NATO. In addition, the legislation endorses the vision of further enlargement of the NATO Alliance as expressed in statements by former President Bill Clinton and by President George W. Bush.

Further, the bill specifically designates Slovakia to receive assistance under the NATO Participation Act of 1994, and the President is authorized to designate, as he deems appropriate, other countries as eligible for the assistance under the same program.

Finally, this legislation authorizes foreign military financing for the following leading NATO alliances aspirants. These are not all of the aspirants, but these are the ones that the administration has requested authorization levels for: Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania and now Slovakia. These levels that are in the legislation reflect exactly the administration's request.

I think it is important to note that H.R. 3167 does not specifically endorse the candidacies of any countries. It simply endorses expansion, hopefully at the Prague Summit in the year 2002, for those countries which meet the criteria outlined by current NATO members, and they are substantial criteria, not easy to meet. I identified a few of them a few minutes ago in discussing the rule.

On November 1 of this year, the Committee on International Relations considered and passed this legislation, as amended, by voice vote. This Member and the dean of the New York Republican delegation, the gentleman from New York (Mr. GILMAN), offered the sole amendment to the measure during the committee markup, which redesignated the title as the Gerald B.H. Solomon Freedom Consolidation Act. This amendment was approved, of course, by voice vote in Committee and approved unanimously.

Mr. Speaker, this Member can think of few more fitting legislative memorials to our former distinguished colleague who, through his service in this body and as a long-time member of the House NATO Parliamentary Assembly delegation, consistently championed efforts to strengthen and expand NATO. Indeed, Congressman Solomon wrote a book on it.

I would say also that Members should know that he played a very active role in the Assembly. He served as the chairman of one of the five working committees of the Assembly, the Political Committee, the one that dealt with the most controversial and most comprehensive list of subjects. He also served as the vice president of the Assembly for the maximum 2-year term, and he was proud to be a member of a small delegation that President Clinton took to the Madrid Summit when decisions were made about NATO enlargement to include the countries of the Czech Republic, Hungary and Poland.

Congressman Solomon was unswerving in his belief that the former Warsaw Pact countries, if they meet the NATO criteria, plus others, including some of the new nations springing from the disintegration of Yugoslavia and nations farther to the southeast, should have the opportunity to join the NATO security alliance. He recognized that NATO membership for those countries would be critical in maintaining stability and prosperity for the entire continent and particularly for Eastern Europe. This Member believes that Congressman Solomon would be pleased to know that his vision for an expanded NATO continues to enjoy overwhelming support from this body.

Mr. Speaker, this Member, who once again led a House delegation to the NATO PA spring meeting in Vilnius, Lithuania, this year, was impressed with the grassroots support in Lithuania for NATO membership. In fact, during that trip, this Member asked a street vendor why he displayed a pro-NATO sticker on his cart. The vendor explained that he would never forget how a family member of his had been taken to Siberia by the Soviets and had never returned. Therefore, because of this and very similar incidents affecting thousands of citizens of the three Baltic nations in the early stages of World War II, this vendor said, That is why I am for NATO expansion—so it can never happen again.

He is joined by so many people of the former Warsaw Pact countries who viewed NATO membership, or the prospect for it, as very important to the stability of future freedoms for their citizens.

Without a doubt, NATO has been the most effective collective defense alliance in the history of the world. It has provided collective security to the member nations of Western Europe. Therefore, it is no surprise that many members of the former Warsaw Pact now aspire to such membership. For NATO to continue its expansion is entirely appropriate at this time, as is congressional support for expansion, but of course, expansion only when appropriate criteria are met, when these countries can make a proper contribution to the NATO collective security.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 3167.

Mr. Speaker, I submit for the cost estimate of the Congressional Budget Office on H.R. 3167 for printing in the RECORD.

CONGRESSIONAL BUDGET OFFICE,
November 5, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001. The CBO staff contact for this estimate is

Joseph C. Whitehill, who can be reached at 226–2840.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3167—Gerald B. H. Solomon Freedom Consolidation Act of 2001

H.R. 3167 would reaffirm Congressional support for the enlargement of the North Atlantic Treaty Organization (NATO) and would increase the amounts of foreign military financing (FMF) earmarked in 2002 for seven Central and Eastern European countries that are potential candidates for NATO membership. The FMF spending is subject to appropriation action. The bill would not increase the total amount authorized for FMF in 2002 under Public Law 106–280, the Security Assistance Act of 2000; therefore, CBO estimates that implementing the bill would not significantly affect discretionary spending. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3167 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Joseph C. Whitehill, who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me at the outset identify myself with all the comments made by my colleagues concerning our late friend, Jerry Solomon. Jerry Solomon was a most distinguished Member of this body and his leadership on the NATO issue simply cannot be overstated.

Let me also commend my good friend, the gentleman from Nebraska (Mr. BEREUTER) whose leadership of the congressional delegation to the NATO Parliamentary Assembly has been extraordinary. He has earned our respect as the leader of our NATO delegation, and I want to pay public tribute to him.

I also want to acknowledge the contributions to NATO and our participation of the chairman emeritus of our committee, the gentleman from New York (Mr. GILMAN), and the gentleman from Illinois (Mr. HYDE), our current chairman.

Mr. Speaker, Congress has consistently led the way in supporting NATO enlargement and for a strong and robust role for NATO in Europe. One of the most memorable moments in my congressional service was to fly with our former Secretary of State Madeline Albright to Independence, Missouri, with the foreign ministers of Poland, Hungary and the Czech Republic when we moved to include those three former Communist states, having cleansed themselves of their past as full members of NATO.

NATO is the longest surviving alliance of all time, and it has endured because it is an alliance of free and democratic nations. No country was ever forced to join the alliance by a larger and stronger power, in sharp contrast to the Warsaw Pact where every single member was forced into that pact by the power and might of the Soviet Union. There can be no better endorsement of NATO's success and achievements than the desire of the newly emerging countries of Central and Eastern Europe to join this alliance.

Now, the post-September 11 era, Mr. Speaker, has brought us new realities, and one of them is the critical role that NATO can play in the fight against international terrorism. As a matter of fact, although we did not plan it this way, my friend, former Secretary of State Henry Kissinger, yesterday in an op-ed in the Washington Post states correctly that NATO has found its new mission, and that mission is to lead the way along with the United States in the global war against international terrorism.

The gentleman from Illinois (Mr. HYDE) and I were managing the legislation, giving our President whatever powers he needs to wage this war. And while we were here in this Chamber, our NATO allies invoked Article 5 of the NATO Treaty stating, in essence, that the attack on one NATO member is an attack on all members of NATO, and they have given us and will continue to give us their support in every conceivable form.

In this context today, I want to acknowledge the Government of Germany for yesterday making the historic decision of committing German troops to the war in Afghanistan, a historic first for that country.

NATO members, Mr. Speaker, have also responded immediately and willingly to the call by President Bush to cut terrorist financing. In this context, let me just mention parenthetically that NATO members stand in sharp contrast to the arrogant governmental action of Lebanon, which is refusing to give us cooperation in cracking down on the financial capabilities of international terrorist organizations like Hezbollah. Our NATO allies share intelligence with the United States regarding both Osama bin Laden and the entire al-Qaeda network.

Just yesterday, Mr. Speaker, President Bush spoke via satellite to the Warsaw Conference on combatting terrorism, where all of the nations of Eastern and Central Europe who wish to join NATO were represented.

Although the war on terrorism is now our top national priority, we must remain engaged with our allies on a wide spectrum of issues, including NATO enlargement. The next NATO summit in Prague in 2002 will be the first opportunity for the applicant countries to formally present their bids for membership in NATO. Our bill demonstrates our strong belief that this process must not be and will not be sidelined.

The 10 countries which are hoping to become members of NATO, and I will read them in alphabetical order, Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Rumania, Slovakia and Slovenia, are all seeking membership in this great peace-loving alliance.

As my colleague, the gentleman from Nebraska (Mr. BEREUTER) indicated, they will have to meet some very tough yardsticks to be judged worthy of joining NATO. They relate not only to having achieved a certain degree of economic success and having made a contribution to their own defense and the collective defense, but they must demonstrate that they are practicing a respect for human rights, religious rights, minority rights and press freedom. They have to demonstrate that they are free and open democratic societies.

I want to underscore, Mr. Speaker, that the upcoming summit in Prague, where we will be looking at the new applicants for membership in NATO, is the first and not the last of such meetings. The Prague Summit is part of a measured and carefully managed process of including more and more of our European friends in NATO. Invitations will be extended to the applicants consistent with their compliance with the NATO membership action plan.

As do all of my colleagues in this Congress, I support a Europe whole and free. And I strongly endorse the statements of the 10 applicant countries that eventual NATO membership for all of them will be a success for the United States, for Europe and for NATO.

Mr. Speaker, I would like to say a word about Russia. Following the events of September 11, Mr. Speaker, clearly a new relationship is evolving between the United States and Russia. Next week we are looking forward to welcoming the Russian President, Mr. Putin, in Washington, who then will go on for a more intimate meeting with the President in Crawford, Texas. There is a whole new flavor to the Russian/U.S. relationship, and it is apparent in a dozen different ways.

□ 1200

We are modifying our previous position of just a few months ago with respect to the ABM Treaty to missile testing. The Russians are asking that we put an end to Jackson-Vanik, which was historic human rights legislation but which has served its purpose.

I look forward to the day when a democratic Russia will be able to explore the possibility of joining NATO; and I think it is important to underscore, in dealing with the expansion of NATO, that this is in no sense directed at Russia. Russia is no longer our enemy, and we are looking forward to the day when it will be our ally.

I, for one, welcome President Putin's new attitude towards NATO enlargement and his statement that he would not rule out NATO membership for Russia. Let me say we also do not rule out that possibility. This represents an important change, a historic change in Russian perceptions of the NATO alliance, a sentiment that we should continue to encourage strongly. I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself 15 seconds.

I want to just compliment the gentleman from California on his articulate statement, and I appreciate his kind remarks regarding this Member. His comments about President Putin, I think, are certainly appropriate.

We have seen very moderate and positive statements on NATO expansion, on missile defense, coming from President Putin since the tragic events of September 11th. And I think it is very interesting, as I conclude these comments, to note that NATO assets, AWACS planes, are sent from Europe to the United States today to help our fighter aircraft patrol our cities since American AWACS aircraft are deployed for operations related to Northern Watch over Iraq, in the Persian Gulf regions, and in operations related to Afghanistan.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. GILMAN), the dean of the delegation and the person who helped me offer the amendment to name this Gerald B.H. Solomon legislation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend our former vice chairman of our Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER), for introducing this bill, which I am pleased to cosponsor with him, and for his strong consistent support for NATO enlargement. He has been a true leader in NATO for our Congress.

I thank our committee's ranking minority member, the gentleman from California (Mr. LANTOS), for his support not only for this bill but for NATO's enlargement throughout the years.

Under the aegis of NATO, the past decade has shown a remarkable expansion of freedom in Europe without firing a single shot. It is ironic that our NATO allies have invoked the, and I quote, "attack on one is an attack on all" clause of NATO's treaty in the recent terrorist attacks on our own Nation from abroad. We have special reasons, therefore, to value the contributions that NATO has made in our own defense.

Accordingly, it is in our own national interests that we need to bring as many democratic, stable and capable European nations as possible into NATO alliance. This bill makes it clear that the door to NATO membership remains open to other nations; and it is fitting, therefore, for Congress to ask the President to sign this measure into law, a NATO expansion policy declaration. It was in our interest in the opening of the East, which laid the groundwork for the eventual accession of the Czech Republic, of Hungary, and Poland into NATO in the last decade, which, with many of my colleagues, I strongly supported.

I was pleased to join my colleague, the gentleman from Nebraska (Mr. BEREUTER), in making one change to this bill, naming it after our close friend and former colleague on our Committee on International Relations, and former chairman of the House Committee on Rules, the late gentleman from New York, Mr. Solomon. Mr. Solomon was an outstanding, dedicated public servant, a Congressman who deeply carried about our national security and how we came to depend on NATO alliance. Accordingly, it is altogether fitting that we name this NATO expansion legislation the Gerald B.H. Solomon Freedom Consolidation Act.

It was in 1998 that Jerry Solomon authored a book entitled "The NATO Enlargement Debate: 1990-1997: The blessings of Liberty." In that book he concluded, and I quote from the final paragraph of his book: "In the final analysis, a wider alliance is but a means to the end of building confidence and security toward which all of NATO's directions are aimed. In an era of profound transformation in transatlantic and European security, there can be no guarantees that the values and strategic outlook of the alliance can form the foundation for all of Europe. Nevertheless, we do know that the NATO experience has much to offer as we return to the original broad ambition of NATO and embrace a wider community of free peoples."

The distinguished chairman of the full Committee on International Relations, the gentleman from Illinois (Mr. HYDE), has enthusiastically supported this bill in our committee; and I very much appreciate the expeditious consideration of the bill in committee and the efforts to obtain early floor consideration. I thank House leadership for making certain that this bill was considered in an appropriate and timely manner. It is an appropriate tribute to a great patriot, Mr. Jerry Solomon.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a valued and thoughtful member of the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I thank the ranking member for his courtesy in allowing me to speak on this measure.

I have some real concerns about the legislation before us today. It certainly is not a lack of respect for the spokespeople on both sides of the aisle, two of the most respected Members of Congress in this arena, for whom I am deeply gratified for being able to learn about international affairs; and it certainly is not any reservations about NATO itself. As has been pointed out, NATO, for 52 years, has performed an invaluable service for providing peace and stability on the European continent. It has been especially critical for the first 42 of those 52 years.

But I think the real question is whether it is time for us to take a step back and look at some of the underlying assumptions, much like my friend from California mentioned a moment ago, in terms of framing the question about how we are going to deal with Russia. I think that is one of the most critical points that we need to focus on.

I think it fascinating that the first call from a head of state that our President received after the disaster, the terrorist attacks on September 11, was from President Putin. It signaled, I think, a part of this new era that we are seeing. And before we deal with an expansion of NATO or something else, I think it is critical that we take a step back, as the gentleman from California (Mr. LANTOS) has said, and take a look at the role of NATO.

In early October, Secretary General Lord George Robertson met with President Putin; and neither seemed to see any reason why Russia, at some point, should not be a member of NATO. Indeed, as we look at the list of countries that we are bringing forward as potential members, certainly Russia would appear to be at least as well qualified as these would-be member states in terms of its effort to develop its economy and its democracy,

In this context, I think we should ask ourselves why we are moving ahead with our expansion plans that could look to those elements in the Soviet Union that it is not necessarily consistent with this emerging new agenda. It looks certainly like a continuation of Cold War encirclement, as we are expanding a military alliance that does, for the time being, exclude them, but will extend almost to their eastern border. Is there not a more constructive and effective way to show our support for democratization in Central and Eastern Europe than continuing to build an alliance that looks as though it is arrayed against them?

I must also point out that the continued expansion of NATO is an exceedingly expensive endeavor. The weak economies of the new members and what appears to me to be lukewarm support for implementing and financing the expansion of the alliance by some of our European members is going to force the United States to assume more of the funding burden.

A CBO study found that the cost of expansion simply to Poland, Hungary, the Czech Republic, and Slovenia would be in the neighborhood of $60 billion to $125 billion over a 15-year period ending in 2010. The United States' portion of this tab was expected to run between $5 billion and $19 billion. A study conducted concurrently by the RAND Corporation found that the total cost of this expansion could be in a similar range, up to $110 billion.

These estimates, I fear, are misleading because they assume that both new member states and other NATO members will be willing and able to pay for their costs of expansion. I think at a time when we are facing severe economic crisis at home, it is highly improbable that they are going to assume their share of the burden, and we are going to have to make some very real trade-offs in terms of our domestic economy and other higher priorities that we have in this war against terrorism.

Finally, I think we need to be asking ourselves whether the continued expansion of NATO is the most effective way to encourage the development of free markets and democracy in Eastern Europe. It is a military alliance that was critical for its time, it still plays an important role; but I am wondering if it needs to be supplemented.

I strongly urge that this body deal with some of the questions that my colleague from California, the ranking member of the committee, dealt with, and that we not continue with more legislation dealing with the expansion of NATO until we come back and deal with the hard realities of the role of Russia and the costs that are associated to it. I think the American public deserves that.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, who followed European and NATO issues long before he became chairman.

Mr. HYDE. Mr. Speaker, this bill calls upon the NATO alliance to agree to a robust second round of enlargement at its summit meeting in Prague late next year. The bill does not call for the admission of any specific country to NATO, but is broadly supportive of all seven leading contenders for admission in the next round: Estonia, Latvia, Lithuania, Slovenia, Slovakia; Bulgaria, and Romania.

I will not dwell on the qualifications of the individual countries, other than to say each has made great progress in the difficult transition from the prison house of communism to the promise of democracy in the free market. Forcibly separated from the West for decades, each is now reclaiming its rightful place in the Western community of nations. It would be shameful, as well as stupid, for us to ignore their pleas to become members of the Atlantic alliance.

For over half a century, NATO has been the foundation upon which the security of the West has rested. NATO's continuing importance to the United States was most recently demonstrated in this unified response to the terrorist attacks of September 11 when article 5 of the North Atlantic Treaty, which states that an attack on one member of NATO shall be considered an attack upon them all, was invoked for the first time in the alliance's history.

It is my hope that this next phase of NATO's enlargement will see an end to Russia's opposition to NATO, an opposition needlessly inherited from the Soviet Union and inconsistent with Russia's own desire to become a part of the West. For this reason, I commend President Putin for his recent remarks indicating his government will not object to further enlargement of NATO.

A robust second round of NATO enlargement will not end our task. Many vocal aspirants will still remain outside of the alliance's pacifying embrace. And in a speech earlier this year in Warsaw, President Bush spoke of a future in which all of the states between the Baltic and Black Seas would be welcomed into the Western community of nations. I certainly share that vision.

Thus, even as we admit additional countries to NATO, we must remember this is but the latest step toward our goal of creating a Europe whole and free, and of bringing lasting peace to that ancient and long-suffering continent.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. BARTLETT), in the spirit of collegiality and bipartisanship, knowing full well he will be taking the side which is opposed to my position.

□ 1215

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am shortly going to display a couple of visuals here. The first will be in Russian, and I wanted to present it in Russian because I did not want Members to think that I was telling the Russians something they did not know about our vulnerability.

The first of these will show a page from a Russian journal which shows an EMP attack on our country. What Members will see is Russian language, and they will see something which looks like the sun with some rays coming from it, and then Members will see what it does.

What it does is disrupt our communication system and disrupt our power system. See the one on the right is in Russian. What it does is melt all of our microelectronics, including our computers. If we think about our power grid and communications grid, if we melt down the computers, we do not have a power and communications grid. This is our translation of it here.

All that needs to be done is to detonate a nuclear weapon high above the atmosphere, and what is produced is something equivalent to a simultaneous lightning strike everywhere in the country, or enormous static electricity. We see a miniature of this every time there is a solar storm. This is many, many times as powerful as the pulses we get from that solar storm.

If the chart would be put out that shows Yamantau Mountain, and these two are connected, Members will see these are two closed cities of 60,000 people. What is a closed city? A closed city is so remote it does not have tourists. Nobody visits. They have a single mission; 60,000 people live there and they have a single mission, and that mission is working on Yamantau Mountain.

If the Russians are going to do an EMP attack on us, they had better have Yamantau Mountain because we are going to respond.

I showed this in Russia. I am not giving them any ideas. They knew this before we did. We knew it from the Starfish explosion in 1962. The Russians had done more testing and explosions, and they knew it before we did. They know more about it than we know about it.

If they are anticipating an EMP attack on us, and it would be almost certainly the first way they would use a weapon because there is no way they could do as much harm to our economy and infrastructure with ground level explosions as they could do with an explosion above the atmosphere, producing electromagnetic pulse.

Mr. Speaker, I do not think that it makes sense to feed Russia's paranoia. I have been told that the reason they spent $6 billion on Yamantau Mountain is because they are paranoid, because they do not think that we are their friends, when we are enlarging NATO right up to their border. And they do not think NATO is friendly because for years it was the counter of the Warsaw Pact, and they cannot get it out of their head that this is their enemy.

I have no idea why we think it is productive in terms of our national security to enlarge NATO right up to their borders. I am all for a European friendship society. I just do not want one that slaps Russia in the face.

We are making great strides. Putin was the first foreign leader to call our President after the terrorist attacks on September 11. Why would we want to do this to the Russian people? For the first time in many years, and I went to Russia recently and I saw the mountains of flowers at our embassy, it was a very moving experience, here are people moving in our direction. Why would we want to move them in the other direction?

Mr. Speaker, if we are going to enlarge NATO, let us have Russia as a member. If we do not have Russia as a member, let us not enlarge it. It is threatening to our national security and it is not in our long-term national security interest.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Armed Services and the vice chairman of the Defense Security Committee of the NATO Parliamentary Assembly.

Mr. HEFLEY. Mr. Speaker, as a member of the House Committee on Armed Services and as vice chairman of the Defense and Security Committee of the North Atlantic Treaty Organization Parliamentary Assembly, I stand in strong support of this Gerald Solomon Freedom Consolidation Act of 2001.

I think it is appropriate that we would name this after Jerry Solomon. It has been said before, and I will not belabor it, but Jerry believed so strongly that when democratic free societies worked together in a security alliance, the world is a safer place to be. He promoted this idea. Not that he wanted to enlarge NATO just to be enlarging NATO, just to have more numbers, but that every NATO member must bring something to the table, something not only for their own security, but for the security of the NATO alliance.

It is difficult to depart from the memories of September 11. Almost everything we do in this Chamber now is viewed through the scope of terrorism. Just like the threat of communism, the catalyst for NATO, current threat reaffirmed the need of a strong transatlantic alliance for the protection of free societies all around the world. By endorsing expansion, we are sending a message to those who decry democracy and freedom.

As the response to September 11 has shown, an attack on one is an attack on all. It is very relevant in our redefined geopolitical world. We could easily conclude in this body that NATO has more of a purpose against terrorism than it did against communism. With a time-tested formula and victories under our belt, we would be foolish to turn our backs on those who aspire to join the greatest alliance history has ever known.

A little more than a month ago in Ottawa, Canada, I had the privilege of speaking to the NATO Parliamentary Assembly's Defense Committee, and in my remarks I spoke about how we, being NATO, must look forward and come together as a family of nations. The worst of times, as we have seen, separate the civilized world from the uncivilized. As nations that respect and honor freedom, democracy and decency, we must join together and form an unbreakable bond against terrorism.

Terrorism has been a plague on our world for far too long. Every nation in the alliance has been on the receiving end of terrorist attacks, ranging from the brutal to the barbaric. We have watched airplane hijackers negotiate with guns, we have seen truck bombs explode on embassy grounds, we have seen extremists raid an Olympic village, plane wreckage in Lockerbie, Scotland, car bombs on the streets of London and Belfast, and a gaping hole in the hull of an American warship.

When I finished my speech, there was overwhelming support from not only the NATO nations represented there but from the observers as well; from the French who oftentimes do not agree with us on things, and the second one to speak after I had spoken was a Russian observer who pledged strong support to this effort.

We need NATO now maybe more than ever. I think we need to support the further enlargement of the NATO Alliance. I urge passage of this resolution.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who in this last year has joined the delegation to the Parliamentary Assembly, and has done an outstanding job and has had a personal outreach program to Lithuania and to the Baltic states for some period of time.

Mr. SHIMKUS. Mr. Speaker, I rise in support of H.R. 3167, the Gerald Solomon Freedom Consolidation Act of 2001. I am a proud cosponsor of this legislation which memorializes congressional support for further NATO expansion that is set to take place at the 2002 Prague Summit.

This is in line with the President's intent stated on his trip to Warsaw, Poland, and I quote, "I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibility that NATO brings. As we plan the next NATO Summit in 2002, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

He also stated that he envisioned a NATO that extends from the Baltic to the Black Sea, a NATO whole, free and secure.

As chairman of the Baltic Caucus and a member of the NATO Parliamentary Assembly, I am a strong supporter of the NATO enlargement, especially for the Baltic states. In the wake of September 11, I believe that enlisting the talents of the Baltics and others who are eager to make contributions to NATO will be instrumental to defeating terrorism.

Mr. Speaker, let me share a few photos. This is a photo of the border when I served in West Germany, the border between West Germany and Czechoslovakia. This is the old world. As many of my colleagues have said, in the spring of this year, we attended the NATO Parliamentary Assembly in Lithuania. This is a new vision of Europe, and these are photos of citizens with signs saying NATO, Lithuania, okay, good; The victims of the gulags are calling for justice; The pact of Molotov-Ribentropo is our past. NATO is our future. And the youth were present in these signs of public display in support of NATO.

Another thing that we learned on our trips is that the countries who are recently now members, countries like Poland, have a better relationship with Russia now since they are under the NATO Alliance. And they have better relations and better trade, and it has helped the stability of Europe.

Mr. Speaker, I would like to commend my colleague, the gentleman from Nebraska (Mr. BEREUTER), and the Committee on International Relations for their leadership on this issue. I would also like to commend the committee for naming this act after our recently passed colleague, Jerry Solomon. This is fitting since Congressman Solomon was one of the first in Congress to recognize that NATO membership for former Warsaw Pact countries was essential for maintaining stability in Eastern Europe.

On our Statue of Liberty it says, "Give me your tired, your poor, your huddled masses yearning to breath free." With NATO expansion, the countries that are yearning to breath free can do this under the NATO Alliance. I encourage my colleagues to vote in favor of H.R. 3167.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), who has been very much interested in NATO membership for a number of countries of Eastern and Central Europe, and has played a special role in outreach to Slovakia.

Mr. MICA. Mr. Speaker, I rise in strong support of H.R. 3167. I am especially pleased that this legislation includes a provision to recommend Slovakia for full NATO membership.

As the grandson of Slovak-American immigrants, I have carefully followed the Slovak Republic's difficult transition from the former Soviet bloc to a free and independent nation. The dramatic changes from a socialistic government and a managed economy to an open democracy and free market enterprise system have been a challenge for this new nation.

Since January of 1993, the Slovaks have made great progress in joining the European and Western family of nations. Slovakia has been recognized for its economic and political progress by admission last September to the Organization of Economic Cooperation and Development.

The Slovak Republic is also a leading contender today for future membership in the European Union. While international economic integration is vital to Slovakia's future, it is critical that this strategically located Central European nation be a part of NATO.

While in the past I have urged leaders of the new Slovak Republic to primarily focus on issues and admissions to organizations related to international economic cooperation, I did so coming from a nation and background that always felt secure from the standpoint of national security. At times in the past I could not understand the preoccupation with membership in NATO by Slovak leaders.

As I learned more over the years of the history of the Slovak people and their domination and suppression, I realized why they were so concerned and so dedicated to a security relationship with NATO.

□ 1230

Slovakia had lost its freedom and independence and security in the past. They did not want to risk that possibility in the future. The events of September 11 made me recognize why Slovakia and its people were so right. Nothing is more vital than national security. The other countries under this bill also, Latvia, Estonia, Lithuania, Slovenia, Romania and Bulgaria, also seek entry into NATO for exactly the same reason. In the interest of our United States national security, in the interest of those who have lost and regained their independence and also regained their national identity, and in the interest of world security, I urge the passage of this legislation.

I again commend the gentleman from California (Mr. LANTOS), the gentleman from Nebraska (Mr. BEREUTER), and also honor the memory of our departed colleague, Jerry Solomon.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding time. I, unfortunately, am going to say some words about this legislation that are not quite consistent with the views that have been heard on the floor.

I am in opposition to this bill. I certainly want to honor the memory of our departed colleague, Congressman Solomon; but I am opposed to the expansion of NATO. I was opposed under President Clinton, and I continue to oppose expansion under President Bush. The countries named in this bill for NATO candidacy have made incredible progress since the fall of the Soviet Union toward Western ideals and economics, but it should not make them automatically superior candidates for NATO.

First of all, NATO is founded on the premise of collective defense. These countries are still undergoing major political and economic changes, and I do not think we should be promising to go to war on behalf of countries when we do not know what kind of conflicts we may be drawn into.

Second, NATO was created to defend against the Soviet Union, a threat that obviously no longer exists. If at this critical time the U.S. is seeking cooperation from Russia, it is counterproductive in my opinion to take actions that Russia would perceive to be aggressive. In this legislation that is before us today, we are talking about admitting into NATO countries that would bring NATO right next to the border with Russia.

Thirdly, the expansion would put the strategic advantage of the alliance at risk. NATO was created for rapid Allied response to a threat. Its tactical strength will be compromised when the inclusion of countries with inexperienced militaries make it more difficult to mobilize. The high cost of NATO expansion would also divert U.S. defense investment to militaries of foreign countries at a time when we should be focusing on our own. And there are other institutions that are more valuable to the Eastern European countries than NATO; the European Union, the World Trade Organization, and other international institutions, that will help promote their economic and democratic development. NATO expansion will drain their treasuries toward massive military expenditures to come up to NATO's standards.

The bottom line is that NATO expansion is more of a liability than an opportunity for the United States and for the countries this bill seeks to add to the alliance. For that reason, I will oppose the legislation.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. PAUL), a distinguished member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Texas is recognized for 4 minutes.

Mr. PAUL. Mr. Speaker, I sincerely appreciate the fact that I have brought together bipartisanship here and got time from both sides. I deeply appreciate that, especially since I am taking the opposition to this bill. I do rise in opposition to expanding NATO. I do not think it is in the best interests of the United States. The one thing that I would concede, though, is that everyone in this Chamber, I believe, every Member agrees that our country should be strong; that we should have a strong national defense; and that we should do everything conceivable to make our country safe and secure. I certainly endorse those views. It just happens that I believe that membership in organizations like NATO tends to do the opposite, tends to weaken us and also makes us more vulnerable. But that is a matter of opinion, and we have to debate the merits of the issue and find out what is best for our country.

I think the bill is motivated for two reasons. One is to increase the sphere of influence into Eastern Europe, who will be the greatest influence on the commercial aspects of Eastern Europe, and so there is a commercial interest there, as well as in this bill there is $55 million of foreign aid which I think a lot of Americans would challenge under these circumstances whether or not we should be sending another $55 million overseas.

We have this debate now mainly because we have had the demise of the Soviet system, and there is a question on what the role of NATO should be and what the role of NATO really is. It seems that NATO is out in search of a dragon to slay. It appeared that way during the Kosovo and Serbian crisis, where it was decided that NATO would go in and start the bombing in order to help the Kosovars and to undermine the Government of Serbia. But our own rules under NATO say that we should never attack a country that has not attacked a member nation. So this was sort of stretching it by a long shot in order to get us involved. I think that does have unintended consequences, because it turns out that we supported Muslims, the KLA, in Kosovo who were actually allies of Osama bin Laden. These things in some ways come back to haunt us, and I see this as an unintended consequence that we should be very much aware of.

But overall I oppose this because I support a position of a foreign policy of noninterventionism, foreign noninterventionism out of interest of the United States. I know the other side of the argument, that United States interests are best protected by foreign intervention and many, many entangling alliances. I disagree with that because I think what eventually happens is that a country like ours gets spread too thin and finally we get too poor. I think we are starting to see signs of this. We have 250,000 troops around the world in 241 different countries. When the crisis hit with the New York disaster, it turned out that our planes were so spread out around the world that it was necessary for our allies to come in and help us. This is used by those who disagree with me as a positive, to say, "See, it works. NATO is wonderful. They'll even come and help us out." I see it as sad and tragic that we spent last year, I think it was over $325 billion for national defense, and we did not even have an AWACS plane to protect us.

During that time when we had our tragedy in New York, we probably had cities that we paid to protect better than our own cities. If planes went awry or astray in Korea or Haiti or wherever, I think that they probably would have been shot down. I see this as a tragedy.

I hope we will all give some consideration for nonintervention.

Mr. Speaker, more than a decade ago one of history's great ideological and military conflicts abruptly ended. To the great surprise of many, including more than a few in own government, the communist world and its chief military arm, the Warsaw Pact, imploded. The Cold War, which claimed thousands of lives and uncountable treasure, was over and the Western Alliance had prevailed.

With this victory, however, NATO's raison d'être was destroyed. The alliance was created to defend against a Soviet system that as of 1991 had entirely ceased to exist. Rather than disbanding, though, NATO bureaucrats and the governments behind them reinvented the alliance and protected its existence by creating new dragons to slay. No longer was NATO to be an entirely defensive alliance. Rather, this "new" NATO began to occupy itself with a myriad of non-defense related issues like economic development and human rights. This was all codified at the Washington Summit of 1999, where the organization declared that it would concern itself with "economic, social and political difficulties . . . ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states." The new name of the NATO game was "interventionism"; defense was now passé.

Nowhere was this "new NATO" more starkly in evidence than in Yugoslavia. There, in 1999, NATO became an aggressive military force, acting explicitly in violation of its own charter. By bombing Yugoslavia, a country that neither attacked nor threatened a NATO member state, NATO both turned its back on its stated purpose and relinquished the moral high ground it had for so long enjoyed. NATO intervention in the Balkan civil wars has not even produced the promised result: UN troops will be forced to remain in the Balkans indefinitely in an ultimately futile attempt to build nations against the will of those who will live in them.

Mr. Speaker, we are now called on to endorse the further expansion of a purposeless alliance and to grant $55.5 million dollars to former Soviet Bloc countries that have expressed an interest in joining it. While expanding NATO membership may be profitable for those companies that will be charged with upgrading the militaries of prospective members, this taxpayer subsidy of foreign governments and big business is not in the interest of the American people. It is past time for the Europeans to take responsibility for their own affairs, including their military affairs.

According to the Department of Defense's latest available figures, there are more than 250,000 U.S. military personnel deployed overseas on six continents in 141 nations. It is little wonder, then, that when a crisis hit our own shores—the treacherous attacks of September 11—we were forced to call on foreign countries to defend American airspace! Our military is spread so thin meddling in every corner of the globe, that defense of our own homeland is being carried out by foreigners.

Rather than offer our blessings and open our pocketbooks for the further expansion of NATO, the United States should get out of this outdated and interventionist organization. American foreign policy has been most successful when it focuses on the simple principles of friendship and trade with all countries and entangling alliances with none.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I just wanted to take this opportunity to express a couple of concerns that I have about this measure that is before us this afternoon. It has been said a number of times on the floor here today that the North Atlantic Treaty Organization has been the most successful military alliance in history. I think that that is indisputable. It was created in the aftermath of the Second World War to deal with a set of geopolitical circumstances that presented themselves to the world at that time. Over the course of the succeeding 55 years, NATO has served Europe, the United States, Canada and indeed the world very, very well. It prevented a third world war. And ultimately it was NATO and other factors that resulted in a very definitive change within the Soviet Union.

But now we are faced with a different set of circumstances. The geopolitical world in which we live today is in no way similar to that which confronted the West and other nations at the close of the Second World War. We ought not to be thinking about expanding an entity that was created for a different need and a different purpose at a different time. We ought to be thinking more about the circumstances in which we find ourselves today. And while one might argue that expanding NATO in the way that we have done recently and may do again in the context of this suggestion here, this proposal, might not do any harm, the fact of the matter is that at the very least it diminishes our likelihood to think of the world in different ways, and that is really what we ought to do.

NATO served us. We ought to now begin to put it behind us and begin to think about the world we live in in ways in which are necessary to confront the circumstances that we have to deal with today. We ought not to be doing things, for example, that are insulting or might be taken as an insult by Russia, because they are now in a different relationship with the United States.

So I am concerned about this for those reasons, but primarily because it will prevent us from thinking about the world in ways in which we ought to be thinking of it in order to address the different circumstances that confront us at this moment.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

This debate is really why we need NATO. The reason for creating NATO is to preserve free and open societies. The reason to have NATO is so that the gentleman from Texas (Mr. PAUL) and the gentleman from California (Mr. WAXMAN) and others who spoke against NATO expansion' should have the opportunity to speak freely and openly, not just in the United States but throughout Europe, throughout an expanding and open and democratic Europe. We are creating NATO so people in Latvia, Lithuania, Estonia, Slovakia and elsewhere should have the same opportunities we have here. There has never been more need for a military alliance dedicated to preserving and expanding democratic free and open societies which was more palpable than today.

We have heard a great deal about building a coalition against international terrorism. The majority of those so-called coalition members are police states and dictatorships. They will not fight for free and open and democratic societies. They may oppose Osama bin Laden, they may oppose specific terrorist acts; but they are not in favor of what we are in favor of, a free and open and democratic society. And the top guarantee of that is the expansion of NATO.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the distinguished gentleman on his comments in closing debate on his side of the aisle today. I would say that the gentleman from Texas who made remarks in the well certainly makes his comments from a very principled point of view. His philosophy is exemplified entirely by his comments here. I respect his point of view on this issue although I disagree with it. To the distinguished gentleman from California (Mr. WAXMAN), the concerns he raises I think are legitimate concerns, but I would say in response to them, as the gentleman from California (Mr. LANTOS) and this gentleman have both said in the past, the criteria for NATO membership, set out by the 19 existing members, are very tough. They insist on economic progress, on substantial movements towards democracy, on transparency in defense budgets, on civilian control of the military, and on interoperability.

Some of these countries, even some of the seven listed for authorization for assistance, are, frankly, some distance away, undoubtedly, from meeting all of the initial criteria. But the prospect for membership in the EU, the prospect for membership in the NATO alliance itself have been important incentives that are held out there for membership to bring about change in these societies.

□ 1245

I think the House should be proud of its leadership in suggesting expansion at the previous round of decisions on NATO expansion made in Madrid. The House of Representatives was really the first entity in the world to suggest it was appropriate to consider expansion of NATO. And as we looked at the Visegrad Four, we found and encouraged very specifically membership for the countries of Poland, Hungary and the Czech Republic, that had made the necessary commitments and that met the criteria set forth. It was only a disappointment to both the other body and this House that Slovenia, a newly independent country, was not also included in the first round, because we felt that they as well had met the criteria for membership.

Mr. Speaker, I would think as we look for the next year to come before the summit in Prague, we may well consider giving our view as a Congress on which additional countries seem to have met most adequately the criteria for NATO expansion at that summit.

Mr. Speaker, I believe the legislation before us today makes a major contribution. Its authorization levels are consistent with those the administration has requested.

Finally I would just close my remarks by citing two quotations from President William Clinton and President George W. Bush that are actually cited in the legislation itself.

President Clinton said in a speech in Detroit in 1996, "NATO's doors will not close behind its first new members. NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership. No Nation will be automatically excluded. No country outside NATO will have a veto. A gray zone of insecurity must not reemerge in Europe."

Then, in June of this year, President George W. Bush at Warsaw said, "All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom and the same chance to join the institutions of Europe as Europe's old democracies have. I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings. As we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others. We will not trade away the fate of free European peoples. No more Munichs, no more Yaltas. As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I apologize for not being down here during the entire debate. I am the Chair of the Subcommittee on Space and Aeronautics of the Committee on Science. We have a big discussion on the Space Station, which is another international effort.

Let me say, I certainly support cooperative efforts like the International Space Station, and I supported NATO when it was necessary. NATO served its purpose. It protected us against the Soviet invasion of Western Europe. Now the Cold War is over. The best thing we can do now is to try to promote democracy in Russia, and expanding NATO goes in exactly the opposite direction. It slaps the Russians in the face.

I believe the Europeans can now defend themselves. We no longer should be subsidizing their defense. Expanding NATO just puts us more into the position of subsidizing people's defense far away who can manage their own defense. It also takes away from our ability to cope with the real challenge to world freedom and peace today, which we will find in Asia in the form of an expansionary and belligerent Communist China.

Lastly, let us note that we are engaged in a war right now, a war against terrorism and a war in Central Asia. Being part of NATO has not really helped us. In fact, the billions of dollars we spend in NATO can be used by our own troops in that battle, and only a limited amount of support has come from our NATO allies, the British and Italians, who would be giving it to us anyway. They would be with us anyway, without us having to spend tens of billions of dollars a year on NATO.

While I respect my colleagues, especially Jerry Solomon and the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), I would suggest that expanding NATO is not a good idea.

Mr. BLUMENAUER. Mr. Speaker, today we debated H.R. 3167 on the House floor, legislation to encourage further expansion of the Northern Atlantic Treaty Organization (NATO) to include Eastern European countries such as Romania, Estonia, Latvia, Lithuania, and Bulgaria. I want to share with my colleagues an opinion piece that ran recently in the Washington Post which raises what I feel are some of the critical issues regarding continued expansion of the NATO alliance. Written by Jonathan Newhouse, a senior advisor at the Center for Defense Information, this article emphasizes that the key issue is not the future of NATO, but the importance of including Russia in future collective security arrangements in Europe. I found his thoughts helpful and I encourage my colleagues to review this.

[From the Washington Post, Nov. 3, 2001]

A NEW ALLIANCE COULD NUDGE ASIDE THE OLD

(By John Newhouse)

The terrorist threat laid bare on Sept. 11 is transforming global security arrangements. Already, it is pushing Washington and other major capitals toward a historic makeover of the security system the United States and its European allies have relied upon for half a century. And much of the energy for that push is coming from an improbable source: Russia—or, more precisely, its president, Vladimir Putin.

Putin's broad purpose—to link his ailing, self-absorbed country to the United States while moving it into the European mainstream—has been gathering force for some time. Even before Sept. 11, he was taking a more accommodating line on President Bush's foremost priorities—missile defense, modification of the ABM Treaty, and further enlargement of NATO, the Western security alliance. Since the attacks, the Russian's tone has become even more acquiescent, enough to raise concerns in Western capitals that he has maneuvered himself far in front of his national security apparatus and political base. When he meets with Bush in Washington and Crawford, Tex., later this month, the two men can be expected to start a process aimed at moving their countries into a shifting strategic environment. And that move could edge NATO, the centerpiece of America's security relationship with Europe, to the sidelines.

Well, before Sept. 11, NATO was the object of some tough questions: Did it still have a purpose? Was there a role in it for Russia, and if so, how central a role? A few Western leaders, starting with Britian's Tony Blair, had in one degree or another concluded that Western and Russian strategic interests had converged, and that collective security arrangements that lacked Russian participation no longer made sense. But if anyone was shuffling the new deck after Sept. 11, it was Putin. He was the first to call Bush after the attacks. he agreed not to oppose the use of bases in Uzbekistan and elsewhere in Central attacks. He agreed not to oppose the use of bases in Uzbekistan and elsewhere in Central Asia for strikes against the Taliban. He visited German Chancellor Gerhard Schroeder and wowed the Bundestag with a speech delivered in fluent German, studded with quotations from Goethe and Schiller, that portrayed Russia as rooted in European values.

On Oct. 3 Putin had a long private meeting in Brussels with NATO Secretary General Lord George Robertson, with whom he enjoys discussing security issues. Soon thereafter, I was shown an official account of what the two men said. The conversation pointed up Putin's resolve to anchor Russia to the West, and the intensity of his hatred of the Taliban and radical Islam.

In the meeting, Putin cited nuclear proliferation as the main threat confronting the world. He said there was a plot afoot to kill Pakistan's president, Gen. Pervez Musharraf. If that happened, he wondered, who would control Pakistan's nuclear weapons? And he answered his own question in stark, if peculiar, terms: Osama bin Laden, he said, calling the terrorist leader "the defense minister." As for the Taliban, he said it would be a great mistake to remove the leaders but leave the Taliban in power. The Taliban is Afghanistan, he declared, and proposed a conference to bring together all the anti-Taliban forces in Afghanistan.

But Topic A was the Russian link to NATO. Neither man saw any reason Russia shouldn't be a member. Noting that Robertson was the first to understand that Russia poses no threat to the alliance, Putin said his country should be a primary NATO ally. But he said that Russia would have to be consulted on common security issues, or it would be isolated on the periphery of security, which would be in no one's interest. He wasn't asking for membership as such, but rather a central political involvement.

Putin declared that Russia would not stand in the queue to be admitted into the alliance, like countries on whose membership nothing depends. Robertson replied that he understood this, but he was no reason Moscow shouldn't apply. Both sides, he said, needed to stop the diplomatic sword dance over Russian membership. Putin restated his reluctance to wait in line, but said he did want a full-fledged, mature relationship with NATO. He wondered if Robertson and Russian experts could work jointly on the question.

The Russian president tried to highlight the opportunity he was offering the West by telling Robertson that he expected to be in office only four years at most. All his values, he said, were Western. But he warned that his successors may have a different view of European security—thereby underlining up the developing gap between him and other key players in Moscow.

Robertson noted that the two sides could focus on a few specific areas of cooperation—terrorism, air-sea rescue, Kosovo and Bosnia. He also raised the idea of a conference on military responses to terrorism jointly sponsored by NATO and Russia, an idea Putin liked. The conversation ended with Putin, perhaps revealingly, asking Robertson to pass on his regards to Bush, whose name had not arisen.

We should hear loud echoes of this meeting in Texas. There, Putin can safely agree to enlarging NATO yet again. Before Sept. 11, he deplored this idea, especially the prospect of admitting the Baltic nations, because he and his advisers saw it as bringing NATO into space that Russians are accustomed to influencing, if not controlling. But this concern becomes moot as he moves to acquire a serious role in revised Western security arrangements and to segue into Europe on his own.

Moreover, a bloated alliance operating by consensus will not be close to the center of political action. More and more, the center will lie wherever the key players, notably the United States and Russia, locate it. Today's security threats are not military, and NATO is not equipped to help much in the struggle against terrorism and weapons proliferation. Counterterrorism, for example, is much more of an intelligence and police function than a military one, and Washington will be increasingly reluctant to rely on NATO for other than peacekeeping tasks. NATO itself could become absorbed in solving problems between its members.

Although Putin won't be deflected, he will have to show critics at home some return on his bold move toward the West. Embedding Russia in the world economy is probably his first priority. But accomplishing this will require Russian membership in the World Trade Organization, even though well-positioned Russians see the organization as a conspiracy of multinational companies to exploit Russian assets. Putin also wants and probably needs a trade agreement with the European Union. Members are sympathetic, but unlikely to grant one unless and until Putin has maneuvered WTO membership. They need to see Russia establishing itself as a serious player and fully capable of living up to commitments.

The meeting with Bush could help anchor Russia to the West, politically and probably economically. Putin may expect Washington to advance his WTO prospects by asking EU governments to join in pushing to relax the standards for Russian membership.

Putin may not object—at least not strongly—to the Bush plan for a national missile defense if he convinces himself that the project may eventually fall of its own weight. Agreeing to kill the ABM Treaty, as distinct from amending it, would be very tough for him. While the treaty is about arms control, it is also seen in Moscow as an agreement between great powers and, as such, of great political value. If he and Bush were to produce a new and verifiable bilateral agreement dealing with steep reductions of strategic weapons, it would play very well in Moscow. Prospects for an agreement of that kind are good, although just how binding it might be is unclear, and the importance Russians attach to locking the United States into a formal agreement cannot be overstated.

The shell of the egg won't be filled overnight. Putin's romancing of major Western capitals will have to be accompanied by internal reforms, including democratic ones. And he will have to hold up the Russian end of any bargain, especially by helping to discourage the proliferation of truly frightful weapons and playing a full part in interconnected programs aimed at curbing organized crime, drug trafficking and money laundering, etc. Also, in most Western capitals, including London, there are senior bureaucrats who resist major change, especially change that benefits Russia and appears to weaken NATO. France, for one, may have mixed feelings about NATO; but it will see stronger Russian involvement as accelerating movement of the center of political gravity eastward, a shift that has been underway since German unification.

Change is nonetheless underway, as Secretary of State Colin Powell made clear in Shanghai last month, when he ventured the lapidary phrase: "Not only is the Cold War over, the post-Cold War period is also over."

(John Newhouse is a senior fellow at the Center for Defense Information.)

Mr. HASTERT. Mr. Speaker, I rise in support today of the Gerald B. H. Solomon Freedom Consolidation Act of 2001, a bill appropriately named after my good friend Jerry Solomon, who passed away last month. Jerry was a fine man who truly cared about NATO and the leading contenders for NATO admission. I support this bill, because I support the further enlargement of NATO alliance, as well as the inclusion of those seven countries that are candidates for NATO admission. If these democracies are willing to meet their responsibility of membership, I see no reason why they should not be able to enter this defensive alliance, and join their fellow members in preserving peace, freedom and democracy. These seven worthy nations are our friends, and I look forward to the day we can welcome them as members. I would now like to introduce a speech I made in March to the Lithuanian Parliament, in which I made the case for Lithuania's inclusion into NATO.

Speaker J. Dennis Hastert Addresses Lithuanian Parliament, March 2001

Mr. Chairman, Members of the Seimas, distinguished guests:

I am deeply honored to be here today.

Two years ago, just a few months after I became the Speaker of the United States House of Representatives, you were kind enough to invite me to address this Parliament. The opportunity to speak to you was one of the first honors given to me by another government. What made it even more special was the fact that it was an invitation from you, the representatives of the People of Lithuania, a people, like my own countrymen, who love freedom and know its heavy price.

Last month I was traveling in the State of Virginia—a part of my country that was the home of some of America's most famous "Founding Fathers." One was a man named Patrick Henry. The school children in the United States are taught a famous line from one of Patrick Henry's fiery speeches which he gave during our War of Independence. In just six simple but passionate words he summed up the resolve of a people struggling to be free when he said: "Give me liberty, or give me death!" Patrick Henry's Comrades in Arms, went on to sign a Declaration of Independence where they pledged to each other, "our Lives, our Fortunes and our sacred Honor."

Most of us who serve in the Congress of the United States, and many of you who serve here, have never had to risk our lives to preserve our liberty. But many men and women, on whose shoulders we stand, have done so, on battlefields around the world and even in the streets of our own capitals.

Once again today, while entering this Parliament Building, I passed the spot where some of you literally manned the barricades and stood your ground to defend the right of the Lithuanian people to govern themselves.

As Speaker, I often ask my members to make difficult decisions and cast difficult votes. But I have never had to ask them to risk their very lives as some of you have done. To those of you were served in this body during those dark and difficult days, let me thank you on behalf of freedom loving men and women everywhere, for your courage and your example.

Some things have changed since I was last here. Your "new" President is now a successful veteran and you have held Parliamentary elections. The political landscape in the United States, too, has changed. We now have a "new" President and a new Congress.

But one thing has not changed. The bond of friendship between the people of Lithuania and the people of the United States remains strong. Our admiration of Lithuania's struggle for freedom and democracy remains constant. You can count on America's lasting friendship.

As our new President develops his legislative agenda and as the new Congress works to implement it, there are significant differences between the political parties, differences we debate peacefully, but with great passion.

For example, my party, the Republicans, believe in a smaller federal government, leaving more power to the States and local Governments and most importantly to the people themselves. We support a tax policy that leaves more money in the pockets of the people who earned it so they can spend it as they see fit, rather than government collecting it and then spending it. Our worthy opponents, the Democratic Party, have a somewhat different view. We respect our differences because the struggle of ideas is the heart of a true democracy.

But one place where we do not disagree—where our Congress is united—is on the subject of NATO expansion. Democrats and Republicans alike believe in the "open door" policy of NATO enlargement and both strongly endorsed the process begun at the 50th NATO Summit held in Washington. Candidate Bush, now President Bush, supports the idea that another around of invitations for membership be issued at the Prague Summit in 2002. He made that clear in a letter to President Adamkus last May.

No democracy in Europe that is prepared to meet the responsibilities of membership should be denied full participation in NATO. And no nation should fear the expansion of a defensive alliance which has done so much to encourage freedom and democracy and preserve the peace on this continent.

That is why it is worth remembering that the Helsinki Act of 1975—a document heralded as a cornerstone for European security and cooperation—declares that "the participating states . . . have the right . . . to be or not to be a party to bilateral or multi-lateral treaties, including the right to be or not to be a party to treaties of alliance." Our friends in Russia, who are signatories to the Helsinki Act, should not fear Lithuania's membership in a defensive alliance like those sanctioned by the accord.

I pledge to you that if Lithuania invests the resources necessary to meet the requirements of NATO membership, I will do all in my power to bring Lithuania into the alliance in 2002.

I intend to work side-by-side with President Bush, Vice President Cheney, and Secretaries Powell and Rumsfeld to make this a reality.

Lithuania has further to go to achieve NATO membership, but we must not forget how far Lithuania has come in 10 short years. This nation has already taken essential steps on the road to full NATO participation. Lithuania continues to be a reliable member in the Partnership for Peace, an important testing ground for compatibility with NATO forces; Lithuania has employed the NATO Membership Action Plan to focus defense resources and establish military priorities; And Lithuania played a pivotal role in making the "Vilnius-9" process one of cooperation, rather than competition.

In addition, you are to be commended on your commitment to national defense spending. Your Prime Minister's reaffirmation of the government's plan to dedicate 2 percent of Gross Domestic Product on defense by 2002 is a critical benchmark.

Now, the members of this body must make the difficult choices to ensure your national budget reflects this priority. And while budget choices are never easy, the longterm benefits of today's national security expenditures will certainly pay off for years to come.

On regional security questions, too, Lithuania has shown a high level of commitment.

Your efforts to seek common ground with Russia regarding Kaliningrad and your relationship with Belarus continues to be handled with great finesse. You and Poland have built a strong partnership. And Lithuania's continued good relations with Baltic and Nordic nations are vital.

Some are too quick to forget the tortured years Lithuania endured as a captive nation. For five decades, the shackles of totalitarianism bound Lithuania. But you never gave up.

And for those 50 years, America steadfastly refused to acknowledge this illegal and immoral Soviet action. It would be equally wrong now, for NATO to fail to embrace the wishes of freedom loving Lithuanians.

During my last visit to Lithuania, I had the opportunity to visit your KGB museum. I must tell you it was a very moving experience to see firsthand the brutal methods employed by the Soviet secret police and the sinister tactics designed to strip this nation of its unique identity and proud history.

We all pray that this terrible period in European history has been relegated to museums and history books along with the fall of Soviet communism.

But, sadly, as we witnessed in the Balkans, Europe was not rid entirely of the cancer of aggression. Today in the southern Balkans, as ethnic tensions simmer, Lithuanian troops stand shoulder-to-shoulder with US forces, keeping the peace. Clearly this is another example that Lithuania already is supporting the collective security of all Europe.

But the American-Lithuanian relationship is not—and should not be—based solely on the traditional definition of mutual security. Our growing economic bond is critical to our continued good relations.

And with Lithuania's economic reorientation toward the West—helping to slash inflation from 1,163 percent in 1992 to less than one percent in 1999—there is no doubt that more U.S. investment will follow. Lithuania rightly looks toward America and Europe, while not disregarding Russia, for its increased economic integration.

Further, Lithuania's entry in the World Trade Organization and progress toward European Union membership—which I support—are critical steps in your efforts to broaden trade relations. I read recently that the joint Wall Street Journal-Heritage Foundation Index for Economic Freedom called the Lithuanian economy "the most improved economy in the history of the index". With a record like that, I have no doubt that Lithuania can achieve every economic goal she sets for herself.

The people of Lithuania and the people of the United States are bound by a love of freedom, by a desire to defend democracy, and by a faith in the free-market system.

We are also bound together by the one million Lithuanians who now call America home. Many of the Lithuanian-Americans live in my home state of Illinois, in the great city of Chicago. In fact, it was in Chicago where I first met many of your political leaders, including your President, Val Adamkus.

Earlier today, I was honored by President Adamkus as he awarded me the Order of the Grand Duke Gediminas (pronounced GET-A-ME-NAS).

Later today, I will be presented the title of Honorary Citizen of Vilnius. One of America's most beloved Presidents, Ronald Reagan, a fellow native of Illinois, was the first recipient of this title. In 1984 President Reagan said, and it is still true today, "We live in a time of challenges to peace, but also of opportunities to peace. Through times of difficulty and frustration, America's highest aspiration has never wavered. We have and we will continue to struggle for a lasting peace that enhances dignity for men and women everywhere."

Both of these honors I accept on behalf of the many Lithuanian-Americans who have contributed so much to my country, and who keep the great nation of Lithuania in their hearts and in their prayers.

Our sixth American President, John Adams said: "whenever the standard of freedom and independence has been unfurled, there will be America's heart, her benedictions and her prayers." Lithuania has unfurled the standard of freedom. May God bless you and all the people of Lithuania as He has blessed the United States of America.

Thank you.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 3167 and in strong support of the goal of NATO expansion.

I thank the Chairman of the International Relations Committee for expediting consideration of the bill and I would like to associate myself with his remarks.

Mr. Speaker, I have served as an active Member of the U.S. House delegation to the NATO Parliamentary Assembly—the legislative arm of this vital organization—for nearly a decade. Over those years, we have engaged in active discussions of matters relating to trade, financial services, labor policy and engaged our European partners in important discussions regarding the role of NATO in such regional conflicts as that in the Balkans.

These vigorous discussions, led for years by our late Colleague Jerry Solomon, and now by our distinguished colleague—the gentleman from Nebraska, Mr. BEREUTER—have enhanced communication among our governments and thereby strengthened our national security. I must make specific and sincere recognition of Jerry Solomon. He was an international leader and it is most appropriate that he be identified in this legislation.

In the last dozen years, various administrations—Democrat and Republican alike—and Congresses—Democratic-controlled and Republican-controlled—have supported expanding the North Atlantic Treaty Organization (NATO) to include newly democratic states in Eastern Europe and the former Soviet Union.

In the NATO Participation Act of 1994, Congress declared that full and active participants in the Partnership for Peace program (which provides U.S. military assistance to former Warsaw Pact nations) should be invited to become full NATO members.

In the NATO Enlargement Facilitation Act of 1996, Congress called for the prompt admission of Poland, Hungary, the Czech Republic and Slovenia to NATO. It also declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine. And Congress signaled that we should not just be considering the emerging democracies in Central and Eastern Europe. But we also should consider the candidacies of Poland, Hungary, the Czech Republic, and Slovenia.

These sentiments were reaffirmed by Congress in the European Security Act of 1998.

Late next year, NATO will hold a summit in Prague, at which it will decide which additional emerging democracies in Central and Eastern Europe it will invite to join during the next round of NATO enlargement.

A few weeks ago, Russian President Putin declared that Moscow is prepared to reconsider its opposition to NATO expansion into states of the former Soviet Union as part of its changing security relationship with the West since the terrorist attacks of Sept. 11.

Mr. Speaker, a word about our current NATO allies is in order today as we approach the two-month anniversary of the murderous attacks on America on September 11.

Americans were enormously grateful and reassured by the decision of our NATO allies, in unprecedented action, to invoke Article 5 of the NATO Charter. At the time, this was a most important signal that the international community will stand beside the United States in our fight against terrorism.

Today, NATO nations are cooperating with our war against terrorism on many different levels and through many different activities. This should go a along way toward silencing the critics who claim that the U.S.–NATO relationship is a one-way street. Here is a concrete example of NATO providing important support to America in America's time of need.

Mr. Speaker, I urge strong support for H.R. 3167.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). All time for debate has expired.

Pursuant to House Resolution 277, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 262 and on approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 46, not voting 14, as follows:

[Roll No. 431]

YEAS—372

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Akin
Barr
Bartlett
Blumenauer
Cannon
Carson (OK)
Coble
Collins
Condit
Davis, Jo Ann
Deal
DeFazio
Doggett
Duncan
Everett
Flake
Frank
Goode
Harman
Hinchey
Holt
Johnson, Sam
Jones (NC)
Kerns
Lee
McKinney
Miller, George
Nadler
Obey
Otter
Paul
Payne
Pence
Pombo
Rohrabacher
Sanders
Sensenbrenner
Sherman
Slaughter
Snyder
Stark
Stump
Tancredo
Tierney
Watt (NC)
Waxman

NOT VOTING—14

Burton
Buyer
Conyers
Cubin
DeLay
Ganske
Jones (OH)
Kilpatrick
Larson (CT)
Lofgren
Meeks (NY)
Schakowsky
Stearns
Sweeney

□ 1314

Messrs. STUMP, JONES of North Carolina, CARSON of Oklahoma, PENCE, KERNS, AKIN and OTTER changed their vote from "yea" to "nay."

Mr. SESSIONS and Mrs. CLAYTON changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 431, I was detained on legislative business. Had I been present, I would have voted "yea."

Stated against:

Mr. STEARNS. Mr. Speaker, on rollcall No. 431, I was unavoidably detained. Had I been present, I would have voted "nay."

□ 1315

EXPRESSING SENSE OF CONGRESS REGARDING WTO ROUND OF NEGOTIATIONS IN DOHA, QATAR

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 262.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 4, not voting 18, as follows:

[Roll No. 432]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt

DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Dreier
Flake
Kolbe
Waters

NOT VOTING—18

Burton
Buyer
Conyers
Cubin
DeLay
Ganske
Gilchrest
Hunter
Jones (OH)
Kilpatrick
LaFalce
Lofgren
Meeks (NY)
Peterson (MN)
Quinn
Schakowsky
Stump
Sweeney

□ 1324

Mrs. BIGGERT changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2149

Mr. DICKS. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2149.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2180

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship of H.R. 2180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce it will entertain 1-minute and 5-minute special orders until 2 o'clock today.

COMMENDING THE WORLD CHAMPION ARIZONA DIAMONDBACKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to commend the world champion Arizona Diamondbacks.

On Sunday night, the Arizona Diamondbacks engaged New York in what will truly go down as one of history's greatest baseball games ever.

The game capped one of the most exciting and thrilling World Series that baseball has ever seen.

In the end, the world champion Arizona Diamondbacks emerged victorious, and in doing so, they became the first sports franchise in Arizona's long history to earn the right to call themselves the best in the world.

They also became the fastest baseball franchise to win a World Series, doing so in just their fourth year of existence.

The Arizona Diamondbacks take a lot of criticism sometimes for relying heavily on their aces, Curt Schilling and Randy Johnson, but this victory shows that they are truly a complete team from top to bottom. This is not to mention their rookie manager, Bob Brenly, who did a fantastic job, and the fantastic front office, led by Jerry Colangelo.

Mr. Speaker, I want to express my pleasure not only for what the Arizona Diamondbacks did, but the manner in which they did it. They did it with a great deal of class, integrity, and respect, which is a real reflection on the great State of Arizona.

On behalf of all Arizonans and Americans, I want to thank the world champion Arizona Diamondbacks for providing the country and the world with an exhilarating World Series, which reminds us why baseball is America's favorite pastime.

PAYING RESPECTS TO RAYMOND T. BUTLER OF SACRAMENTO, CALIFORNIA

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I rise today to pay my respects to a friend of mine who passed away this past Saturday. Raymond T. Butler was an icon in the Sacramento community. I know my good friend, the gentleman from California (Mr. MATSUI), also knew him very well.

Ray was involved in virtually every aspect of community life in Sacramento. He was by profession an insurance man, but he was also involved in banks and the cable TV industry. He was a longtime volunteer in numerous civic organizations.

Our community benefited from Ray Butler's involvement in it for many, many years. Our hearts go out to his wife and family in this time of loss.

Mr. Speaker, Sacramento has lost a champion, a lion of its community. We were the better for his presence and we are the lesser for his passing.

☐ 1330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISAPPOINTMENT IN FORMER LEBANESE OFFICIAL'S REMARKS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to express deep disappointment in an article which appeared in yesterday's New York Times with regard to Lebanon.

We lost American men and women at the American Embassy in 1983. We lost 241 Marines who went there to help the Lebanese people and to help the Lebanese Government.

There was an article whereby the former Prime Minister, Selim al-Hoss, said the following: "The United States is consequently a terrorist partner, which makes the U.S. unfit to lead the world."

Mr. Speaker, we need in this region reconciliation; we need peace. We do not need inflammatory statements like this from the leadership and former leadership of the Lebanese Government. We should be bringing people together, not dividing people.

Mr. Speaker, I include for the RECORD the article I referred to.

[From the New York Times, Nov. 6, 2001]

LEBANON TO RESIST U.S. SANCTIONS ON HEZBOLLAH

(By John Kifner)

BEIRUT, LEBANON.—The Lebanese government is indignant over American pressure to freeze the assets of Hezbollah, the Shiite Muslim organization bitterly opposed to Israel.

It is a request the Lebanese are likely to reject, according to officials and accounts in newspapers here including the daily owned by Prime Minister Rafiq Hariri, which is presumed to reflect his views.

"The government is headed for a refusal to freeze Hezbollah money or to interfere with the resistance," that newspaper, Al Mustaqbal, reported today.

The apparent impasse once again spotlights the difficulties the Bush administration has in cobbling together its international coalition against terrorism in the face of overriding, passionately held views on local issues, particularly the Israeli-Palestinian conflict.

Hezbollah, whose name is Arabic for Party of God, was listed by the State Department on Friday, along with 21 other groups—a number of them Palestinian supporters opposed to the faltering Middle East peace efforts—as a terrorist organization whose financial resources should be cut off.

Those groups join the list that already includes groups under the control of or with ties to Osama bin Laden, who is suspected of being behind the Sept. 11 attacks on the World Trade Center and the Pentagon.

The American action on Friday imposed stringent financial sanctions on the 22 groups. The government seized any assets of Hezbollah in the United States long ago, but the latest move is seen as putting pressure on Arab governments to crack down on the fund-raising activities of Hezbollah and other groups on the list.

The widespread Lebanese outrage over the American demand reflects the distance Hezbollah has traveled since it rose from the Shitte Muslim slums on the southern fringe of Beirut in the early 1980's as a shadowy, brutal band of kidnappers, suicide bombers and airplane hijackers.

Now it is a part of the Lebanese establishment, with members in Parliament, an important social service network and a television station whose news programs are avidly watched by many Lebanese.

Hezbollah has enjoyed the support of Syria and Iran. Syria dominates Lebanon's political affairs.

Indeed, Hezbollah members are officially regarded as national heroes—"the resistance"—for their role as guerrillas who opposed the 22-year-long Israeli occupation of southern Lebanon.

The American ambassador here, Vincent Battle, presented the American position at an emergency meeting he requested on Friday with the Lebanese foreign minister, Mahmud Hammud.

The foreign minister was apparently unimpressed.

"The Lebanese resistance has expelled Israel's occupation army from south Lebanon last year," Mr. Hammud said. "We are proud of it."

"We view the resistance as a legitimate means to liberate our land from Israeli occupation, and we hold fast to it, with the support of Syria and the rest of the Arab world."

Perhaps the most striking reaction came from an unexpected quarter, the elder statesman Selim al-Hoss, a soft-spoken academic and a Sunni Muslim who was the long-suffering prime minister through many years of civil war. He is widely respected for his personal integrity, though as a leader he was rendered powerless by religious militia factions in a land then corrupt beyond imagination.

"America supports the world's most brutal terrorist state and the deadliest ever terrorist who leads it," Mr. Hoss said, referring to Israel and its prime minister, Ariel Sharon. "The United States is consequently a terrorist partner, which makes the U.S. unfit to lead the world."

Indeed, it was widely assumed here that Israel was behind the new list, particularly after the influential Israeli lobby in Washington, the American Israel Public Affairs Committee, applauded it.

To Hezbollah the condemnation was a badge of honor.

"We feel proud we have been taken as an enemy that should be blacklisted as terrorist by the Great Satan who heads the greatest pyramid of tyranny, repression and arrogance of modern times," Sheik Hassan Nasrullah, the group's leader, said at a rally. "It is natural for the American administration to blacklist Hezbollah and the other struggling Palestinian factions."

Sheik Nasrullah issued a prohibition against any form of assistance to the American operation in Afghanistan, calling it, "a war against every Muslim who refuses to bow or kneel to the United States."

In southern Lebanon, Sheik Nabil Qaook, the strategist of the guerrilla campaign against Israel, said in a speech during the weekend: "The U.S. lists don't bother us the slightest. When America accuses Hezbollah, we take it as proof of the credibility of our goals.

"In the past, America didn't shout so loud. When it is in a dominating position and when the rules of the international game are in its favor, we don't hear accusations of terrorism. But when the balance of power leans the other way, we hear them scream."

REINSTATEMENT OF MILITARY CONSCRIPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, the service in the Armed Forces for all American men has been an experience that has I think unified us in this country. It has been a common experience of getting up early in the morning, eating mediocre food, but mostly understanding how the military works and understanding the importance of patriotism in this country.

I ask my colleagues, Mr. Speaker, to realize that within a few years there will be nobody in this Chamber that has served in the military. In a few years, there will be nobody in State legislatures that has served in the military except, possibly, for maybe a few heroes that have come back and had the name ID that allows them to run for political office.

I think that is a great danger in terms of the understanding of legislative bodies here in the U.S. House of Representatives, over in the U.S. Senate and certainly in all our legislative bodies, the State legislatures, as well as municipal jurisdictions. That experience of serving in the military has unified us.

I have been working on legislation for the past 5 years that would reinstate military conscription in a process that is both voluntary and mandatory. It would direct the Secretary of the Army and the President to reinstate a conscription between 6 months and 1 year where those individuals would go through a kind of orientation of boot camp, but also the learning of international relations, the learning of terrorism and how terrorists work and where they come from, a better understanding of the different goals of the countries around the world, and then after, but also the military discipline of that kind of basic boot camp orientation.

After that there would be a discretion. If they do not want to continue to serve in that kind of military combat training role for the rest of that 6-month period or for the rest of that year period discretionarily, they would have the option of working in community service or going into AmeriCorps or going into some other service for the government. They would receive modest pay but exceptional training to bring back that kind of unity of experience that is so important, I think, as we conduct business that involves, more and more, the rest of the world.

An understanding of international relations has been so obvious since the September 11 attack on this country. I would encourage my colleagues to call me or my office to get a copy of this draft legislation, to look into the possibility of renewing military conscription in both a mandatory and a voluntary way that they could earn credits with the GI Bill of Rights provisions for the time that they serve their country.

It would give those individuals the kind of experience, but more than that, it would be a binding force of common experience that would hold this country together.

WORLD TRADE ORGANIZATION MEETING IN QATAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I just wanted to draw my colleagues' attention to yesterday's New York Times, the front page. There are some stories there that bear an interrelationship that is important.

There was a major story about the World Trade Organization's upcoming meeting in Qatar in the Middle East, the first meeting that the WTO will be holding since Seattle; and the story talks about the World Trade Organization and some of the difficulties that it has been having in gaining broad-based public support for its activities and deliberations; and in fact, the story implies that if these meetings in Qatar are not successful, it might spell the demise of the WTO and the type of globalization initiatives that have ensued since this Congress passed GATT just a few years ago when the WTO was set up.

One of the reasons it says that these talks are having difficulty is because of the fact that the world trade system has resulted in widening disparities between the very rich and the very poor, and it is very interesting that the meeting is being held in a part of the world which demonstrates the wide disparity in incomes between the very rich and the very poor.

On the same front page there was a story about the rumblings in South Africa that have come since independence was granted, and what does it talk about? It talks about the growing disparity in South Africa between the very rich and the very poor and the fact that thousands and thousands of people are having their electricity shut off, are not able to earn a living, rising unemployment levels and that globalization without a social contract, and those are my words, not the words of the New York Times, creates a rising poverty and rising wealth for only the few, and that our globe is being affected by these forces, these powerful economic forces in all regions.

Recently, this week, Secretary Powell has met with the top leaders of Bangladesh, Bangladesh, one of the poorest nations in the world, which has a $2 billion trade deficit with the United States.

How do these stories connect? These stories connect because in Bangladesh over 3,500 contract shops operate, producing over a billion garments for the world, half of which come here to the United States.

Women in that country make caps that are worn by athletic teams at all of our major universities, for example. They are forced to sew 320 caps per hour if they want to keep their job, and their bosses want them to increase it to 370 caps per hour. For each cap, they are paid a penny and a half. Those caps arrive in our country for a total of $1 for total costs of production and shipment, material, labor and transportation. And then they are sold, on average, inside this economy for $17 to $19 a cap.

Now, the foreign minister of Bangladesh wants us to remove further tariffs on these items coming to our country. And what I am thinking is, even if we remove the tariffs, what guarantees are there that the women of that country would get a living wage? There is absolutely no guarantee.

The trading system that this globalization regimen has put in place has put a downward pressure on workers across this world; and they are rising up in South Africa, in the Middle East, in South America. We saw their faces in Seattle. Somebody had better pay attention to what is wrong with this global trading system. It works to the benefit of the few at the cost of the many.

I am for trade. I have a trading district, but I am for the dignity of the working person whether they work on the farm or whether they work in the factory, wherever in the world they exist. This world trading system must have a social contract, and without that we are going to have political tremors across this world, the likes of which the free nations have never experienced before.

I would say that you must have free trade among free people. And that trade regimen that is put in place by the laws we pass and by the institutions like the World Bank and the International Monetary Fund and the Export-Import Bank, if they do not give credence to democratic rights and freedoms then, my goodness, what are we doing?

So I would commend to my colleagues, take a look at the New York Times. Think about the connection between WTO and Qatar this week and what is going on in South Africa, and what is going on in Mexico where wages have been cut in half, and what went on in Seattle when people did not earn enough for the work they do.

What kind of system is this country promoting?

CREATING SAFER AIRLINE TRAVEL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under a previous order of the House, the gentleman from California (Mr. ISSA) is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I do not come often to the well of the House, but today I feel it is essential that I address both my fellow colleagues here today and the American people because we are now in the process of considering airport security. And the debate, in my opinion, has degenerated to do we, in fact, hire Federal workers or do we hire non-Federal workers when, in fact, the House of Representatives and the Senate clearly agree on two things that are existing today.

One is that we need to up and improve the standards; secondly, that the existing contractors who are doing the job today, that is supposed to result in our safety in the air, are not doing their job properly.

Only yesterday when Chicago was proven to be a hopeless sieve, and other cities when it was shown that these workers, many of them, most of them not citizens, operated by a foreign corporation that does not even ensure that the background checks are done, even after paying a huge fine, they continue to not do the background checks. They continue to not meet the requirements that will lead to America's safety.

I get on an airplane virtually every week. I have over 100,000 miles this year alone going back and forth to my district. I as much as any other member of this great Nation have a vested interest in airline safety, as do all of my colleagues here today and on the other side of the House.

There is no question that we must act and act immediately. From this body we do not call on the administration to specific action, but I call on all of us in government to immediately fire these contractors who have failed to protect us, those contractors who continue to violate the laws. Do not fine them; fire them. I believe that while we are deciding who can protect us better, I would feel much safer having my county sheriff standing there, having my California National Guard and every other State's National Guard. And I know that those men and women with minimal supervision on Day One will be U.S. citizens, will speak, read, write English, will understand better what behavior that is not consistent with a normal passenger would be, and they will be motivated for airline safety. Pay them what they need to have. Get them there today.

Mr. Speaker, we cannot wait until our law is passed, until it is conferenced, until it is signed, until it is enacted. Mr. Speaker, we, in the Federal Government before Monday morning comes, before we fly on Veterans' Day, we must have better airline safety. I call on all of us to act and act immediately to bring the kind of safety to our airports that we can bring only by replacing these proven criminal corporations and getting their questionable employees off the system, off the payroll and bringing in loyal Americans.

Mr. Speaker, I ask for this to be enacted and enacted before our great holiday.

CHARITABLE DONATIONS FOR SEPTEMBER 11 ATTACK VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, today the Subcommittee on Commerce, Trade and Consumer Protection had a hearing where we listened to the new chairman of the Federal Trade Commission, Mr. Tim Muris, and we talked about a lot of issues that are under his control. On the previous day, we had a hearing of the Subcommittee on Oversight and Investigations in which the chairman did an excellent job dealing with questions of the charities that have been created as a result of the September 11 catastrophe.

The outpouring of support from Americans is truly magnanimous since this tragedy. But we have to be sure that the contributions that are made expressly for the purpose of aiding fellow Americans in the wake of these attacks are used for the right purpose. In my home State we had Hurricane Andrew, which was a major catastrophe, a calamity; and we had the same type of outpouring of contributions that were given to help the victims of that hurricane, and, likewise, since September 11 we have had the same thing occur here in this country.

Americans regularly give to charities. A recent study in the Washington Times indicates that the average household gives about $1,600 or 3.2 percent of their income to charities. In addition, about $1 billion has been donated for relief efforts. The outpouring of donations since the attack provides further evidence of the desire and instinct of Americans to help their fellow man.

□ 1345

That is a given.

But, Mr. Speaker, the problem is a lot of these charities are keeping these monies, they are not distributing it, and there are roughly 50,000 people that are unemployed up in New York because of the September 11 calamity. And with the 5,000 people killed, there are roughly 7,000 children without parents. So we need these charities to step forward and to go ahead and distribute this money as quickly as possible.

Earlier this year, and recognizing the vital roles of charity, especially charitable foundations, I introduced legislation to abolish an antiquated excise tax that not-for-profit foundations pay on their net investment income. I am hopeful my colleagues will support this and it will be part of the stimulus package, because if we do not have this antiquated excise tax on the not-for-profit foundations, they will have more money to distribute.

As I mentioned earlier, Mr. Speaker, Americans are very generous in their donations, and yet we hear stories of people saying they went to ground zero and went to the various charitable organizations and lo and behold they could not get money. A few did, but for the most part they got very little money. So I am here this afternoon to encourage the charities to distribute the money and realize that in the end the money that they collected is for those 50,000 people unemployed who cannot make mortgages and those roughly 7,000 children that are without fathers and mothers.

Let me conclude by saying that the FTC, in the hearing we had today, indicated in testimony that their findings are that fraud cases are few and far between. So while there has been some talk about these charitable organizations as scam activities, from what the FTC chairman has seen, these frauds are few and far between. And I am heartened and pleased to hear the agency is aggressively monitoring and investigating any attempts of fraud within charities to take advantage of the September 11 occurrence.

We need to highlight here in the House and the Senate how important it is that we show confidence in these charities, but at the same time the charities need to show and demonstrate that they are helping by distributing the money.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate disagreed to the amendment of the House to the bill (S. 1447) "An Act to improve aviation security, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, to be the conferees on the part of the Senate.

RADIO FREE AFGHANISTAN WILL HELP WIN HEARTS AND MINDS OF YOUNG AFGHANS

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I am here to applaud this Chamber for passing the Radio Free Afghanistan bill, because the battle we are in right now is not just to win this war militarily, but we have to win the hearts and minds of those young boys and girls playing out in the street or playing in the dirt and thinking about what are they going to be when they grow up.

We cannot have them saying they want to grow up to be a bin Laden; that they want to grow up to be a terrorist. We need to have them thinking about wanting to grow up to be a farmer, to be a teacher, to be a truck driver, a doctor, and get the ideas in their head of the freedom that we enjoy here and have them yearning for that freedom.

So this is a country that has spread our way of life and our philosophy throughout many parts of the world. We need to make sure they in Afghanistan know that we hold out our hearts and prayers to them; that there is a better life waiting for them. We need to inspire their young, and all the people of Afghanistan, for the future.

FAST TRACK AND THE ENVIRONMENT

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on Monday, the League of Conservation Voters circulated a letter urging Members to oppose the Presidential trade negotiating authority known as Fast Track, or trade promotion authority. League of Conservation Voters warned it would consider including the trade bill on its annual scorecard.

The league has stated Fast Track would threaten hard-won environmental and public health laws and regulations. The bill would do nothing, nothing, to prevent countries from lowering their environmental standards to gain unfair economic and trade advantages over Western democracies.

Environmental provisions must be included, Mr. Speaker, in the core text of these trade agreements. Though Fast Track supporters have repeatedly refused, these provisions must be enforced by sanctions. Simply look at how environmental and labor standards evolved in the United States. Creation of these standards did not come about because corporations wanted them. To the contrary. They arose because concerned citizens demanded change to prevent companies from abusing workers, from polluting our air and from dumping waste into our waters.

Through free speech and the democratic process, the U.S. developed laws to protect workers and the environment. But many in the developing world do not have these privileges. In the developing world, decisions are typically made by three groups: government leaders, usually not elected; factory owners, who are often one of the same with government leaders; and Western companies.

Would authoritarian government leaders be in favor of cleaning up the environment or expanding worker rights? I do not think so. Would local factory owners be in favor of tougher greenhouse gas emission standards? I do not think so. Would Western corporations be in favor of rules to reduce the dumping of toxic chemicals? I do not think so.

How can the free trade lobby assume that labor and environmental standards will expand in the developing world when those who can improve the situation are the ones who profit from its abuse? Changes will only occur if there is an incentive to change, and the trend in corporate globalization, these trade agreements, provides very few incentives to do the right thing.

If we fail to include these important provisions in trade agreements, multinational corporations will continue to see these improvements as an unnecessary expense. We cannot allow the administration to push forward on these trade agreements, such as NAFTA, that value foreign investment more than they value the American worker. We cannot give corporations the green light to disregard human rights, to disregard labor standards, to disregard environmental laws. We cannot reward nations for abusing the ideals and the values that we in this country hold dear.

The greatest abuse of our principles is not really what is being left out but what has been put in these trade agreements: something called the investor-to-state relationship establishing chapter 11 of NAFTA. Through chapter 11, private corporations, for the first time ever, can sue a foreign government and overturn health and safety laws passed by a democracy.

Now, U.S. Trade Representative Bob Zoellick has committed to including that same chapter 11 in Fast Track. Not only can laws be overturned, but taxpayers in that nation are also liable for damages if a NAFTA tribunal rules a law or regulation causes an unfair barrier to trade. Understand this point: corporate trade lawyers can effectively repeal a nation's public health or an environmental law that was enacted through a democratic process behind closed doors.

Corporations have been quick to capitalize on chapter 11. We have seen it in Canada, we have seen it in the United States, we have seen it with Mexican, American and Canadian corporations. As power shifts from democratically elected governments to corporations, many more corporations will attempt to strike down environmental laws, to weaken food safety laws, to eliminate consumer-protection statutes.

Chapter 11's provisions suggest that when one country's public health laws collide with a foreign corporation's profits, then public health usually loses, time after time after time. Every single time in the World Trade Organization and almost every single time under NAFTA.

Americans need to know whether the Bush administration believes that corporations deserve to trample on laws that protect our health and protect our environment. Congress should not allow chapter 11 to be incorporated into Fast Track. We need to protect the laws that we in this democratic body, and State legislatures in their democratic bodies, and city councils in their democratic bodies have created.

More and more Members of Congress are joining the ranks calling for trade agreements that are not rammed down the public's throats and that in fact respond to true social and economic ramifications across the globe. We need to press for U.S. trade policy with provisions that do, indeed, protect the environment, not weaken environment and public health laws. We need to press for provisions that promote the advancement of stronger environmental standards. We need to press for provisions that can be effectively enforced. Fast Track, Mr. Speaker, is not the answer.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1636

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHUSTER) at 4 o'clock and 36 minutes p.m.

PROFILING AND MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I wanted to take a little time this afternoon and have an in-depth discussion on a couple of different issues that I think are very important with the current matters that we have facing us. The first matter I would like to discuss at some length would be profiling and the need for profiling for the national security of this country. I have some experience in security. I used to be a police officer. I have a pretty good idea of what we need to do to look out for suspects and how we can help and assist all citizens of this country, regardless of their background, in being sure that they are secure and safe as they walk the streets of this country, or as they go up into a building.

The second thing I want to discuss at length this afternoon is missile defense. It is absolutely critical at this juncture in our Nation's history that we prepare, that we prepare a missile defense system for this Nation. Anything that falls short of a complete missile defense system for this Nation, in my opinion, would demonstrate dereliction of the duties that we have, the responsibilities that we accepted when we were sworn in to represent the people of this Nation.

Let me start with profiling. I have seen, and I have been very disappointed and discouraged recently, about some people playing what I would call the race card against profiling. We have to talk in a very serious tone and with thoughts of the consequences of doing things and not doing things, about tools of enforcement that we can utilize within the borders of our country and outside the borders of our country and for the people that want to cross the borders of our country and for the people that want to leave the borders of our country, tools that we can use to help secure the national security. One of those tools is profiling.

Now, let me distinguish at the very beginning the difference between what I describe and what I define as racial profiling, which most people in this country, including myself, are justified in opposing, and utilizing race as one of the components of a threat profile. We will see on this chart to my left, again, how do I define racial profiling. My colleagues will see I have obviously a red circle through racial profiling.

Racial profiling is where that is the only determinant factor that one utilizes in one's profile construction. Now, obviously, if race is one's only determinant factor, the only factor considered, it raises a balloon for a very legitimate argument that one is creating or causing discrimination.

Now, there are some cases where one may not have any other factors other than the person's ethnic background; and in that case, for example, one puts out a description only using the ethnic background because that is all the information one has. Let me give an example. One is called to the scene of a bank robbery and the witnesses at the bank robbery, within moments after the bank robbery is committed, when you arrive at the bank, all they can tell you is I do not know what size they were, I did not see their face, but it was a white man. It was a white male. Then, one is justified in saying, in immediately putting out an alert, look, we know that the suspect was a white male. That is all we have at this point in time. All units be advised, there is a white male that just committed a bank robbery.

I do not know anybody that says that is not a legitimate purpose or a legitimate means. But where one would run into problems and where one sees discrimination is if, for example, an Irish person is getting ready to get on a plane or an Arab is getting on a plane and simply because of the fact that their ethnic background is Muslim or Arab you pull them aside and question them, simply because, and the only determining factor in making that decision is their nationality or their ethnic background. That is not enough to justify it under our Constitution, in my opinion. I think it is discrimination, but we have to weigh out these situations.

Now, I can tell my colleagues that my stand in utilizing ethnic, or not excluding, that is perhaps a better way to put it, my position is that we should not exclude ethnic background any more than we should exclude age or religion when we build a profile with a number of components.

Now, some of the people who have opposed this frankly are taking examples, extreme examples of abuse by law enforcement where, in fact, they may be right, the people, the critics may be right, that in those particular cases, ethnic or what we would call racial profiling took place and there was a clear demonstration of discrimination. But let me tell my colleagues, for example, the other day in my debate I said, look, we have bad arrests in this country. We have a cop who makes a bad arrest, poor judgment. We have a lot of good police officers out there; but every once in a while, a bad police officer or a good police officer even makes a bad judgment call. If we have a bad arrest, should you immediately jump from the conclusion that you have had one bad arrest and therefore, logically, you should have no more arrests so that we avoid all future bad arrests? Of course we would not draw that kind of conclusion. That is exactly the type of conclusion that my critics are attempting to draw when I speak of national security and a profiling system that will help us protect our national security.

What my critics try to do is they try to come out and say, look, here is a case. This person was detained as they wanted to board an airplane, only because of the fact that they were Arabic background. They are Arabs. That is the only reason they were detained. It is a clear case of discrimination. They go through all of these facts that of course make the case seem horrible. And maybe it was a bad, bad case. But that is not the situation that is occurring out there. I have said to people before, look, I realize that with the millions and millions of travelers that we have in this country every day, that there are going to be some select, some very select situations of discrimination. But it is very easy to overstate that number. It is very easy to criticize law enforcement. It is very easy to criticize airport security on this profile.

What I have said to my critics is, produce the numbers. Show us case by case, and if we have a case where we have bad performance by law enforcement or bad performance by airport personnel or whatever personnel were involved in this, there ought to be discipline. Because we should have zero tolerance; zero tolerance for discrimination in this country.

But let us not confuse who are the victims here. Who are the victims in this situation? Think about September 11. We have to quit being politically correct. What has happened is we have moved from being constitutionally correct to politically correct. I am telling my colleagues, there are law enforcement personnel, there are airport security personnel who are afraid to question certain individuals because they are afraid those particular individuals will complain that they are being discriminated against.

□ 1645

That seems the easiest get-out-of-jail-free card one could use. If they are detaining a person in the airport and one has any kind of ethnic leverage, they could just complain they are being discriminated against: Why are you searching me? You are discriminating against me.

I have yet to meet one traveler, and I fly a lot, as my colleagues do, I have yet to meet one of our constituents or one traveler out there that is not willing to go through what is necessary, to search their baggage and their fellow passengers' baggage, so they know when they get on that aircraft that that aircraft has been secured and is safe to fly.

Part of doing those kinds of checks, until we are able to put into place our computerized system which, through technology, will check every passenger that gets on that aircraft, their background, et cetera, through either eye scanning or other devices, will check every piece of cargo that goes underneath that aircraft, will check every bag that goes on that aircraft, whether it is a carry-on bag, whether it is a purse that somebody has over their shoulder, or whether it is checked-in baggage, until we get to that point, there is a certain amount of random selection that needs to take place.

That, at this point, until we get that in there, is the best alternative we have. We have no other alternative. We have to maximize immediately the safety of travel within this Nation and the safety of the citizens of this Nation, our national security.

So how do we build a profile? What kind of profile am I talking about? I think, for example, ethnic background is a legitimate component of it. Take a look. Here is typical of what I call "threat profiling." That is what I am advocating here, threat profiling. Who is it we are up against?

We have some people out there that want to do very terrible things. We have obviously seen firsthand what they have wanted to do, as a result of what happened at the Pentagon and in New York City.

Mr. Speaker, I ask Members, do not let people try and back us down by saying that the politically correct thing is to not question anybody who might be offended by questioning; do not dare approach anybody who could claim discrimination; do not infringe on anybody's right to board an aircraft simply because we are interested in a number of components for a profile.

I actually have some constituents out there, Mr. Speaker, that think profiling, period, regardless of how we construct the profile, is not legitimate. I find that pretty interesting, because think about it, think about this: we find profiling in every avenue of our life. Think about it.

Our schools, for example, our schools profile. Our schools profile which students are getting poor scores. Our schools profile neighborhoods: gosh, people from this side of the city are getting poorer scores than people from this side of the city. They profile by race; they profile by, okay, the white students in this age bracket at this grade are at this reading level, the black students are at this reading level, the Hispanic students are at this reading level, the Vietnamese are at this reading level.

The colleges do it; they profile their top engineering students. We use it in education every day.

We use it in marketing. We use it to assess risks. That is another area, in insurance and in marketing.

The media, take a look at any newspaper or any television station that criticizes through editorials, or any radio station, and take a look at what they do. They profile every day of the week. They profile who their listeners are, who their viewers are, who is most likely to buy the products that they are trying to sell over their medium of communication. Of course they profile.

Hospitals profile. Traffic is profiled. In fact, I challenge my colleagues to name one aspect, one aspect of our life that is not profiling. We profile. Our political parties profile. Frankly, the political parties also profile based solely on race, in some cases, based solely on ethnic background.

For example, they might say, hey, this is a black district. Let us go in, because the blacks tend to vote Democrat, so let us not profile anything other than how many blacks in there are registered. They profile strictly on one factor, and the Republicans do the same thing with contingencies of, let us say in a particular community it may be that the Irish in that community support the Republicans in bloc form. They go and they profile, too.

What I am saying here is, for God's sakes, if we allow profiling for marketing purposes, if we allow profiling out there in our schools, if we allow profiling in every step of our lives, why do we not or why are we resistant at all to profiling to protect the national security of the United States of America?

This is not a game. The nice guy finishes last here. In this kind of matter, the nice guy finishes last.

Take a look at what we do when we buy insurance, for example. Insurance companies profile for risk. That is what I am asking that we continue to do. We need to profile for risk. What is our threat profile? What is the threat? What is the risk?

Think about it with an insurance company. Nobody says this is an illegitimate or somehow not politically correct matter. It is a fact of insurance. If they are going to insure somebody, they had better assess their risk.

It is the same as if anybody wants to invest in business. If one wants to invest, they had better assess their risk. That is exactly what profiling does.

Back to insurance. Let us talk about insurance. We know, for example, that males between the ages of 16 years old and, say, 21 years old, and then an additional profile between 21 and 25, we know that males in that age bracket tend to speed more. We know they tend to drink and drive more. We know that they tend not to use their seatbelts.

Members see what I am saying: we can begin to build a profile of why, when somebody is a 16-year-old driver, why we charge a higher insurance premium to a 16-year-old driver than we do to a 36-year-old female, mother of children, et cetera, et cetera.

Members can see the comparisons. We know that the risk of a 36-year-old female, say a mother, and there are some other classifications that can be put in, other components that can be put into the profile, is at much less risk of drinking and driving, for example. Probably uses her seatbelt every time she gets in the car; probably straps her children every time they get in the car.

We can compare it to a 16-year-old white male who probably is not using that seatbelt, who speeds around, who is not, frankly, as mature as the 36-year-old is.

It sounds like a lot of common sense. Nobody in these Chambers would disagree with this type of profiling. All I am saying is it is a huge mistake, a huge mistake for us to allow political pressure by a very select number of people to give any kind of commitment that we will not allow ethnic background to be considered as a component of a threat profile.

We are correct, however, to accept pressure and to make commitments not to use as a profile the sole, the sole component of race, because, as we know, when the sole component is race only, that does tend to lead to the difficulty of discrimination which most people in this country, if not the overwhelming majority of people in this country, believe that discrimination should have no less than zero tolerance, zero tolerance for discrimination.

So I am not a proponent of, nor are my colleagues proponents of, what I would call that type of racial profiling, where the only factor we have, looking to the left to my poster, the only factor that we have to consider is race or ethnic background.

But I am strongly advocating that we continue to encourage, in fact that we mandate, until we come up with a better alternative, that we mandate threat profiling. It is common sense. It is not rocket science; it is common sense.

For example, we can pretty well take a look at a person's behavior, what we may know about their behavior. We may know their age, we may know their gender, we know their nationality, we know the ethnic background. They may have certain flight information; for example, did they buy a one-way ticket, a round-trip ticket, et cetera, et cetera. We might know their religious background, educational background, criminal background.

As we begin to get more and more information on these elements, the more information we get, the more accurate the threat profile becomes. Threat profiling is an essential law enforcement tool in this country. Threat profiling is no different than the type of profiling that many other walks of life utilize in our everyday life.

As I said earlier, newspapers use it, TV stations use it; even the people who blast me in an editorial, for example, for what I call threat profiling, ask them what they know about their readership and how they got that information about their readership.

The bottom line is simple. The bottom line is that I agree that ethnic background, and in fact, I advocate that ethnic background alone should not be used as the sole component of a profile. At that point, I think it is fair for us to call it racial profiling.

But once we begin to use ethnic profiling as a component, one of several components to build a profile, I think it is very legitimate. I think it is smart. Obviously, it is constitutionally protected. It may not be politically correct, with a small number of people. It may be abused by a small number of law enforcement personnel.

But overall, if it just saves one terrorist attack, and it will save a lot of terrorist attacks, we have proven evidence of that and we know it does, so if it can just assist our Nation and the citizens that we have a responsibility to protect in this Nation by giving them some assurance of protection and actual protection, then we ought to be using it.

So I would ask my colleagues, as this continues, number one, very quickly ask for the facts of the abuses that are alleged. Ask them to lay out each particular case where this so-called abuse took place. We will find in some of those cases that abuse did in fact take place, but I believe Members will also find that most of these allegations are limited in number, maybe legitimate but limited in number.

Then take a look at what a good threat profile, which allows as one of its components ethnic background, take a look at how much good that can do, how powerful that weapon is for protection of not just ourselves but protection of our fellow citizens.

So I urge that my colleagues take into consideration and run away from the politically correct theory out there, and to take into consideration just how much we depend on threat profiling for the protection of our society.

Mr. Speaker, I want to change subjects real quick and talk about one of my favorite topics, that is, missile defense.

A little history on missile defense. We have a treaty called the Antiballistic Missile Treaty. My colleagues know what that is about. Back in the 1970s, there were only two nations, only two nations in the world, only two nations in the world that were capable of delivering a missile into the borders of the other nation: the United States and the Soviet Union.

There was a theory back then that there was an arms race that was going to get out of control, and as one of the ways to slow down the arms race in the seventies, somebody came up with a theory: let us create what we call the Antiballistic Missile Treaty; in other words, antimissile. That is exactly what the treaty is called.

What they said in that treaty, or the way they put kind of the structure of the treaty together, was to say, all right, if Russia is not allowed by treaty to build a defensive mechanism against U.S. missiles, Russia then would not initiate an attack against the United States because they would have no protection when the United States retaliated against Russia.

It also works vice versa: Why would the United States initiate an attack against the Soviet Union if the United States had no way to defend itself from the multiple missile warhead that the Soviet Union could deliver into the borders of the United States?

So they put together this treaty. In this treaty, they said Russia will not build a defense system and the United States of America will not build a missile defense system.

For many years the treaty really has gone unnoticed. A lot of people did not pay much attention to the treaty. In fact, we could ask the average citizen, and at one time one probably could have asked me, before I became a little more knowledgeable on the subject: Okay, if a foreign country launches a missile against the United States, what happens?

If that person was somewhat up to speed they would say, well, we have the NORAD space command, the detection service in Colorado Springs and Cheyenne Mountain. It is a granite mountain. They hollowed out the inside of that mountain, and we have within that NORAD, the alliance between Canada and the United States of America, to detect missile launches, or to detect foreign objects, or to kind of put a radar in the sky; kind of our eye in the sky. That is NORAD.

Then if somebody fires a missile against us, NORAD would be able to detect a missile launch, which yes, they can do anywhere in the world; they would be able to do it within a few seconds, and that is accurate. And they would be able to tell us where that missile is going to hit, and that is accurate. They would be able to tell us the speed of the missile, and that is accurate. They would be able probably tell us what type of missile it is, and that is accurate.

But now we begin to leave the accuracy and what most people thought was the truth.

□ 1700

That was, once they figured all that out, we would somehow fire a missile and stop that missile from striking the United States, and that is a falsehood. The United States of America today does not have the capability to defend against an incoming missile.

Let me tell my colleagues that just a month ago people were mocking, saying, the United States, nobody is ever going to fire a missile against the United States. I have advocated for some period of time that not only do we have to worry about an intentional launch of a missile against the United States of America, we have to worry about an accidental launch of a missile. We all know that the old Soviet Union had, what, 6- or 7,000 nuclear warheads. We cannot be assured today, even by the capable leadership of Russia, we cannot be assured by the leadership today that they have all of those weapons; that they know where all of these missiles are; that those missiles have all been kept up on their maintenance, et cetera; and some people would not take me seriously.

Some people said, how can anybody accidentally launch a missile? About a month ago it happened. It happened in the Black Sea. The Ukrainian military launched a missile by accident, and what was the result? They shot down a passenger airline. They shot it right out of the sky by an accidental launch. If the Ukrainian military can launch, by accident, a missile against a passenger airplane, I can assure my colleagues that at some point in the future the United States of America, we, will be the victim, in my opinion, of an accidental launch.

Let us shift real quickly from an accidental launch to an intentional launch. Remember, when the treaty was drafted in the 1970s, there were two countries capable of delivering a missile against each other. That was the Soviet Union and the United States of America. Let me tell my colleagues what has happened in the 25 years since the signing of that treaty.

Take a look at this poster to my left. Again, let me reiterate, in the 1970s, when the Anti-Ballistic Missile Treaty was negotiated and when it was signed, there were two countries capable of delivering missiles against each other, the Soviet Union and the United States of America.

Look what has happened in the last 25 years or so. Countries that now possess ballistic missiles: Afghanistan, that is something we have heard about; Algeria; Argentina, look at it; Belarus; China; Czech Republic; Egypt; France; Jordan; Hungary; Russia; obviously Saudi Arabia; Slovakia; South Africa; Syria; Taiwan. The blue on this map indicates countries that now have ballistic missile capability.

That is a big change. Twenty-five years ago the only blue on that would have been the Soviet Union and the United States. We would not have had any blue down here. We would not have any blue over here. We would not have had this blue over here, would not have blue around these areas, out there in Taiwan. That did not exist.

We would say, well, did not people back in the 1970s, when they were talking about putting this Anti-Ballistic Missile Treaty together, did they not think about that? Did they not ever think that maybe somebody in the future would also deliver or develop the capability for ballistic missiles? The answer to that is yes.

In fact, the people that executed that treaty, the people who helped draft that treaty knew that the circumstances could change. They also knew when they put that treaty together that the circumstances could change so dramatically that the treaty would be of no use to either party, that the treaty would actually work to the detriment of the Soviet Union and to the detriment of the United States of America.

I can tell my colleagues that today, actually several years ago, but today the point is here. This treaty is now a detriment to the national security interests of the United States of America. This treaty is now a detriment to the Soviet Union. Why should the United States of America not build a missile defense system? Why should the Soviet Union not build a missile defense system to protect their citizens and their allies, frankly?

Look at what we have got going on today. We have a war going on in Afghanistan. What if we lost control? What if the Pakistani Government lost control of its nuclear missiles and nuclear capability? What if bin Laden got ahold of one of those missiles? Do my colleagues think he would hesitate for 1 second to fire that missile against the United States and destroy hundreds of thousands of people instantaneously? Of course he would not.

We have an inherent obligation, it is our job, it is our responsibility, number one, to pull out of that treaty; and number two, to build a missile defense system that will protect the interests of the United States of America. And we can share that information; we can share that information with our allies like the Brits, for example, or the Italians, who support this, to go out and build their own missile defense system so they are not under a threat by some rogue country or under a threat by a very legitimate country that, by accident, launches a missile.

What about that treaty? What did the treaty say? They did have the foresight, the people that drafted this treaty, they had the foresight to put provisions within the treaty that would allow us to abrogate the terms of the treaty. Within the four corners of that treaty, they foresaw that at some point in the future the circumstances of 1970 might not match the circumstances of 2000 or 2001, and that is where we are today.

Let me show my colleagues exactly what the treaty says. We are just going to look at an article on this treaty, but it is the pertinent clause of the Anti-Ballistic Missile Treaty that allows us, as a right, as a right, to withdraw from the treaty. We are not breaching the treaty. We are not breaking the treaty. And the Soviet Union, if they decided to withdraw from the treaty, would not be breaching the treaty, and they are not breaking the treaty.

Some columnists in the journalistic world out there like to parlay to their viewers or their readers out there that if the United States or the Soviet Union were to withdraw from the Anti-Ballistic Missile Treaty that they would be breaching or breaking, like breaking a contract. These people obviously have not read the treaty because the treaty, within its own four corners, within the document has specific, specific language about allowing a country, either the United States or the Soviet Union, to pull out of this treaty.

Remember that no other nation in the world, no other nation in the world that has ballistic missile capability, no other nation in the world other than the United States and the Soviet Union is subject to this treaty. They can do anything they want. They are not subject to this treaty.

Let us take a look at the specific language contained within the treaty that allows us to withdraw from the treaty. Article 15 of the Anti-Ballistic Missile Treaty, the poster to my left. "This treaty shall be of unlimited duration."

Number two, key paragraph. "Each party shall in exercising its national sovereignty," the word "shall," "have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests." Let me go through it again. "Each party shall in exercising its national sovereignty have the right," it is a right, it is not a breach of contract, it is not a breach of the treaty, it is a right contained within the contract, within the treaty, "the right to withdraw from this treaty, if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty. Such notice shall contain a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests."

Let us look at the key part of this paragraph. Number one, each party has the right. The Soviet Union has the right to pull out and the United States of America has the right to pull out from the Anti-Ballistic Missile Treaty. They have that right only if they decide that extraordinary events, extraordinary events, now, remember, that extraordinary events are not defined within the confines of that treaty. They are not defined. But I think we can define it within a couple of paragraphs, and I will show that in a few moments.

"If it decides that those events are related to the subject matter." Obviously, there are lots of events that are related to the subject matter of missile defense. Extraordinary things have happened in technology, in those people, that contain ballistic missiles in the last 25 years.

"Have jeopardized the supreme interest." I will state, jeopardization of our supreme interests must include within that category an accidental or intentional launch against the United States of America, not only by the Soviet Union, but by any other country or any other regime in the world that has the capability to do it.

So what would be those extraordinary events that would justify this? Let us pull up the previous chart. This is an extraordinary event. Compare, look at what has happened in the last 25 years.

Twenty-five years ago the United States of America and the Soviet Union had ballistic missile capability. They were the only two countries in the world that could deliver those missiles. And then some extraordinary things happened. All of a sudden other little countries all over the world begin to get not only nuclear capability but the ballistic missile capacity to deliver that nuclear capability, or a traditional warhead, conventional warhead, through the utilization of that missile. That is extraordinary, unfortunately, extraordinary in kind of a fearful way. But it is an extraordinary event that has taken place.

If for one moment we do not think that the proliferation of these missiles throughout the world is not a threat to the national interests of the United States of America, of course it is a threat, and it is a direct threat. And mark my words, just the same as the Ukraine military by accident fired a surface-to-air missile and by accident brought down a passenger airline, at some point in the future of this country someone will either intentionally launch or accidentally launch a missile against the United States of America.

Now, we can completely neutralize that treaty if we allow our administration, which has been very aggressive on their commitment to build a missile defense system for this country, we, every one of us in these Chambers, in my opinion, have an inherent obligation to help our administration build, first of all, we have the technology so it is to a point now where it is almost time to build missile defense for this country. This is an extraordinary event.

Let me show some other extraordinary events, as if proliferation of ballistic missile capabilities throughout the world is not enough, standing alone, to fill out the definition of an extraordinary event. Let me show some others.

The threat is real, as posted on my left. Rogue states and weapons of mass destruction. Among the 20 Third World countries that have or are in the process of developing weapons of mass destruction. Take a look at this. These are extraordinary events as was intended by the people that drafted the Anti-Ballistic Missile Treaty. These are the kind of extraordinary events that the drafters of this treaty must have thought of as a legitimate reason for the United States or for Russia to withdraw from the Anti-Ballistic Missile Treaty and to build a missile defense system that would protect the national security interests of their respective countries against a threat.

Who would have ever imagined 25 years ago that the country of Iran would have nuclear weapons, chemical weapons, biological weapons and advanced technology for ballistic missiles? Who would have imagined that Iraq would have had nuclear weapons, chemical weapons, biological weapons and advanced ballistic missile technology? Libya, same thing. North Korea, same thing. Syria, same thing.

These reflect, in my opinion, extraordinary events. These reflect the necessity as recognized by our administration, as recognized by George W. Bush, our President, and our Vice President, DICK CHENEY, and their Cabinet, their very capable Cabinet. This indicates, it demands, it insists that the United States, that the leaders of this country back this administration and allow this country to go forward with a missile defense system. We owe it to our citizens.

Now, until September 11, many people never thought it would happen and we could delay it to another day. Well, let the next generation worry about it. I am saying today, today, colleagues, we cannot afford to let the next generation worry about it.

□ 1715

We have to protect the next generation as well as this generation, and we have to do it as soon as we possibly can.

The day is coming. The day of reckoning is coming when the question will be asked, or the question could be asked, why did we not stop that missile? Did we have the capability to stop that missile? Why did we not build a missile defense system? Or the day is coming when the comment could be made, thank goodness that our government saw fit and understood their responsibility to the national security interests of this Nation, and they put in place a missile defense system that stopped that accidental launch.

And by the way, let me make a comment about all those people who are legitimately, well, I disagree with some of their points of view, but certainly have a protected right to be pacifists, who say, oh, my gosh, war is terrible. And, of course, all of us agree war is terrible. But just keep in mind what Winston Churchill said. He said, "The only thing worse than war is losing one." Think about that. The only thing worse than war is losing one. And we can lose the war against missile defense if we do not provide missile defense for this country. But back to the pacifists. I think every pacifist in the United States, everybody opposed to the war in the United States of America should be urging and supporting President George W. Bush in his determination to build a defensive missile system for this country.

Now, one might ask why. I will tell you why. Think about it. You could avoid the next war if you had the capability of stopping a missile. Let us say, for example, that by accident some country, say North Korea or Russia, by accident, launched a couple of missiles against the United States; that the missiles were in such a silo arrangement and the electronics were such that there was a multiple launch, by accident. So the United States not only gets hit by one nuclear missile; it may get hit by one, two, or three nuclear missiles.

If we had the capability to stop it, there would be no retribution, or the retribution would not at least come in the way of a nuclear missile fired back towards Russia. But if we did not have the capability to stop it, because we simply neglected to build a missile defense system for the protection of this country, because of that neglect we were not able to stop an accidental launch, we could very well find the United States with no choice but to retaliate for the horrible, horrible results of a nuclear missile strike against the United States.

That is why I think that people who oppose missiles, who oppose war as an answer, that is why those people should be saying, look, the best way to disable missiles is to be able to defend against them. And we can actually make missiles obsolete in the future if in fact it is a weapon that can be defended against.

If we were able to develop a bulletproof vest which covered the whole body, we could make the shooting of a bullet against a police officer an obsolete weapon. We have only been able to protect a part of the body, and we cannot protect it against all shots. But we are very, very close to having the complete technology to provide this country the kind of missile defense that it needs.

Unfortunately, some of my colleagues are very stubborn. I cannot imagine or fathom why anyone in their right mind would object not to an offensive system but to a system that will bring down any type of missile attack against the United States of America. And I hope my colleagues never ever use in front of me the excuse, well, it is not going to happen, or the odds of this happening are so small. And by the way, keep in mind, colleagues, that a missile does not have to have a nuclear warhead on it. As we know, it could have a warhead of a high concentration of anthrax in it. The possibilities, the horrible possibilities of what can be delivered by a missile is unimaginable, just as unimaginable as 3 months ago somebody would have told us that the World Trade Center Towers would have collapsed and the Pentagon, hit all in a simultaneous act of terrorism. It was unimaginable 3 months ago.

It was unimaginable that the Ukraine Navy, or their military, on a military exercise, would accidentally launch a missile and bring down a passenger airline. These things take on a much more realistic view for us since September 11 of 2001.

We are charged, my colleagues, with the responsibility of the security of this Nation, of the security of this Nation's people. And one of the tools that we must deploy immediately is missile defense. And as I said earlier, I do not understand how anyone could object to it. I guess we can complain about the cost. These things are expensive. Our defensive mechanisms in this country, our military operations, are expensive. We have no choice. But thank goodness a few years ago we spent money to make our military number one in the world; that when some SOB attacks our country, like these terrorists did, that we have the capability to defend ourselves.

So please do not make money the issue, and do not make the issue that the technology is not there. I mean we did not have technology when the Wright brothers first flew an airplane. We did not have the technology to take that airplane across a State or fly it across the country or take it to high altitudes or to pressurize it. All of that technology came in steps. We had to start somewhere. Same thing with a car or anything else. We start somewhere.

Our technology is advanced enough today for missile defense that the President is right; that the President's commitment to providing a missile defense for this country should be supported by each and every Member of the United States Congress. Any Member of the United States Congress who chooses not to provide a missile defense for this country ought to be questioned by their constituents in a public forum. And I would be very interested to see how they explain to their constituents that the United States does not need missile defense.

And by the way, before my colleagues go out to their constituents, they better make sure not to get themselves in a corner by saying that we would be breaching a treaty; that the treaty prohibits us from doing that. Understand from my lesson today, from my comments today, that the treaty, in fact, allows us because of extraordinary events, which are very easy to justify, allows us, under extraordinary events, to withdraw from the treaty and build a missile defense system.

So save yourself the embarrassment. Do not go out there and say the treaty does not allow it, because the treaty clearly does. Its language is as clear as can be that we are allowed to withdraw from the treaty, legitimately withdraw from the treaty and then build a missile defense system. And keep in mind, if you object to a missile defense system, not to get yourself in a corner on money. Obviously, we have to make sure the money is spent efficiently. We do not want pork. We do not want waste. But the technology is out there.

Keep in mind that just 3 or 4 months ago we had the successful test. We had two missiles connect in space. Two missiles, an intercept missile and an offensive missile, coming into the United States. Obviously, it was a test. Both missiles were test missiles. It is working. Our technology has made giant steps towards being perfected so that it can provide an effective shield for the United States.

That is what we are asking for. We are not asking with missile defense to enhance our capability to attack another nation, but there are lots of nations around the world that can do it. And as we now know, there are people in the world who wish great harm on this country. So all we are asking for is the capability to protect, to put a shield over the United States and give us the protection that our citizens deserve.

Now, time is wasting. Ever since September 11 our realization of what can occur received kind of an aggressive jerk. We hit a pretty hard speed bump in the road. We now realize there are dangers out there that may be much closer to the United States than we ever imagined.

So, colleagues, in conclusion with my two subjects today, let me say that I speak from the bottom of my heart when I say to my colleagues how critically important it is that all of us support President George W. Bush in his commitment to build a missile defense system for this Nation. We ought to give him a resounding "yes" vote. We ought to give this President what he needs to put that security blanket over the United States to prevent a missile attack against our country.

And, finally, on my first subject of discussion this evening, do not run away from threat profiling. What we ought to prohibit is profiling that is based strictly on race alone. I am not asking for that. I think that does lead to discrimination, and I think we should have zero tolerance for discrimination. But I am saying that in the game, in the matter we are involved in right now, the nice guy finishes last. The politically correct guy finishes last.

It is very important for us to allow our law enforcement agencies and our protection agencies to engage in what we call threat profiles. And threat profiles do not exclude ethnic background as an element or as a component, nor do they make that the exclusive element of the profile. It puts together a series of components so that we can then construct some type of risk profile, the same as we do in insurance, the same as we do in marketing, and the same as we do in our schools. It is exactly what we are asking to do for the national security of the United States of America.

CATERPILLAR'S BARRIERS TO TRADE

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, the necessity of passing H.R. 3005, a bill to renew trade promotion authority, is epitomized by the experience of Caterpillar, headquartered in my home State of Illinois. Caterpillar's motor graders made for export to Chile face nearly $15,000 in tariffs. Caterpillar motor graders manufactured in Brazil for export to Chile face a tariff of only $3,700. And when Caterpillar's competitors produced the same product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free trade agreement. Caterpillar employees in Illinois are forced to watch as workers in other countries provide products to our neighbors.

Mr. Speaker, while other countries are making preferential trade deals, we are sitting on the sidelines lacking the authority to negotiate. Make no mistake, our foreign competitors have this authority, and they use it to their advantage. Of the more than 130 free trade agreements in force today, the U.S. is party to only three.

Trade works for America. Let us pass H.R. 3005 and keep America's economy growing.

AFTEREFFECTS OF SEPTEMBER 11 TRAGEDY

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do have an opportunity now to speak with a sense of appreciation as well as a sense of questioning. Many of us have come to the floor of the House in the weeks after September 11 to raise many issues to help heal this Nation or to help solve the crisis that was created. I am never far from thinking of the enormous loss of life that occurred on September 11. For that reason, I believe that there is certainly never enough commentary and solutions that could be offered to help heal us from September 11.

□ 1730

We, of course, have been told to get on with our lives, to go about our business as Americans, to not be intimidated by the terrorist acts, and I would add something else, to not turn, if you will, into the kind of people who would perpetrate hatred so deep that it would take innocent lives. I am very gratified Americans have not done any of that, that there is a great deal of charitableness, there is a great deal of desire to be involved in how we can be problem solvers. For that reason, I see it fitting that we continue doing our work in the United States Congress to be problem solvers.

So to my colleagues tonight, I believe there is a degree of work that is yet undone, and we must keep busy to help solve these problems. There is work undone with respect to airline security, Federal security, federalizing the airline security in our airports.

We have yet to address the approximately 5.4 percent unemployment, the surge in unemployment, the many industries that have been hit so hard because of the tragedy of September 11, such as the tourist industry, hotels, hospitality, those particular employees, and many others.

I was riding on a plane with a constituent who said that an accounting firm had laid off 400 workers. Every day we are finding different industries that are being impacted from the events of September 11. Is American going about its business? Yes. Americans are cheered and buoyed by their values, and they are committed to the wonderfulness of this Nation.

I also see the effort by Americans to draw closer together, as diverse as this Nation is, from the many walks of life and many ethnic backgrounds that our citizens have come from, and I have seen a renewed zealousness around our values, our songs, our spirit, our charitableness; and it has been done not with any particular negativeness.

We have overcome or maybe we have spoken about or spoken out against the idea of targeting any particular group. We have joined together to say that this is not a fight against Islam, this is not a fight against the Muslims, but clearly what this is is to recognize that we are standing against terrorism. That is why we acknowledge the fact that September 11, 2001, left thousands of victims from around the world. The attacks killed hundreds from Britain, from Israel, 250 from India, and scores of others from Japan, Mexico, Iran and elsewhere. As I have said previously and as the mayor of New York City has said, these attacks were crimes against all humanity, and much of it was more than any of us could bear.

But I think as we look at our challenges and before this Congress recesses this year, there is still work to be done. As chair of the Congressional Children's Caucus, I am very gratified that we will have an opportunity to debate H. Con. Res. 228 on the floor, and I would like to thank my colleagues for this opportunity and I ask Members to join me in that opportunity. That is legislation to finish one piece of our task, and that is addressing the needs of children of this terrible tragedy.

I introduced Members to the Calderon family just a week ago. They have become very real symbols for the 10,000 to 15,000 children which have confronted this terrible tragedy, having lost a parent or parents or guardian on September 11. The pain is still being felt. The reaching out to find these children is still occurring. The need to nurture these children is still occurring. The long-term results of the impact of this tragedy on these children is still being deciphered. We do not know.

Mr. Speaker, we recognize that children are being deprived access to mental health services. We realize, of course, that there is a great need. That trauma in children's lives can be implemented, if you will, in many different ways. We have yet to determine what those ways will be.

H. Con. Res. 228, with sponsors from around the Nation, is a legislative initiative that helps us recognize the plight of these children and establishes a quick expediting through Federal and State and local agencies the needs of these children. The psychological needs, counseling, nutritional and medical counseling, and upon determination of death of their parent or parents or guardian, in 60 days those benefits can be generated for them.

I want to applaud the opportunity to be able to debate this, which I am hoping and looking forward to doing, and I want to applaud the bipartisan effort on this legislative initiative.

This is the Calderon family. This is Naomi, 4, and this is their 20-month-old son, and they lost their mother.

Mr. Speaker, I am very pleased that I have been joined by a number of colleagues on this issue. Again, we are talking tonight about work undone, work that we need to carry forth because we have been given this very special challenge of September 11. While there are many who are still burying their loved ones, they are also requesting that the United States Congress moves towards addressing issues dealing with children, but also dealing with the question of airline security and also dealing with the economic stimulus package.

As I introduce my friend and colleague from Texas, I am going to continue to discuss my family that is symbolic of the children who lost parents on September 11. That is one unfinished business. How do we address their needs, the thousands that have yet been, if you will, secured; or if we have not found the kind of resources for them, we must do so and establish the bully pulpit to get the government focused on them. But we have something that we have been focused on.

Just this past weekend in Chicago it was determined that an individual going through the security check was found to have had a myriad of more than utensils, threatening instruments, stun gun and box cutter and knives. As I recall the gentleman from Texas (Mr. LAMPSON), we were here last week debating vigorously on the floor and just adopting the Senate bill so we would have legislation in place as we speak tonight. I consider that unfinished business, and I yield to a member of the Committee on Transportation and Infrastructure.

Mr. LAMPSON. Mr. Speaker, I thank the gentlewoman for yielding me time, and for the significant work she does and her statements regarding the children.

There is, indeed, much work that remains to be done. It goes obviously to the heart of people like this family that is exhibited in the picture that the gentlewoman from Texas (Ms. JACKSON-LEE) has been talking about and many, many others who lost loved ones, families broken apart. Those are hurts and pains that will take literally forever to heal, and probably never to be able to be put back together. There are things that we can be doing in the House of Representatives and in the Congress of the United States to put into place and make a difference in people's lives.

Mr. Speaker, one of those other areas of unfinished business happens to be airport security. It is unbelievable to me that we continue to have a debate at this late date. The attack occurred on September 11. The gentlewoman joined me and others of our colleagues only 5 days after September 11 with a specific plan that we discussed at one of the major airports in Houston, Texas, and that we discussed at other airports in southeast Texas. We came back here, and there was a proposal made in the House of Representatives. The Senate took it up soon after that, passed a measure unanimously that we could not pass in the House of Representatives.

It seems that our desire and America's desire for us to be considerate of all the needs of all of the people and considerate of our political differences set partisanship aside; and on so many things we have done that. But in too many areas we have broken down in our ability to work together.

I have big concerns about where we are and why we are not able to move this forward. We would not dream of contracting out the protection that our police provide or the protections that our military provides. Why are we having a debate today on whether or not this body would attempt to contract out airport security? That is, finally, we hope, going to be debated in a conference as soon as the Senate, I think they are preparing to name their conferees, as we did yesterday.

Airport security forces have to be reliable, standardized and verifiable. There should be no compromise on this. We should speak to the will of the people of this country, 82 percent of whom have told us what needs to be done. That is in the Senate's legislation that will be discussed between our two Houses, hopefully within the next few working days. We should not continue to even think about rewarding the private companies who have a proven track record of egregious violations.

The example about the man carrying knives, Mace, and a stun gun that slipped past the screeners, well, slipping past people is not acceptable any longer. If we are going to affect the lives of the family that the gentlewoman is talking about, and every family happens to be dealing with the safety of travel within this country, our ability to move about the country and promote economic security and development throughout this country relies on safe transportation; and that means in the air just as it does on the ground.

We must move this legislation through the conference committee, and do so quickly and effectively. Speak to the will of the people of this country and put into place so that the national defense and security, which are the charges of the Federal Government, will indeed work to keep our skies safe, and it is the responsibility of the Federal Government to make it happen.

□ 1745

It is plain and simple common sense. I hope that everyone in this country and certainly everybody in this room tonight asks themselves, who do you want protecting you and your family, a Federal security force or the lowest bidder? I think that question is real simple on almost everyone's minds.

I thank the gentlewoman from Texas for allowing me to come and speak a little bit to this concern, this one particular area of concern that I have and the many things that are left to be done, as you are graciously taking the opportunity to point out to us and give our other colleagues the opportunity to talk about.

We have an economic stimulus package that is critical for the United States of America. We obviously were in an economic slump before the attack on September 11, and we certainly are today. We are trying tremendously hard to affect the real areas of our economy that can make a difference in re-creating the activity that helps so many people enjoy some level of quality of life. That does not mean that we have to put money out to those businesses that are continuing to lay people off. It needs to be put in the hands and the pockets of the people who will spend it today because they need it today. They need it to have food and clothing and shelter that will make a difference for themselves and their families.

We will pray for the family of the woman whose life was lost in that attack, and we will also pray for each and every person in the United States of America that we will continue to hold together as we have and fight through this war that we are now living in the hopes that we will overcome terrorism worldwide, that we will not ever face the terrible tragedy that we faced in this country on September 11, and the pain and suffering of the people like this gentleman and two young kids will have to face because of the loss of a loved one. We do not ever, ever want to see that happen again. If we will act on these pieces of legislation soon, now, we can make a difference in their lives and an appropriate one.

I thank the gentlewoman for allowing me to have the time. I wish you well in your continued work as I do for all of us.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his leadership on these issues. We did draw together quickly in Houston at our airport after the terrible incident to hear from our local officials but also to address those concerns. We are now here in November, and I believe it is extremely important that we move forward. You may be aware that the U.S. Conference of Mayors supports federalizing the security at the airports.

Might I just, before I yield to the distinguished gentlewoman from California, mention that just yesterday at Dulles Airport, a passenger was able to get on with a different boarding pass. That compounded with the situation of Mr. Gurung at O'Hare to the extent, I just want to call out what it is alleged that he had, seven knives, a stun gun and pepper spray. And that he was also released. Certainly we believe in civil liberties and respect for the individual's rights, but because there were no standards, the individual was released, where he was, if you will, able to leave without further determining any associations that he might have.

I yield to you to answer this question. This is not an issue now of numbers of employees or who hires employees. I think the American people realize this is an issue where we need consistency. We need every single person dealing with security, whether they are in a small airport in Mississippi or California or a large airport in Texas or New York to have the same comprehension of what you should be looking for, what the standards are for an individual who may have violated the law. You treat them with the respect of the law, but you also treat them with the severity of the issue.

Let me yield to the gentleman. Does the legislation that we are trying to propose even with the conference and the fact that the bill that the Senate passed 100 to nothing but did not pass the House have anything to do with politics or does it have to do with securing our Nation?

Mr. LAMPSON. In my opinion, the ideology difference that we had in the House came down to politics. It is clear to me that 49 Senators and 50 Democrats and one independent coming together in the Senate on one bill was not a political statement. It was a statement in belief of the American people. When it came to the House, the House was broken on ideological grounds and that broke down to party lines. That is unfortunate. That is what I am talking about. The biggest concern that I had during that whole debate was not that people are not going to be hired; people will be hired. We need that experience to be the same regardless of what airport it is.

As you were just saying, the training has to be much more significant than what it has been. And if we leave the people in charge of the process who have been a part of the process, and I might add that before the Transportation Committee just 2 or 3 weeks ago, we had some of the major airport security companies represented at a meeting, three of the five present were foreign-owned businesses. If we are going to allow people working in our airports for foreign-owned companies to be in line with our Federal security agencies, with information that is critical to the security of the United States of America and allow them to come into this loop, I think that is a ludicrous thing. But at this point, we just have to have a bill before this President to sign so that the country can get back to traveling and feel safe in doing so.

I hope that the House will quickly consider what the Senate put forth and that in our conference, whenever it happens and hopefully it will happen very quickly, maybe Monday or Tuesday of next week, that we can have a bill that the people of this country will be as happy with and feel secure with as they have in the statement that was made very clearly that this whole process be federalized. Regardless of the end run, we have to have the standard in training and in action and in a career path that allow people to keep an interest in the job that they are doing in the hopes that because they do a good job at one level, they will be able to grow from level to level and on through, so it truly becomes a career.

Through that, I think our country will be safer and more secure in their travels, our economy will get back to what it was doing before with so much of it being driven by tourism, by hotels and many other tourist activities that are involved with air travel. I think these are critical pieces.

My plea to our colleagues is that we set aside partisan politics in this matter, do the business that the people of this country want them to, and let us get this bill back over here so we can put it on the President's desk and let it become law.

Ms. JACKSON-LEE of Texas. I am hoping that is the case. I am very pleased that we have also been joined by the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), whom I believe is as well on the Transportation Committee and the cochair of the Women's Caucus.

I thank the gentleman from Texas for highlighting for us the importance of standards and just how ludicrous it is that we would have incidents like this that are occurring. That is why I believe that our discussion this evening is so important, work yet done that we have to address. I have indicated establishing an expedited process for these children to get their benefits so that they can continue on with their life, so that schools can be notified in case there is a special treatment or special process, a special notice to help them with the trauma that they may be feeling; but yet we also have this airline security bill. Thanksgiving looms, one of the happiest and joyous times when families are going about the country visiting. I want them to do so.

We have been on airlines since September 11. We were leaving to go to our district shortly thereafter to hold forums, as I did and as I know the gentlewoman did, to hold forums to share with people what happened and let them express themselves. At the time, I believe we all committed to working on airport security, to looking at the issues dealing with Afghanistan, to try to deal with the pain of people being laid off. Our work is still yet done.

I am delighted to yield to the distinguished gentlewoman to talk of the work undone and that we must try to finish our legislative business so that some of these people who have been so devastated, whether they have lost loved ones, whether or not they have not got the full confidence of flying, even though we are encouraging everyone, we are not trying to scare people, we are just trying to do our jobs, but we need to finish these tasks. These are very important tasks, so that we can make good on our commitment to the American people.

I yield to the distinguished gentlewoman from California.

Ms. MILLENDER-MCDONALD. I thank the gentlewoman so much for yielding. Let me commend you on the leadership that you have taken for our children around this country, those who have been devastated by the horrors of September 11, as we call 911, urgency. Let me also commend you on your tenacity to make sure that this House gets in front of it the piece of legislation that will help these children to get benefits for those horrific things that they had nothing to do with: the loss of parents, the loss of loved ones, the loss of even having the ability to carry on without counseling. I would like to join you and the Women's Caucus to call all agencies to see how soon they can expedite the funding, the benefits for these youngsters so we can get counseling done so that they can get back on track. I would love to join you in those efforts.

I also commend you for helping us to categorize just what is left on this floor, why we are still here this November 7 or 8, I have lost count of the dates; but it is because when we rushed to pass an airport bailout, I was all for that, being a senior member of the Aviation Subcommittee of the full Transportation Committee representing California; and I thought this was the proper thing to do, because on the day of 9–11, we had to bring in 2,200 flights from the air to the ground at the request of the Secretary of Transportation and the President and Vice President.

But little did we know that an airline security bill would be this long in coming, for heaven's sake. We thought that after bailing out the airline industry, the secondary thing would be to make sure that all of our folks who work at the airports and on the aircrafts will be secure. Of course we asked for the cockpits to be fortified, and that is what was in all bills. We asked for the flight attendants to get antihijacking training as opposed to some generic type of training. That was put into the bill. We also asked, and I was very dogged about this, that you do not remove these screeners until they have the opportunity to vie for positions, to take exams and to try to keep their jobs. I am livid that that happens and continues to happen. You do not just erase thousands of people off a job just to bring out a whole new crop. You see how qualified those are who are currently in those positions. But the whole thing of federalization comes to be.

And when we talk about security, that is a national issue when it comes to American people. And so I will say to you that I am a little disheartened over the fact that we have not passed as yet the people's bill, because that is the people's bill. That bill will rush people back on to the aircrafts; it will boost our economic stimulus, because what it will do is bring back that $6.6 trillion that we see with the traveling public. It will bring an additional $6.5 trillion that we see in tourism. And so all of those things will help our economic stimulus package.

I am joining the Democrats and especially the Senate side and our side, too, in asking for the stimulus package to include a consumer interest-type of provision for those who are low-income workers who do not have homes but need some type of rebate so that they can go out and join the crowds in the mall with this upcoming big holiday. I would like to ask for $14 billion for tax rebates to low-income workers, $27 billion to spur businesses and their investments.

I would like to also talk about those small businesses that came to talk with me. As the ranking member on the Small Business Committee, I had about 15 businesspeople from lower Manhattan come to meet with me last week. They said, we need some type of stimulus; we need some type of push because we are losing our family businesses in lower Manhattan, New York.

□ 1800

That is what we are talking about, making sure that small businesses get their rightful stake in this stimulus package.

Lastly, I would like to see the $24 billion that is being requested by Senator DASCHLE and others who are working on this stimulus package to be for health care and unemployment benefits. If we are going to rush people off of jobs, 100,000, we certainly should have the funding to give them unemployment benefits that they rightfully deserve. We should be able to try to give health care to the over 11 million children who are uninsured and the 44 million adults who are uninsured.

So I thank the gentlewoman tonight for allowing us to bring into focus for the American people the unfinished business, the business that is truly the people's business that is going undone.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for her leadership on this very important issue, and I might ask and pose a question to the gentlewoman as well on this question of unfinished business: Can we do any less?

First, I want to thank her for her leadership, as I indicated, as Chair of the Women's Caucus, and also her work in the Committee on Small Business as well her work on the Committee on Transportation and Infrastructure. All of that seems to be lodged right here.

The gentlewoman raised a point that I think is very important, and I hope in the conference, if they change anything in the bill, they will address the question or at least make known that there are some qualified individuals who are presently working for private contractors who should be given the opportunity to apply. What we are saying is that there are no standards, there is no training, and we are also saying that these private companies have erred toward not paying money, not paying benefits, undermining the quality of the employee so that they can get the cheapest bid.

We know that one of those companies was engaged in O'Hare, and in fact, we have run into that same company engaged in some other activities that brought about tragedies. I think it is well-known and they have been published. So they are really an example, if you will, of the need for not promoting self-interest, if that may be the case, of worrying about what private contractors may be eliminated, and really talking about the public interest, the national interest, of how we can create standards. So I want to applaud the gentlewoman for that.

I think if there is anything else they fix in the conference while they place federalizing the security as a priority out of that conference committee, taking it out of the Senate bill, would be also the eliminating of this super-citizenship, which means you have to be a citizen for 5 years. We respect the fact that there are difficulties in dealing with people who are not citizens, and I have raised that concern.

I have another concern on that issue, but I am going to focus just tonight on making sure if you are a citizen, then there is no reason to put a number of years on it. I do not think we need to do that.

But my question to the distinguished gentlewoman deals with the economic stimulus package; and that is that we are about to enter into the holiday season. We have been charged and challenged by the President to go on with our lives. If there is ever a season where families are out, when consumers present the final indicators of how the economy is doing, it is the Thanksgiving through the holiday season, the many names that the Christmas holiday season is called, whether it is for the different faiths. But it is a holiday season.

I cannot for the life of me understand why we cannot immediately move an economic stimulus package that goes to the consumers, small businesses, to provide for health care and unemployment benefits, not just for the airline workers, but as we are coming to understand, workers around the Nation.

What I believe is so important is getting this message out to the American people of how we need to move on that package.

Ms. MILLENDER-McDONALD. Mr. Speaker, I agree with the gentlewoman. As I have said, and I will reiterate, in order to move any economic stimulus package, you must have people buying into the economy, and in order to do that, you must give low-income workers a rebate so that they can provide the toys and those other types of things that we provide for our children. We can ill afford not to do that.

I also would like to say that when you talk about the private companies engaging in the screening and screeners, we know that those private companies were in violation over millions of dollars. But if we are talking about national security, we have to be careful of how we disseminate information that we want to do now, that we are talking about the integration of information.

We have to be careful how we are going to integrate information coming from the CIA and FBI to some private company, especially foreign-born companies. So we have to be very clear and very careful on that.

Secondly, when you talk about federalizing workers, as a former personnel director, we had a merit system in place in the Federal Government. You will have a merit system, and you cannot just do an exodus of employees without them having their due diligence and fairness. So this is why we need the federalization of those screeners.

I thank the gentlewoman so much for having us come today to talk about this.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlewoman. The important point she raised was, first of all, the disseminating of information. When we are looking to secure our airports, share intelligence, would it not be more appropriate to have these particular workers under the Federal auspices, under Federal law enforcement, under the Department of Justice?

Then, with the economic stimulus package, does it make sense to give billions of dollars to corporations, and the consumers are left holding the bag? I would like to say to her, I would like to take her up on that offer in trying to reach out to Federal and local and State agencies to see how they are doing with our children.

Mr. Speaker, I am very pleased to be able to yield now to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

When I mentioned to her that we were on the floor today to talk about unfinished business, knowing her work in the Committee on the Budget, I know she has great insight into what we need to do with the budget, on how we need to balance the needs for securing this Nation, and also her experience. Both of us have experienced terrible natural disasters, when she had to single-handedly work to help save her hometown and local community of Princeville, and I just experienced Tropical Storm Allison. You have to get busy and finish the job because people are in pain.

I want to thank the gentlewoman for her great leadership on the Committee on the Budget and on the Committee on Agriculture and her knowledge about rural areas.

As I yield to the gentlewoman, no one has really mentioned the last plane fell in Somerset, Pennsylvania. I imagine that was a rural area. We do not know what kind of impact it had, we have not made a determination. There is a lot of work we need to do.

I am delighted to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I am very pleased to join the distinguished gentlewoman from Texas. Again, I want to join my colleagues in thanking you for arranging this special order so we can talk about the unfinished work that we should complete prior to the holidays or the work we should complete in the next few days or certainly in the next few weeks.

The gentlewoman mentioned the issue of airline security that has been talked about by both of my colleagues who preceded me, being on the Committee on Transportation and Infrastructure and having interest in the airlines.

I serve on the Committee on the Budget, and today we had a homeland security hearing. At that homeland security hearing we were privileged to have the Director of GAO share with us a number of reports that they had performed throughout, I guess, the last 2 years.

But the latest report that the government is using comes from the GAO audit, which actually was released the very day that President Bush came and spoke to the combined House here in the House of Representatives when he spoke to the Nation. It basically talked about the threats that may affect our homeland security and looked at what the roles of the government should be.

Obviously, there are things we could do now, not only because of that report having been identified, but things we have undertaken on this floor that have not been finalized. As flawed as the transportation piece is that came from the floor, we are hoping that during the conference meeting it will be improved. You have already mentioned some things perhaps it ought to consider.

But we had our opportunity at bat over here, and most honestly, we missed a few balls. But, as they say in the ball game, "It ain't over until it's over," and it is not over until indeed we have finalized the conference bill. So there is hope.

I think we do need to federalize the security. I think it is unthinkable. We would not think of not federalizing the Border Patrol. Those workers are under a certain standard. The idea that we cannot find ways of dealing with them in a fair way, in recruiting those who are among the contractees now who possibly could qualify is to suggest that we do not know how to recruit people. So I think that is a bogus argument that we cannot control, or we do not know how to dismiss them or discipline them.

We know how to discipline our military. They are federalized. They have a certain standard. We know how to discipline our CIA. They have a certain standard. It is the same thing with them. We know how to recruit and employ and discipline the FBI. They are all federalized.

So the intelligence, the military, in fact, the Capitol Police officers, are employed by the Federal Government with certain standards. So to suggest that we need to have a different structure because it is unmanageable does not bear well on the consistency of how we protect ourselves.

I want to spend my time, though, talking about your idea of what we do in terms of children, and I want to parallel some opportunities.

I think in homeland security, as well as national security, we need to take every opportunity to look at our communities in holistic ways. We need to take opportunities as we look at these threats, again referring to the Committee on the Budget, the threats on our water system, threats on our food program, bioterrorism, chemical threats, low-tech threats, all of the information, cyberterrorists, all of these are potential threats that we need to find ways to handle.

But we have an opportunity before we leave in the next few days to make sure we find resources to make it available to our local health departments, our local front-line defenders, to give confidence.

What we have as a result of September 11, America is really feeling great fear and anxiety, more anxiety about the homeland threat than they are about our national threat, to be most honest. Not only with the attack on September 11, but since that we have had the anthrax attacks; and all of those have just raised the level of anxiety and fear and increased the lack of confidence in our infrastructure being capable of responding or protecting us.

The first responsibility a government has is to protect its citizens. The next one, it seems to me, is to give a sense of freedom and opportunity that they can bring their children up or their families can grow and be provided for. We need to make sure that we are providing those necessary resources to shore up our health departments, to shore up our first-line responders, to give them the tools, the information, the technology, the collaboration.

I am pleased that President Bush has appointed someone to focus on that. Governor Ridge has that responsibility, and I am very pleased that that has happened. But that will not do it, just to have a spokesman. He needs to have the authority, plus the local people who will be working with him, whether State or local, need to have the capacity to respond to give our communities that kind of response.

The whole idea of homeland security is, not only have we been threatened physically, but our economy has been threatened, our way of life has been threatened. So we need to give confidence back to families that the government will respond to them in their hour of need.

Yes, we did pass the airline reassurance, or bailout, whatever you want to call it, and perhaps they needed those monies. But I thought it was grossly unfair to put them ahead of people. I thought both of them needed to be helped. I did not think that the big dogs needed to eat before the little dogs. I thought all of them needed help. Children and unemployed people need to have that opportunity.

So we have an opportunity still to make sure we extend those resources, make sure health care is there, and to provide for families to do that.

Finally, I want to parallel children in foreign countries as well. We have made a military response to the attacks, and they were horrific. They were unacceptable and there is no excuse for it. There may be causes, but it is still unacceptable.

□ 1815

So it was a terrorist act without justification. But nevertheless, in those countries, there is the instability that gives opportunity for terrorists to grow. In those countries are families and children who are suffering. In Afghanistan itself, it is reported as of this last week, 6 million people, most of them women and children. Let me say that again, Mr. Speaker: 6 million people. We are dropping more than 1 million packages of food which will feed for one day. It will not at best respond to more than 1 million. Already they cannot get the food in certain areas. So we need to find ways of working with our allies to bring, in parallel with our military, a humanitarian approach.

Now, the United States has done well in terms of providing food for needy countries, but we can do far more. Our strategy must be one that says our military will always be strong; but our strategy has to be, if we do not want our homeland security and our national security continuously threatened by terrorists who come from unstable situations, we have to be smart enough to try to prevent the cause of that, as we indeed defend militarily anyone who is killed or maimed or brought harm to the American citizen. So we have an opportunity here in this country, both to respond to corporate America, but we also have to respond to the average citizen and children. We also as a great Nation have an opportunity, an obligation to defend our country. So military strategy has to be involved, but at the same time we ought to be doing humanitarian strikes.

So we have an opportunity as we close these last few days, yes, to do the final version of the airline security; and hopefully, they can work out a compromise that will improve what we have, and we certainly need to do more on the stimulus. The stimulus program that we passed in this House is really shameful when we understand the needs of the unemployed, the needs of the children, and the needs of those who do not have opportunities for other resources, and giving them a tax break is not the response that they need for shelter, for clothing, for food, and yes, also for Christmas and toys. They need some basics, and we are not providing that as a great country; and I think we can do that.

Again, I want to thank the gentlewoman for her leadership and her vision to challenge all of us that in these waning days, we have an opportunity, but more than that, we have a challenge and an obligation to make sure we take care of the American people and take care of all of them, not just part of them, all of them. Our humanitarian efforts, our responsiveness to the whole community requires us to look at our infrastructure, requires us to look at our health and education needs, and requires us to look at security of our airlines. But nationally, the reason we have trouble in our homeland security is that we are threatened by those who dislike us enough to kill us. Whether that is reasonable or not, we have to find how we change that. Not to suggest that we ever give up our military response, but we are very shortsighted as a country if that is the only approach. Because what we will be doing is fighting this war sometime next year, the next year and the next year, because what we are doing is giving opportunities for new terrorists to attack us.

So our homeland security and our national security is tied almost the same way in that our policies do matter. There are consequences of our foreign policy and there are consequences from our domestic policy. To the extent that we do patchwork, we get that kind of response. So we have an opportunity to respond to the holistic need and the vulnerability that my people back in my district feel, both physically, but also economically, and the vulnerability that we see that is nationwide is also one of military strength, but also of diplomacy and humanitarian. So we have opportunity.

Again, I thank the gentlewoman for allowing me to participate.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentlewoman for bringing her insight to the floor of the House this evening, particularly since the gentlewoman just came out of a very important budget hearing on the question of how we prepare long range.

As the gentlewoman well knows, we have formulated a Homeland Security Task Force that has just presented a report that our caucus has received and reviewed; but what the gentlewoman is highlighting, and I want to yield to the gentlewoman on this question, is that we now have the opportunity. We are here now. This is November. Our work is not yet finished; appropriations bills are yet unfinished. But we need a new bill from the administration and we need the Committee on the Budget engaged so that we can address these issues head-on with a plan. The Committee on the Budget provides the plan, the vehicle, and I know that with some sense of humor; but we will not make light of this. There are always some vigorous debates sometimes between our budget legislators and our appropriators, but we have been working together.

The gentlewoman has seen now what the long-range plans need to be. It does not seem like the economic stimulus package that has been proposed by this House that so many of us opposed took into account the dollars that we might need for long-range planning, and I am going to pose that question to the gentlewoman. As we move through the appropriations process, this economic stimulus package is sort of a part of that; but it has no plan to it, because none of us can comprehend billions of dollars going back to large corporations on tax rebates to them dated back to 1986. My son was born in 1985. It almost looks like we are burdening people with monies that have been long given and really are not at this point the appropriate utilization of precious Federal dollars.

The other point I would like the gentlewoman to be able to comment on, and I thank the gentlewoman for that, I am not sure how we can approach this; but the gentlewoman has highlighted a very important point. What is happening in Afghanistan and neighboring Pakistan is that children are being sent to these terrorist schools, these schools that are training them for lack of something else to occur in their lives, and they are being led to believe that we are bad and they are good.

Unless we deal with the needs of people, the starving people in Afghanistan, the starving people around the world; in the Sudan, there are tragedies happening there between religious groups; but unless, as I hear the gentlewoman saying, we address the pain of starving, millions of starving Afghanis, millions of starving people who are innocent, the terrible cold that is going to be approaching, and we can certainly salute our military.

By the way, I want to salute them. We are approaching Veterans' Day. I want to thank all of the men and women who are protecting us all over the world who are part of the United States military. But unless we address the question of the pain in this country, and that we take these children away from these kinds of terroristic training, we take them away from being brick makers at 8 years old. I do not know if we know that Afghan children are working at 4 and 5 and 6 and 7 years old to bring home 50 cents a day, 50 cents a week, making bricks. I think the gentlewoman knows that the gentlewoman from California (Ms. SOLIS) is doing a briefing on Afghan women. We have agreed to join her to do one on a separate day on Afghan children. But as I hear the gentlewoman saying, we have to wake up and address those issues.

I yield to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, first I think it is almost shameful that we ask the local policemen and the firemen to sacrifice their lives, and yet we give GM and these big corporations big tax breaks, but we do not give the families of these people those kinds of breaks. Just to use the comparison in that stimulus. There are some principles in the stimulus, and the Committee on the Budget might not agree on both sides, but they agree on the principles. The stimulus needs to be short-lived. The stimulus needs to have an effect that it would cause people to have confidence, and also the stimulus would be the one that would bring no harm in terms of increasing the deficit. Also the issue of Afghanistan and what we must do in that area, I think the gentlewoman is right.

I think to the extent we fail to speak to the great gap between societies, we are creating those vacuums where dictators and terrorists come and fill that void. That is what bin Laden did in Afghanistan. That is what we find in other countries where they are harboring terrorists or governments that are unstable. So there is value in America spreading democracy or trying to stabilize those communities for our own selfish interests. It is in our interests to have stability in the Middle East. It is in our self-interests to have stability in Afghanistan and Pakistan, if no more than to keep down the potential of a threat of terrorists; but it is also in our interests in the long run to have trading partners. So we want to secure those.

So both of those questions are very important. Again, I want to thank the gentlewoman for the opportunity, and I want to wish her well in pushing her bill and that we should consider that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman. I thank all of my colleagues who have taken the time to address the question of unfinished business. I started out by saying that 9–11 was a day in infamy, it was a day of pain. It was a day where many of us have said, let us go on with our lives, we do not want to talk about it; but it is the responsibility of those of us in government to talk about it and act upon it to heal the American people.

Let me just summarize what I think our unfinished business is. It is to deal with the children. As I started out, I want to thank the leadership of this House that I understand will possibly be giving us an opportunity to debate this resolution, and I am very pleased with that. I think the Members of the House realize the importance of the long-range impact on the children that lost a parent or guardian or parents on that day. They are going to need foster care assistance, adoption assistance, medical, nutritional, psychological care, educational services and other services.

We realize that those children who are separated from family members are going to need the kind of direction from government, or at least the impetus of government, to encourage that these children get with relatives, close relatives; and then we are going to need to give those relatives the financial support based upon benefits that are due these children. This resolution will address local and State government and the Federal Government to get those benefits out, not handouts, but benefits due these children in a 60-day period from within the determination of the death. We think this is something we can do. I applaud the leadership of the House for the appearing opportunity to do this.

Airline security must be done now, and it must be federalized. The Attorney General said about a private contractor even before this terrible incident in Chicago, an astonishing pattern of crime that potentially jeopardized public safety described one of the private contractors doing Federal security. My friends, let us restore the faith of the American people back into the travel industry, and in particular our airlines, on the brink of this holiday season. I am flying. We are all not trying to create hysteria; but it is long overdue for us to be able to check and to screen checked bags, to be able to train and have standards on people who are checking us into the airport. We do not mind being checked. We just want to make sure that they check us the same way in Atlanta that they do in Chicago; that someone is not just looking at you in Chicago and screening you and all that you have in Atlanta. Standards are extremely important for federalizing.

I plan to offer a bill, it has been in the drafting stages, to outlaw once and for all the idea of knives and such instruments being carried on to planes. I think if the American people know you cannot carry them on, you will be subject to criminal penalties, they will adhere to that; and I believe that is extremely important.

□ 1830

And then it is crucial in the economic stimulus package that we take care of those individuals who have been laid off through no fault of their own because of this enormous tragedy; that we provide unemployment benefits and health benefits; that we get help to the small businesses that are out there struggling, as they are the infrastructure, the backbone of America; the concessions in the airport are suffering as well; that we provide a rebate to those low-income workers and moderate-income workers who will take those dollars and put them back into the economy as we move toward the holiday season.

Let us not get into any kind of warfare about what large corporations deserve funds and which do not. Let us attempt to do the job, Mr. Speaker; finish our business and provide for the American people through a real stimulus package; with airport security, federalize it and let the conferees do the bidding of the American people.

Then let me be grateful for the fact that we are going to work to help our children. We have not forgotten this family. I would simply say that we have work to do. Let us get it done.

Mr. Speaker, the tragedies of September 11, 2001 left thousands of victims from around the world, killing hundreds from Britain, more than 130 Israelis, more than 250 from India, and scores of others from El Salvador, Iran, Mexico, Japan and elsewhere. Indeed, these attacks against all people, and against all humanity are, as Mayor Rudolph W. Giuliani correctly noted, "more than any of us can bear."

But perhaps the greatest victims of these tragedies are the yet-to-be counted children whose parents or guardians never came home on September 11, 2001, and never will.

As Chair of the Congressional Children's Caucus, I call on Congress to recognize the uncounted victims of these tragedies: the children. Their slain parents and guardians were the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175. They served our great Nation at the Pentagon, both as civilians and military, and they were the thousands of innocent civilians and rescue workers killed or injured at the World Trade Center on September 11, 2001.

Today, six weeks after the September 11, 2001 attacks, there is still no official overall count of the bereaved children. Speculation as to just how many children have lost at least one parent or a legal guardian range in the area of 10,000 (based on various news sources and cited last week on National Public Radio by Senator HILLARY RODHAM CLINTON) to 15,000 (cited in an editorial in The Times on September 26, 2001), to the conservative estimate of 4,000 who qualify as "orphans" under the Twin Towers Orphan Fund. Finally, the early estimate of 1,500 children left by the 700 missing Canter Fitzgerald employees alone is strong evidence that the projections of children affected should be interpreted quite liberally.

Whatever the actual number, one thing is clear—as Members of Congress we must address the needs of our children, the most vulnerable of all Americans, first and foremost.

My resolution before us today, H. Con. Res. 228, addresses this great need. It expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urges the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to those children.

This resolution is non-controversial. It merely prioritizes the delivery of Federal benefits currently available under Federal law to children who have lost their parent(s) or guardian in this horrific tragedy. These should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

Much of the funds that would be utilized for services in this legislation would come from the Social Services Block Grant (SSBG). The SSBG is a flexible source of funds that states may use to support a wide variety of social services activities.

In FY 1999, the largest expenditures for services under the SSBG were for child day care, foster care for children, and prevention and intervention services.

There are no federal eligibility criteria for SSBG participants. Thus, states have total discretion to set their own eligibility criteria (with exception of the welfare reform law's income limit of 200% of poverty for recipients of services funded by TANF allotments that are transferred to SSBG). States also have wide discretion over the use of these funds. Federal law establishes the following broad goals toward which social services must be directed: Achieving or maintaining economic self-support to prevent, reduce, or eliminate delinquency; achieving or maintaining self-sufficiency, including reduction or prevention of dependency; preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families; preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Federal law also provides the following examples of social services that may relate to these broad goals: Child care, protective services for children and adults, services for children and adults in foster care, health support services, and services to meet special needs of children, aged, mentally retarded, blind, emotionally disturbed, physically handicapped, alcoholics and drug addicts.

My legislation, H. Con. Res 228, would express to the States that these funds be expeditiously distributed to the proper Agencies so that needed services for the children who lost parents or a guardian during the attacks of September 11 may be rendered.

Mr. Speaker, this resolution is greatly needed now.

Foster Care and Adoption Services: These services are crucial to any child who has lost their parent(s) or guardian. The importance of providing such services expeditiously cannot be underestimated, particularly in light of compounding emotional trauma endured by these children.

At a recent Congressional Children's Caucus briefing held on October 12th, 2001, Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York spoke to this issue. She noted that after September 11, the Adoption Institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents in the attacks.

This project is needed due to the uncertain future faced by children who have lost their parent(s) or guardian. For many of these children, extended family members become decision-makers and permanent caregiver for these children. Some children, however, may not have a relative or friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved around from relative to relative.

Best practices and research in the fields of adoption and child welfare dictate that two considerations should be paramount in offering crisis services to these children and their families/caregivers. First, it is critical to quickly institute and support a stable family structure because repeated changes in caregivers for displaced children can cause irreparable harm. Second, children who have lost their parent benefit by having a permanent caregiver who is a family member or close family friend, and when possible, it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause these children significant additional trauma.

This resolution recognizes these needs, and to the greatest extent possible, provides for services that best serve these children.

Medical and Nutritional Services: Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations still. This resolution ensures that such services are available.

Psychological Services: According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, children who lost a parent in the Bosnian War still experience chronic depression, post traumatic stress disorder, and grief, even years after the Bosnian War ended. These children have been further deprived of a normal grieving process due to difficult and painful thoughts in the way in which their loved one died. As a result, these children needed and continue to need intensive and long-term mental health services.

Importantly, the trauma that the Bosnian War children endured closely parallels that of the children who lost parents or a guardian in the September 11, 2001 tragedies because the circumstances and violence of the loss is analogous.

The combination of witnessing and experiencing traumatic events and multiple environmental and family factors further contributes to various mental health problems. Statistics indicate that only one in five children with a serious emotional disturbance receive mental health specialty services. That's why I introduced H.R. 75, the "Give a Kid a Chance Omnibus Mental Health Services Act of 2001" to promote mental health among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This legislation is greatly needed, but the resolution before us today, H. Con. Res. 228, effectively address the issue of mental health in our children in light of these tragedies.

Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society. This resolution recognizes the need for such services and makes them available.

Educational Services: Clearly, children displaced from their homes, communities, and families must be stabilized as soon as possible, before further damage is done. One of the most important factors in providing such stability immediately, and in preventing further de-stabilization is maintaining the level of education that existed prior to the loss of the parent(s) or guardian. This resolution provides for such services.

Other Services: Finally, other services may be deemed appropriate in light of the situation as it progresses. While it is impossible to anticipate and enumerate every conceivable situation calling for the need for such services, this resolution recognizes the need for common sense and discretion in determining what services are needed given the particular situation as it applies to children.

Update on Mr. Calderon and His Children: Mr. Calderon is 39 years old and moved to New York City from the Dominican Republic 7 years ago. He and his children currently reside in the Washington Heights neighborhood of Manhattan.

At an October 12 briefing sponsored by the Congressional Children's Caucus, Mr. Calderon spoke about his wife Lizie Martinez-Calderon, who is still missing from the attack at the World Trade Center.

Lizie was employed with Aon Financial Group, which was located on the 100th floor of Tower 2. They were married in 1996.

The Calderons have two young children, Naomi, 4 years old, and Neftali, 20 months, Mr. Calderon is a school bus driver, but was force to take a leave of absence in order to care for his children.

As a result of that briefing, which included a panel of experts whose agencies deliver services to families, Mr. Calderon is now able to provide for his children. The American Red Cross, with the personal assistance of Ron Houle, presented Mr. Calderon with 2 months rent, and will be providing food and winter clothes for his children shortly. Mr. Calderon is also expecting financial assistance from the Red Cross to help with living expenses and to help secure a future for his children. Because of this greatly needed assistance, Mr. Calderon is able to return to his job in a few weeks.

Afghan Children: While H. Con. Res. 228 specifically speaks on the children who lost parents during the September 11 attacks, there are millions of children in Afghanistan who will lose a father and/or mother as a result of the War Against Terrorism. A generation of Afghan children is at risk. We cannot forget these children and they will be the focus on an upcoming briefing co-sponsored by the Children's Caucus.

As Members of Congress, we bare the great burden of providing and protecting these children. This is perhaps our greatest and most sacred responsibility. So today I urge us all to come together as parents, as leaders, and as Americans to provide these children with the services and benefits that they so desperately need are entitled to.

Thank you. God bless the Children, and God bless the United States of America.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROHRABACHER (during the Special Order of Ms. JACKSON-LEE of Texas). Mr. Speaker, I hereby give notice that I intend to offer a motion to instruct conferees.

The form of the motion is as follows:

> Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill, H.R. 2500, be instructed to insist on the language contained in section 626 of the House-passed bill and section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

DENOUNCING BRUTAL TREATMENT OF AFGHAN WOMEN AND WOMEN AROUND THE WORLD

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, as the co-chair of the Congressional Caucus on Women's Issues, I am here again to denounce the brutal and horrific treatment directed against Afghan women and women around the world.

Mr. Speaker, I have developed a track record for supporting legislation and championing causes that support the needs of women, such as pay equity and the enforcement of antidiscrimination laws.

My passion for supporting the needs and rights of disenfranchised women and children has motivated me to urge my fellow House colleagues to join me in denouncing oppression wherever it is manifest.

I have vowed to revisit the plight of Afghan women each week until gender apartheid there ceases to exist, and for several weeks I have passionately addressed these concerns. Therefore, I come before this body not only to express my outrage and sorrow about the plight and treatment of Afghani women by the Taliban regime, but to also express my outrage regarding domestic violence within our own borders. There are atrocities that we and the House will not allow and will continue to fight until justice is done for all women.

In Afghanistan, the Taliban regime is mistreating women. Their actions are woefully inconsistent with the Islamic religious injunctions that recite one should be just and compassionate to women.

Contrary to Islamic custom, Muslim women and girls are forbidden from receiving an education. They can be severely punished and even put to death for violating Taliban laws. These laws enforced by the Taliban are not those set forth in the Muslim's holy book, the Koran. The laws are reflective of narrow and atypical interpretations of Islamic law.

The end result is that Afghani women are confined to their homes to live, suffer, and sometimes die in a state of fear. The fathers, brothers, husbands, uncles, and men of the society share in the mistreatment of these women. Reports continue to be published about the extent of brutality that women and little girls are being subjected to. Domestic violence is not only common but rampant.

I am horrified by this. It is my belief and understanding that women are supposed to be held in high esteem. If this is the case, I am forced to wonder how these men of the faith can justify such inhumane behavior to Muslim women.

Domestic violence is a phenomenon that plagues women nationwide. In the United States, a woman is beaten every 9 seconds. This year, almost 4 million American women will be physically abused by their husbands or their significant others.

Wife-beating, a common and repugnant behavior employed by far too many men, results in more injuries requiring medical treatment than rape, auto accidents, and mugging combined. These figures are disturbing, Mr. Speaker, and disheartening, because underlying these numbers are those not counted that are even more appalling.

For example, 42 percent of murdered women are killed by their intimate male partner. But a tragic and disgraceful irony is that prison terms for killing husbands are twice as long as those for killing wives. There must be parity in sentencing for domestic violent crimes. The women of this House have fought and will continue to fight for resources to protect the lives of women.

In the 7 years since the passage of the Violence Against Women Act, VAWA, more than $1.5 billion in grant funds have supported the work of prosecutors, law enforcement officers, the court, victim advocates, and health care and social service professionals.

Through the support of VAWA funding, my home State of California maintains 23 sexual assault response teams, 13 domestic violence response teams, and scores of domestic violence advocates located in law enforcement agencies throughout the State.

I am proud of these resources, but more work and funding is needed. Women need more safe havens and protection against domestic violence, not only for themselves but for their children.

Mr. Speaker, we will often hear people say that I am a mother of all children; and in order to do that, we must be the defender of women's rights.

IMMIGRATION AND IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I have on many occasions risen on this floor to address the body with regard to the issue of immigration and immigration reform, and tonight is no exception to that rule. I do this often because I believe it is a significant problem, perhaps the most significant problem we face in this country from a domestic policy standpoint.

We argue on the floor of the House day in and day out and night in and night out about a variety of issues. All of them, of course, have major consequences.

We have spent a long time debating the issue of airline security, for instance. It was mentioned again just in the course of the previous speaker's comments. It is undeniably an extremely important issue, the issue of airline security. It is for those of us, especially, who fly as often as those of us in the House do.

I, for one, am on an airplane twice a week, and my family are off and on airplanes. I assure the Members that I have just as much concern about airline security as the next person, and perhaps more so, from a very personal standpoint. Therefore, the decisions we make in this House with regard to the particular kind of security that is put in place are certainly important. I do not mean for a moment to suggest that they are not relevant to our debates here.

But I do mean to suggest that they are not as important, Mr. Speaker, as one other issue. That issue is the defense of our borders.

As I have said on more than one occasion, the defense of this Nation begins with the defense of our borders. The extent to which we devote time and energy and resources protecting the flying public, to the extent to which we do that, of course, it is commendable and it is important; and it is absolutely the right thing to do.

But it is amazing to me how much time and energy we spend in that. We passed something called a stimulus package. It is really a security package. It is designed to make sure that the American economy remains strong and that people remain employed, and we do this as we watch an economy that is deteriorating. We all know that.

We are taking the right steps, I believe, in the measures that have been passed by this House to address this economic downturn. But they will, of course, take time.

All of these issues deal with, in a way, some directly, some indirectly, national security. But in every single instance, we also have the issue of immigration and immigration reform working its way into those discussions. I will try to deal with both of them tonight.

The issue of airline security. Let me talk about that on a broader scale. It is, of course, important to make sure that we are safe when we get on an airplane. Is it not also important, is it not even of paramount importance, to try and do something about the millions of people who come across our borders, either by land or by air or by sea, every single year? And they, for the most part, come here not to necessarily do us harm, but for their own purposes, almost always economic in nature.

It is understandable. No one is suggesting that it is not the desire of every human being on the planet to better themselves and to provide more for themselves and for their families.

But they do come across our borders, Mr. Speaker; and they do so sometimes, some of these people come across our borders with evil intent, as we learned all too savagely on September 11.

Now, there is an undeniable problem. It is one of those huge problems; and in a way it is like the typical story of the 500-pound gorilla in the room that nobody wants to acknowledge, but everybody knows it is there. In this case, "it" is a completely broken, completely incompetent INS, Immigration and Naturalization Service.

I want to focus the first part of my remarks this evening, Mr. Speaker, on this incompetence and on the desperate need we have for national security purposes to not only make sure that the flying public is safe, but to make sure that we are safe every day on the streets of the United States from people who come across our border, from illegal aliens or from immigrants who are here even legally, but have the desire to do us ill.

We have a responsibility to point this out, and I try my best to do so. I have, every single time I come to this floor, people who write us, who call us, who take advantage of e-mail, which is right now probably the best way to contact us.

I have people who do that by the thousands, contact our office to tell me of stories that I have put in the category of almost too incredible to be true, but they are true. Many, many of them are documented.

Many, many of the stories come from people who work for the INS, people who are trying their best to do a good job in light of a bureaucracy that has absolutely no interest in having them do a good job, especially if that job is in internal security within the boundaries of this United States.

I am going to start this evening's discussion with a story about a gentleman by the name of Walter Cadman. Mr. Cadman is an employee of the INS, a very high-ranking employee. I will tell the Members what that specific position is in just a moment. But let me give a little bit of background, Mr. Speaker.

Mr. Cadman's climb through the bureaucracy of the INS began when he joined the service in 1976; and after working as an investigator and a regional director, he took over a job in Florida, the Florida operations, in 1992.

Three years later, a seven-member congressional fact-finding team visited Krome, and that is a facility, a detention facility for detainees, alien detainees. They visited the Miami International Airport also.

Mr. Cadman was among several high-ranking INS officials who attempted to deceive these Members of Congress into believing that Miami immigration operations were well managed. Mr. Cadman and others abruptly released 58 inmates from the critically overcrowded Krome detention center 2 days before the task force's visit, according to an exhaustive Federal investigation.

All of this, by the way, everything I am telling with regard to this casé is documentable. Again, if anybody wants more details, this is the way, Mr. Speaker, that one would obtain those, by contacting our office.

Let me go on. More than 100 other aliens were hidden in the facility to dupe the House delegation, Members from the House of Representatives, to give the illusion that the inspection process at the Miami airport was well managed.

☐ 1845

Staff was bulked up and noncriminal detainees were allowed to wait in an unsecured lobby rather than in a less hospitable holding cell. Inspectors were also ordered to remove their gun holsters and handcuffs to portray a much kinder, gentler INS that focused on customer service.

This phrase, "customer service," I heard many times from many INS officials and many people who have come to our office as whistleblowers to talk to us about the incredible pressure under which they have been placed by INS management. They are told the same thing, that they are to treat anyone coming, trying to get into this country, and even those who have come here illegally, as customers; and the customer is always right. In this case, the customer chose evidently not to stay in the cell.

After more than 45 employees, many of them union members, blew the whistle on their bosses, Kromegate broke. The office of the Inspector General for the Justice Department investigated the matter and in June 1996 released its 197-page report. In this report, Inspector General Michael Bromwich not only detailed the conspiracy behind the INS sham but also explained how Mr. Cadman and other officials tried to cover up the wrongdoing.

Initially, by the way, Mr. Speaker, the Inspector General told a member of the delegation, the gentleman from California (Mr. GALLEGLY), who was at the time I believe even the chairman of the Subcommittee on Immigration, told him that it would be done, that this report would be done within a few months, that the facts were clear, and if they could get simply the response that they required from the INS in terms of access to documents, the report would be done in just a few months. It actually took over a year because, of course, to no one's real surprise, the INS was not forthcoming with the documents that were required to conduct the investigation.

Mr. Bromwich wrote in the report: "Moreover and perhaps more troubling, Mr. Cadman was a willing participant in efforts to mislead INS headquarters and then to mislead and delay the investigation of this matter." That is a very damning statement. We have heard statements to that effect in other cases, people trying to mislead investigators, people trying to delay the investigation. We remember that all too clearly, I think, from past administrations.

Anyway, Justice officials found that Cadman had presided over meetings in which the conspiracy was planned. On the day of the visit, Mr. Cadman, reportedly red-faced with anger, threatened to arrest two INS inspectors who tried to alert representatives about the whitewash. Mr. Cadman even called airport police.

Again, this story gets better when I tell my colleagues where this gentleman now resides within the INS. So just hang with me here a minute. Again, put it in the category, unbelievable but true, and of course, with regard to the INS, the folder gets bigger and bigger and bigger every day.

Mr. Cadman's cover-up efforts began after the Office of the Inspector General started its investigation. Mr. Cadman, "did not deny that large numbers of aliens had been transferred and released from Krome," Mr. Bromwich wrote in his report. "However, Mr. Cadman essentially represented that all alien movements were normal in light of the overcrowded condition there."

That explanation, investigators determined, was not true. Rather than cooperate with investigators, Mr. Cadman forced the Justice Department to obtain subpoenas to access his computer files. As I say, the Inspector General expected that there would be some degree of cooperation. I do not know why they thought so, but they did. It was not forthcoming, however.

When the Office of the Inspector General finally gained access to Mr. Cadman's computer, all his e-mails relating to the delegation's visit had been deleted. According to the report, "In his interview, Mr. Cadman stated that as matter of consistent practice, he contemporaneously deleted his electronic mail messages shortly after responding to them. In searching his e-mail, however, we," the OIG, "did find some of Mr. Cadman's messages from June 1995 which was inconsistent with Cadman's representation to us."

In an extensive and time-consuming process, investigators were eventually able to locate 61 messages that had been sent or received by Mr. Cadman regarding the congressional visit, many of which helped OIG, Office of Inspector General, prove that the officials had purposely deceived the Congress of the United States.

"On the basis of the evidence gathered in this investigation, we believe the appropriate punishment for Miami District Director Walter Cadman falls within a range from a 30-day suspension to termination of employment." This was the OIG's, the Office of Inspector General's, conclusion.

They went on to say that, "Should he not be terminated, we urge his reassignment to a position where he would not have significant managerial responsibilities." I want my colleagues to listen to that carefully, Mr. Speaker. The OIG said should this man not get fired, which is as we all know almost impossible in the Federal bureaucracy, contrary to the protestations of those who want to federalize the airline-security service, but it says, "Should he not be terminated, we urge his reassignment to a position where he would not have significant managerial responsibilities."

After Mr. Cadman's removal from Miami, he virtually disappeared in the INS bureaucracy. Then, on March 4, 1997, the gentleman from Kentucky (Mr. ROGERS) held hearings on Kromegate, trying to find out how Cadman and his cohorts were punished.

The gentleman from Kentucky (Mr. ROGERS) asked then-Attorney General Janet Reno the following question:

The gentleman from Kentucky (Mr. ROGERS): I need to know what happened to the people. Let us get to the bottom line here. What happened to the people that misled the Congress? Name the names. Where are they now?

Janet Reno's response: Dan Cadman elected a voluntary demotion to a GS-15.

By the way, a GS-15, that is, if not the highest, it is close to the highest category of GS, of government service, that one can get. It is at least $100,000 a year.

He elected to take this demotion to GS-15, criminal investigator in headquarters operations. Okay. That was the demotion.

Congressman ROGERS: Well, where is he now?

Attorney General Reno: I cannot tell you precisely.

Congressman ROGERS: Is he still working?

Attorney General Reno: He accepted a voluntary demotion, sir, so I would assume he is still working.

Congressman ROGERS: He is a Justice Department official; correct?

Janet Reno: So far as I know, sir.

ROGERS: He misled the Congress and he still works for the Justice Department?

Correct.

Now here is the punch line, Mr. Speaker, and listen carefully to this. Roughly a year later in 1998 the INS promoted Mr. Cadman to head the newly formed National Security Unit.

The gentleman from California (Mr. GALLEGLY) represents this whole thing as a case where truth is stranger than fiction.

Five years after Mr. Cadman left south Florida in disgrace, only to take a job as a very high-paid INS administrator and as a, quote, "demotion," he was appointed, if we can believe it, to head up the newly formed National Security Unit. Chalk that up, Mr. Speaker, to another incredible but true series of events of which we have become aware in the last several months as we discuss the issue of immigration reform in this country.

We wonder then how is it that so many breaches of security could have happened over the years? And more recently, how is it that even Mohamed Atta, a name all too familiar to every one of us now since September 11, how is it that Mr. Atta could have been readmitted to the country in January even though he had left the country? He was here on a particular kind of visa. He left and he was supposed to apply for what is called an I–512 form, or authorization to leave the country and return. By law he was supposed to put that in writing, the reason he was leaving and for how long and how long he would be gone. Now, he never did that.

So, therefore, of course, after he left to go to Spain, which he did in January and then returned to the United States coming through Miami, should never been allowed to reenter the country. But, of course, the INS did not catch it and essentially did not care. That is the truth of the matter. They do not care.

There is a lot more attention being paid to it now, that is true, since September 11. But prior to that time, let me just give some examples once again of the unbelievable but true incidents or situations that we have become aware of while we have been doing this analysis of the Immigration and Naturalization Service in the United States.

Approximately 35 million people come into the United States every year on visas. Now, Mr. Speaker, not everyone visiting the United States needs a visa. People come from certain countries where we have agreements where visas are not necessary. So we have far more people coming to the United States each year. In fact, we have about 500 million visitors a year. But about 35 to 40 million come as a result of the visa process.

Now, that process is one where people go to the consulate in their home country. They fill out some forms; and it is the responsibility of that consulate official to determine whether the person making the application is indeed who they say they are, number one, and, number two, whether or not they have any sort of background that would prevent them from being able to come into the United States. So about 40 million come.

Very little attention is paid, and was up until September 11, very little attention is paid to anybody's background. They could not care less, frankly. Again, they have been told that all of these people must be treated as customers. Again, if a customer wants to come to the United States, the customer is always right. So a visa is almost automatically granted.

Once they get here, there are certain conditions that they must follow. If they are here on a student visa, they are supposed to be students. If they are here on a work visa, they are supposed to work. There is an H1B. This is a category of visa of a person, usually a white collar worker, usually in very high-tech industries, computer programmers. That is what they are supposed to do while they are here.

It is estimated somewhere near 40 percent of all visas are violated every year, 12 million, in other words. Twelve million people either stay here even after their visa says they should go home or in some other way violate the visa, as many of the 19 hijackers of September 11 did.

The process is one where if someone violates their visa or if someone commits a crime while they are in the United States as a visa holder, they are taken to court. But they are not taken, Mr. Speaker, to a regular court, the kind of court that we would be taken to if we violate the law. Not a district court, not a county court. They are taken to an immigration court. And believe me, there is a significant difference.

What happens at that point in time is fascinating. And I will tell another anecdote, another story in a moment, another incredible but true story.

They can go to the immigration court, charged with a crime. It could be as insignificant as overstaying a visa. It could be as significant as murder. Crime brings them there. They get arrested and end up in front of a judge, and the judge listens to the case, and he either gives bail or he throws the case out of court or he orders the person deported. Then they are essentially turned over to the INS; and that is where the problem begins, as we can imagine, turned over to the INS for their handling of the case, for their enforcement essentially.

□ 1900

Now, would you believe, Mr. Speaker, that there are, as we sit here tonight, at least 300,000 people wandering around in the United States of America completely free to do whatever they are doing and want to do, 300,000 people who have, in fact, been ordered deported, but the INS has not taken charge of it? They have simply let them walk. And they have done so because, I contend, Mr. Speaker, the INS does not care.

We have documentation; and I will read from a letter I received, an e-mail message we got not too long ago, like we get so many times, as I say, hundreds sometimes in a day, and it has now accumulated into the thousands of letters about this issue, and e-mails about this issue, and one of them came from an INS agent. Again, I will read part of it later, but he essentially expresses the opinion that the INS does not care, does not want there to be any close scrutiny of these people. The whole idea of internal investigations, internal security and what happens when people come across the border illegally, or what happens if they overstay, do they go after them? The answer is absolutely not.

There are literally millions of people here. I am using the figure of 300,000, which I gave earlier, Mr. Speaker, which only refers to people who have actually been to a court and then ordered deported but have not gone anywhere. When we talk to the INS, they say I do not know where they are; I have not the slightest idea. This is a favorite response of the INS to almost every question: it is a shrug of the shoulders. I do not know. I do not know where they are, have not the slightest idea. After all, we can only look at so many people. How can we follow all these people? They give you a million excuses. But, of course, that is their job. Theirs to have internal security, but nobody cares much about it. So 300,000 people that have been ordered to be deported that the INS have done nothing about, did not take them to the border and deport them.

One anecdote here to add to this list of incredible but true, unbelievable but true, however you want to put it. I will give an example of something that happened. Again, every day I am telling somebody about this and they will come to me and say, ah, that is nothing, listen to this. It is astounding now. Our files, if we stacked them up here, they would reach higher than the sign here.

A magistrate, an INS magistrate told the story to a Member of Congress about a person that came before him as a criminal. He had been arrested. He was about, I think, 18 or 19 years old, if I remember correctly, but he had no identification on him. He had mugged an old lady, I think broken her arm or leg and had stolen her purse. Anyway, he had been arrested and taken to immigration court. The judge listens to the case and orders him deported. Actually gives him a choice: Do you want to go to jail, or do you want to get deported? Well, the kid I think probably made the right choice under that circumstance and said I would just as soon go back to Mexico, which is where he had come from.

He told the judge and the arresting officers that he was an illegal alien; that he was here without permission. And he had no identification. He gave his name, or he gave a name to the police and to the judge. They actually, in this case, did take this particular person then, put him on a bus, and sent him to Mexico through San Diego, I believe. Shortly after this gentleman got into Mexico, he called his mother and said, okay, will you bring down my ID now. Because, of course, this gentleman was not an illegal alien. He was born in the United States, his parents were born in the United States, his grandparents were born in the United States. He was not here illegally.

But he had learned, Mr. Speaker, he had learned that if you say you are an illegal alien, you will be taken to immigration court and you will not find yourself in a prison, or even in a jail waiting to go to prison. You will be sent on a trip, in this case down to Mexico. So he called his mom and said, would you bring down the ID; and his mom dutifully got in the car, drove down to Mexico, drove across the border, I guess it was 100-some miles from their home, handed him his ID and he then, of course, came right back across the border with her, showing his ID to the INS agent, the border guard, as if anybody paid attention even there, but showed his true ID and came into this country as a citizen.

All records of the original offense, of course, were attached to that person that was deported to Mexico, not to the person that was coming back in. Two different people. This guy was an American citizen. But he knew how corrupt, how messed up the system is. He knew that it was better for him to pretend to be an illegal alien and take advantage of the laxity, the incompetence, whatever you want to call it, of the INS to get away with his crime. Amazing, but true.

Here is another one. Would you not think, Mr. Speaker, that it would be only appropriate, certainly expected that a high-ranking official of the INS would understand the words "legal" and "illegal" and the definition of the word "crime"? Would that be asking too much? Perhaps we need to give a test to every potential administrator at INS so they could actually define these words; because evidently, Mr. Speaker, some of them are having a very difficult time with the English language and with understanding the English language.

Here is what I mean. Mr. Fred Alexander, the deputy district director for the Immigration and Naturalization Service. Fairly high-ranking position, would you not say? A position where you would expect someone to be able to understand the English language? Well, I am now going to attribute what he is quoted as saying to language problems. I am not going to suggest that he is actually abetting criminal behavior, aiding and abetting or encouraging criminal behavior. That is too much to suggest. Because if you actually ended up maybe prosecuting this gentleman for aiding and abetting criminal behavior, he would be moved up to an even higher position within the INS, following INS protocol.

Here is the comment by Mr. Fred Alexander: "It is not a crime to be in the United States illegally." It is not a crime to be in the United States illegally. Is there something wrong here? Maybe it is just that he does not understand the English language; does not know what a crime is; does not know what the words illegal and legal mean, the difference between those two.

He went on to say: "It is only a violation of our civil law." Now, evidently a violation of a civil law is not a crime. If you are here illegally, it is not a crime. What kind of a statement is this? It is a reflection of what the INS thinks their job is. They believe themselves to be social workers. They believe that they were put here to encourage immigration into the United States, and it does not matter how anybody gets here.

The INS, for the most part, I will contend, Mr. Speaker, would just as soon there be no borders whatsoever. The INS would then find themselves in a position of sending out agents to countries all over the world to explain why they should come to the United States, and that the fact is there would be no restrictions against them doing so and everything will be better off as a result of hundreds of millions of people crossing our borders.

I believe that that is the motivating factor and the real basis, the ethos, of the INS. I do believe, after all the things we have come across here, after all the things that have been e-mailed or faxed to our office by thousands of people, some of them wanting to know what they could do about this horrendous problem; but many others are like the gentleman I am going to read or address here in a moment.

We got this in our fax just a short time ago. I cannot reveal his name right now, except to say that he, according to his letter, works for the INS. And I will just read excerpts from his letter so as to avoid any indication of who he is for fear of whatever retribution might be in store for him.

"I wanted to write you and let you know that I, as well as my entire extended family and all my close coworkers and friends, appreciate your efforts to reform our immigration policies." That is the kind of thing they usually start out with. They are not alone, and believe me, I know it. We are inundated with not just faxes and e-mails but people coming to the office, INS agents, present and past INS agents, telling me essentially the same thing; thanking us for doing what we are doing here, trying to reform that system.

I think my colleagues could understand those kinds of things happening, Mr. Speaker. We have all been confronted by a Federal employee in this agency or that who is disgruntled and wants to come and tell his or her story. We have to oftentimes look at it in light of what the circumstances are: Have they actually gotten into some sort of trouble, are they being fired or something other? But never, ever have I had so many people from the same agency coming to tell me of the problems that they face there.

He says, "I currently work for the Immigration and Naturalization Service and have for" blank years. I am not going to say. He goes on to explain what his background has been. He served in a variety of different capacities in the INS and he was recently transferred. He said, "Every honest border patrol agent will tell you that every illegal alien makes it through the border, it just takes some longer and more attempts than others to get across. In any event, make no mistake about it, every determined illegal alien, from the youngest of the young to the oldest of the old, and even disabled aliens can find a wheelchair, and make it to the interior of our cities. Once they are there, they live amongst us with very little fear of discovery and deportation."

An absolutely true statement. And even those outside INS know this is true. There is not a Member on this floor, and certainly probably most of the population of the country recognizes that once an illegal alien is here, the chances of their ever being returned to their country of origin are slim to none. It is because the ethos inside that Department says, come on, come on over.

He goes on to quote something, this gentleman who wrote me, goes on to quote something that his employer, one of his supervisors told him that puts in a nutshell everything I have said about the INS and the ethos there, the thinking. He said, "I would also like to point out that probably close to half the illegal aliens in our country first entered under some sort of legal method and subsequently violated or overstayed their original status."

This is what I mentioned earlier: came here through a legal process, under a visa perhaps or some other process, but then just simply stayed. And there are literally millions. We are not sure how many. Figures range from 7 to 15 million. No one really knows, but we know it is in the millions, and I certainly believe it is in the double digits.

"Here in the interior," he said, "there is almost zero enforcement operations which target these violators." Absolutely true. Documented time and time again. "Finally," he said, "I would like to make you aware that I believe the INS is totally mismanaged." Again, a common theme. "After writing that, I feel it is a complete understatement," he said, "but the English language probably doesn't have a word which would convey my sentiments without being vulgar."

When he was transferred to this particular district office, he said that his new supervisor said to him, and we have heard this phrase over and over again, Mr. Speaker, "Now, listen, big cases, big headaches; little cases, little headaches; and no cases, no headaches." "That in a nutshell," this individual writing me goes on to say, "seems to be the INS management philosophy."

□ 1915

"That same supervisor told me not to be too gung ho about doing my job because the United States is not ready for an efficient immigration service." The letter concludes that he would be happy to discuss this later with me, and that sort of thing.

Mr. Speaker, I think that in a way sums up the attitude of the INS with regard to what their job really is. Big cases, big headaches. Little cases, little headaches. No cases, no headaches. And do not be too gung ho about doing your job because the United States is not ready for an efficient immigration service. Maybe this supervisor is right, and we are not ready for an efficient immigration service. I disagree.

There was a time when I would stand on the floor of the House, as I do tonight, and ask my colleagues to join me in an effort to reform the Immigration and Naturalization Service, and there would be relatively little comment except from the general public. I would hear from folks all over America. When I get their e-mail address or any other way to contact them, we try to respond, and we have thousands and thousands who have contacted us in that way.

I would be asking my colleagues time and time again for their help on this issue, and this gentleman's observations were accurate. Nobody really cared that we did not have an efficient immigration service. There were political problems with trying to make it efficient.

One party, the Democratic Party, recognizes that there is a great deal of political support that they get from the immigrant communities; they want to encourage massive immigration for that purpose. The other party sees that there are both business interests and political problems that develop as a result of actually trying to do something about immigration reform.

Many businesses are not happy about what I talk about here on the floor and, believe me, I hear from them. They suggest that it is my responsibility to make sure that they have a cheap work force. That is really what it boils down to.

They seldom say it in just those terms. It starts out "Mr. Congressman, I have to hire them to do the job." We explain that we would be willing to look at some sort of guest worker program, but people should come to the United States legally. I try to encourage them to think about that as the right way to do it. Maybe, yes, they will have to pay more money for the service. Employers do not like to hear that. I was an employer, and I recognize that an employer is always looking for the best help at the lowest wage.

But the reality is that there are tremendous problems as a result of massive immigration to the United States, and especially massive illegal immigration to the United States. Because of the problems that I have identified with both political parties, for the longest time, we could not get anyone to pay attention. I would come to the floor and say, there are problems with standard quality-of-life issues with massive immigration, with the balkanization of the American culture and society; and there are national security problems with not being able to control our own border and not knowing who is coming across at any given time, not knowing what they are doing here, or if they have gone home when they are supposed to go home.

I recognize that there are massive problems with actually trying to secure our borders. Let me suggest, although I certainly hope that we will use the military, either the Active Duty military or the National Guard, to secure our borders, along with using all kinds of technology that is available. We are not talking about having guards standing shoulder to shoulder across thousands of miles between Canada and the United States and Mexico and the United States, I am talking about patrolling, use of sensors and overflights, and there are a variety of ways.

I am also talking about deploying massive numbers of people for internal security purposes. We started talking tonight about security issues. How much more relevant are the discussions with regard to the internal security of the United States than just the person who looks through that little machine and screens our bags? I want good ones, but I am trying to keep the bad guys from coming here in the first place.

We cannot just stand at the border and say, you look like someone who wants a job; even though you are illegal, there is probably an eager employer willing to hire you and oftentimes, unfortunately, exploit you. We could do that and try our best to figure out which ones we want to let in illegally.

The INS would be all for that, by the way. They would say, let us look for certain characteristics. Are they Arabs, let us keep them out. Even those, we have to be more specific. The reality is we cannot do that. If we are going to have secure borders, that means that we are going to stop all people from coming across the borders illegally.

We have to stop it, Mr. Speaker. We have no alternative but to try and control our borders. It is a very difficult task. Everybody recognizes that. But I suggest that we have to rise to the occasion.

There is hopefully legislation that will be making its way through the Congress. I understand that there will be some legislation coming up soon that will actually do something about the INS structure. I am not sure what it is right now. I think that the chairman of the Committee on the Judiciary is developing it. I hope that it is comprehensive in nature. I hope that it actually abolishes the INS, or the part of the INS that is designed to deal with security and enforcement. I hope that it abolishes that responsibility that we give to Customs, to the Department of Agriculture, to the Coast Guard, and a variety of other agencies that are cobbled together in order to try and create some kind of border security.

Right now there are so many agencies with such conflicting responsibilities and specific regulations as to what they can do, what they can look at and what the other people cannot, people will wait on the border to see which line is being monitored by which agencies. Certain agencies can look in the trunk and certain ones cannot. So if you are trying to smuggle drugs into the country, you will pick one line. If you are trying to smuggle people in, you will pick another. Put that in the category of idiotic but true.

I hope that we abolish all of those agencies or those parts of it that are supposed to deal with border security, and I hope that we create a brand-new agency. Let us call it the United States Border Security Agency for our purposes together tonight, and all of their functions are to secure our borders and root out those people who have come here illegally and send them back. If they violated the law while here, they serve time for it.

The reality is, the nature of this place and the business we do here and the pressures that are applied by special interest groups, especially by immigrant support groups, business interest groups and others, we will start out perhaps with a very good thought in mind, and by the time it works its way through the body, it will get diluted.

People in this business hope that everybody out there simply forgets the connection between the terrorists and immigration and our lack of enforcement. The hope is that people will simply forget about it and we can get back to business as usual. Business as usual, meaning porous borders, meaning unconcerned about who is coming across and why. There are plenty of people who still want that. They desire that situation. Again, the political motivations are strong.

I hope and I assure you, Mr. Speaker, that I will never let this body forget this, at least as long as I am here and I have breath. I will not let Members forget that 19 people came into the United States on September 11, all of them immigrants, all of them here on some status, some of them with legal documents, some of them who were here illegally because they had overstayed; and some of them, six to be accurate, we do not have the slightest idea what status they had when they came here. The INS cannot tell us about six of the individuals, if they were here on visas, here on green cards; they have no idea.

That tells us something, does it not, about exactly how those people did get here. I think they probably waltzed across the border without telling the INS and asking for a visa. I cannot even imagine such a thing, but they did. That is why when we talk about tightening visa requirements, I am all for it.

But let us assume that we get concerned about handing out visas like candy, and we begin to apply more scrutiny and we actually have a law if it is signed into law, the Antiterrorist Act, which has something which we proposed, the Immigration Reform Caucus, which said that if you are a member of a terrorist organization, you cannot come into the United States. Put this into the unbelievable but true category, Mr. Speaker.

Prior to the passage of that law, the antiterrorist law, a person could be a member of al-Qaeda, the organization that is devoted to our destruction, could be a member of that organization and that alone would not have been enough, would not have been sufficient to deny this person a visa.

There was a law on the book that said the INS cannot deny a person a visa simply because they belong to a terrorist organization or an organization that is devoted to destroying the United States of America. We did repeal that. That is good.

Now, if we find out that they are a member of al-Qaeda or an outfit that wants to destroy us, we can deny them a visa; and boy, do I feel better about that. The terrorist with his or her bomb in the bag waiting to come across, when they do not get the visa, do they go home and say, sorry, Mr. bin Laden, I cannot get my visa. You will have to get somebody else.

Does anybody believe that is what is going to happen? Does anybody believe that they will not simply use the same path that everybody else uses to come into the United States illegally, that is, the millions and millions of people who cross our border illegally? No. They will waltz across our southern border or northern border, or find a way to fly in undetected because our borders are porous, and there is no real defense mechanism, while we are wrangling over having these people who look through the screening device, whether they should be paid by the Federal Government or somebody else, as to whether that matters, as to whether they are competent. Amazing.

□ 1930

But that is what we wrangle over. And we do that to our peril.

If we do not address this issue, Mr. Speaker, if we do not do everything in our power to stop people from coming into the United States illegally, to find those who are here illegally and deport them, if we do not do everything in our power to accomplish that goal, then if, God forbid, another event similar to the 11th were to occur and it turns out that it was perpetrated by somebody who is here either on falsified papers, snuck across the border, here even legally but eventually became illegal because they violated their visa status, any one of the wide variety of reasons that someone like that can get into the United States today and stay here, if that happens, Mr. Speaker, then we are not just being irresponsible in this body, we are actually culpable, because we have the opportunity to try and stop it.

Can I guarantee that even if we implemented the most stringent border controls that we would never have an incident again like September 11? Of course not. Of course not. But I can tell you this, just because I cannot guarantee that we will never have such an incident does not mean that we should not do everything in our power to try to stop it.

We have a great window of opportunity, Mr. Speaker, in this body because the American people are with us, those of us who want immigration reform. I hear from you. I guarantee you. They want to know, they write me, they call me, they e-mail me and say, what do I do, what can I do to help? There are plenty of things that we can suggest and we do. There are bills coming up that need to be passed. There is action that needs to be taken. Suffice it to say, Mr. Speaker, that this body needs to represent the common sense that is manifest time and time again in the information I receive, from, quote, your average Americans. God bless them for being there. God bless them for being willing to come forward and tell their story, sometimes to their own detriment, to the fear of losing their job.

My immigration reform caucus, Mr. Speaker, will be holding a hearing, we believe next Thursday, at which we will have at least one individual that we have been able to obtain or we are working to obtain whistleblower status for if that is what is necessary to get him to be able to speak to us. He is an INS agent. He has been an INS agent for over 30 years. His stories about the troubled agency are again almost unbelievable but true. I hope that he will not be treated unjustly by being willing to come forward. I assure you that we will do everything we can to protect him from any retribution that might attempt to be wreaked upon him because of his willingness to come forward.

There are hundreds out there, Mr. Speaker, hundreds that are willing to tell the story. They just need someone to hear it and then act upon it. I ask this body to heed their message. They know the threat to America. These are patriotic Americans who watched what happened on September 11 and shed the tears, the same tears, the kind of tears that you and I and everybody else shed. They work for the INS. They know the problems. They know and some of them tell me in very specific terms about what they believe happened and what they believe is wrong with the agency they work for that helped cause the horrible events of September 11.

Please, Mr. Speaker, I urge you and everyone else, all my other colleagues, to move expeditiously to reform immigration, to abolish the INS, create a new, a better homeland defense organization, stop illegal immigration at the border by every method we have at our disposal, devote resources to identifying the people who are in the United States illegally, and yes, deporting them.

Mr. Speaker, these may be harsh words; but these are harsh times in which we live. Who could have thought that we would be here talking about buildings collapsing as a result of terrorists turning planes into bombs? The days to be shy about immigration reform are over with. They were over with for me a long time ago. They should be over with for all of us. I am encouraged by the response we get from average Americans. Now all I need to get, Mr. Speaker, is the same response by my colleagues here.

WORKING FAMILIES PLAY VITAL ROLE IN WAR AGAINST TERRORISM

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I am disturbed by the fact that in this war against terrorism, which we all recognize is going to be a long-term war, we are not recognizing that working families in this struggle against terrorism are very important. Working families in the struggle against terrorism have a vital role to play. It is important that we all recognize that role that working families play.

I am disturbed because of the treatment that I see working families receiving. Since September 11, we have not behaved well toward working families. They are a vital component of our long-term mobilization to make certain that this Nation is never again subjected to the kind of attack that took place on September 11. They are a vital component of a war for the Nation, a war for the whole of civilization, really, because the kind of fanatics and zealots who attacked the World Trade Center are that kind of threat. So working families should be respected and considered a vital part of whatever we are going to do in the future.

I am also concerned about the fact that some immigrants who are Americans, working families and happen to be immigrants, are being unnecessarily harassed. Particularly in my congressional district there is a large contingent of Pakistani immigrants, Pakistani Americans. They have been subjected to all kinds of harassment by the INS and the FBI. In an overzealous attempt to demonstrate that they are working hard, the INS and the FBI have arrested large numbers of people, they say more than a thousand across the Nation, in the metropolitan area it is about 250; and I know from firsthand contact that a large number of these people are innocent Pakistanis. It is ironic that the one Muslim nation that has gone the farthest out to join us in the fight against terrorism, taken a great deal of risk as a nation, is Pakistan.

Why are Pakistani Americans being lumped into the whole threat to America that it is perceived immigrants represent? Why not recognize that the President of Pakistan is coming to this country this weekend. He will be at the United Nations. He is going to talk to President Bush. Pakistan again has not reneged on their offer to make some air base space available. They are way out there with us. I think that to subject Pakistani Americans to unnecessary harassment and intimidation, some which resulted in the death of one Pakistani man in a jerry-built detention center in New Jersey, large numbers of people were being detained by the INS in a facility that was being run by the local county, the county jail, and the man had a heart attack and died. There are large numbers of others who are in detention right now whose names we cannot get. There are an unusually large number of women also who are being detained, Pakistani women. These are all people who are basically working-class people. I am emphasizing this because no wealthy Pakistanis would be involved in this. No wealthy immigrants are going to be subjected to this, either.

It is very interesting that those who talk about immigration never talk about the fact that in our immigration laws, we actually have provisions which encourage rich, wealthy immigrants to come in. We have incentives for wealthy immigrants. We put them at the front of the line. The assumption is made in this present situation where we are unnecessarily harassing immigrants, the assumption is made, I guess, that only the poor immigrants are a threat.

Why the assumption is made, I do not know, because Osama bin Laden is a rich man. Osama bin Laden comes from a very rich class of Saudi Arabians. There are many Saudi Arabians and other people from the rich Arab world that are in this country who never get harassed and never have been harassed since September 11, I assure you. There are many who have contracts with lobbying firms here in Washington. There are some really very famous celebrities and ex-government officials who work in consultant firms for these same rich people. They are not immigrants, or in some cases immigrants. The children of these rich people are here on visas all the time. They are not subjected to this. It is another case of the mentality too much in America is a mentality which is weighed in a direction which makes working-class families suspect or second class.

I do not want to fall into the trap of fomenting a class war. The people who really believe in a class war are quick to accuse liberals and Democrats and progressives of wanting to start a class war. The class war is not even a war. The people who are in control in our country who have the greatest part of the wealth and the power, they are so overwhelming in their power that they dominate the working class. It is not a war. It is just a domination, the way they push the interests of the working families around.

There is no better example of that than what has occurred since September 11. Consider the fact that we passed a bill to bail out the airline industry, $5 billion in cash for them to divide up among themselves because of losses we say they suffered as a result of being grounded by the Federal Government after the September 11 attack. They were able to play with that, and they are going to get another $15 billion in loans. That is for the airline industry, the executives, et cetera. At the same time many of us pleaded that at least the airline employees should be taken care of in the same legislation, because, after all, when you grounded the airline industry, the planes, you also took away the employment of the people who work on those planes either in the base or in flight or the supporting services at the airports.

So why not have a relief package for them? Because of that traumatic economic blow to the airlines, they were already beginning to lay off large numbers of workers. So we said, the workers who are laid off, let us provide for them. We got from the Republican majority an insistent no, an ideological no. There was a lot of talk about ideologues. A blunt no, we will see about them later. We even got some half-hearted promise that next week. Well, next week has not come yet. There has been no particular special relief for the airline industry employees. We are now moving through the preparation of an economic stimulus package where the same ideologues are insisting that we should not have any great amount of relief for the unemployed in general. The unemployed people are at the very bottom who are suffering greatly from this economic slump that was given a great boost downward. It was pushed downward and made more serious by the September 11 attack.

We ought to stop and consider what our long-term mission is here. We have had forced upon us the need to consider what is the United States of America all about. Before September 11, we were the most powerful Nation in the world.

☐ 1945

We are the most powerful nation that ever existed on the face of the Earth. We were prosperous, very smug, and anybody who said we needed to stop and think about our relationship with the rest of the world and what our mission is as a nation and how our mission as a nation is important, because in defining that mission, we not only protect ourselves and defend ourselves and guarantee our children and our grandchildren will enjoy the same kind of liberty, prosperity and comfort that we enjoy. That is the dream I think every person has.

I am a grandfather, and I look at my grandchildren and say I want them to have a world as good as the world I am, and, if possible, better. So we want a better world. We cannot do that by acting in isolation as the United States of America.

A lot of us understood that before. Since September 11, most Americans are beginning to hear from the leadership that that is an impossibility, starting with the leadership in the

White House. Appropriately, President Bush moved to establish a coalition, what is called a coalition, but the coalition is to deal with terrorism. The coalition spirit should be a permanent spirit.

In defending ourselves against terrorism, we are coming to grips with what our Nation is all about, what civilization is all about. Because the people who have perpetrated these terrorist acts are striking at the very jugular vein of our Nation and our civilization.

Our long-term mission has to be to understand that we stand for certain values, and those values are what bring about our enemies. The people who perpetrated the terrorist acts on September 11 do not like those values.

We should not cry about it or spend undue time worrying about whether we are liked or not. The question is, why are we not liked, who does not like us, and what do we think of the people who do not like us?

People hate our values, and we should not get into the trap of one religion being set up against another. Certainly Osama bin Laden wants to make it a conflict between Christianity and Islam. A lot of other people would enjoy having the real issue hidden under crosses and past history of crusades, et cetera. But we are not a country that accepts religion as a basis for our being. We are not a country that adopts one religion.

We have a certain value system, and the value system is really what upsets our enemies most. Whether we were Christian or Jewish or any other religion, they still do not like the value systems that are defined and set forth and promulgated by the Declaration of Independence and the Constitution.

Probably more so than the Constitution, the Declaration of Independence defines what America is all about. It is not a legal definition, because the Declaration of Independence, the preamble, is not a legal matter. You do not go to court on that. The Constitution is a legal document that we have a lot of wrangling about, back and forth in the court.

But Thomas Jefferson's declaration that all men are created equal and are endowed by certain inalienable rights, and among those are life, liberty and the pursuit of happiness, is the core of the spirit of what this Nation is all about, the core of our democracy and what it is all about, the core of what we carry about throughout the world, the core of what the world is responding to.

Anybody who says we are more hated in the world than we are liked in the world, I challenge them right away. I think we are more imitated, admired, and people would duplicate our system, if they could, ordinary people.

We have leaders out there, fanatics, zealots, who would like to see this belief in the equality of all men ended. And we should stop saying all men, but say all humans, because we clearly believe that women should be equal to men. That upsets a large number of people throughout the world. Equality of men and equality of women.

We do not subscribe to a system which says that you have got some people up here who can be ayatollahs or chiefs or kings or sultans or potentates that have a right to trample on the people underneath them, that the lives of the people at the bottom of the economic ladder are not as good as the lives of people at the top; that they do not deserve the same system of justice, the opportunity to improve themselves; that they do not deserve an education.

The spirit of America is what the enemies of America hate. That spirit is summed up in the statement about life, liberty and the pursuit of happiness, and all human beings are created equal.

It does not matter what happens in our foreign policy today, tomorrow or the next day. If you do not back away from believing all men and women are created equal and we continue to have a democratic system, and we are going to have decisions made as fair as possible and keep trying to perfect it to make it real, we are going to offend large numbers of people throughout the world. Large numbers of zealots and fanatics are always going to be attacking us.

Do not worry about whether they like us or not. We have a mission to try to go throughout the world and make people understand how important this is.

We have succeeded greatly in expanding democracy in the 20th century. Just stop and think about two very sophisticated, powerful nations with influence stretching over large areas of the world who became definite democracies. Without question, Japan and Germany, after the defeat in World War II, became democracies. Whatever else they are, nobody challenges; nobody would question the fact that Germany is a great democracy now and will be tomorrow. There is no likelihood that they are going to sink into fascism, totalitarianism. Germany is clearly a democracy. We accomplished that.

The transformation of Germany, some people said, well, we do not engage in nation-building. That is bad. Call it what you want. We did not exactly nation-build in Germany. They had a nation, very rigid rules and social strata. All kinds of things are happening there, and it is still happening in many cases.

It is just as in the case of Japan. We did not knock down traditions in Japan. We did not turn around their religion. We did not turn around their deeply entrenched practices with respect to marriage and a number of other things. But Japan is a democracy. Germany is a democracy. Two great nations with a lot of influence are moving forward as democracies.

The Soviet Union, which most of us felt in our lifetime would never be called a democracy, is struggling and moving and has operated for a number of years now, 10 years, as a democracy, a struggling democracy. A huge nation, but a very large sphere of influence.

Democracy. Democracy moves on. We should not back away from that mission.

India, whatever problems India may have internally, India is a democracy. The untouchables in India probably feel like blacks felt in America 20 or 30 years ago, and there are still a lot of things to be done about the way untouchables are treated in certain regions. But India is basically committed to democratic rule. They have gone through a lot of tribulations and travails, social and political travails, but they have not yielded to any temptation to lapse back into something other than democracy.

So our way of life, our mission in the world, is to perpetrate that democracy. That may mean we need to go to war when it is necessary, when we are attacked. I must say that people who say that what is happening in Afghanistan is similar to what happened in Vietnam are starting out with the wrong premise. The Vietnamese never attacked us. Whatever you may think about the war in Vietnam, we were never attacked. They did not perpetrate 5,000 casualties on us in the first day of the war.

A war was declared upon us. Even the Japanese at Pearl Harbor did not hit as many casualties, and they did not hit the mainland of America. So war was declared upon us via an attack on the mainland of America. As a nation, there was no choice but to accept the challenge and go to war. The nature of that war and how we conduct it is something we can debate about, but war was necessary.

We are at war physically. Militarily we are at war. But we also are at war for the minds, and we understand the minds of the world, the minds of human beings all over the world are part of this war and effort.

So we must, as we conduct this war and understand our long-term mission, understand that working families are very vital in this struggle against terrorism. How working families are treated, how they are included, how they are allowed to participate, how we show concern for their problems is vital to the effort to win the war against terrorism and to win the war for a democratic world, where all men and women are seen as equal, where life, liberty and the pursuit of happiness are the values of the people who are in charge of nations.

Barbarians are anyone choosing to define themselves as being against all this, who are our enemies. The barbarians are against equality, equal rights for all men and women. They are against life, liberty and the pursuit of happiness as being a basic set of rights. They define themselves. We do not have to wrangle about their way of life or their religion, whatever. If you are against equality for all people, if you are against the right to life, liberty and the pursuit of happiness, you are our enemy. You define yourself, and we are committed.

We must maintain a mission to deal with that enemy. As long as the enemy believes that way and does not attack us, certainly we will not attack them. It is a battle of words. It is a battle of ideas. It is a battle of moral concepts. We would like to see it return to just a battle of words, ideas and moral concepts.

But since it is a hot war, a military war, engagement is taking place, working families and the sons and daughters of working families are very much involved in that war. If you look at percentages, I assure you the percentage of the people who are running the operation, whether it is the women in the rear, in the ships and the planning of the logistics or whatever, or the men who are in the Special Forces teams that landed already or are getting ready to land, you are going to find that large percentages of those people, overwhelming percentages, are from working families.

How dare we ignore the needs of working families when, if you did not understand how vitally important they are before, you certainly must acknowledge now how vitally important they are? Because this is nothing new. In all the wars that have ever been fought, there are always working families, people on the bottom who make the greatest sacrifices. Their sons and daughters have been the cannon fodder in every war since the Revolutionary War onwards.

Therefore, if we are wise and we want to continue the progress of our Nation and fulfill the vision of the Declaration of Independence, working families should be treated well. They are on the battlefields, wherever they are. They sacrifice, they take the great risks. They are on the battlefield domestically. They are needed very much as we try to shore up our home security.

There are a lot of problems that we have just because we do not have the personnel, quality personnel, to fill jobs. I have spoken about this before, but, since then, just last week, the Government Office of Personnel launched a major campaign to get young people to come into the government. We are trying to entice people in to fill the positions.

There are investigative positions, there are analyst positions, there are positions in the computer areas, and there are, of course, translators. I talked about that before. There is a great need for translators, people who can translate from Arabic, from Farsi, just as an example.

So we have a great need that cannot be filled by educating just the middle class and elite children. I have talked about this many times. Our public education system, which is an American invention, public education, which sets forth the credo that all children should be educated, it is one of the great contributions to civilization.

It is also one of the reasons that we are greatest Nation in the world. Step by step, when we need it, the brain power to go forward, the brain power has been there. Thomas Jefferson understood that we had to get away from educating people just to speak Greek and Latin and deal with philosophy and religion. They have to be educated in the arts of farming, engineering, et cetera. So he was the creator of the model for the land grant colleges which came later.

Of course, those land grant colleges established in every State were fed by a system of public education, which, in State by State, over the years, has been very much imperfect, and there are many problems. The problems did not just begin a few decades ago. We have always had problems.

But we must rush now to solve those problems by making certain that working class families, children of working class families, get a first-class education, because in addition to them being our first defenders on the battlefields of the world when there is a military conflict, they are also the ones that have to replenish the human resources that we need to run the CIA, to run the FBI, to run the INS, to take care of a very complex society.

□ 2000

Even the airplanes and the aircraft carriers and the tanks and all of the weapons require educated people to operate them at this point. So it is imperative that we recognize the vital role of working families and we end what has happened this year in this country, this House of Representatives. What has happened this year is that since September 11 it has come out more than ever before that there is great contempt for people in the working class. Working-class families are being treated with great contempt. The majority of Republicans show again and again their great contempt for the working families of America. Minimum wage, they refuse to talk about it at all. We have not increased the minimum wage. We have not each even had a chance to discuss it.

Mr. Speaker, I am making a plea to my colleagues that we end the contempt, the class contempt and the class hostility that is reflected in the way we have treated working-class families in this Congress. We refuse to discuss minimum wage, so people are mired at the very bottom and have had no movement for the last 2 years. No discussion of it at all.

What has happened since September 11? There is an article that appeared in The New York Times on Tuesday, yesterday, which I think is a very thorough analysis in a very compact way of what has happened to working families. The article in The New York Times, Tuesday, November 6 is entitled: "A Tax Hit Low Pay Jobs the Hardest. Many of the unemployed were in the service industry." It is by Leslie Eaton and Edward Wyatt. "The terrorists," and I read a quote from the article, "The terrorists who attacked the World Trade Center may have been trying to crush American capitalism and its masses of the universe on Wall Street, but the economic impact of the attack is felling a very different group of people: cooks, cab drivers, sales clerks, and seamstresses. Workers in traditionally low pay industries like restaurants and hotels, retailing and transportation, have been hit hard in the fallout from September 11, according to a new analysis from the New York State Department of Labor. A report released yesterday by the labor-backed Fiscal Policy Institute forecasts that almost 80,000 people will have lost their jobs by the end of the year, and that 60 percent of these positions paid an average of $23,000 a year."

That is far below the citywide average salary of roughly $58,000 in New York City. New York City has a slightly higher salary scale and standard of living. If we want to know who I am defining as working families, I am not going to get into trying to deal with expert definitions, but let us just say anybody who has a family and they are making less than $50,000 a year can consider themselves in a working-family situation. The working families income-wise. There are other features. People have to get up every day and go to work. There are some people who may get $50,000 a year from their investments in the stock market or various interest-bearing accounts or real estate, but the people have to get up and go to work every day and are making less than $50,000 a year are clearly people who belong to working families; and there are an overwhelming majority of people in America who fall into this category.

Continuing to read from the article that appeared in the New York Times on November 6: "The spillover effect hit the retail and service industries very hard in New York City, said James Parrott, the chief economist for the institute, and those tend to be lower wage jobs. A sudden decline in these jobs marks a sea change in the economy since September 11. Earlier this year while the job market was softening, the losses were concentrated among white collar workers like dot-com programmers, stockbrokers, and advertising executives. Now they are concentrated among people like Kim Daily. A single mother of two, Ms. Daily worked her way up from a $6 an hour job picking up room service trays to a $15 an hour job stocking mini bars at the World Trade Center Marriott. When the hotel was destroyed on September 11, so was her job. She has not been able to find another job. It is not for lack of trying. She stood in line for 4 hours outside a city-sponsored job fair, but never even made it to the door. She has been talking to a union, but the only position available so far was so tip-dependent, that she wondered if it would cover her $700-a-month rent. A job bank had only a few hotel positions, and none of them paid anywhere near the $25,000 that she earned at the Marriott last year. I do not want to go for less money, she said. But a changed job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls."

Here is a welfare recipient who got a job for $6 an hour. She worked up to $15 an hour, and $15 an hour comes out to $25,000 a year in her pay, so we are certainly not talking about wealthy, well-to-do people. We are talking about people who are working ever day, but getting very low pay.

Continuing the article: "The changing job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls. The most successful of these former welfare recipients, as well as many newcomers to the country, found jobs at the hotels and restaurants, as cleaners of office buildings, and as messengers in lower Manhattan. Now that the economy has exploded along with the World Trade Center, their prospects of staying in the world of work have diminished, said David R. Jones, the President of the Community Service Society of New York, which has been helping workers who lost their jobs after September 11. His group is recommending a government-financed jobs program, he said. Otherwise we will have people sitting on stoops, getting a little check and doing nothing, he said."

That is David Jones of the Community Service Society talking. He is more optimistic than I am. Given welfare reform, there are a lot of these people who are very needy, desperately needy, who will never get a welfare check. They will never be sitting on a stoop doing nothing, because the way the system operates now, you can almost starve. Your family can go completely mad before you get any help.

Continuing the article: "How many New Yorkers are unemployed is unclear. In a government survey taken in the week of September 11, which anyone who worked at all was counted as employed, 223,100 people in New York were looking for work. That was an increase of almost 20,000 people in a month. The unemployment rate hit 6.3 percent. The October survey will not be released for several weeks, but its results are included in Federal figures which were released on Friday. Those Federal figures show that a surge in national unemployment rose by half a percentage point to 5.4 percent," and we have all been reading about the fact that that surge to 5.4 percent represents the highest unemployment for the last 20 years. The unemployment rate is higher now than it has been in 20 years.

"Unemployment insurance covers only about a third of unemployed workers. The number of people applying for benefits in the city have soared. Last month, an average of 12,745 people a week had applied. A year ago, that figure was merely 5,616 a week. A special program, Disaster Unemployment Assistance, is supposed to help those who are not eligible for unemployment insurance because they work part-time or they were self-employed before. They are not eligible. But only 2,350 people are now getting those benefits."

In other words, out of the 12,745, only 2,350 are getting those special disaster unemployment benefits in New York State.

"Almost 25,000 people told the New York State Department of Labor that they lost their jobs because of the Trade Center disaster. The analysis said that the first 22,000 of these claims found that about 16 percent worked at bars and restaurants, 14 percent worked in hotels, and 5 percent worked in air transportation. Only 4 percent at Wall Street brokerage firms." And many of them have been relocated to some other place. They have fared the best.

"The largest group of people, 21 percent, worked in a category called business services. Many of these were temporary workers like Lisa Mendes, a single mother who lost her job as an accounting clerk on September 12. In years past when one temporary job ended, she could pick and choose among the offerings of the agencies. Now there is just nothing there. Ms. Mendes is typical of the unemployed in another way: she lives in Brooklyn. The Labor Department analysis said that almost 26 percent of the people who said they were jobless because of the twin towers collapsed lived in Brooklyn."

Brooklyn happens to be my home borough. The 11th Congressional District is located in the center of Brooklyn.

"Twenty-four percent of the people lived in Queens, 12 percent lived in the Bronx, and just 18 percent live in Manhattan where most of the jobs are located. Ms. Mendes, who is from Jamaica, is lucky of the many of the unemployed because she speaks English and she can use a computer. The Consortium for Worker Education, which runs a special program for people unemployed because of the disaster, and they have already counseled 3,200 people, they have 5,000 jobs in that special bank," for people who can handle that kind of need, I mean are familiar with computers. "Most of them are back office jobs, data entry jobs, word processing jobs, administrative assistance, said Sal Rosen, the Associate Director of that group.

"Hotel and restaurant employment has been devastated by the destruction of the trade center and the steep drop in tourism that followed. Most restaurants are not unionized, but Local 100 of the Hotel Employees and Restaurant Employees Union, which represents about 6,000 restaurant workers, say that 10 percent of its membership lost jobs immediately after September 11. About 200 of those, 600 have since found work, but not necessarily in restaurants.

"John Haynes has a short-term job at the Immigrant Workers Assistance Alliance helping undocumented workers. Until September 11, he cooked meals on the 106th floor of the World Trade Center for the 250 employees of Windows on the World. He said he earned $408 a week before taxes, about $25,400, and he lives in a public housing unit in the Bronx." Mr. Haynes is of course quite happy that he escaped death, first of all.

"The tourism and travel drought has hit many businesses in Queens, according to a new report by the Center for an Urban Future, a public policy group. Airline workers, freight forwarders, truckers and limousine drivers are all hurting." And on and on it goes.

They also included in the same article a chart which breaks out 10 occupations that were most affected by events of September 11, unemployed after the attack. The occupation: waiters and waitresses. The estimated layoffs were 4,225 as a result of September 11 events. The average hourly wage of those waitresses and workers was $7.08 an hour. Cleaning and maintenance workers about 3,365, have lost their jobs. Their average wage was $14.90 an hour.

□ 2015

Sales representatives (retail), 2,843. Their average wage was $9.15 an hour; food preparation, 2,284, and they made $8.90 an hour; cashiers, 2,282 and $7.36 an hour they make; housekeeping workers, 1,840, and $13.42 they make; food preparation and fast food service, 1,718 have been laid off, and $7.09 was their average wage; general managers and top executives, 1,367 have lost their jobs. Their average wage per hour was $51.34; sales supervisors, 1,183, and $22.42 an hour, service supervisors, about 1,070 have lost their jobs, and they made $16.46.

This chart is for ten occupations most affected by the events of September 11. It appears in the New York Times Tuesday, November 6.

I include for the RECORD the entire article.

The article referred to is as follows:

[From the New York Times, Nov. 6, 2001]

ATTACKS HIT LOW-PAY JOBS THE HARDEST

MANY OF THE UNEMPLOYED WERE IN SERVICE INDUSTRY

(By Leslie Eaton and Edward Wyatt)

The terrorists who attacked the World Trade Center may have been trying to crush American capitalism and its masters of the universe on Wall Street. But the economic impact of the attack is felling a very different group of people: cooks, cabdrivers, sales clerks and seamstresses.

Workers in traditionally low-wage industries, like restaurants and hotels, retailing and transportation, have been hit hard in the fallout from Sept. 11, according to a new analysis from the New York State Department of Labor.

And a report released yesterday by the labor-backed Fiscal Policy Institute forecasts that almost 80,000 people will have lost their jobs by the end of the year and that 60 percent of these positions paid an average of $23,000 a year. That is far below the citywide average salary of roughly $58,000.

"The spillover effects hit the retail and service industries very hard in New York City," said James Parrott, the chief economist for the institute. "And those tend to be lower-wage jobs."

The sudden decline in these jobs marks a sea change in the economy since Sept. 11. Earlier this year, while the job market was softening, the losses were concentrated among white-collar workers like dot-com programmers, stockbrokers and advertising executives.

Now, they are concentrated among people like Kim Daily. A single mother of two, Ms. Daily worked her way up from a $6-an-hour-job picking up room-service trays to a $15-an-hour job stocking minibars at the World Trade Center Marriott.

When the hotel was destroyed on Sept. 11, so was her job. And she has not been able to find another one.

It is not for lack of trying; she stood in line for four hours outside a city-sponsored job fair but never even made it in the door. She has been talking to her union, but the only position available so far was so tip-dependent that she worried it would not cover her $700-a-month rent. A job bank had only a few hotel positions, and none paid anywhere near the $25,000 she earned at the Marriott last year.

"I don't want to go for less money," she said.

The changed job market raises huge challenges for the city at a time when hundreds of thousands of families have moved off the welfare rolls. The most successful of these former welfare recipients, as well as many newcomers to this country, found jobs at hotels and restaurants, as cleaners at office buildings and as messengers in Lower Manhattan.

"Now that the economy has exploded along with the World Trade Center, their prospects of staying in the world of work have diminished," said David R. Jones, president of the Community Service Society of New York, which has been helping workers who lost their jobs after Sept. 11.

His group is recommending a government-financed jobs program, he said. "Otherwise, we'll have people sitting on stoops, getting a little check and doing nothing," he said.

How many New Yorkers are unemployed is unclear. In a governmental survey taken in the week of Sept. 11, in which anymore who worked at all was counted as employed, 223,100 people in New York City were looking for work (after adjustments for seasonal factors). That was an increase of almost 20,000 people in a month. The unemployment rate hit 6.3 percent.

The October survey will not be released for several weeks, but its results are included in federal figures, released Friday, that showed a surge in national unemployment, which rose by half a percentage point, to 5.4 percent. Unemployment insurance covers only about a third of unemployed workers, but the number of people applying for benefits in the city was has soared. In the last month, an average of 12,745 people a week has applied; a year ago, that figure was 5,616.

A special program, Disaster Unemployment Assistance, is supposed to help those who are not eligible for unemployment insurance (usually because they worked part time or were self-employed). But only 2,350 people are now getting those benefits.

Almost 25,000 people told the New York State Department of Labor that they lost their jobs because of the trade center disaster. An analysis of the first 22,000 of those claims found that about 16 percent worked at bars and restaurants, 14 percent worked at hotels and 5 percent worked in air transportation. Only 4 percent worked at Wall Street brokerage firms (many of which simply relocated workers to Midtown or New Jersey).

The largest group of people—21 percent—worked in a category called business services. Many of them were temporary workers, like Lisa Mendes, a single mother who lost her job as an accounting clerk on Sept. 12. In years past, when one temporary job ended, she could pick and choose among the offerings at the agencies. Now, "there's just nothing there," she said. "It's scary."

Ms. Mendes is typical of the unemployed in another way—she lives in Brooklyn. The Labor Department analysis found that almost 26 percent of those who said they were jobless because of the twin towers collapse live in Brooklyn; 24 percent live in Queens, and 12 percent live in the Bronx. Just 18 percent live in Manhattan.

But Ms. Mendes, who is from Jamaica, is luckier than many of the unemployed because she speaks English and can use a computer. The Consortium for Worker Education, which runs a special program for people unemployed because of the disaster (and has already counseled more than 3,200 of them) has 5,000 jobs in its special job bank.

"Most of them are back-office jobs, data entry, word processing, administrative assistants," said Saul Rosen, associate executive director of the group.

Hotel and restaurant employment has been devastated by the destruction of the trade center and the steep drop in tourism that followed. Most restaurants are not unionized, but Local 100 of the Hotel Employees and Restaurant Employees Union, which represents about 6,000 restaurant workers, says that 10 percent of its membership lost jobs immediately after Sept. 11. About 200 of those 600 have since found work, but not necessarily restaurant work.

John Haynes has a short-term job at the Immigrant Workers Assistance Alliance, helping undocumented workers. Until Sept. 11, he cooked meals on the 106th floor of the World Trade Center for the 250 employees of Windows on the World. He said he earned $488.80 a week before taxes, or about $25,400 a year, and he lives in public housing in the Bronx.

He does not think he will be able to go back into restaurant work, he says. "They are not hiring right now," he said. "So I'm going to go for job training, either in computers or photo imaging."

The tourist and travel drought has hit many businesses in Queens, according to a new report by the Center for an Urban Future, a public policy group. Airline workers, freight forwarders, truckers and limousine drivers are all hurting.

Listen to Greg Buttle, who operates valet parking lots at the three major New York area airports: You park at these lots and workers will shuttle you to and from the terminal for about $13 a day plus tax. (They will also wash your car, change the oil, rotate or replace the tires, even pick up your dry cleaning.) Before, he normally had more than 150 cars in the lots; now, there are about 50, he said.

Mr. Buttle said he employed 45 people before Sept. 11; now he employs 30. "I tried to make sure that the part-timers who have come in most recently are the first ones to go," he said. "But some of our employees have worked for us for eight or nine years."

For more evidence of the spillover effect, look at Chinatown. Business has plunged at many of the more than 200 sewing shops below Houston Street and at least 20 went out of business in October, said May Chen, a vice president of Unite, the garment workers' union. At least a thousand of her 10,000 members have lost their jobs as stores and clothing companies have canceled orders. Others are working reduced hours.

Their job prospects are not good. "Because of the language barrier, sewing is about the only skill they have," said Susan Cowell, another union official.

Unite also represents workers at commercial laundries; because of the declines at many restaurants, about 600 of these workers have also been laid off.

With the public's attention riveted to the sad stories of the dead and the heroism of the rescuers, some workers fear that their plights will be ignored.

"No one wants to hear our stories," said Asmat M. Ali, a former captain at Windows on the World. "About a busboy or the dishwasher making $250 a week and raising three kids in an apartment in the Bronx or Brooklyn. But 80 percent of the people who worked in the World Trade Center fell in that category."

Mr. Speaker, I think this is a landmark article which clearly sets forth the basic thesis of my discussion: Working families in the struggle against terrorism are suffering greatly already in New York City.

The domino effect of the World Trade Center catastrophe and the declining economy goes right across the whole country. Workers in New York City are not the only workers suffering. The pattern that I have just set forth applies right across the country in the big cities, and certainly places where tourism was important, places where the service industries are important, they are all suffering equally. These are the people who are vital to our winning the struggle against terrorism, to the saving of our civilization. They are suffering in a very direct way. We are not responding in this Congress to that suffering.

As I said before, we approved a bill for the airline industries, and at that time we would not approve a bill for the airline employees who were being laid off in large numbers. We said we would do it next week. It is 3 weeks later now, and we still have not done it. There seems to be no haste at all.

The airline employees, those who are unemployed, have been lumped with the other unemployed now. What does the Republican majority propose for the other people who are unemployed? Piddling, very tiny amounts of money were included in the stimulus package that has already passed this House of Representatives.

We passed the stimulus package in the House without any significant aid for the unemployed and for working families. The emphasis of the bill that passed the House by the Republican leadership, the Republican majority's bill, which passed by a two-vote margin, that bill places great emphasis on more tax cuts.

We are going to have more tax cuts because the ideologues say the tax cuts are necessary for investment. The ideologues say when we have tax cuts, people invest, the investment creates jobs, and it trickles down to people on the bottom.

But sometimes tax cuts are not invested, they are just hoarded. Sometimes tax cuts lead to people having money which they invest in other parts of the world where they get a higher return on their investment. Taking care of big business does not automatically lead to a benefit for people on the bottom, and that has been shown again and again.

The best way to help poor people, we know from social services practices, nonprofit services practices, the best way to help people is to put money in their hands. Unemployed people need money. Unemployed people, people who have working families, cannot save the money. They need the money now. They will spend the money now. It will turn over in our economy.

We recognize that the engine of capitalism is consumerism. Consumers make our economy go. Why do we hesitate, then, to make provisions for people who are the number one consumers? The working families are our number one consumers. It does not make sense.

Ideologues, people trapped in a vision of the world which says, no, government spending are always bad, tax cuts are always good, they have their heads in the sand in a dangerous way.

So we are stalled. Fortunately, yesterday the other body unveiled an economic stimulus package that sets up a situation where we will have another opportunity maybe in the conference to fight for the unemployed.

The other body's plan was drafted in close consultation with labor leaders who helped persuade key Senators to gear the package heavily to helping workers who have lost their jobs, but some elements sought by labor were trimmed back in the final hours, even though the plan is still far superior to the one that came through the House.

Democrats will be able to get the bill through the closely divided Senate Finance Committee. Tomorrow it is expected, but no Republican has signed onto the plan. It is even doubtful it could pass on the Senate floor unless it is agreed that they would not have a filibuster.

The House and Senate bills are almost mirror opposites of each other. The House bill devotes about 75 percent of its $99 billion first-year cost to business and individual tax cuts, while only about one-quarter of the $90 billion Senate bill would reduce tax revenue.

The Senate plan also includes $20 billion for additional spending on infrastructure and security. AFL President John Sweeney said that "Congress took care of companies" with airline rescue legislation, and "they continued to lay off workers. Weeks have gone by and no action was taken and the unemployment numbers rise. It's about time they deal with the unfairness here."

One of the tax provisions, allowing companies to speed up depreciation of newly-purchased assets, would cost States about $2 billion in revenue. With State budgets already under pressure, that could lead to layoffs of State workers, county workers, city workers.

We have contempt for the needs of the people on the very bottom at a time when it is pretty clear that they have to play a vital role in our war on terrorism.

I hope the message goes out and all of the Members of Congress who are listening would understand the need to communicate with their working families about the unfairness of this, and about the fact that this Congress is being managed in a way in which it is almost impossible to get up enough momentum to confront the party in control.

We spend a lot of time in recess. We spend a lot of time working back in the district. There is a plot, a scheme to minimize the amount of time spent on the floor of this House and people speaking in a way which might be picked up by the general public, and certainly working families.

So the message has to be gotten out there somehow that working families are being treated unfairly. Working families have a vital role to play in the struggle against terrorism, and they are not being recognized for their full worth. We demand that there be some definite changes made.

On another area, working families are being subjected to conditions which are going to create more unnecessary victims. We have a situation where we opened this Congress this year with a repeal of the ergonomics standards by OSHA. There was joy in the majority, great joy and celebration in taking away labor standards and standards to assist the safety of working people, working families, members who have to go out and work every day in the area of ergonomics.

There was a set of standards that would have helped make the workplace far safer, less dangerous, and less debilitating for key people. On all measures that relate to worker safety, we have tremendous opposition from the Republican majority. I know because I am the ranking member of the Subcommittee on WorkForce Protections. It is my job to deal with workforce protections, and we have bill after bill and effort after effort to cut down on the safety or the government's protection of the safety of workers.

Now this monster has raised its ugly head at ground zero in New York. At ground zero, we have a situation where rescue workers and other people in the area are not being protected properly, and we are going to have victims created unnecessarily.

Because of the contempt for workers, the hostility towards working families, nobody is paying attention to the need for protective gear. Recently, according to an article that appeared in the Daily News on October 26, "A Federal agency has slammed the city for not taking steps to protect rescue workers from injuries immediately after the World Trade Center catastrophe. In a sharply worded report, consultants for the National Institute of Environmental Health Sciences said nearly 1,000 injuries, ranging from blisters and nausea to severe burns and fractures, could have been prevented if the city had made sure workers had basic safety training and adequate equipment such as hard hats, and respirators."

The report was dealing with very basic, elementary kinds of things, but beyond that, the report gets into the discussion of toxic chemicals and metals: "'Toxic chemicals and metals are being released into the environment around lower Manhattan by the collapse of the World Trade Center towers and by the fires that are still burning at ground zero,' according to internal government reports. Dioxins, PCBs, benzene, lead, and chromium are among the toxic substances detected in the air and soil around the World Trade Center site by Environmental Protection Agency equipment, sometimes at levels far exceeding Federal levels, the documents show." This is a report in the Daily News also on October 26, an article by Juan Gonzalez.

"EPA monitoring devices have also found considerable contaminants in the Hudson River and in the water and sediment, especially after it rains. Six weeks after the World Trade Center attack, benzene, a colorless liquid that evaporates quickly and can cause leukemia, bone marrow damage, and other diseases in long-term exposure, continues to be released into the air in plumes from the still burning fires at relatively high levels."

On and on it goes to talk about the fact that the protective gear needed is not there. The highest level of benzene recorded was on October 11, 58 times higher than OSHA's permissible exposure limit. Other kinds of extremes have also occurred.

Workers' health and sometimes their lives are at stake in this kind of situation because later on these kinds of exposures lead to debilitating diseases and people die.

We have a situation that has now been revealed concerning the workers who worked on the spill at EXXON, the EXXON Valdez oil spill in 1989, when an oil tanker ran aground and spilled tremendous amounts of oil. The count was 250,000 dead birds, 2,800 sea otters, 300 harbor seals. We know what the animal count was, but only now are we beginning to understand that when 11 million gallons of oil were spilled and people from all over the country went out to clean it up, they became victims, also.

No one talks about the workers who stood in the brown foam 18 hours a day, who came back to their sleeping barges with oil matted in their hair, ate sandwiches speckled with oil, steered boats through a brown, hydrocarbon haze that looked like the smog from hell, and after the summer, some found themselves with oil traces in their lungs, in their blood cells, in the fatty tissue of their buttocks.

They got treated for headaches, nausea, chemical burns, and breathing problems and went home, but some never got well.

The story appears in another newspaper that this goes on and on, and many years later workers are suffering dramatically, and some people are dying as a result of not paying attention to the health of the workers.

Another way the workers are being treated in a hostile and contemptuous manner relates to the contracting process at ground zero. We started off on the wrong foot. There was an article in the New York Times on October 19 which talks about the fact that they were employing people who were not being paid. Day laborers at ground zero say they are not being paid. The story as it goes here shows that illegal immigrants were brought in by a contractor from outside the city and they were not even bothering to pay the people who were working at very low wages.

The treatment of workers in this situation amounts to a lockout of legitimate workers who live in New York. New York has a high unemployment rate. A few minutes ago, I said it is presently at 6.3 percent for adults. Yet, most of these workers were brought in from outside the city.

Day laborers are frequently illegal immigrants who are promised payments in cash. They have no form of employment contracts. They know their employer only through a crew leader who hires them on a street corner.

Officials with a cleaning company, in this case Milrose Services, Incorporated, of Freeport New York, the usual racket in which certain people in city government contract with people outside the city, and these officials of this particular company say they are not responsible for hiring and paying the laborers. They have the contract, they are not responsible.

□ 2030

The company hired a subcontractor to do that. What is unusual here is the setting. Ground zero has just been destroyed in an act which is attributed to illegal immigrants or undesirable immigrants. They are hunting all over the country for undesirable immigrants, but the contractor brings in illegal immigrants to do part of the cleaning work at the World Trade Center, and of course, the people are so crooked they do not even bother to pay the workers, and they make a mistake, and it becomes a matter in the paper.

One of the ’workers was named Cecilia Ramirez, but what is important here, and I would like to submit this entire article, is a documentation of the utter contempt they have for a working class that would go outside on a critical matter like cleanup work around ground zero and get illegal immigrants and bring them into New York City while other people are looking for work and these kinds of jobs.

I will include this article that appeared in the New York Times on October 19th in the RECORD.

[From the New York Times, Oct. 19, 2001]

DAY LABORERS AT GROUND ZERO SAY THEY ARE NOT BEING PAID

(By Somini Sengupta)

The state attorney general's office is investigating complaints that day laborers hired to clear debris from office buildings surrounding the site of the World Trade Center have not been paid, some of them for up to two weeks of work.

The complaints here are hardly unusual. Day laborers are frequently illegal immigrants who are promised payment in cash. They have no formal employment contracts, and they know their employer only through a crew leader who hires them on a street corner.

Officials with the cleaning company in this case, Milro Services Inc., of Freeport, N.Y., say they are not responsible for hiring and paying laborers; the company hired a subcontractor to do that. (Late yesterday afternoon, the subcontractor said she was making arrangements to pay the workers.)

What is unusual here is the setting. In this case, the day laborers are at the center of the mammoth cleanup effort in Lower Manhattan. By 8 a.m. each morning, they are lined up, 100 deep, on the corner of Broadway and Fulton Street for a day's work. Escorted past barricades by police officers, they clear shards of glass, wipe soot off desks and sweep floors covered with ash and debris.

They are promised $60 for an 8 hour shift, $90 if they work 12 hours, and the buildings they clean include the offices of several city and federal agencies. But in interviews at the hiring site this week, several laborers, including some men and women freshly unemployed from shops and delis near the trade center, said they had not seen a dime for their work—some for a week, some for two.

One man, Gonzalo Carmona, opened his datebook and pointed to his nine days of work, starting on Oct. 1; by his calculations, he was owed $780. A woman, Cecilia Linares, said she had worked for seven days straight; when she asked about pay, the woman who hired her, whom she said she knew only by her first name, Lumi, told her, "Tomorrow, tomorrow, tomorrow."

Early Wednesday morning, Ms. Linares showed up again and looked, in vain, for the woman.

The complaints first surfaced when an organizer with the New York Committee for Occupational Safety and Health went to the hiring line to talk to workers about safety precautions; he heard an earful about how they were not being paid.

Yesterday morning, lawyers from the state attorney general's office came and the workers lodged their complaints.

"They gave us very specific information about where they worked, what they were promised, what they were paid, what they weren't paid," said Patricia Smith, the assistant attoney general in charge of the agency's labor bureau, whose offices are around the corner from the hiring site. "We've talked to the employer, we are investigating and, hopefully, we'll be able to resolve it."

Officials with Milro Services said yesterday that they were surprised and dismayed to learn of the charges. But they said hiring and paying the day laborers was not the company's responsibility, but that of a supervisor, Lumi Morel, who was acting as a subcontractor.

"I don't like that this is happening, if it is happening," said Tom Milici, the vice president of Milro. But, he added, "that's out of my hands."

Late yesterday afternoon, Ms. Morel, reached by telephone, said she had been delayed in paying the workers because of paperwork. She said that she owed money to about 80 workers, and that she planned to pay them by today.

Continuing in the same vein, suddenly beyond September 11 we had the crisis of anthrax. Anthrax is a very deadly substance, as we all know. I need not waste the time here to repeat what the Centers for Disease Control and the numerous press conferences over the last 2 weeks have told us about anthrax. We vacated the House of Representatives because of the anthrax possibilities, the scare. There is a Senate building which still remains vacant, the Hart Building, because of the anthrax scare.

What happened when it was discovered in the post office where working people work? What happened when it was clear that there was a danger to workers? We have two deaths, postal workers, two deaths that I consider to be totally unnecessary. If we had acted faster, if information had moved faster, if the people in charge of combating the anthrax problem had moved faster, with more purpose, these two men would not be dead, in my opinion.

I think triage was practiced. The intention was focused on the important people. We have Congressmen, Senators on Capitol Hill, and given the fact that we were not prepared, we have limited people who know how to handle this problem, which is most unfortunate and a little unforgivable because anthrax has been a clearly recognized problem since the Gulf War. They even, at one point, ordered all members of the Army to be vaccinated against anthrax.

If we became worried about anthrax during the Gulf War and we have had a situation where at one point all the members of the Army were ordered to be vaccinated against anthrax, why is there so little expertise in the country when an anthrax outbreak occurs in Washington, so little expertise that we do not have enough to take care of the situation at the post office, at the same time we take care of the situation on the Hill in Senate and House buildings? They did not move fast enough. Information did not flow fast enough.

Our hospital system has been under pressure for the last 20 years and certainly will see no relief because of the ideologues in this Congress who insist that we continue to cut local facilities, hospital facilities unnecessarily. Of course, in the Washington, D.C., area they closed down D.C. General Hospital.

We watched the spectacle of two postmen who went to a hospital and because the hospital was so badly informed, because of their own pressures, they were turned away, and when they went back the next day, they were already dying. Here is a triage setup, and here is a setup which flows out of the inadequacy of our basic health system.

We should have a health system which is not just prepared to combat terrorism, but one that makes certain everybody gets equal and rapid treatment. It did not happen. Joseph P. Curseen is dead as a result. Thomas Lee Morris is dead as a result.

Then we have the spectacle of the D.C. General Hospital being used as a major headquarters for the process of dispensing the antibiotic and giving out information. D.C. General Hospital has been closed. The same economic forces, the same pitch on our health care facilities that has gone on throughout the country has forced the closure of D.C. General Hospital. But because there was no other place, the emergency center had to be set up at the D.C. General Hospital. The working class had to do with a closed hospital, a jerry-built situation to take care of a major problem.

Joseph P. Curseen is dead. Thomas Lee Morris is dead. They were postal workers at the bottom of the heap, and we are not taking care of our working families when we allow that kind of system to take place. When decisions are made, triage decisions, some people are more important than others.

It is important we go forward with a health care system that serves everybody. That health care system would certainly be ready for any kind of bioterrorism in the future, and workers' families would be treated in the same manner as any other families. There would be no priority set for anybody. Everyone would have the same service.

I conclude by saying that working families in the struggle against terrorism are as important as any other component. They may be the most important component in our struggle against terrorism.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The message was announced that the Senate insist, upon its amendment to the bill (H.R. 2944) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS, to be the conferees on the part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, November 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ISSA, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities: Puerto Rico [Region II Docket No. PR6-233a, FRL-7093-9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4528. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Maryland: One-Hour Ozone Attainment Demonstration for Philadelphia—Wilmington—Trenton Ozone Nonattainment Area [MD-074-3085; FRL-7089-1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4529. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Delaware; Post-1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstration for the Philadelphia—Wilmington—Trenton Ozone Nonattainment Area [DE-1033; FRL-7089-3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4530. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution for Volatile Organic Compounds, Solvent Using Processes, Surface Coating Processes, Aerospace Manufacturing and Rework Operations [TX-129-1-7471a; FRL-7091-3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4531. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides From Stationary Sources in the Houston/Galveston

Ozone Nonattainment Area [TX-134-8-7532; FRL-7092-7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4532. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Lawn Service Equipment Operating Restrictions; and Requirements for Motor Vehicle Idling for the Houston/Galveston (HG) Ozone Nonattainment Area [TX-133-1-7493; FRL-7092-8] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4533. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas: Houston/Galveston Ozone Nonattainment Area Vehicle Miles Traveled Offset Plan [TX-28-1-7538; FRL-7092-4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Low Emission Diesel Fuel [TX-134-5-7509; FRL-7091-5] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 136-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway [Transmittal No. DTC 121-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4537. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 119-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4538. A communication from the President of the United States, transmitting a report on the temporary and permanent U.S. military personnel and U.S. civilians retained as contractors in Colombia involved in supporting Plan Colombia; to the Committee on International Relations.

4539. A letter from the Director, Congressional Budget Office, transmitting notification on the growth of real gross national product during the third quarter of 2001, pursuant to 2 U.S.C. 904(j); (H. Doc. No. 107-144); jointly to the Committees on the Budget and Rules, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 279. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002 (Rept. 107-273). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. STUMP, Mr. FILNER, Mr. BILIRAKIS, Mr. GUTIERREZ, Mr. BUYER, Ms. BROWN of Florida, Mr. MCKEON, Ms. CARSON of Indiana, Mr. BAKER, Mr. RODRIGUEZ, Mr. SIMMONS, Mr. SHOWS, Mr. BROWN of South Carolina, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. POMEROY, Mr. SANDERS, Ms. LEE, Ms. SLAUGHTER, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. GRAHAM, Mr. BOEHNER, Mr. PICKERING, Mr. PASCRELL, Mr. HOLDEN, Mr. DOYLE, Mr. EDWARDS, and Mr. ABERCROMBIE):

H.R. 3240. A bill to amend 38, United States Code, to restore certain education benefits of individuals being ordered to active duty as part of Operation Enduring Freedom; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 3241. A bill to extend the benefits of the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act to Puerto Rico; to the Committee on Energy and Commerce.

By Mr. BLAGOJEVICH:

H.R. 3242. A bill to ensure that the United States is prepared for an attack using biological or chemical weapons; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, the Judiciary, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 3243. A bill to prohibit late-term abortions; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. WATTS of Oklahoma, Mrs. ROUKEMA, Mr. STEARNS, Mrs. MORELLA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. HINCHEY, Mr. SERRANO, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. PALLONE, Mr. CUNNINGHAM, Mr. POMEROY, Mr. JOHNSON of Illinois, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. DICKS, Mr. PASCRELL, Mr. TOWNS, Mr. REYNOLDS, Mr. SANDLIN, Mrs. THURMAN, Mrs. CAPPS, Mr. MCGOVERN, Mrs. CLAYTON, Mrs. MALONEY of New York, Mr. LOBIONDO, Mr. CALLAHAN, Mr. TIBERI, Mr. VISCLOSKY, Mr. GALLEGLY, Mr. STUMP, Mr. BOUCHER, Mr. SHOWS, Mr. OWENS, Mr. DEFAZIO, Ms. VELÁZQUEZ, Mr. GILMAN, Mr. WOLF, Mr. GRUCCI, Mr. ISRAEL, Mr. HAYWORTH, Mr. MASCARA, Mrs. MYRICK, Mr. BALLENGER, Mr. CROWLEY, Mr. MCNULTY, Mr. COSTELLO, Mr. KENNEDY of Rhode Island, Mr. FROST, Ms. ROS-LEHTINEN, Mr. FARR of California, Ms. LOFGREN, Mr. UDALL of Colorado, Mr. CALVERT, Mr. PLATTS, Mr. HONDA, Mr. WALSH, Mr. FILNER, Mr. MEEHAN, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mrs. CAPITO, Mr. JONES of North Carolina, Mr. CANNON, Mr. WYNN, Mr. BALDACCI, Mr. ACEVEDO-VILA, Mr. SIMMONS, Mr. OSBORNE, Mr. GONZALEZ, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HART, Mr. NADLER, Mr. KING, Mr. KILDEE, Mr. FATTAH, Mr. COBLE, Ms. ESHOO, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. KIRK, Mr. ISSA, Mr. CLAY, Mr. HILLIARD, Mr. SHAYS, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. HOYER, Mr. CONDIT, Mr. RADANOVICH, Mr. BACA, Mr. GREENWOOD, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. HORN, Mr. MENENDEZ, Ms. BERKLEY, Mr. BAIRD, Mr. LIPINSKI, Mrs. BONO, Mr. BERMAN, Ms. PELOSI, Mr. SKEEN, Mr. QUINN, Mr. SWEENEY, Mr. BONIOR, Mr. GEKAS, Mr. TAYLOR of Mississippi, Mr. FOSSELLA, Mr. TERRY, Mr. FALEOMAVAEGA, Mrs. LOWEY, Mr. WAMP, Mr. GIBBONS, Mr. FLETCHER, Mr. RUSH, Mrs. KELLY, Mr. BOEHLERT, Mr. WEINER, Mr. RANGEL, Mr. UDALL of New Mexico, Mr. CARSON of Oklahoma, Mr. KENNEDY of Minnesota, Mr. CAMP, Mr. ROGERS of Kentucky, Ms. SLAUGHTER, Mr. PHELPS, Mr. HOUGHTON, Ms. SCHAKOWSKY, Mr. LAFALCE, Mr. MCHUGH, and Mr. SOUDER):

H.R. 3244. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America and to establish the Victims of September 11th Fund; to the Committee on Financial Services.

By Mr. GOSS:

H.R. 3245. A bill to provide for an additional district judge for the middle district of Florida; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. TOM DAVIS of Virginia, Mr. BUYER, Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. BOUCHER, Mr. WHITFIELD, and Mr. COLLINS):

H.R. 3246. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to reduce serum phosphate levels in patients with end-stage renal disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILLIARD:

H.R. 3247. A bill to terminate all unilateral United States sanctions against foreign countries or entities, and for other purposes; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. ANDREWS, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 3248. A bill to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the "Todd Beamer Post Office Building"; to the Committee on Government Reform.

By Mr. STUPAK:

H.R. 3249. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits to be produced in dwelling houses, other connected structures, and certain other premises; to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 3250. A bill to authorize the President to present a gold medal on behalf of Congress to the Sioux Indians who served as Sioux Code Talkers during World War II in recognition of their service to the Nation; to the Committee on Financial Services.

By Ms. MILLENDER-McDONALD:

H.R. 3251. A bill to amend title 39, United States Code, to provide, for a limited emergency period, that the payment of a bill, invoice, or statement of account due, if made by mail, shall be considered to have been made on the date as of which the envelope which is used to transmit such payment is postmarked; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MATSUI, and Mr. REGULA):

H.J. Res. 73. A joint resolution providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. ACKERMAN, Mr. GILMAN, Mr. GEPHARDT, Mr. McDERMOTT, Mr. ROYCE, Ms. PELOSI, Mrs. LOWEY, Mr. KNOLLENBERG, Mr. VISCLOSKY, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. WEXLER, Mr. LEVIN, Mr. DAVIS of Florida, Mrs. MALONEY of New York, Mr. FALEOMAVAEGA, Mr. BERMAN, Ms. LEE, Mr. ABERCROMBIE, Mr. HOLT, Mr. LAMPSON, Mr. HILLIARD, Ms. BERKLEY, Mrs. McCARTHY of New York, Mr. STEARNS, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Mr. KILDEE, Mr. DOYLE, Mr. SAXTON, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mr. BAIRD, Mr. HORN, Mr. CROWLEY, Mr. KIRK, Mr. CAPUANO, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. McNULTY, and Mr. PALLONE):

H. Con. Res. 264. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism; to the Committee on International Relations.

By Mr. WYNN:

H. Con. Res. 265. Concurrent resolution expressing appreciation to Turkey for offering to provide special forces in support of Operation Enduring Freedom; to the Committee on International Relations.

By Mr. FROST:

H. Res. 278. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAFALCE:

H. Res. 280. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Ms. ROS-LEHTINEN):

H. Res. 281. A resolution commending and urging increased support for organizations led by Afghan women that are providing substantial education, health, and relief services during a time of humanitarian crisis in Afghanistan and in Afghan refugee areas in neighboring countries, and for the inclusion of women in any new government established in that nation; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 109 memorializing the United States Congress that the Commonwealth commends and supports the President of the United States as the Commander-in-Chief of our Armed Services and sends its support, prayers and gratitude to all our military service personnel as they undertake the difficult tasks that may lie ahead; to the Committee on Armed Services.

206. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 107 memorializing the United States Congress to commemorate every September 11 as a day of mourning and remembrance; jointly to the Committees on International Relations and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. UPTON.

H.R. 162: Mr. GUTIERREZ and Mr. FALEOMAVAEGA.

H.R. 633: Mr. UDALL of New Mexico.

H.R. 883: Mr. HAYWORTH, Mr. REYNOLDS, Mr. McHUGH, Mr. STENHOLM, and Mr. KERNS.

H.R. 902: Mr. MOLLOHAN.

H.R. 959: Mrs. BONO.

H.R. 981: Mr. PENCE.

H.R. 1155: Mr. HANSEN.

H.R. 1187: Mr. LANGEVIN and Mr. SHERMAN.

H.R. 1194: Mr. PETERSON of Minnesota.

H.R. 1198: Mr. McHUGH.

H.R. 1434: Mr. RAMSTAD.

H.R. 1556: Mr. MORAN of Kansas.

H.R. 1733: Mr. CAPUANO and Mr. ABERCROMBIE.

H.R. 1798: Mr. CAPUANO.

H.R. 1928: Mr. ABERCROMBIE.

H.R. 1948: Mr. PAYNE.

H.R. 2099: Mr. DICKS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. WU, and Ms. HOOLEY of Oregon.

H.R. 2163: Mr. MANZULLO.

H.R. 2166: Mr. SOLIS.

H.R. 2219: Ms. PRYCE of Ohio.

H.R. 2220: Mr. GEORGE MILLER of California.

H.R. 2375: Mr. BERMAN.

H.R. 2377: Mr. DEUTSCH,

H.R. 2457: Mr. McINTYRE.

H.R. 2484: Mr. GILMAN, Mr. FRANK, Mr. ABERCROMBIE, Ms. KAPTUR, Mr. LARSON of Connecticut, Mr. PRICE of North Carolina, Mr. WATT of North Carolina, Mr. WYNN, and Mr. FLETCHER.

H.R. 2527: Mr. KUCINICH, Mr. LAHOOD, and Mr. HINCHEY.

H.R. 2546: Mr. FERGUSON.

H.R. 2555: Mr. HONDA and Mrs. MINK of Hawaii.

H.R. 2610: Mr. DUNCAN, Mr. ANDREWS, Mr. PICKERING, and Mr. PAYNE.

H.R. 2638: Mr. DOYLE.

H.R. 2669: Mr. UDALL of New Mexico.

H.R. 2709: Ms. PRYCE of Ohio.

H.R. 2722: Mr. SCHIFF, Mr. DOYLE, Mr. FILNER, Ms. MILLENDER-McDONALD, Mr. WATT of North Carolina, Mr. CLEMENT, Mr. SANDERS, Mr. KILDEE, and Mr. LIPINSKI.

H.R. 2777: Mr. STARK, Ms. LOFGREN, Mr. BENTSEN, and Ms. HARMAN.

H.R. 2794: Mr. HALL of Texas.

H.R. 2887: Mr. CAPUANO.

H.R. 2897: Mr. WU.

H.R. 2946: Mr. BONIOR.

H.R. 2949: Mrs. CAPPS, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. DAVIS of Florida, Mr. SCHIFF, Ms. SÁNCHEZ, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Ms. McCOLLUM, Ms. ESHOO, Mr. WU, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Mr. WEINER, Mr. BAIRD, Mr. HOUGHTON, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. STICKLAND, Mr. HINOJOSA, Mr. EVANS, Ms. WATERS, Mr. INSLEE, Mrs. CLAYTON, Mr. PHELPS, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. OBERSTAR, Mr. PASTOR, Mr. NADLER, Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, Mr. ROTHMAN, Mr. CONDIT, Mr. BONIOR, Mr. OSE, Mr. ENGEL, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. DEUTSCH, Ms. DEGETTE, Mr. SHERMAN, Mr. ETHERIDGE, Mr. SPRATT, Mr. EDWARDS, Mr. TAYLOR of Mississippi, Ms. RIVERS, Mr. LUTHER, Mr. KIND, Mr. SMITH of Washington, Mr. LARSEN of Washington, Ms. VELÁZQUEZ, Ms. HARMAN, Mr. OWENS, Ms. McKINNEY, Mr. DELAHUNT, Mrs. TAUSCHER, Mr. FRANK, Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. CALLAHAN, Mrs. CUBIN, Mr. HOBSON, Ms. PELOSI, and Mr. KENNEDY of Rhode Island.

H.R. 2980: Mr. ENGLISH and Mr. CLEMENT.

H.R. 3007: Mr. MATHESON, Mr. TIERNEY, and Mr. SHOWS.

H.R. 3014: Mr. BRADY of Pennsylvania, Mr. McGOVERN, Ms. BALDWIN, and Mr. BERRY.

H.R. 3038: Mr. SHUSTER and Mr. PITTS.

H.R. 3077: Mr. TANNER and Mr. GREEN of Wisconsin.

H.R. 3088: Mr. CASTLE and Mr. SWEENEY.

H.R. 3109: Mr. LOBIONDO and Mrs. McCARTHY of New York.

H.R. 3143: Mr. GILMAN and Mr. McHUGH.

H.R. 3209: Mr. HEFLEY.

H.R. 3212: Mr. NADLER.

H.R. 3213: Ms. VELÁZQUEZ and Mr. GONZALEZ.

H.R. 3221: Mr. SESSIONS, Mr. LIPINSKI, and Mr. DEAL of Georgia.

H.R. 3230: Mr. DEMINT.

H.R. 3238: Ms. WOOLSEY.

H.J. Res. 40: Mr. GEPHARDT.

H.J. Res. 66: Mr. SCHAFFER.

H. Con. Res. 232: Mr. BACA and Mr. SCHROCK.

H. Con. Res. 240: Mr. GEORGE MILLER of California.

H. Con. Res. 250: Mr. DAVIS of Florida, Mr. SABO, Mr. KIND, Mr. DUNCAN, Mrs. MORELLA, Mr. LANGEVIN, Mr. BACA, Mr. FALEOMAVAEGA, and Mr. KUCINICH.

H. Con. Res. 260: Mr. MEEKS of New York, Mr. OWENS, Mr. PAYNE, Mr. HILLIARD, Ms. McKINNEY, Mr. RUSH, Mr. DAVIS of Illinois, Ms. KAPTUR, and Ms. BROWN of Florida.

H. Res. 235: Mr. DIAZ-BALART.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2149: Mr. DICKS.

H.R. 2180: Mr. HILLIARD.

Senate—*Wednesday, November 7, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You, Yourself, are the answer to our prayers. So often we come to You with our shopping list of requests. Prayer becomes a "gimmie" game rather than a grace gift. Help us to realize that whatever You give or withhold from us in prayer is to draw us into deeper intimacy with You. When we put the primary emphasis on a relationship with You, experiencing Your presence and receiving Your power, life becomes a privilege. It loses its strain and stress. Added to that, You provide the spiritual gifts we need—wisdom and discernment, emotional strength and stability, and physical stamina and endurance. Grant the Senators a special measure of Your inspiration today as they listen to You. Speak to them before they speak to the Senate and to the Nation. May debate not divide but develop deeper understanding. Now, when the world looks to America for leadership, may patriotism unite this Senate. Grant the Senators and to all of us a renewed dependence on You that makes possible greatness in leadership. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 7, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of the District of Columbia Appropriations Act immediately. Senator ALLEN will offer an amendment regarding needle exchange programs. He has agreed to have 60 minutes for debate prior to the vote in relation to the amendment. That vote will occur a little after 11 o'clock. Following the vote in relation to the Allen amendment, Senator HUTCHISON of Texas will offer an amendment regarding attorney's fees, with 60 minutes for debate on that amendment. Following 30 minutes of debate on the Hutchison amendment, it will be laid aside for a period of morning business until 2:30 p.m. Senators will be permitted to speak during morning business time for up to 10 minutes each. This period of morning business is for a number of reasons but mainly to accommodate the Senators-only briefing with Secretary of Defense Rumsfeld.

At 2:30 p.m., the Senate will resume consideration of the Hutchison amendment, with 30 minutes of debate prior to the vote in relation to the amendment, at approximately 3 p.m.

The majority leader announced last night in closing that he wanted to complete the DC appropriations bill today. Everyone should understand we are going to work very hard until we finish this bill tonight. That is the intention of the majority leader. Other than these two amendments, I am not sure how many more there will be. Hopefully, it can be wrapped up quickly. There are a number of other important issues that are waiting to be completed before we adjourn for the year.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2944, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said district for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized to offer an amendment, on which there shall be 60 minutes of debate.

Mr. REID. Mr. President, I ask that we not go to the amendment for just a few minutes. Senator LANDRIEU is in the building and will be here momentarily. I think she should be present. I ask unanimous consent the Senator from New York be recognized for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

PUBLIC SAFETY INFRASTRUCTURE

Mrs. CLINTON. Mr. President, I rise today to bring to our attention two distinct problems facing our States and particularly our communities in New York as a result of the attacks on September 11. I have just come from a meeting with a number of mayors from cities all over the country, including mayors who joined us by conference phone, Democrats, Republicans, large cities, medium- and small-sized cities. They all have said with a single voice that the impact on our public safety infrastructure of the attacks is such that they are bleeding dollars. They are paying overtime constantly to our police officers, our firefighters, our first responders. They do not have the funds to provide the protection and the quick response our citizens deserve and expect.

I can speak specifically about New York. We have an economic situation where we face a $10 billion shortfall in State revenues over the next 18 months. In addition, our New York State comptroller, Carl McCall, has identified $940 million in potential State and local government costs due to the current congruence of events.

This means that city governments, county governments, far away from Ground Zero, are faced with hundreds of calls about potential biological or chemical materials, particularly anthrax, to which they are responding as we expect them to. They are faced with threats coming in—both credible and, frankly, not, but we have to follow each one up—potential threats to our infrastructure, our powerplants, our bridges, our ports, our airports.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

As a result, we have a tremendous pressure buildup on our local governments. As I heard today, it is something that is being faced by governments across our country. That is why I strongly support the plan with which Senators BYRD and REID are coming forward, to provide additional funding for public safety needs. I am calling on our colleagues and the Federal Government to create a public safety block grant program to help communities plan, strictly for our emergencies, and to be ready no matter what happens in their communities.

Why is a public safety block grant so necessary?

First, September 11 changed everything. Anybody who wants to pretend it didn't is sending a false message to the people we represent. Our cities and our counties are on the front lines in the war against terrorism. When a threat is called in to our local fire department or our local mayor's office, they cannot wait for some kind of Federal response. They have to send out those first responders. They are on a heightened state of alert as they have been told by our President, by Governor Ridge, and by Attorney General Ashcroft. A public safety block grant would help our communities provide these additional resources for police, fire, ambulance, emergency, airports, waterways, public transit infrastructure, chemical, and nuclear plants.

I think we should reinvigorate the concept of civil defense, using more volunteers to supplement our first line responders. Some of our colleagues, including Senators McCAIN, BAYH, and LIEBERMAN, have recently spoken out about the importance of encouraging Americans to become involved in civil defense. I believe a public safety block grant could use funds to further that idea and help us prepare better and involve so many of the citizens who want to participate in protecting our homeland front. If we are at war, which we are told we are, which we believe we are—we are fighting two wars. We are fighting a war abroad in Afghanistan against the terrorist networks, and we are fighting a war right here at home, and we need to be prepared on both fronts.

The eligibility criteria would be based on several factors. Certainly, communities would have to be ready to use those funds for post-September 11 needs, not because they didn't budget well before the date of the attacks but because of the additional burdens they now face.

I believe medium- and larger-sized cities and counties should receive direct assistance. Smaller communities could go through the State, based on the CDBG program. I hope communities would have to submit a plan explaining how they would use the funds, but that they would be given broad discretion because they are best able to defend their own communities. They should be given that opportunity.

I think we need this legislation now because our homeland defense will only be as strong as the weakest link at the State and local level. We need our citizens more involved in civil defense to supplement those of our people on the front line in the uniformed services. I think we recognize this now is an absolute necessity. I certainly support the efforts of Senator BYRD and Senator REID, combined with Senator BAUCUS, to have a homeland recovery and security package, but I do not think it will work unless we provide funds directly to our cities and counties, unless we recognize that they have to be the front line defense in the war against terrorism here at home.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized to offer an amendment on which there shall be 60 minutes of debate.

Ms. LANDRIEU. Will the Senator yield for just 1 minute for opening remarks from the manager of the bill?

Mr. ALLEN. Certainly.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Virginia for yielding.

Let me quickly support my colleague from New York in her remarks about how important it is for us, as we fashion homeland defense, to be cognizant, as Mayor Giuliani beautifully showed us, so that the mayors and local officials are really on the front line. Our Federal Government needs to recognize the great role they have played and can play. Our budget should reflect the principle of getting those resources down to the lower level. I thank the Senator from New York for her very instructive remarks to us this morning.

Let me, as I begin again this morning on the DC bill, very briefly—within 1 minute—just hit the highlights of the bill before we turn to the three or four amendments we may be considering today, with that of Senator ALLEN being the first one up for us to consider.

First, there is great consensus in this underlying bill. Again, I thank my colleague from Ohio, Senator DEWINE, for his excellent work. We thank Mr. BYRD, the Senator from West Virginia, and the Senator from Alaska, Mr. STEVENS, for helping us get this bill to the floor, working across party lines and in a very dedicated way to bring a good bill to this floor.

The five points in this bill are:

No. 1, this is the first bill over $7 billion that comes to the floor in 5 years without the Control Board being in effect. So there is great responsibility that we have to make sure this and future budgets reflect the fiscal discipline that is now a part—and hopefully will be even a stronger part—of the District's future. The budget is not only in balance but the District is in a surplus, having swung $1 billion from a deficit now to a surplus. We would like to keep it that way.

There are going to be great challenges ahead, but Senator DEWINE and I are committed to fiscal discipline, transparency, accountability, and excellence in management for the District.

No. 2, there is an underlying principle—we will debate some of that this morning—about local decisionmaking. We believe generally local governments should be allowed to spend their money and local funds in the ways they are directed. There is some debate about that issue. That debate will take place this morning.

No. 3, there is a significant investment in child welfare. I want to say on behalf of Senator DEWINE and myself and many of the Members who helped, we are investing $40 million in new moneys to set up a better child welfare system in the District. Too many children have died. There are too many families torn asunder. There are too many children without parents, too many parents without children who cannot be found. This investment will help the courts work better and help us to put our money where our mouth is and invest in kids.

No. 4, there is a $16 million increase for security in the District. After September 11, it is obvious the District itself is a target, hosting the Capitol of these great United States. So we have recognized that.

Finally, there is an investment in the environment and in education.

AMENDMENT NO. 2109

Ms. LANDRIEU. I send a managers' amendment to the desk and ask unanimous consent it be approved. This is strictly a technical amendment. Any controversial issues have been removed: they are not included. It has been cleared on both sides.

I send the amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. DEWINE, proposes an amendment numbered 2109.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

On page 6, line 25, insert the following after "inserting "1,100".":

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–

515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking "in excess of $250,000"; and

(2) by striking "and approved by" and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after "Agency," insert the following: "the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region".

Page 12, line 7, after "and" and before "state" insert the following: "the respective".

Page 12, line 8, after "emergency" and before "plan" insert: "operations".

Page 13, line 14, strike "$500,000" and insert: "$250,000".

Page 13, line 15, strike "McKinley Technical High School" and insert the following: "Southeastern University".

Page 13, line 16, strike "Southeastern University" and insert the following: "McKinley Technical High School.".

Page 13, line 14, insert after "students;": "$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;".

Page 16, line 3, strike "U.S. Soccer Foundation, to be used" and insert: "Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds".

Page 17, line 18, insert after "families" the following: "and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,".

Page 18, line 8, after "*provided,*" and before "That" insert the following: "That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided,*".

Page 34, line 4, District of Columbia Funds—Public Works, insert after "available": "*Provided,* That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.".

Page 37, line 4, insert the following after "service": "Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the "District of Columbia Emergency Assistance Act of 2001": *Provided,* That the District of Columbia shall use local funds for any payments under this heading: *Provided further,* That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.".

Page 63, line 8, after "expended." insert the following new subsection:

"(C) Availability of FY 2001 Budget Reserve Funds.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.".

Page 68, line 6, insert the following as a new General Provision:

Sec. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, please, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. At this time the Senator from Virginia should be recognized, according to the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 2107

Mr. ALLEN. Mr. President I call up amendment No. 2107.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. Allen] proposes an amendment numbered 2107.

Mr. ALLEN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia)

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

Sec. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who received any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

Mr. ALLEN. Mr. President, I rise today to ask my colleagues in the Senate to take a stand, a strong stand, against illegal drug use by rejecting a provision in the District of Columbia appropriations bill that would allow the use of taxpayer funds for a needle exchange program.

My amendment mirrors the section of the House bill that addresses the needle exchange programs and would prohibit both the use of Federal and locally generated funds for these needle exchange programs. I think it is wrong and it is a misguided priority for the District of Columbia, with all their priorities and pressing concerns in the District—whether they be in improving their public schools or improving public safety—to be wasting money. In fact, I don't think they ought to waste a penny in providing drug users with sterile needles or syringes.

As you know, Mr. President, the Constitution provides the Congress the authority to exercise exclusive jurisdiction in all cases dealing with the District of Columbia. We have oversight responsibilities. The Federal District of Columbia is properly and constitutionally subject to more oversight from the Congress than would be any of the 50 States. This is evidenced by the fact that both the House and Senate have authorizing subcommittees specifically addressing the District of Columbia. Thus, we, as Members of the Senate, have not only a right but also a constitutional oversight responsibility to stop this legislation which would obviously be detrimental to the public good.

That is the bottom line here. When there is something that is clearly detrimental to the public good in the District of Columbia, we have an oversight responsibility. While the vast majority of matters have to do with local jurisdiction—schools and traffic signals—various other issues, management is best at that local level—although we would like to empower them in some cases to do more—but insofar as the needle exchange network is concerned, these needle exchange networks are bad for the communities in which they are located.

In November of 1995, the Manhattan Lower East Side Community Board passed a resolution to terminate their needle exchange program. You may wonder why they stopped it. They said:

> The community has been inundated with drug dealers. Lawful businesses are being abandoned, and much needed law enforcement is being withheld by the police.

Why would we want that to happen in our Nation's Capital? The U.S. Senate could through this appropriations bill, if this amendment is not adopted and the conference committee leaves it in, allow the District of Columbia, our Nation's beloved capital, to use taxpayer funds to buy clean needles for drug addicts. However, prior experience with these needle exchange programs not only fails to demonstrate positive results among drug addicts, but it may actually result in negative results. That is right, negative results.

Deaths resulting from drug overdoses have increased five times since 1988. According to a White House report, in 1997 15,973 people died from drug-induced causes. That is 1,130 more people than in 1996. The highest death rate from illegal use was among African Americans at 8.3 deaths per 100,000 people.

Additionally, according to Alcoholism and Drug Abuse Weekly, the number of American teenagers using heroin has doubled in most recent years. Indeed, when one thinks of heroin, you think of heroin being used by folks in their late 20s and 30s. The biggest increase in the use of heroin is among teenagers. In fact, the average

age of heroin users nationally is now lower among teenagers.

That is very frightening.

An AIDS Journal study indicated that Vancouver, the site of one of these needle exchange programs, now has the highest rate of heroin deaths in North America.

It seems to me that giving a drug addict a clean needle is like giving an alcoholic a clean flask. It just doesn't make any sense.

Some would claim that needle exchange programs prevent the spread of AIDS amongst intravenous drug users and are, therefore, important in addressing the AIDS problem.

The Clinton administration attempted to lift the ongoing ban on Federal funds for needle exchange programs as a solution to reducing the rate of HIV infection among intravenous or IV drug users without increasing the use of drugs such as heroin. While clean needles do not contribute to the spread of HIV, there is scant evidence, scientific or anecdotal, that needle exchanges protect users.

A Montreal study published in the American Journal of Epidemiology in 1997 showed that addicts who used needle exchange programs were twice as likely to become infected with HIV than those who did not.

The New York Times magazine reported that one New York City program gave a single individual 60 syringes, a pamphlet with instructions on using them, and a identification card that allows them to legally possess drug paraphernalia. Indeed, drug addicts use these programs not only for fresh paraphernalia but also to network among other drug addicts for fresh supplies of the drug itself.

It may be more accurate to call the drug needle exchange programs what they are: drug exchange networks.

We are at a time in history when more Americans are ruining or losing their lives to illegal drug use. When the highest death rate from illegal drug use occurs in African American communities, and when heroin and cocaine are at some of their lowest prices in history, I maintain that we should not vote to encourage the government to give away the tools that enable people to promote drug use and, therefore, harm themselves. Indeed, it is not just harming themselves. Drug use is the key component in crime.

Ask any prosecutor, law enforcement officer, or, in fact, any judge who deals with criminal cases, and you will find that the vast majority of criminal cases are related to drug use. Someone may be under the influence of drugs when they assault or rape someone, and when they are breaking and entering, armed robberies, or other thefts and stealing of property to pay for that addiction. You will find, I maintain, that the vast majority of crimes are drug-related one way or the other.

I believe that in a time when all of these negative trends seem to be on the rise that the endorsement or condoning of a needle exchange network by the U.S. Senate sends the wrong message about our Government's commitment to fighting drugs and, thus, undermines our efforts to prevent drug use and eliminate the illegal drug trade.

According to former President Clinton's drug czar, General Barry McCaffery:

> The problem is not dirty needles. The problem is heroin addiction. The focus should be on bringing help to the suffering population, not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

We have a legal responsibility to keep these harmful networks from becoming a reality in the District of Columbia. Allowing it in the District of Columbia would send a very poor message to those ravaged by drug addiction—that AIDS is a terrible disease that can be maintained, yet it is OK to die from the effects of drug addiction.

Additionally, the Government would be sending a weak message to those who would want to make a profit from illegal drug trade: Drugs are illegal, yet the United States Government condones needle exchange networks which issue identification cards that entitle users to carry drug paraphernalia without interference from the law.

Finally, it would send a dangerous message to our youth. It seems to me that we all know that drugs are harmful. We don't want to send a message to our youngsters that the Federal Government supports providing needles and syringes for drug delivery and brochures explaining the most efficient means of injection.

It is imperative that the Senate stand strong against illegal drug use. We must not allow Federal funds to go toward programs supplying individuals already struggling with addiction with drug paraphernalia. We must not directly or indirectly endorse needle exchange networks.

I ask my fellow Senators to join me in this effort and not give up on this war on drugs as we take on another war—the war on terrorism. We owe it to our brave law enforcement officers who have been fighting this war on drugs, with many of them risking their lives by infiltrating some of these drug networks, chasing drug dealers, paying informants, doing undercover work, and surveillance. Our law enforcement officers have been fighting this war on drugs, and now they are fighting daily battles on many other fronts in the war on terrorism.

We also owe it to those struggling with drugs not to turn our Government into an enabler.

Finally, we owe it to our children to fight to ensure that they grow up and live in a world as free from illegal drugs as is possible.

I respectfully ask my colleagues to support my amendment, which sends all the right messages, all the proper messages, not just for our District of Columbia, which is in a time of crisis; but it sends the right message for all of America, and actually the right message for all of the world which is now watching our Nation's Capital.

Once again, I ask my colleagues to stand up for what is right in our Nation's Capital, for all the people of America, and those who are watching us.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank you for the recognition.

At this time I am prepared to yield a few moments, 5 minutes, to the Senator from Maryland for morning business.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much.

Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under "Morning Business.")

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for being so gracious.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield, under the unanimous consent agreement, to Senator DURBIN for a response to the Allen amendment.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that under the unanimous consent agreement there were 30 minutes allocated to each side.

The ACTING PRESIDENT pro tempore. Yes, and there are approximately 18 minutes remaining on each side.

Mr. DURBIN. Thank you very much, Mr. President.

Ms. LANDRIEU. How much time does the Senator need? Because there are two other Senators who would like to speak.

Mr. DURBIN. If I could ask for 15 minutes.

Ms. LANDRIEU. How about 12 minutes?

Mr. DURBIN. I will take 12.

Ms. LANDRIEU. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Unfortunately, because my time has been reduced, I am going to have to reduce the time I was going to use to praise the chair of the subcommittee for her work on this bill. But I do want to make a point of saying this: I have served on this subcommittee. This is not an easy assignment. I congratulate Senators LANDRIEU and DEWINE for bringing forth an excellent bill. It is a bill which is a challenge every single year.

Why is this bill a challenge? Because every Member of the Congress who ever wanted to be mayor of a town gets the chance to be "mayor for a day" on the DC appropriations bill. Senators from some of the largest States in the Nation can't wait to make decisions that are ordinarily made by mayors and members of city councils. They get to be "aldermen for a day." They get to rule a city for a day. It is such a tempting opportunity. And the fact that we put only 10 percent of the money, through Congress, into the District of Columbia does not hold them back. They don't want to merely control the money that Congress puts in the District of Columbia, they want to control all the money in the District of Columbia. You would think they were having a major election here and they were elected mayor of the District of Columbia because they want to make all the decision.

Frankly, that is wrong. It is wrong and irresponsible. If you believe in home rule, if you believe in the appropriate delegation of authority to the level closest to the voters, why in the world would a Senator from any State in the United States want to impose his or her judgment on this city, our Nation's Capital? And they do, year in and year out.

I thank the Senator from Louisiana for really fighting back the temptation to put in all these riders and all these ideas, all these ordinances that Members of Congress want to put on the District of Columbia. I say thank you to the Senator from Louisiana.

But the proposal we have before us today is one of the worst. It is a proposal where we say to the District of Columbia: You cannot use your money, your taxpayers' dollars, on a public health program that you endorsed to deal with a major public health crisis in the District of Columbia.

With his amendment, the Senator from Virginia has suggested that the District of Columbia—it is more than a suggestion—would be unable to spend its own money on a needle exchange program. What does the Washington Post think of that suggestion? They have asked this question, an important one: Has Congress nothing better to do at this point than to play mayor and city council to the District of Columbia? They go through the proposals which we are going to consider here, proposals relative to needle exchange and domestic partnership. Time and again what you find is they are proposals which don't stand up.

The current DC appropriations bill would allow the District to finance the needle exchange program only through its own funds. There would be no Federal funds involved. That has been the rule for years. What Senator ALLEN says in his amendment is, no, you can't even use your own funds for that purpose.

Why should we keep our hands off this decision? Let me tell the Senate about this beautiful Nation's Capital in which I have had the privilege of being a student and a Congressman and a Senator for so many years of my life. This beautiful city has massive problems. One of the biggest problems is a public health problem we cannot overstate. The AIDS rate, the rate of infection of AIDS in Washington, DC, is the highest in the Nation. It is nine times the national average. For us to say we are going to impose our political opinion on how to deal with the AIDS crisis in the worst suffering city in America is just wrong.

Individuals become infected in the District of Columbia with AIDS and HIV primarily through the sharing of contaminated needles for intravenous drug usage. More than a third of the AIDS cases nationwide are related to injection drug use. These statistics are most dramatic among women, where three out of four women diagnosed with AIDS injected drugs themselves or became infected through a partner who was an injection drug user.

I refer to this statistic about the District of Columbia: Over half of the children born with HIV have a parent engaged in substance abuse. Our vote this morning will decide whether or not we take away the authority of the District of Columbia to deal with a public health crisis that is the worst in the Nation. We are imposing our political view on the best medical judgment in America of how to deal with an epidemic. We wouldn't accept that if the epidemic related to bioterrorism. We wouldn't let the Governors and mayors make medical decisions. We would stand up for what is right scientifically and medically.

Both the District of Columbia mayor, Anthony Williams, and the police chief support the use of local funds to finance needle exchange programs in Washington, DC. The arguments that these programs are creating and fomenting crime, encouraging drug use, fall flat on their face. Last year in this appropriations bill we said we want the D.C. government to report to us if there is a higher incidence of crime around areas with needle exchange programs. It came back consistently and said no.

I say to the Senator from Virginia, they said no. The people, the cops on the beat, those who were asked to report to Congress said no, there was not an increase in crime or drug usage around these programs.

Let's talk about the scientific community for a moment. In addition to strong support from political officials, the potential for needle exchange programs to halt the spread of HIV/AIDS and encourage substance abusers to enter treatment is scientifically proven. The Surgeon General of the United States, David Satcher, stated:

> There is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are an effective public health intervention that reduces the transmission of HIV and does not encourage the illegal use of drugs.

This is the Surgeon General of the United States. He is not an elected official. He has never put his name on a ballot that I know of, but he has spent his lifetime in public health and medicine. He says the amendment offered by the Senator from Virginia is just plain wrong.

If that amendment prevails, we will increase the likelihood of HIV and AIDS in the District of Columbia; we will increase the likelihood of more drug usage. How can we in good conscience consider such a measure? How can we turn our back on the overwhelming scientific and medical evidence against the Allen amendment? To ignore that is to ignore any warning we receive.

Do my colleagues recall during the Reagan administration President Reagan faced the onset of the AIDS epidemic and thank goodness Dr. Koop, his Surgeon General, had the courage to stand up and say: Don't politicize an epidemic. We will deal with it in honest medical terms. Thank goodness Dr. Koop said that and sent notices out to every home in America so they understood the seriousness of this public health challenge. It would have been so easy for this to be politicized. It would have been so easy for someone to take advantage of it. President Reagan and Dr. Koop wouldn't allow that.

Dr. Koop supports needle exchange programs—Dr. Koop, the former Surgeon General under a Republican President.

The Institute of Medicine in Washington, DC, said access to sterile syringes is one of the four unrealized opportunities in HIV prevention. The National Research Council and the Institute of Medicine indicated that needle exchange programs have the potential to reduce risk behaviors associated with HIV by 80 percent and HIV transmission by 30 percent.

When I start to list the organizations that oppose the Allen amendment, that say it is just plain wrong scientifically and medically, we will have some understanding of why this is the wrong thing to vote for.

First, those opposing the Allen amendment: The American Medical Association, the American Academy of Pediatrics, the American Foundation for AIDS Research, the American

Nurses Association, the American Pharmaceutical Association, the American Public Health Association. The list goes on and on and on. Every major credible public health organization that has been asked to comment on needle exchange programs has concluded they are an effective way to fight drug usage and the spread of HIV and AIDS.

Let me draw the attention of the Senate to this chart. This is a map of the United States showing the States that are currently involved with needle exchange programs. Keep in mind, all of these 31 States have decided this is a good way to fight drug usage and HIV/AIDS. Are we passing a law banning States around the country such as Maryland from having a needle exchange program, or Illinois? No. Only the District of Columbia, where Senators and Congressmen get to play mayor for a day. That is unfair. Look at these States all across America: Florida, Georgia, North Carolina, Tennessee, Louisiana, Texas, the President's home State, all with needle exchange programs.

If this is such a scourge on America, as the Senator from Virginia suggests, why hasn't he offered an amendment to ban these programs nationwide? Because, frankly, it is not Congress's business to do so. Secondly, it is just plain wrong from a public health point of view.

We know in these States that these programs bring people who are currently addicted into the presence of those who will give them the clean and safe needles, but also much more. They will connect up with them to try to help them end their drug usage. People living and lurking in the shadows and alleys of America as IV drug users using contaminated needles are not going to end their addiction, they are going to unfortunately continue it. They are going to give birth to children who will also suffer from HIV and AIDS as a result of it.

Ninety-five percent of the programs refer clients to substance abuse treatment and counseling programs—95 percent of those needle exchange programs do make the referrals. You are going to cut off this opportunity to reach out to a drug addict and say, please, we know that you are addicted, but here is your chance to shake this addiction, to change your life. Why would we walk away from that? Why in the Nation's Capital would we walk away from it, where the HIV and AIDS infection is the worst in America?

Over half of the people who come to these needle exchange programs realize they have an opportunity for voluntary HIV testing on the site, and more than a quarter are screened for hepatitis B and C. All seven of the needle exchange programs in my home State of Illinois offer referrals to treatment information about HIV prevention.

I have voted for some of the toughest penalties in the law when it comes to drug usage. I have joined with those who say we have to make it clear that this is wrong; it not only kills you, but it threatens America in so many ways. I think these harsh punishments have worked in some cases; they have not worked in others. There are some people for whom even the harshest punishment in the world is not enough. They need a helping hand, someone who will reach out to them and say, please, test yourself for HIV, consider this program for rehab.

The amendment offered by the Senator from Virginia will stop the Nation's Capital, a city that is rocked with the HIV/AIDS epidemic, from fighting it. This amendment turns its back on the scientific and medical evidence which we gather across America in terms of how these programs help us to fight drugs, how they help us to fight crime, fight dependency, and fight addiction, why 31 different States, including the State of Utah and the State of Louisiana, have similar programs.

The ACTING PRESIDENT pro tempore. The Senator's 12 minutes have expired.

Mr. DURBIN. I ask for 2 additional minutes.

Ms. LANDRIEU. I yield 2 additional minutes to the Senator.

Mr. DURBIN. The Senator from Virginia said at one point that this is a program that harms its participants. I say to the Senator that the American Medical Association disagrees with him. The American Public Health Association disagrees with him. Law enforcement in the District of Columbia disagrees with him, and the Surgeon General of the United States disagrees with him as well.

When we consider what we are up against, the Senator says we have to make sure we send the right message. The fact that we can come to the floor and make a political judgment to take away one of the tools and weapons to fight for good public health and to fight HIV/AIDS is the wrong message. What are we going to do next? Are we going to decide that Congress is going to make decisions about the threat of anthrax and not the public health community, that it is a political decision not a medical decision? I hope not.

Whether we are fighting AIDS or anthrax, whether we are fighting drug addiction or other problems facing us in America on the medical scene, for goodness sakes, let us have the humility as Members of the Senate and the House to defer to the experts in the field. Let us not be swept away with the thought that by passing this amendment we are stating something that is politically strong.

Let me close with this statement from the Surgeon General because this says it all:

> In summary, the new studies contribute substantially to the strength of the data showing the following effects of effective syringe exchange programs: A decrease in new HIV sero conversions; an increase in the numbers of injection drug users referred to and retained in substance abuse treatment and well-documented opportunities for multiple prevention services and referral and entry into medical care. The data indicate that the presence of a syringe exchange program does not increase the use of illegal drugs among participants in the syringe exchange programs.

That is the Surgeon General speaking on the basis of facts and real statistics. I beg the Senate not to play mayor and council for a day at the expense of an HIV/AIDS epidemic in the Nation's Capital. Stand with the AMA and the Surgeon General for the sound and prudent medical judgment to let those programs continue in the District of Columbia using their own funds.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I ask that the time I consume not be charged against either of the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AVIATION SECURITY ACT

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1447).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

> *Resolved*, That the House insist upon its amendment to the bill (S. 1447) entitled "An Act to improve aviation security, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.
>
> *Ordered*, That Mr. Young of Alaska, Mr. Petri, Mr. Duncan, Mr. Mica, Mr. Ehlers, Mr. Oberstar, Mr. Lipinski, and Mr. DeFazio, be the managers of the conference on the part of the House.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair appointed Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, conferees on the part of the Senate.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 2107

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. The Senator from Louisiana, the manager of this bill, needs 4 extra minutes. I ask unanimous consent that she be given 4 extra minutes and that Senator DeWine be given 4 extra minutes in relation to this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I yield 2 minutes to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I rise to voice my very strong support for the District of Columbia's efforts to cut HIV/AIDS transmission through its needle exchange program and strongly oppose the Allen amendment. First, I compliment the leadership of the chairwoman, the distinguished Senator from Louisiana, for her efforts in making sure that democracy works in the District of Columbia, that we leave to the local folks home rule regarding those matters we leave to home rule all across this country. I can only argue that the District of Columbia should be able to use its own funds as it sees fit, the same as do other localities in the country.

Let me start with the bottom line on the fundamental issue. Needle exchange programs work and they save lives. Facts speak for themselves. The Senator from Illinois was very articulate in bringing out a lot of them. I will go over a little more of that. There are over 130 needle exchange programs operating in the Nation, in 80 cities and 31 States. They work. These programs, like the District of Columbia's programs, are supported at the local level by people who want to attack this scourge of drug addiction and HIV/AIDS in our communities. They are supported by States and a huge amount of private funds in the country. Again, the simple reason is that they work.

Countless government and private scientific studies have proved the effectiveness of the needle exchange programs. They limit the spread of HIV/AIDS. Fact. They do that without any sense or any kind of objective evidence that they do anything to spread drug use. The Centers for Disease Control, the University of California, and the U.S. General Accounting Office, among a whole host of others, have shown that these programs substantially reduce the transmission of HIV/AIDS without encouraging drug use.

I want to give an example. Beth Israel Medical Center in New York studied needle exchange programs in the city and found that the program reduced infections by two-thirds—a very substantial program. The study found that injection drug use did not increase at all in the city at the same time. Similarly, a 1997 study by the National Institutes of Health concluded that needle exchange programs reduced HIV by at least 30 percent and reduced risk behaviors among drug injecting drug users.

In fact, needle exchange programs serve as an effective link to drug treatment programs. So you get a double-edged benefit; not only do you limit the spread of HIV/AIDS, but you introduce people to drug treatment programs.

According to the recent CDC Morbidity and Mortality Weekly Report, 95 percent of needle exchange programs refer clients to substance abuse treatment. Last year, the Surgeon General found that needle exchange not only reduces HIV transmission but many may also reduce injection drug use for these people who are in the programs. Reference to drug treatment programs is a good thing. That is how we reduce this scourge in our country.

Mr. President, the District of Columbia and communities nationwide are facing a two-pronged public health crisis of injection drug use and a persistent and growing HIV/AIDS epidemic. As many as half of all HIV infections are caused by the sharing of HIV-contaminated injection tools.

I conclude by saying this is an important program that needs the Senate support. We can do a lot to make a big difference in our communities.

I thank the Chair.

Mr. KENNEDY. Mr. President, more than 40,000 people a year become infected with HIV, the virus that causes AIDS. Half of all new HIV infections in the United States occur among drug users.

In addition, approximately 4 million Americans have been infected with the hepatitis C virus. Injection drug use is responsible for at least 60 percent of those infections.

Numerous authorities, including the National Academy of Sciences, the Surgeon General, the Centers for Disease Control and Prevention, the American Medical Association, the Academy of Pediatrics, and the American Public Health Association have concluded that needle-exchange programs reduce the transmission of HIV and hepatitis C without encouraging the illegal use of drugs.

It is indefensible for Congress to tell the citizens of the District of Columbia that they cannot spend their own money on programs that stop the spread of fatal, infectious diseases. It is irresponsible for members of Congress to oppose a locally funded program on the ground that it encourages illegal drug use, when every major health organization in the United States says that the opposite is true.

People's lives are at stake. I urge my colleagues to oppose the Allen amendment.

Mrs. CARNAHAN. Mr. President, the Senate is currently considering the fiscal year 2002 District of Columbia Appropriations bill. I would like to recognize Senators Landrieu and DeWine for their strong leadership in moving this important bill through committee.

The District of Columbia shares a unique relationship with the Federal Government. It is the only locality in the country whose budget intersects so directly with Congress. Congress is charged with approving both the Federal and local budget for the District. Consequently, the city cannot move forward with its own new budget until the Congress finishes its work and approves the bill. I encourage the Senate to approve this bill as quickly as possible.

Several amendments may be offered to this bill that impose Federal restrictions on how the District of Columbia spends the money that it collects in local taxes. The District of Columbia is fortunate to have such an able leader in Mayor Anthony Williams. This past year, the mayor, along with the city council, have put together a budget for the city that reflects its own priorities that meet local needs. I do not intend to support amendments to this bill that impose restrictions on how the District spends it money.

I would not want Congress telling St. Louis or Kansas City how to spend their local tax dollars. The same standard should be applied to the District of Columbia. The District of Columbia is our Nation's Capital and an international symbol of democracy. The Congress should honor the unique status of this city by allowing the District to make its own decisions on how taxes raised from its own citizens should be spent.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield time to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I strongly support Chairman Landrieu's intention in the District of Columbia fiscal year 2002 appropriations bill to allow the city to use its own funds to support a needle exchange program in the city, and I oppose Senator Allen's amendment to restrict the use of those funds.

The current ban on the use of Federal funds for this program remains intact in the legislation before us.

This issue truly is about the ability of an independent jurisdiction to use its locally raised revenue to support a program that its elected officials have deemed appropriate.

In my own State of Rhode Island, for example, a needle exchange program called ENCORE has existed in the city of Providence since 1995, supported by local funds. This has been, and continues to be, a very successful program. Many of the other programs in the 34 States that currently have either state-funded or city-funded needle exchange programs also have been successful in decreasing the spread of HIV/AIDS.

There are currently well over 100 different needle exchange programs around the country working to effect this positive change.

The ENCORE program in Rhode Island has enrolled over 1,500 clients and provides education, counseling, access to sterile syringes, and referrals to substance abuse treatment programs. Followup studies and date continue to show that participants in this program have substantially reduced their risk behaviors.

However, the HIV/AIDS epidemic continues to be very serious in my State, particularly as individuals with the disease are able to live longer and therefore constitute a greater percentage of the State population. That is why the State of Rhode Island continues to look for new methods to deal with the spread of this disease, and why programs like ENCORE are so important.

The Surgeon General echoed this report in one of his own studies in March 2000, stating that "there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs." That has been the case in my own State, and that will be the case if we allow the District of Columbia to take a similar approach with its own funds.

The District of Columbia has the highest rate of HIV and AIDS in the country, and therefore desperately needs the ability to tackle this problem in its own way. Unfortunately, the city has been prevented from using its own locally raised revenue to deal with this issue since 1999 in this appropriations bill.

In addition, in last year's D.C. appropriations bill, even private funds were prevented from being used to support a program.

Today we have an opportunity in the bill before us to change this attitude and allow the city to enact a targeted and aggressive program to attempt to eradicate this deadly disease from a vulnerable population.

Several important public health organizations support this move, including the American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors, as well D.C. Mayor Anthony Williams and D.C. Police Chief Charles Ramsey. It is imperative that we add our support to this effort as well.

To reiterate, I commend the leadership of Senator LANDRIEU from Louisiana. Her position and the position of the committee is that the District of Columbia should be allowed to spend its own money on a needle exchange program. This is a program that has been embraced in 34 States and over 100 cities. One of those cities is Providence, RI. Providence has Operation ENCORE in which they provide a needle exchange together with education, counseling, and drug rehabilitation referrals. The program works.

I come today with facts, with success, to argue that the District of Columbia should be allowed to use its own money to replicate successful programs in other urban areas. They have a huge problem with AIDS in their community. This is a sensible, proven way to help people avoid the scourge of infection with AIDS, and we should support it, not try to deny them this opportunity.

It is no surprise, based on the experience of Providence, which is, at this point, enrolling over 1,500 individuals successfully, that this program has been heralded by the Surgeon General as a great success. In his words, in March of 2000:

> There is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.

"Conclusive scientific evidence," and today we are here to try to refute conclusive scientific evidence, which is at the heart of the proposal to strike this provision, and also to override the judgment of local authorities which is commonplace throughout this country in the over 100 municipalities that are running a program such as this.

If we want to rely upon science and also on the authority of localities to use their local funds as they wish, we have to reject this Allen amendment and we have to support the position of the committee.

This position that drug programs featuring needle exchanges are effective is supported by a host of organizations: The American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors. It is clearly supported by the mayor of the District of Columbia, Mayor Williams, and the police chief.

Those with the most interest in this program, with the most at risk, the most at stake, are asking us to give them the chance to use their resources to provide for a needle exchange program to reduce the transmission of AIDS and, as the Surgeon General pointed out, in no way will this encourage the illegal use of drugs. I cannot think of a more sensible position to support.

I urge my colleagues to reject the Allen amendment and support Chairman LANDRIEU'S position.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, our side rests its case. I believe our speakers have concluded. Senator DURBIN and I have some closing remarks, and I have some things to submit for the RECORD. I understand the Senator from Virginia may have some time remaining on his side. I understand from the leader he would like to get to this vote as soon as possible. I inquire of the Senator from Virginia what his intentions are and how much time he intends to use.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, I say to the Senator from Louisiana, I have a few minutes, no more than 3 or 4, maybe 5 at most, of concluding remarks. The others on our side who wanted to speak are elsewhere, and the vote will get them back here.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senator from Virginia have 5 minutes and that we have 2 minutes for closing remarks, and then we will be ready to vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I certainly have no objection to the request. We have a number of Senators who have inquired as to when the vote will occur. I wonder if the two Senators can agree we can have the vote at 11:15 a.m.

Mr. ALLEN. Agreed.

Ms. LANDRIEU. Agreed.

Mr. REID. I pose that, Mr. President, as a unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana had requested in her unanimous consent request that the Senator from Virginia have 5 minutes and that she have 2 minutes.

Mr. REID. There will be time left over. That sounds great to me.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. I thank the Chair.

Mr. President, in conclusion, as Senators are getting ready to vote on this amendment, my amendment actually keeps the policies the way they have been in prior administrations. I cited General McCaffrey who was the drug czar under President Clinton. General McCaffrey stated the problem is not clean needles, the problem is drug addiction.

One thing that has arisen a great deal in this debate is not the message we are sending, although I think it is the wrong message if we actually say we are going to use taxpayer funds in the District of Columbia to give drug users, drug addicts, clean needles and syringes. The evidence is clearly mixed on it. We can get evidence, I suppose, from those who are drug addicts. I would not consider them the most credible witnesses under any cross-examination. Indeed both sides cite studies. Whether it is a study in New York or Vancouver or various other studies, these needle exchange networks only create networks for drug users to exchange information and drugs and have no positive impact whatsoever on drug use nor do they have an impact on stopping HIV transmission.

Of course, I do think AIDS and HIV ought to be addressed, but, as General McCaffrey states, the way of doing it is not to encourage and facilitate drug delivery devices that are cleaner than one would ordinarily use.

The main argument, though, is a jurisdictional one. I have the same general sentiments as the Senator from Illinois when we are talking about local control. I really do not like it. Notice Virginia, of course, is not one of the States that allows needle exchange. I am one who generally, as a matter of philosophy, trust the people in the States. I believe the 10th amendment is very important as a part of our Bill of Rights granting to the people in the States those rights that are not specifically granted to the Federal Government. But this is an issue that has to do with the District of Columbia.

The District of Columbia is under the purview and oversight of the Congress because it is the seat of Government. The part of the District of Columbia that remains is that which was ceded for the seat of Government by the State of Maryland. Virginia also granted some land, which is now Arlington County. It was not necessary, and it was retro-ceded to Virginia.

Just to show how Congress recognizes its special role in oversight as far as the District is concerned, both the House and the Senate have authorizing subcommittees specifically to address the needs of the District. There is no Chicago committee or Kansas City committee or Oklahoma City committee or Los Angeles committee in the House nor a subcommittee on them.

To argue this is a States rights issue or 10th amendment issue negates and clouds the reality that we have a responsibility in the Senate to have oversight over the laws and the activities, the safety and the conduct in the District of Columbia.

It is my view that it would be the wise and prudent course of conduct to not have the Senate in any way condone granting free needles, or free syringes to those who are engaged in and, in fact, are illegal drug addicts. I hope my colleagues in the Senate will stand for that principle for the District of Columbia, which is looked upon as not only our Nation's Capital but also the home of our legislative body, and of freedom of our representative democracy by people all over the world.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER (Mr. REED). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Illinois for his usual force and clarity in outlining many good arguments supporting the tabling of the Allen amendment.

I ask unanimous consent to have printed in the RECORD letters from the American Public Health Association, the District of Columbia Housing Authority, the honprofit organization called Prevention Works, as well as the Whitman-Walker Clinic, Inc.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA
HOUSING AUTHORITY,
Washington, DC, June 5, 2001.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, House Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN YOUNG AND STEVENS: As required by Section 150(b) of the District of Columbia Appropriations Act for Fiscal Year 2001 (Public Law 106-522), the District of Columbia Housing Authority Police Department (DCHAPD) submits to the House and Senate Committees on Appropriations its report on illegal drug activity at or near any public housing site where a needle exchange program is conducted.

During the reporting period from January 1, 2001, to May 31, 2001, Prevention Works was the only organization administering a needle exchange program near a public housing development. Distribution locations were at 15th and Ives Streets, SE, which is near Hopkins Apartments located at 1430 L Street, SE; Central and Southern Avenues SE, which is near East Capitol Dwellings located at 5725 East Capitol Street, SE; and 21st and H Streets NE, which is near Langston Terrace located at 21st and Benning Road, NE. During this period, there were no needle exchange distribution sites in operation directly on public housing properties.

During the reporting period, we monitored each of the areas where the needle exchange van operated near a public housing site so as not to impact the behavior of needle exchange clients. Based on our observations, the maximum amount of time that the van remained at any one site was approximately 90 minutes. The activity in and around the van did not cause any disturbances. People visiting the van were there long enough to receive their supplies and usually left the area immediately. There was also no evidence that the presence of the needle exchange van led to increased crime. It should be understood that the needle exchange "sites" are not permanent sites, but rather stops on a weekly schedule of van routes. It should also be noted that in addition to the exchange of needles, the Prevention Works van provides free food and coffee to anyone approaching the van. During the reporting period, we received no resident complaints or concerns regarding the operation of the needle exchange program near the three public housing developments.

The DCHAPD will continue to monitor all disbursement sites located near our public housing developments and report accordingly. If you have need for further information, please feel free to call DCHAPD, Chief Madison Jenkins, Jr., at (202) 535-2588.

Sincerely,

MICHAEL KELLY,
Executive Director.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, September 25, 2001.

Hon. ROBERT BYRD,
Chairman, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN BYRD: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, strongly urges you to oppose any amendment to the FY 02 District of Columbia Appropriations bill that would place further restrictions on the District's needle exchange programs. While APHA opposes any provision to ban the use of federal, local or private money to fund needle exchange programs, we are encouraged that the House Appropriations Committee did not include last year's extraordinarily burdensome restrictions on the operation of needle exchange programs in the District. We urge your Committee to follow the House Committee's lead and at a minimum, oppose last year's operational restrictions.

Since 1994, APHA has advocated for the development, implementation, evaluation, and funding of needle exchange programs to help prevent HIV infection. All APHA public policy is passed by the Association Governing Council and is required to meet strict scientific criteria. APHA policy on needle exchange is no different—an enormous body of published research, including more than seven federally sponsored reports, demonstrates that needle exchange programs reduce the spread of HIV while not increasing drug use by program participants or others in the community where the program is conducted. These findings are also reflected in a March 2000 report released by Surgeon General David Satcher reviewing all of the scientific research on needle exchange programs completed since 1998.

The current epidemiology of HIV/AIDS is clear—women and children are affected disproportionately by heterosexual HIV infection associated either directly or indirectly with transmission from injectable drug users. These new cases of HIV/AIDS that are linked to injectable drug use largely can be prevented through the provision of sterile needles to drug users coupled with other public health tools including health education and condom distribution.

Needle exchange programs increase the contact that health professionals have with injectable drug users, thereby increasing opportunities to conduct health education and disease prevention activities, including drug treatment and counseling. The efficacy of these programs is proven—placing further restrictions on funding and operations threaten the District's efforts to reach those individuals most at risk of HIV infection. Public health and saving lives must take precedence over politics. Your opposition to any further restrictions on these important public health programs is critical.

Thank you for your consideration of our views and your attention to this critical public health matter.

Sincerely,

MOHAMMAD N. AKHTER, MD, MPH,
Executive Director.

WHITMAN-WALKER CLINIC INC.,
Washington, DC, September 3, 2001.
Hon. MARY L. LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: As Executive Director of the Whitman-Walker Clinic, the largest HIV/AIDS service provider in the Washington, D.C. metropolitan area, I again urge you not to include language in this year's DC Appropriations bill that would restrict the District's ability to prevent the spread of HIV/AIDS.

In previous years, the Congress has added a series of overly restrictive prohibitions on the District's AIDS prevention needle exchange program. This year, under your leadership, we hope that you will respect the decisions and policies of the District's elected officials and not include such provisions in the bill. Further, we ask that you oppose any efforts to add such restrictions by others during consideration of the D.C. appropriations bill.

Sadly, the District of Columbia has one of the highest rates of HIV/AIDS in the nation. As of December 31, 2000, more than 13,000 people had been diagnosed with AIDS, and more than 6,600 people were living with AIDS in the District. Approximately, one-third of all AIDS cases in the District are attributed to intravenous drug use. It is estimated that 1 in 20 adults is HIV positive.

The spread of HIV can be prevented, and one scientifically proven way to do so is through needle exchange programs. According to the Centers for Disease Control and Prevention, the number of these programs is increasing, with 131 needle exchange programs across the country in at least 81 cities and 31 states, plus the District of Columbia. Four of these programs are conducted in the State of Michigan, with two in Detroit, one in Grand Rapids, and one in Kalamazoo. Almost 40 percent of all needle exchange programs receive public funding. The good news is that recent data presented at the 2001 National HIV Prevention Conference shows that programs are having an affect in decreasing new transmissions. Moreover, exhaustive scientific studies have all concluded that needle exchange programs reduce HIV infection and do not increase drug use.

Needle exchange programs are supported by the American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, and the U.S. Conference of Mayors, among others. Even the recent United Nations Declaration of Commitment on HIV/AIDS, signed by the United States, supports "access to sterile injecting equipment" as one way of preventing the spread of AIDS.

We have been heartened by your comments that you do not support riders to the D.C. Appropriations Bill. We are also pleased that, in transmitting the District's budget to the Congress, the Bush Administration deleted section 150, which placed unduly restrictive limitations on the operation of the needle exchange program. We hope you will follow the lead of the Bush Administration, and also delete these provisions from last year's bill, and further, enable the District government to fund the program as other cities are allowed to do.

While the news of late has focused on the international AIDS crisis, we have a crisis of our own in the District, which particularly affects African Americans. District leaders and health officials are doing their best to deal with the HIV crisis at home. I know you care about the health of the District's people, and trust that you will demonstrate it when you consider the District's appropriations bill, and the District life-saving needle exchange program.

Thank you for your continued support for the District of Columbia. As you consider this issue, if you have any questions or comments, please feel free to call me at 202/797-3511.

Sincerely,

A. CORNELIUS BAKER,
Executive Director.

PREVENTION WORKS,
Washington, DC, July 23, 2001.
Hon. MARY LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing as the Executive Director of Prevention Works, the needle exchange program in the District of Columbia. Our mission is to curb the spread of HIV, hepatitis, and other blood-borne diseases among drug users, their sexual partners, and newborn children. The District has an AIDS rate over 10 times the national average. According to Health Department statistics, 36% of people living with AIDS here have been injection drug users. In addition, almost a third (31%) of the cases attributed to heterosexual contact involved sex with a drug injector. Our outreach and education are crucial to the health of our entire community.

Elected officials in the District are aware of the AIDS pandemic here and its connection to drug use. That is why they funded the needle exchange program from 1996 to 1998. Since October 1998 Congress has prohibited the District from using logically raised public funds to support needle exchange. This lack of public funding has had dramatic effects on our program and on our community, as has this year's Congressionally-mandated relocation of all exchange sites to a limited area of the city.

Program Instability: Prevention Works cannot guarantee the same level of services each month because of insecure private funding.

Service Reliability Impaired: Having to move our exchange sites has resulted in a diminished client base because clients can not find the program. The change appears arbitrary to clients, and because sites no longer conform to patterns of high drug activity, many clients have been lost and may never reaccess services.

Program Services and Refferals Compromised: Having to monitor Congressional activity and pursue smaller and more numerous private funding streams means that valuable program resources are directed to these administrative activities. Resources for monitoring and improving services are lost and the quality of linkages with drug treatment and other services are compromised. Organizations that are allowed to get larger and more predictable public funding do not face this challenge.

Obstacle to Collaboration: Prevention Works may be a client's first or only contact with the comprehensive network of service providers in the District. However, our clients' access to substance abuse treatment and the rest of the public health infrastructure is hindered because community-based organizations and government agencies are hesitant to work with Prevention Works because of understandable fears of repercussions on their own public funding.

Participants Concerns: Increased restrictions affect program consumers and increase the general stigma associated with needle exchange. This increased stigma drives clients further underground rendering this population even more difficult to reach. Increased restrictions do not result in less drug use, but they do lessen trust among a predominantly African American population that has been historically alienated from the public health establishment.

Community Health Needs Ignored: Reducing HIV and other health risks among people who inject drugs is a national priority as defined in Healthy People 2010. Currently prohibited by Congress from funding Prevention Works—the only program with an established presence among this marginalized and hidden population—the District has no chance of effectively achieving these federally defined objectives. In addition, because of new performance-based funding guidelines, the ban on local funding for needle exchange places future District funding in even more jeopardy.

The federally imposed restrictions on needle exchange do not improve the health of any District resident. They merely limit effective outreach and prevention of deadly disease among the city's most vulnerable residents.

Sincerely,

PAOLA BARAHONA, MPH,
Executive Director.

Ms. LANDRIEU. Again, I ask the Senator from Illinois for any closing remarks he might add.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and 10 seconds.

Mr. DURBIN. I thank all those who have joined me on this side, including the Senator from Rhode Island and the Senator from New Jersey.

The District of Columbia is facing the worst HIV/AIDS epidemic in America, nine times worse than the national average. The medical community and the law enforcement community of this city have asked us to give them the tools and weapons to fight this epidemic.

The needle exchange program has proven successful in fighting this epidemic. That is why we have to defeat the Allen amendment. To do otherwise is to ignore the American Medical Association and every major public health group that has told us that needle exchange programs work. To reject the medical and scientific evidence and to take away this weapon against the war on drugs and the war on HIV and AIDS is wrong.

We appropriate less than 10 percent of the funds the district will spend out of Congress. The rest is their own money, and they are only asking to spend their own money as 34 other States do for programs that they think are important to protect their citizens.

The Senator from Virginia may not be surprised to find some Virginia license plates at the needle exchange program in DC. We need to keep this program in place.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. Mr. President, I move the Allen amendment be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that Senator NICKLES also be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that even though we are probably a minute or so early, the vote begin now.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The motion was agreed to.

Ms. LANDRIEU. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized to offer an amendment on which there shall be 60 minutes equally divided, 30 minutes of which are to be used at this time.

Ms. LANDRIEU. Mr. President, if the Senator from Texas will yield for just a moment as she prepares to speak on her amendment, as you know, we have had a lot of consensus in this underlying bill. We have worked very hard through many stages of our committee to bring consensus on some of these issues. There is one issue that is going to require some debate and discussion. I hope between what Senator HUTCHISON can bring to this debate and Senator DURBIN, we might be able to come to some joint resolution. It is unclear at this point if that will happen. This debate is going to move forward.

I have to say with all due respect to both Senators, with whom I have visited at length about this issue—so has Senator DEWINE—both have genuine concerns for the schoolchildren of the District and the well-being of the school districts. They are both very passionate about these particular views. We were unable to come to a resolution. So this debate will ensue.

I would like to speak about a couple of things which are of concern to me as manager of this bill and as the appropriations chair for the committee.

It is very disconcerting that we cannot get the kind of information from the District, or the CFO, or the school board, or any other financial entity to give us the details of outstanding judgments—how much they are, how many there are, and that kind of information. We are not able to verify some of the information that was sent to us, which itself is a problem to me not only as manager of the bill but as chair of this committee.

I hope we will be respectful of that issue as we debate whether it is appropriate to have caps for attorneys representing children and families with special needs—whether or not it is appropriate to have caps based on the data. But if people are looking to us or to the staff for some specifics, we have tried our best. It is a real problem, when we don't have this information, to be able to explain to people for the benefit of debate how much the judgments are that are outstanding, how many there are, what moneys we may be saving, what moneys we may be spending, and what the interest rates are. It would be very pertinent in trying to resolve this issue.

I say to the Senator from Texas and to the Senator from Illinois that we cannot really trust the documents we have. We will just do the best we can.

I appreciate the Senators feeling so strongly about their respective positions and hope the outcome will be something that will serve the children of the District, their parents, the school system, and the taxpayers in the fairest manner possible.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

AMENDMENT NO. 2110

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. SESSIONS, proposes an amendment numbered 2110.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Under "General Provisions" insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorney's fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. § 1400 et seq.).

Mrs. HUTCHISON. Mr. President, Senator SESSIONS and I are offering this amendment for one simple reason: We want to improve the quality of education for the District of Columbia. Our amendment will preserve an estimated $44 million for special education funding in the District.

The amendment will continue a provision contained in the last three DC appropriations bills that cap the allowable fees an attorney may charge for a child's special education placement in the District of Columbia. We raise the cap in the present law from $125 an hour to $150 per hour, and a per-case limit from $2,500 to $3,000.

Our amendment also continues a provision contained in last year's bill that allows the District of Columbia, acting through the mayor and school superintendent, to waive those caps if they believe it is in the best interest of the D.C. students to do so.

I also point out that our amendment will prevent an estimated $32 million in retroactive attorney's fees from being awarded, as has been threatened by the D.C. Circuit Court. That court has ruled that should this fee cap be lifted, they will go back and actually undo the will of Congress by awarding all the billed attorney fees in excess of the caps during the last 3 years.

Our amendment is supported by the school board and the superintendent of schools in the District. And the mayor has told me he also has supported this. They support it because it allows them to put the dollars in education for the children. They are trying to use the money for the education programs. In fact, they have put the money they have saved since the caps were put in place, that would have gone to attorney's fees, into the special needs programs, and they have increased the number of children who now can be taken into the programs.

Why is our amendment necessary? In fiscal year 1998, the District of Columbia spent $14 million solely to pay attorneys who challenged the District's placement of special education children. The next year, in fiscal year 1999, the District spent $3.5 million in attorney's fees. This meant that the District had approximately $10 million in additional funds for the education of these children. The District allocated all this money saved to improving the quality of their special education programs.

And those programs have continued. Over the next 3 years, D.C. allocated $32 million in funds that would otherwise have gone to pay attorneys to improving special education programs for disabled and special needs children.

This effort has significantly improved the availability and quality of special education. They have also been able to reduce the backlog of initial assessments of special education children from 1,805, before the imposition of the cap, to 143 as of March of this year.

Now they are hiring new special education teachers, purchasing new assistive medical devices, and providing new training and education for existing special education teachers.

So what we are trying to do with this amendment is make sure the education dollars, which are so crucial for the District to improve the quality of education and the quality of special education, stay in the education budget rather than going to pay lawyer's fees.

I ask unanimous consent that a letter the president of the school board and the superintendent of D.C. schools have written in support of our amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA
BOARD OF EDUCATION,
Washington, DC, October 26, 2001.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Building,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the District of Columbia Board of Education and the DC Public Schools, we are writing to strongly urge you to include language in the FY 2002 appropriations bill for the District of Columbia that provides a cap on the amount of funds expended for special education attorney fees. Specifically, we are requesting language comparable to that contained in the District of Columbia Appropriations Act of 2001, P.L. 106–522.

It is our determination that the exclusion of such language could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002 (including approximately $32 million in fees subject to the cap in FY 1999 through FY 2001 that could now be billed, plus at least $12 million in new fees no longer subject to the cap). It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide educational materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

We are grateful for your past support of our efforts to improve the quality of education provided to the children of our City and we look forward to working with you to continue to build upon our growing accomplishments. Your support of this request will be a significant step toward further realization of our mutual goals for education.

Thank you in advance for your consideration of this matter. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully,

MS. PEGGY COOPER
CAFRITZ,
President.
DR. PAUL L. VANCE,
Superintendent.

Mrs. HUTCHISON. I would like to read briefly from that letter:

> It is our determination that the exclusion of [the cap] could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002. . . . It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide education materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

I urge my colleagues to vote for this amendment. It is a reasonable cap. We are not trying to starve lawyers. We want legitimate lawyers to be able to earn a living. But $150 an hour is quite a legitimate amount to spend. I think if anyone has the legitimate interests of the school district at heart, they will listen to the superintendent of schools and the president of the school board to let them do what they believe they need to do to improve the education in the schools. And they do not want to spend this money on lawyer's fees.

They are doing the best they can. There are no complaints—or maybe there are complaints; I guess there are complaints against every school district, but there are no complaints that they are not making every effort to increase the quality of and the number of children they can serve in these special needs classes.

Madam President, I now would like to reserve the remainder of my time. I ask that either Senator DURBIN or Senator SESSIONS be allowed to speak. Senator SESSIONS is my cosponsor. I do not know if Senator DURBIN wishes to speak first.

The PRESIDING OFFICER (Mrs. CARNAHAN). Who yields time?

Ms. LANDRIEU. Madam President, I yield time, as stated in the unanimous consent agreement, to the Senator from Illinois for a response to this amendment. Then probably, after the Senator from Illinois speaks, the Senator from Alabama would like to speak. And then Senator MURRAY could be recognized in morning business.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the chair of the subcommittee for yielding to me.

Madam President, several years ago Congress decided to pass a law which was revolutionary. It said that in the United States of America, if you had a child who needed special educational assistance, we were going to try to help that child. It really was a commitment that had never been made before.

I can recall, as a child growing up in my small hometown, that it was rare to see kids with learning disabilities and physical disabilities in my classroom. I do not know where those kids were. They were certainly here on Earth, but they were not in the classroom.

So Congress said: We are going to change that. We are going to open the doors of education in the schools across America to children with special needs—kids who are disabled, mentally and physically, kids who have learning disabilities. We are going to give them a chance.

That bill passed with an overwhelming, bipartisan vote because it sounded so right and so American for us to stand up and say: That is why America will be different.

We knew, when we passed that bill, it would not be easy because many of these children really need special attention. I have seen it in classrooms across Illinois and people have seen it across the Nation. But the success stories are so gratifying, that children, who would have been tossed in the trash heap just a few years ago, are given a chance. With special education and special assistance, they can become productive citizens in America and have a good, wholesome, and happy life.

Democrats and Republicans said: This is a good thing for us to do. But what are we going to do about school districts that turn these kids down, that will not give them the chance to go into the schools, where the parents are distraught, where they have no place to turn? What are we going to do in that situation?

The law said, if it comes to that, if the school district will not accept the child who needs special education, there may have to be a hearing. Of course, hearings involve attorneys. An attorney would have to stand up for that child and that child's family and try to give that child the chance the parents want.

Who will pay for that attorney, because some of these kids are from the poorest families in America. They are not all rich families and rich kids. The law said, when it comes to that issue, the court will decide. If the attorney representing that disabled child—a child with a learning problem—prevails in the lawsuit, the court can award attorney fees to the attorney who represented the child, and the school district that resisted bringing the child in for special education will have to pay the attorney fees.

I have just stated the law in America. Through her amendment, the Senator from Texas wants to change what I have just described in one city—the District of Columbia—to say that in this, the Nation's Capital, we will not play by the same rules that Texas, Louisiana, Ohio, and every other State, including Alabama, plays by. No. In the District of Columbia we are going to do it differently. We are going to say, in the District of Columbia, no matter how complicated the case, no matter how many problems that child might have, no matter how many hearings might be necessary, no matter how much effort is put up by the school board to stop this child from coming into special education, no matter how much is involved in it, no attorney is paid more than $3,000, period—none, not a penny.

That $3,000 limit does not apply in Texas, does not apply in Illinois, Washington State, Alabama, or any other State. The Senator from Texas would have us apply that here in the District of Columbia.

So when you put a limit on the attorney's fees in complicated and difficult cases, how easy is it for a person, a family, a mother and a father, to find an attorney to represent their son or daughter? It becomes increasingly difficult.

What the Hutchison amendment does is to close the courthouse door, close the opportunity for administrative hearings for children who are seeking special education in the District of Columbia.

Need I remind my colleagues, the District of Columbia is one of the poorest cities in America. There are children in this city who, through no fault of their own, came to the Earth in the usual way—as Harry Chapin used to sing in a song—who came to the Earth in the usual way with a lot of problems, disabilities. These kids, through no fault of their own, will find the schoolhouse door is closed to them because of the Hutchison amendment.

She has said these kids cannot have the same legal representation as children all across America who are asking for an opportunity for special education. Her war is against trial lawyers. I used to be one. I plead guilty as charged, Your Honor. But I can tell you, to say that no lawyer will spend more than 20 hours on any case involving special education is just terrible. It is terrible when you consider the outcome. The losers here won't be the trial lawyers. They will find other work. The losers be will be the children and their families who do not want to give up hope for these kids.

Senator HUTCHISON says it is a matter of dollars and cents: Either give it to the trial lawyers or give it to the school district. Certainly, the schools of D.C. and schools across America need more money. But does this meet the test of fairness and justice? Does it meet the test of those who proudly voted for the IDEA legislation and said they really cared about special education? It does not meet that test.

Let me tell you something else that is unintended perhaps but has to be said: When Senator HUTCHISON limits the amount the District of Columbia can pay to any lawyer representing any child, no matter how complicated the case, to $3,000, do you know what the D.C. courts have said? They have said: We reject that. We are going to award to these attorneys the fees to which they are reasonably entitled. We understand the D.C. appropriations bill passed by Congress may limit how much Congress can pay out to those lawyers, but that is not going to limit our right under the IDEA bill to award these attorney's fees.

So what has happened?

Let's assume in a case that an attorney works long and hard for many years on a special education case and the court says, you are entitled to $10,000 in attorney's fees. The Hutchison amendment says, no, D.C. can only pay $3,000. What happens to the difference: what happens to the $7,000? The $7,000 is still an obligation of the District of Columbia. Senator HUTCHISON is not doing the District any favor.

What is happening is all of these awards in court above the Hutchison payment level continue to build up in the District of Columbia, and interest is running on them. This mountain of debt for the District of Columbia is going to be there whether Senator HUTCHISON or Senator DURBIN like it or not. It is a reality. In every city and school district across America, they face their legal obligation—in Texas, Louisiana, Alabama, and in Illinois. But Senator HUTCHISON would say we won't face that legal obligation when it comes to the District of Columbia.

The root problem is the weakness and poor performance of the D.C. public school system. They come racing to us now and say, we don't want the attorneys who want children to come in as special education children to be paid what they are entitled to be paid by the court.

Litigation is merely a symptom of a larger problem. Fifteen percent of the kids in the D.C. public school system are special needs children, 10,500 children. The appropriate way to reduce the burden of litigation on the D.C. public school system is for the system to comply with the law and provide the services and education that children with special needs deserve in every State in the Union, and every school district in America plays by those rules. But not under the Hutchison amendment. She has said there will be one exception: the District of Columbia, one of the poorest cities in America with children suffering from learning disabilities. That system, those children, those families will not have the same legal representation as kids across America.

Singling out the District of Columbia is just plain wrong. This isn't a war against trial lawyers. This is a war against poor children who need a helping hand. That is just not fair.

I asked before in the earlier debate, why is it when this appropriations bill comes to the floor, every Member of the Senate and House wants to turn into a mayor or a member of the city council? Time and again we defer these judgments to the city council and mayor. In Springfield, IL, and Chicago, IL, we say: It is your call. When it comes to the District of Columbia, no, we want to superimpose our decision, our judgment. It is not fair for the District of Columbia public school system to be standing here begging to be treated as a home rule unit and then say to Congress: Make sure you carve out a little exception for D.C. when it comes to special education students. They want to have it both ways.

The mayor, whom I respect very much, has talked out of both sides of his mouth on this issue. I don't know where he stands on this issue. I can't follow it. I really respect this man. But eight members of the D.C. city council have written a letter, a compelling letter. I ask unanimous consent that the letter from the D.C. council of September 24 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> COUNCIL OF THE
> DISTRICT OF COLUMBIA,
> *Washington, DC, September 24, 2001.*
>
> Re: special education attorney fees.
>
> Hon. MARY LANDRIEU,
> *Chairwoman, Subcommittee on the District of Columbia, Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.*
>
> DEAR SENATOR LANDRIEU: As the Congress considers the District's appropriation for fiscal year 2002 we understand that the House has dropped any provision limiting attorney fees in special education cases. We hope and urge that the Senate agree.
>
> As you know, the federal Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) mandates special education for children with learning disabilities, and provides that where a child must go to court to effect his or her right that child (if he wins) is entitled to have his attorney's fees paid by the government. That the District has been singled out for the last three years with a limit on the fees has been a matter of great controversy.
>
> The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:
>
> A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.
>
> A cap discriminates against low income children. Affluent families can afford legal representation; the cap affects them but they still have an economic ability to help their children.
>
> The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation. District children have fewer rights with the cap.
>
> The way to improve special education in the District of Columbia must be programmatic—improve the programs rather than limit the advocacy for special needs children.
>
> We want public school children to obtain the best possible education. Reforms must be done in a way that does not disadvantage children. It is our strongly held view that the cap on attorney fees places already vulnerable children at an even greater disadvantage. For all of these reasons we ask that the Senate follow the House and eschew any provision limiting attorneys fees for prevailing parties under the federal Individuals with Disabilities Education Act.
>
> Sincerely,
>
> SHARON AMBROSE,
> *Ward 6.*
> DAVID CATANIA,
> *At-Large.*
> KEVIN CHAVOUS,
> *Chairman Comm. on Education & Libraries.*
> ADRIAN FENTY,
> *Ward 4.*
> JIM GRAHAM,
> *Ward 1.*
> PHIL MENDELSON,
> *At-Large.*
> KATHY PATTERSON,
> *Ward 3.*
> CAROL SCHWARTZ,
> *At-Large.*

Mr. DURBIN. These include Republican as well as Democratic and Independent members of the council. They write in part:

> The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:
>
> A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.
>
> A cap discriminates against low income children.
>
> The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation.

I was a practicing attorney before I came to Congress, and there are some wonderful people who are involved in pro bono—free—legal work. They do great work. There are also some attorneys who can't find any other kind of work; they are not up to it. I don't think we should put the future and fate of these special ed kids in the hands of an attorney who may or may not be qualified to handle the case. That is exactly what we are doing.

This is discrimination against the special ed kids in the District of Columbia. The District of Columbia school system should be ashamed that they have called on this Congress to perpetuate this injustice. I hope this Congress will think twice. If you voted proudly for IDEA, if you really stand for children with disabilities, then for goodness' sake give them the legal rights to pursue the right they have under law.

I yield the floor.

Ms. LANDRIEU. May I inquire how much time the Senator from Alabama might need to speak on this amendment?

Mr. SESSIONS. I will finish the time of Senator HUTCHISON. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Alabama has 8½ minutes.

Ms. LANDRIEU. That would be fine, of course, under the consent agreement, because the Senator from Washington State is on the floor and wants to speak not on this amendment but as in morning business. I was just inquiring. The Senator from Alabama is entitled to proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the Individuals with Disabilities Education Act has done a lot of great things. It has had a consistently strong goal to mainstream disabled children into regular classrooms.

I have in the last year or so visited 20 schools in my State. I try to take the opportunity each time to meet with the principals and teachers in a conference and ask them about their problems, what are their frustrations, what is working, what is not working, what can we do in the Federal Government to help them.

The thing I hear over and over again—and I ask Senators if they hear the same thing; I suspect they do—is that the Individuals with Disabilities Education Act has become a legal nightmare. It has created laws that are not helpful and are costing the schools tremendous sums of money in litigation. It is not helping children in ways we would like to help them. Yes, we want to mainstream every child who can be mainstreamed.

I will share this story. I attended a wonderful, award-winning elementary school in a mid-size town in Alabama. It was so well decorated. It was the first week of the school year. The classrooms were well appointed, well organized, with bulletin boards of first quality. My wife taught elementary school a number of years, and I know about those things and what you are supposed to do. The principal told me this story.

He said: The first day of school, when we were working as hard as we could to do all the things necessary to make that first day a great day for the kids, I spent that afternoon and until 7:30 that night with 13 individuals, including a group of lawyers, over how long an individual child should be kept in the mainstream classroom.

This child had a serious emotional disability and was not going to be removed from school but would be put in an alternative setting where the disability could be dealt with. But the parents and lawyers wanted the child to be mainstreamed. In the previous year, I believe that child had been in the classroom 1 hour a day. The principal had concluded the child didn't need to do that. He was disrupting the classroom and the child would not benefit from being in the classroom an hour a day, and he decided to change that policy. So they did that under the individual plan for the child. As a result, an objection was raised. The compromise—he told me this, and I find this unbelievable—was that the child was allowed to be in the classroom for 15 minutes a day. After all of that.

As part of that settlement, the school was obligated to pay the lawyer who brought the allegation because the child had prevailed—at least in some part. So they had to pay the lawyer's fee for their lawyers and the lawyer's fee of the people on the other side. The teachers and all who had relevant information about this had to disrupt their first day of school to meet and meet and meet. They had to prepare and they had to talk to experts and have expert testimony about this child and what they could do—all because of the Federal education disabilities act.

We want to help children who can be in the classroom—children who have sight disability, who can't hear, or children who have other disabilities and are in wheelchairs; they need to be mainstreamed. We want to achieve that. Nothing here would say otherwise. There are a lot of problem areas, though, and there is a cottage industry of lawyers who are filing lawsuits regularly.

The District of Columbia tells us they had nearly 2,000 cases last year, and they are over the kinds of issues about which I am talking. These children are not being thrown on the ash heap. The question often is, What kind of program or benefit do they get? Do they stay in the main classroom or go to a special education classroom.

We had a case in Alabama—and this is true all over America—where a child was so unable to control himself—apparently unable, or at least did not control himself—an aide was hired by the State to meet him at the school bus stop in the morning, go to school with that child, sit with him all day in the classroom, and come home with him in the afternoon. This is happening all over America.

The lawyers and the regulations are impacting principals and teachers who love children. They want to see children do well, and they want to see every child reach their highest and fullest potential; but they are being handicapped by complex regulations and litigation. I say that in general. Then I will say this: $150 an hour is not unusual. There are a lot of regulations that we have where the hourly fees are lower than that. Criminal defense attorneys are paid less than that in most States in America. $150 an hour is a 20-percent increase over the current law.

This Hutchison amendment is a 20-percent increase over current law in the District of Columbia. This was requested by the District of Columbia. They say, well, you don't cap other lawyer's fees. Other lawyers don't have their fees capped.

Let me say this: If someone cheats you on a contract and you sue them and you win the lawsuit, they don't pay you anything for legal fees, unless it is in the contract, which it normally is not. Most people in America file a lawsuit, they pay their lawyer out of what they recover. So we have given a special advantage to lawyers in disability cases and in several other instances in lawsuits against Government agencies. We have agreed to pay their legal fees, but they are not guaranteed unlimited legal fees, guaranteed to be paid forever, however much they want or whatever some judge may agree to award them.

So I think this is a reasonable amendment. It is a serious request of the school board of this city, which is facing an avalanche of lawsuits. There were nearly 2,000 last year. None of this money that is expended—the $10.5 million that was saved last year is not being thrown away. The $10.5 million that is saved can be used to help disabled children and provide them better programs. If we pay out more money in legal fees, from where do people think it is coming? It is coming from the children. That is where it is coming from—the people we want to help. We need to address nationally some of the litigation that is arising with the Individuals with ’Disabilities Education Act. There is not a superintendent of schools in America who has been on the job very long, I suggest—or certainly very few who would suggest this system is working effectively.

Principals tell me all the time it is a nightmare for them. It is disrupting their ability to educate our children. They tell me the child who is getting hurt is the average child. There are special programs for the bright children and for those with disabilities, but the average child is getting shortchanged. Oftentimes, teachers are so frustrated they are leaving the profession. They are being sued for how they handle difficult circumstances.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair and reiterate my support for the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I want to speak for a moment. The Senator from Washington wants to be recognized. I want to say this: I voted with Senator SESSIONS on the last amendment he offered on this subject. I actually agreed very strongly with what he said. Many of us on both sides of the aisle voted with him, as he has outlined so beautifully some of the real problems with special education as far as Federal rules and regulations go. We are all well intended. We all want to help these children, but there is a major disagreement and debate about whether the rules are actually helping or hurting.

The Senator is absolutely correct that many of our resources are not being devoted to sort of mainstream children because of the complicated rules about special needs and also gifted children. It is a problem and it has to be worked out. I agree with the Senator. My disagreement is that this amendment doesn't actually fix that problem, and it makes it worse, not better, which is why I probably cannot support this exact amendment and why we have tried to work out some compromise between the Senators.

I wanted to say that for the record, and I want to also say that in limiting the attorney's fees to $150 an hour, which doesn't seem to many people to be much of a limit—that is quite a lot of money to make, particularly in these times. But the problem the Senator, as an attorney and prosecutor, should know is the real problem is the overall limit of $3,000 per case.

So what happens is an attorney basically can only spend 2½ days. That would allow them to process one or two motions and may not cover them until the end of the case.

These are long and complicated and, as he has described, very difficult cases. That is the problem Senator DURBIN is trying to raise. So I hope we can resolve it. Maybe the good prosecutor, my colleague from Alabama, would have a suggestion about that to us.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled by the two leaders or their designees.

The Senator from Washington.

Mrs. MURRAY. Madam President, I intend to speak as in morning business. I believe the Senator from Minnesota would like to propound a unanimous consent request.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I follow the remarks of the Senator from Washington in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY and Ms. SNOWE pertaining to the introduction of S. 1643 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act, which my colleague, LANE EVANS, and I have called the Heather French Henry Homeless Veterans Assistance Act after the wonderful work she did as Miss America in behalf of homeless veterans. Her dad is a disabled Vietnam vet. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. There is objection on this side, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I have to say, not so much to my colleague from Alabama because he is really objecting on behalf of someone else, that I find this process to be absolutely outrageous.

I believe the veterans community finds this process to be absolutely outrageous. This is the fourth or the fifth time I have come to the Senate to ask unanimous consent to pass this legislation. We have a similar version in the House of Representatives that has passed. We can really get this done.

This is an anonymous hold that has been put on this bill. I have to say I am more than surprised. I have now become indignant that we have a Senator on the other side who will not come to the Senate Chamber and debate me on this legislation and express his or her opposition and reasons why.

This legislation passed out of the Veterans Committee I think on a 21-0 vote. It was unanimous. It was Democrats and Republicans alike.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there are yet even more homeless veterans as we see this economic downturn.

What does the bill do? It sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes $50 million for some programs that really have a good track record—I will not even go over all of them today—for job training, for treatment for addiction, for other transitional services that are so critical to veterans: job counseling, social services, medical services, assistance in getting into affordable housing, calls for VA comprehensive homeless centers in our major metropolitan areas in America today to have kind of a one-stop continuum of services for veterans.

I would like to know what is going on in the Senate. I would like to know why this legislation is being blocked. I will say with great regret—I said it last week, and I said it the week before—I will put a hold on all the legislation, not the major appropriations bills and judicial appointments, that individual Senators on the other side have sponsored. This legislation should go through on unanimous consent. It is not controversial. It has the support of all of us. But I have no other choice but to do so. I have no other choice but to fight like the dickens and use my leverage. I have been around the Senate for 11 years now, and I know the way things work.

It is very rare that today we continue to have these anonymous holds on legislation such as this to help homeless veterans. The only way I can fight and the only way I can continue to make this a priority—it is a priority to me, it should be a priority for every Senator, and it should be a priority for our country—is to ask my colleagues to go and spend some time—and maybe many of my colleagues have—in homeless shelters, meeting with street people. My colleagues would be amazed at how many of them are veterans, how many of them are Vietnam vets. Surely we can do better.

Anonymous hold? I do not know why. I guess I have my own suspicion, but I will say this: I have a hold on all the bills from individual Senators on the other side, and they are going nowhere until whoever the Senator is steps forward and either debates me and we have a vote or that Senator takes this hold off.

I will say this: I do not blame the Senator for wanting to remain anonymous. I would want to remain anonymous if I were blocking this legislation. We can do better for veterans in our country. We can do better for veterans in a lot of different ways, but this is legislation where a lot of us came together on both sides of the aisle. We have done some good work. It is not the cure-all or end-all. I do not want to make this out to be perfect, but I say to my colleague from Georgia it makes life a little better for some people. In this particular case it happens to be veterans. It is the kind of thing we should be doing in public service, and I cannot understand where this anonymous hold comes from or why.

Every day I am coming to the Chamber and I am going to do the same thing. I am going to continue to have a hold on all this other individual legislation sponsored by individual Senators on the other side until this bill goes through.

Other than that, I do not feel strongly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. May I ask the time I have reserved for morning business?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Madam President, we are all aware of the shocking events that occurred on September 11. We are certainly aware of the vulnerabilities that were shown to our Nation by this action. As we reflect on the risk today, I think we would acknowledge that never in our history have we, as a nation, been forced suddenly, shockingly, to reevaluate almost every aspect of our life.

Americans must make a choice now about risks; we must make choices we never thought we would have to make. From our mail to our shopping malls to ball games, life in America is now a reflection, looking back through the lens of terror. Surveying that risk, perhaps no single area causes greater concern than that of energy, as a consequence of our increasing dependence.

We rely on safe, stable, affordable, and plentiful supplies of energy to power our progress, but the choices made on energy have left us vulnerable and exposed on two different fronts, two fronts that add up to our Nation's energy security, and I will discuss those today.

A report detailing these risks was received yesterday by Gov. Tom Ridge, head of Homeland Security. What he did was itemize some of the risks we have at home. We have seen a great deal of publicity given to the realization that about 20 percent of our energy is produced by nuclear powerplants. We have about 103 reactors around the country producing clean, affordable energy. The fact the energy is affordable, reliable, and free of emissions such as greenhouse gases, is very appealing. However, there is no free lunch. Nuclear power does create a byproduct that must be dealt with, but when managed responsibly and stored safely this waste poses no threat and no risk to public health.

I might add, in the several decades of generating nuclear power in this country, we have never had a casualty associated with the operation of nuclear reactors for power generation.

So the industry, as well as government, has done an extraordinary job of proving nuclear energy has a significant place in our energy mix.

In 1982, the Government made a promise to the American people to take care of that waste and provide a permanent repository. The contractual agreement was that the Government would take the waste in 1998.

Madam President, 1998 has come and gone. Today, after years of delay, bureaucratic wrangling and $12 billion in taxes collected from the ratepayers who depend on nuclear power, that promise made by the Federal Government to take the waste remains unkept.

I don't know the opinion of the agencies regarding the sanctity of a contract, but this was a contract. There are lawsuits pending for the lack of fulfillment of the terms of the contract, somewhere in the area of $40 to $70 billion. Instead of storing the waste in a central, single, secure facility where we can concentrate all of our resources on keeping it safe, nuclear waste is being scattered across the country. We have it in our powerplants, we have outside some of the plants storage in containers, casks designed for that storage, but these are not permanent. We have shut down plants where the waste is being stored. These plants were not designed for the permanent storage of this waste or the shutdown of plants. We have 16 different plants with a total of 230 containers now holding high-level nuclear waste on an interim basis.

In South Haven, MI, dry-cask storage pads are 200 yards from Lake Michigan. Twenty percent of the world's fresh water is in the Great Lakes chain. On the shores of the Chesapeake Bay, dry-cask storage sits less than 90 miles from Baltimore, near Washington, DC, with the U.S. Capitol and three major airports. These containers are approved, but there is no substitute for a permanent repository deep in the group, out of harm's way where it was designed, and that is Yucca Mountain in Nevada.

We have had several debates through the years on this issue. I understand the reluctance of my friends from Nevada to accept the reality that Congress made a designation, subject to licensing, that the repository would be at Yucca Mountain in Nevada. We are still waiting after years and years. We have had a Presidential veto. We are seeing a situation of delay, delay, delay.

Back to the containers. They are approved by the Nuclear Regulatory Commission, but there is no substitute for permanent repository. We have waste at home, and 14 other plants are in the process of being decommissioned, one in Massachusetts, two in Connecticut, and three in California. We are getting more and more plants that are closed.

President Clinton vetoed a bill to accelerate the waste transfer and move us ahead of our current opening date of 2012. That is the current date. I recognize nobody wants the worst, but the reality is we have to put it somewhere. The $6 billion expended on Yucca Mountain clearly indicates Yucca Mountain was the favorite site. Unfortunately, our previous President vetoed the bill, and the waste sits, no closer to a permanent home. The waste is there, exposed and vulnerable, presenting another target for potential terrorists, nestled in our communities, beside our schools, homes and families. It is irresponsible to not address this situation.

I don't want to prolong the argument relative to the issue of the danger of this waste. It is being monitored by the best oversight available, the best protection, the best security. Still, it is not designed to stay where it is. We should put this waste in a central repository, designed to take the waste and pool it until we meet the determination of whether we will put it underground permanently or reprocess it.

I will discuss the other risk relative to our energy, and that is the risk overseas. Our risks grow greater as we leave the confines of the United States, where at least we have some control over the choices we have made. We rely on parts of the world where the leaders chose to undermine peace, democracy, and liberty, and will work to undermine our Nation, as well.

We are more than 56 percent dependent on foreign oil. We simply do not have the flexibility to be independent, should the need arise. I am not suggesting we can independently remove all of our dependence on foreign oil, but we certainly have options, and the Senate must act on the options. Unless we make the right choices now, the drivers relative to our energy security are OPEC.

What has OPEC done lately? We know they just planned to cut 1.4 billion barrels of production. Why? Clearly, to increase the price. They want to have a price between $22 and $24. The way to do that is to control the supply. That is just what they have announced they are doing. They are cutting production.

We have resources at home, but our hands are tied. We do not seem to be able to reach an accord on how to use places such as ANWR, in my State, which hold the key to energy independence by reducing substantially our dependence on Mideast oil. The Senate has approved safe and limited exploration for ANWR, but President Clinton vetoed that legislation in 1995. Had President Clinton not vetoed that bill in 1995, we would very possibly have as much as a million barrels a day flowing from the ANWR area. That would offset the million barrels a day we are importing from Iraq.

I have asked many times, how can we compromise our energy security when on the one hand we import oil from Iraq and Saddam Hussein and at the same time we are enforcing the no-fly zone over that country, putting our young American people's lives at risk with a blockade in the sky. With the oil money, he is paying his Republican guards to keep him alive. He is also developing capability for a missile, with perhaps a biological warhead. Where does he aim? Most of those items of terror are at our ally, Israel. That may be an over simplification of foreign policy, but one could reach that conclusion.

We could be far less dependent today if we considered the merits of opening this area. Using conservative estimates, in the 6 years that have elapsed since the President last vetoed the ANWR bill, that would have been more than enough time to have researched that tiny sliver of land, built the infrastructure on 2,000 acres, and gotten the oil flowing.

I have a chart that puts it in perspective. It is important, as we address this issue—and this Congress will address this issue either by an agreement with the Democratic leader to allow time for an energy bill to come up or it will be on the stimulus package because it belongs there. I ask my colleagues to reflect what other stimulus can they identify that generates somewhere in the area of $2.5 billion in Federal lease sales, money to the U.S. Treasury, provides about 200,000 jobs throughout this Nation, and does not cost the taxpayers one red cent? That is why this issue belongs on the stimulus package.

Think of the tankers that would be built in U.S. shipyards with U.S. crews to expand the oil from Alaska, which is currently about 17 percent of all the crude oil produced in this country. We could be far less dependent than we are today. We are only one supertanker terrorist activity in the Straits of Hormuz away from serious disruption of our oil supply.

Let me point out the reality associated with the ANWR issue. It is so misunderstood. There is a threat that ANWR is at risk. What is ANWR? This is ANWR in relationship to the State of South Carolina. They bear a striking resemblance: about the same acreage, 19 million acres. That is a big chunk of real estate. Of what does ANWR consist? It already consists of three specific designations by Congress: 8.5 million acres in wilderness classifications in perpetuity, another 9 million put into a refuge, and Congress left out the 1.5 million acres, the coastal plain, for determination of whether or not to open it for oil and gas exploration. Why? Clearly, the extensive exploration in Prudhoe Bay suggested the largest single deposit may be found in this coastal area.

We take that and move along a little further and recognize that the House bill, H.R. 4, said: OK, we will open this area for exploration, but the footprint can be only 2,000 acres.

That is 2,000 acres out of 19 million acres. If you reflect on that, what are the prospects? They say somewhere between 5.6 and 16 billion barrels. Prudhoe Bay has produced 13 billion barrels, and it was only supposed to produce 10. This could equal, easily, what we would import from Saudi Arabia for 30 years.

Some say it will take 10 years and some say it will take 7 years to get this oil. It is estimated if the oil is there—here is the pipeline that is already in, an 800-mile pipeline—we can open up this area somewhere in the area of 18 months if we expedite the permitting process because we already have some fields of discovery and a pipeline approximately halfway over here. Put this in perspective. What is a 2,000-acre footprint worth?

This is an item from Petroleum News, Alaska, "Gwich'in, Ensign Link Up New Mackenzie Delta Drilling Company."

A new native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by the Gwich'in Development Corp of Inuvik Northwest Territories and 45 percent by Calgary-based Ensign Drilling, is expecting to start operation this winter.

The Gwich'in Development settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Petroleum News, Alaska; Sept. 30, 2001]

GWICH'IN, ENSIGN LINK UP IN NEW MACKENZIE DELTA DRILLING COMPANY

(By Gary Park)

A new Native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by Gwich'in Development Corp. of Inuvik, Northwest Territories, and 49 percent by Calgary-based Ensign Drilling, is expecting to start operations this winter.

The Gwich'in settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

Tom Connors, chief executive officer of the corporation, said Sept. 10 that the deal with Ensign gives the community a chance to participate in the development of oil and gas resources.

Ensign president Selby Porter said his company's experience and equipment make it the right choice to work with the Gwich'in people.

"The development of a local work force and infrastructure is key to the continued development of oil and gas resources of the Arctic region of Canada," he said.

Formation of the new company was announced Sept. 6.

Mr. MURKOWSKI. I also ask unanimous consent that two other articles be printed in the RECORD, "The Slick Politics of ANWR Oil" by Paul K. Driessen, and "The Sacred Slope" by Jack Stauder, Ph.D of the University of Massachusetts at Dartmouth, relative to this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SLICK POLITICS OF ANWR OIL

(By Paul K. Driessen)

A new Native-controlled oil and gas drilling company was recently formed to provide oilfield services in the Mackenzie River delta area of northwestern Canada, adjacent to Alaska. According to Petroleum News Alaska, the company was created to provide investment and business opportunities, employment and training for tribal members. It expects to start operations this winter, to expand oil and gas development activities in the Arctic region.

This new enterprise, Gwich'in Oilfield Services, offers some fascinating insights into the slick politics of militant environmentalism.

The majority owner is none other than the Gwich'in Indians Tribal Council. Those are the same Gwich'in Indians that for years have been poster children for the cause of opposing oil exploration in the flat, featureless coastal plain of Alaska's Arctic National Wildlife Refuge (ANWR).

But nearly 90% of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaskan Gwich'ins live some 250 miles from the coastal plain, if one travels along the route caribou follow in migrating to and from ANWR.

As the crow flies, the Indians' Arctic Village is 140 miles across the all-but-impassable Brooks Range. Those majestic mountains—the ones seen in all the misleading ads and news stories opposing ANWR oil exploration—are 30 to 50 miles from the coastal plain. (It's amazing how a telephoto camera lens can make them look so close.)

The Gwich'in Tribal Council plans to drill in a 1.4-million-acre land claims area governed by the Indians. This is the same amount of land that's been proposed for exploration in ANWR. The proposed drill sites (and a potential pipeline route) are just east of a major migratory path, where the caribou often birth their calves, rather than awaiting their arrival in the refuge.

Back in the 1980s, the Alaska Gwich'ins leased 1.8 million acres of their tribal lands for oil development. (No oil was found.) Any reservations they may have had to the latest leasing plans were apparently very muted.

It is hard to grasp how drilling for oil in their own back yards is perfectly OK, but exploration on public and Inuit Eskimo lands 140 miles away somehow "threatens their traditional lifestyle." It's equally hard to condone their willingness to collect countless thousands of dollars from environmental groups, to place full-page ads in major newspapers, appear in television spots and testify on Capitol Hill in opposition to ANWR exploration—and then lease more of their tribal lands for drilling. But none dare call it hypocrisy.

Government geologists say ANWR could contain as much as 16 billion barrels of recoverable oil. That's enough to replace all our Persian gulf imports for 10 years or more. At peak production levels, it could provide $^{1}/_{10}$ of total U.S. oil needs. Developing this critically needed energy could also create 735,000 jobs, save us from having to send hundreds of billions of dollars to OPEC, and generate tens of billions in royalty and tax revenues to defend and rebuild our nation.

All these benefits would result in the disturbance of about 2,000 acres—less land than the terrorists destroyed or damaged in New York City—in a refuge the size of South Carolina. And any drilling would be done in the dead of winter, using ice airstrips, roads and platforms that will melt when spring arrives.

Eskimos who actually live in ANWR want the same benefits the Gwich'ins seek. As Kaktovik Inupiat Corporation president Fenton Rexford notes, the Eskimos are tired of using 5-gallon buckets for sanitation, because they don't have toilers, running water or a sewer system. They also understand the national security issues at stake here. No wonder they support exploration by an 8:1 margin.

Bin Laden & Company just sent us a wake-up call from Hell. In mere hours, they plunged us into an economic crisis and a long, difficult war that must be waged both overseas and in our own neighborhoods. Is there anyone who seriously believes we can afford to continue letting a small band of politically correct Alaska Indians and environmental militants hold the United States hostage on ANWR oil?

It's time to face reality, toss bogus anti-oil arguments on the ash heap of history, and support exploration in the Arctic National Wildlife Refuge.

THE SACRED SLOPE

(By Jack Stauder, Ph.D.)

This story bears telling first, for the silliness it exposes about the conventional wisdom of liberal opinion on campus today regarding environmental issues; and second, as an example of how to challenge such silliness.

Last spring I arranged for myself to be appointed to a new "Sustainability Committee" being set up by the powers on high at the University of Massachusetts, where I teach. I was suspicious of what was intended on campus under that slippery rubric.

Luckily, the Committee has done little so far except receive rather pompous memos tinged with utopian musings coming from a couple of professors at the Boston campus of our state system, including a Professor B. (Names of colleagues in this piece have been hidden to protect tender egos: but otherwise all the quoted e-mail here has been unchanged.) Professor B. regards himself as a great expert on "sustainability."

Anyway, the little controversy I will describe began with an e-mail forwarded through a couple of leftist professors on my campus. Its origins appear to be from one the endless number of lobbying groups on the left. One of the burdens of having left-wing friends, as I do, is that they often pass on these lobbying efforts. This e-mail, however, was circulated to all twenty or so members of our Sustainability Committee as well as the professors in Boston by one of the sillier members of our Committee. Bear with my account as you read it: the fun begins after it.

Sunday, October 7: "Is Nothing Sacred?"
From: Professor G.

Dear Friend of MoveOn, In this time of tragic urgency, our leaders in Washington have pulled together and put all things controversial and partisan aside for the sake of national unity. Our friends on Capitol Hill are making sacrifices, holding off on key issues that can be won only through struggle, such as energy and campaign finance reform. Our opponents have respected the national need for unity too, until now.

But today we learned that Sen. Frank Murkowski (R-AK) is breaking with this patriotic spirit by trying to tack one of the most controversial issues in America onto the Defense Authorization bill:

He wants to drill for oil in the Arctic National Wildlife Refuge, the heart of the last great wilderness ecosystem in North America. This is a mistake, because:

Any oil found there wouldn't come on line for 10 years;

The refuge contains just 6 months supply of oil;

Existing fuel-efficient technologies could save more than that;

Once it's gone, it's gone forever.

The Defense bill will be debated this Wednesday through Friday.

Please call your senators now:

Senator John Kerry
Phone: 202-224-2742
Fax: 202-224-8525
Senator Edward M. Kennedy
Phone: 202-224-4543
Fax: 202-224-2417

Be sure they know you're a constituent, and urge them to:

"Please—block—the vote on the Murkowski drilling amendment to the Defense Authorization bill."

Please call even if you think your Senators are solid supporters of protecting the refuge. Many Senators simply don't yet believe that Murkowski will do it, but our sources are reliable.

America's entire environmental movement must rally now.

Please let us know you're making this call, at our website. We'd like to keep a count. Thank you. Your call will matter.

Sincerely,

—Wes Boyd
MoveOn.org
September 19, 2001

[I was riled enough by this message to reply to all on the Committee who had received it:]

Sunday, October 7: "Re: Is Nothing Sacred?"
From: Professor Jack Stauder

Is it appropriate to circulate such partisan lobbying action information throughout a university committee? I don't think so. We shouldn't tire others out through incessant propaganda, no matter how close to our hearts our causes are.

But if we are going to be wasting our collective time this way, let me get in on the fun.

There are two sides to each controversy. I've actually been to the North Slope of Alaska. I've never seen an uglier landscape.

The proposed drilling area is a small speck in a vast tundra: it would compare to the size of the township of North Dartmouth within the entire area of Massachusetts, Connecticut and Rhode Island put together. The "great wilderness eco-system" would be virtually unchanged by the proposed drilling. Nothing would be "gone" forever.

People can say any area is "sacred" if they want. However, the Inupiat (Eskimo) of the North Slope, the only people who have ever lived there or would want to live there, are by a large majority in favor of drilling for the oil. Why would people here in Massachusetts want to deny them their wish? Few of us if any will ever go to visit this "sacred" place, if only because it is so inhospitable to all but the Eskimo—cold and dark throughout the winter, a huge flat marshland swarming with mosquitoes in the summer. Yet out of spiritual arrogance some presume to tell the Alaskans what to do with their land.

The oil deposit is estimated to be a quite substantial one, otherwise there would be no interest in drilling there. One should automatically distrust the misleading statistics and factoids thrown out by environmental groups who make their living propagandizing issues like this. The oil from Alaska wouldn't meet all our needs, but it would make us that much less dependent on the Middle East—a welcome goal.

And even if "existing fuel-efficient technologies could save more" than drilling in Alaska could provide, this statement is a non-sequitur, for doing either does not preclude the other.

Should I go on and on? Should I tell you who to call in Congress and what to tell them? No, I won't, because it's not the business of the Sustainability Committee, in my eyes, to serve as a propaganda vessel for anyone's "cause" or "special interest."

—Jack Stauder, Soc/Anth Dept

[As I rather expected, my questioning of a liberal environmental icon—the sacredness of wilderness—brought a prompt reaction, from none other than Professor B., to all members of our committee. Note his condescending familiarity towards me, although I have never met the man.]

Monday, October 8
From: Professor B.: "Re: Is Nothing Sacred?"

To All, Jack's contention that the Sustainability Committee shouldn't be used to lobby issues is probably correct. On the other hand, if someone wants to send an e-mail to everyone on her/his address book, this a free country. I respect Jack for exercising his right of free speech and expressing his views. Now I will exercise mine.

I disagree with two points that Jack made: one, the North Slope is not "their" land, it is "our land," and furthermore, our children's land. Second, I am convinced that focusing on the front end, i.e., the production end, of the pipeline, especially the oil pipeline, does preclude achieving anything near the easily achieved efficiencies at the use end of the pipeline. I think I read from a reliable source that increasing the fleet mileage of American automobiles will save more oil in a short time than the most optimistic estimates of oil to be obtained from the North Slope. I also understand that the average fleet miles per gallon of American made automobiles is the lowest in 25 years, largely due to SUV's not being held to the standards of automobiles.

Now Jack, those of us who argue for a philosophy and policy of increasing the efficiency of our economy over the Texas mentality of "we'll shoot, drill, and fight our way out of this mess," and "be damned with those pencil-necked liberal flakes who want us to change our superior American lifestyles of ostentatious, conspicuous consumption, and profligate waste. Be damned I say. So what if we are only 5% of the world's population and contribute 25% of the CO2 in the world."

Jack, you sound like the Montana Cattlemen's and the Northwest Lumberman's Association's attitude that our land is their land to do what they damned well please.

Now, by God, I have changed my mind. I think any sustainability committee that is serious ought to go on record as strongly opposed to increased exploitation of finite resources and dangerous pollution when there are scientifically and technically double ways to increase efficiency of our economy, to say nothing of some of us who strongly believe we are morally wrong in our consumption habits. Yes, we do feel that the environment is a "sacred" trust.

Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism. Hope all is well.

W. B.

[These predictable opinions of Professor B. offered some targets too tempting to resist, although I restrained myself from addressing his every point. Below is the e-mail I returned, again to the whole committee, although it was addressed to him.]

Wednesday, October 10: "The Sacred Slope etc."
From: Professor Jack Stauder

Dear Prof. B.: You make some interesting points in your recent memo, but I think some clarification is in order.

You are certainly right that most of the North Slope, being federal government land, in some sort of legal sense belongs collectively to all American citizens. However, perhaps because I am an anthropologist I believe it would be a bit culturally arrogant to inform the Native Americans whose ancestors have lived in that region for a couple thousand years that (in your words) "the North Slope is not 'their' land, it is 'our land'." Native Americans (the Inupiat in this case) tend not to appreciate this attitude from white men.

The point I tried to make in my previous memo is that in issues like this, of environmental protection and economic development, I believe that the first consideration, out of respect, should be paid to the views of the local people actually inhabiting the place in question. After all, they know their environment best, and have the most to lose or gain depending on what happens to it. I trust their wisdom more than that of lobbying groups based in Washington, D.C. Perhaps you disagree.

Also, maybe because I grew up in the West (Colorado and New Mexico) I was put off by your glib caricature of "the Texas mentality." We are encouraged in our university to celebrate diversity, but it seemed to me your remarks smacked of regional prejudice and mean-minded stereotyping of a great state of our union—a state, by the way, that has for long provided the rest of us with many valuable goods, including the oil and natural gas that have moved our vehicles and warmed our houses. We should be thanking Texans, not making fun of them.

On other Western topics, you accuse me of thinking like Montana cattlemen and Northwest lumbermen. I'm not quite sure what you mean, although you seem to be down on these groups. Do you want them put out of business? Do you want them to stop producing goods for our use? Can we in Massachusetts produce the beef and wood products we need and use? Again, as with the Texans, I say let's thank these rural producers for their efforts—not affect to despise them.

Would you not at least admit the possibility that these hard-working Americans contribute much more of real value to their countrymen, than do university professors firing off vaporous memos by e-mail?

Finally, what am I to make of the sly statement you append to the end of your last message: "Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism."

I hope there is no insinuation in these words that somehow Americans are responsible for what those squalid foreign fanatics did on Sept. 11. I trust you are not one of the "Blame America First" fringe that hangs around American campuses. But what are you getting at?

I can see how the terrorists might resent and hate the United States for being such a prosperous, dynamic, creative society—one that is open, democratic, tolerant of all religions, and respectful of human rights and individual liberties. After all, none of the Middle Eastern terrorists come from societies with these characteristics. But why should we feel guilty for the evil acts their perverted ideology leads them to?

Where exactly does "consumerism" fit in? If we voluntarily impoverished ourselves down to the level of, say, Afghanistan, would other people feel less "oppressed"? If we "increased the fleet mileage of American automobiles" to consume less oil, as you propose, do you believe that Osama bin Laden will praise us to Allah and call of his terrorists? Seems unlikely to me. Perhaps the Taliban prohibits girls from learning to read so they don't grow up to be seduced by the white sale ads of the Kabul Macy's? Or what about the destruction of those large status of Buddha? Perhaps that was in response to information that monks of that faith were driving too many SUV's around their lamaseries?

Seens to stretch. The only important product we consume from the Middle East is oil, extracted by our technology, for which the Middle East states are paid royally. It's oil. That is why I suggested that, to free us as much as possible from dependence on that oil, we develop our own resources—like Alaskan oil. We can do this as well as "increase efficiency of our economy," as you desire. Again, there is no contradiction between the two goals, and its seems self-defeating and silly to pit them against each other.

No, I do not consider the 2000 acres of frozen tundra on the North Slope, where the drilling would take place, as "sacred"—except that it oil would help us meet our sacred duly to protecting our families and keeping our nation strong.

Your, Jack Stauder
Soc/Anth Dept., UMass Dartmouth

[My riposte was apparently too much for Professor B. He threw in the towel, left the field, hung up his cleats—whatever methaphor you might choose. He replied, not to the whole Sustainability Committee, but only to me, that he could not sustain more discourse on the issue.]

Thursday, October 11: "Re: The Sacred Slope, etc." From: Professor B.

Jack, I only partially read your e-mail retort. I think you are missing the purpose of the Sustainability Committee. Bantering words is a waste of time. Let's perform.
W.

I think he did read all my retort, and was wise enough to see any further attempt to cross swords with my "banter" might lead to more humiliation of his half-baked ideas.

For our own edification, I think a couple of lessons might he drawn from this otherwise trivial story, about how best to combat environmentalism and its nonsense.

First, as I have learned from Rush Limbaugh: humor helps, Irony, sarcasm, ridicule are useful tools in dealing with opponents, especially those who cloak themselves in pretentiousness airs of moral and intellectual superiority, as environmentalists tend to do.

Second, don't give environmentalists a chance to claim the moral high ground in any argument. Aggressively assert your own principles—in this case, the valuable contributions of resource providers, and the positive aspects of American civilization.

Third, know your opponents and exploit the contradictions in their beliefs. For example, a pious tenet of Prof.B.'s liberal creed is that Native Americans are victims □ and ecological saints, to boot—with whom good left/liberals must sympathize. Yet in this case the environmentalists want to tell them what they can or can't do with their traditional lands! No wonder he is too embarrassed to pursue an argument on this score.

My gibes about "celebrating diversity" (regarding Texans!) were certainly tongue-in-cheek, but highlighted another contradiction in Prof. B.'s attitudes by pointing out his use of prejudicial stereotypes, when good left/liberals always condemn these □ in the abstract. I was accusing him in effect of being a bigot, of violating one of the taboos of his sort in showing "intolerance." Obviously he didn't like being called out on these grounds.

Finally, questioning him about his opinions regarding the United States put him in an impossible position. if he is like most liftists—and the types of environmentalists that foams at the mouth against "consumerism" and wants to use "sustainability" as a tool to shoehorn us into some type of socialist utopia—then he must have hated the good, but true, things I had to say about American civilization. Difficult as it may be for most Americans to comprehend, the underlying belief of U.S. leftists, including left-wing environmentalists, is that America stinks—that our country is malign, unjust, oppressive, imperialist, and altogether hateful. This view explains why they give themselves the license to tear down our civilization and to impose on us their own utopian ideas.

However, Professor B. and the wiser radicals know, especially in the wake of September 11, that they cannot be so up front with their anti-Americanism. So he had to grit his teeth and refrain from replying as I more or less waved the stars and stripes in front of him. It must have infuriated and frustrated him.

Good, Let's hope he stays wordless, and that the sustainability project molders in inactivity. But I wouldn't be so sure. These advocates for environmental causes always have a lot of time on their hands.

Mr. MURKOWSKI. These articles highlight the reality of the issue of the Gwich'ins, which is a legitimate concern they have over the Porcupine caribou herd, and the realization that now this issue has taken on a new dimension because most of the Gwich'ins live in Canada. There is a small portion who live in Alaska in this general area.

I might add, this line shows the division between the United States and Canada. Here is the Canadian activity going on on the Canadian side. This is primarily, of course, the home of the Gwich'ins. Nearly 90 percent of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaska Gwich'ins live only 250 miles from the coastline. Our Gwich'ins are down here in the Gwich'in area of the Arctic village.

What we have here is a massive public relations effort, funded by extreme environmental groups, to suggest that somehow the Gwich'in people's lifestyle is at risk in opening this area. They never acknowledge what is going on with the same Gwich'ins on the Canadian side, where they see an opportunity for better employment, health care, a better way of life for their young people. It is important to understand this issue is more than a public relations issue by the Sierra Club and others, suggesting that somehow the Porcupine caribou herd is going to be decimated by a mild amount of activity here, when clearly this is the indication of the path of the migratory caribou herds, and the Canadians run a highway right across the pass.

This is an open season when the caribou come through and as a consequence we have the pot calling the kettle black, if you will.

It is important that Members take the time to understand this issue and reflect on it. I am going to go through a couple of other points relative to items that need evaluation. Some suggest there is no footprint up here in ANWR, and as a consequence it is a pristine area. That is totally false. This is the village of Kaktovik. There are real people who live here. You can see their homes here, and so forth. This is the spring breakup. It might not be a very pretty picture in the sense of the color, but it shows you the Arctic Ocean, and so forth. The winters are a little tough up there.

This is another picture of a village and this is in the 1002 area, physically there. There are schools, a health clinic, there is an airport. The village people and their lifestyle is as they have chosen it to be there.

I will show you a little picture of the children going to school. It is kind of tough up there in the morning. Nevertheless, these are Eskimo children. You can see telephone polls, snow. Nobody shovels the sidewalks off, I grant you, but they are there by choice. They are real people living in an area where some people say there is no footprint. It is totally inaccurate.

What we are looking at is the merits of trying to bring a fair evaluation of the issue. Some have said: I am going to filibuster this bill.

Think about it. What they are talking about filibustering addresses the national energy security of this country.

Where is our President on the issue? On October 31, October 26, October 17, October 4—he has made statements begging, if you will, and I wish he would direct that this body pass an energy bill. The House has passed H.R. 4.

Here is a statement the President made:

> But there are two aspects to a good strong economic stimulus package, one of which is an energy bill.

He asked for an energy bill each time that he has had an occasion to speak on energy. Again in October:

> I ask Congress to act now on an energy bill that the House of Representatives passed back in August.

I ask unanimous consent these statements of the President on those dates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT GEORGE BUSH'S COMMENTS ON ENERGY

October 31, 2001:

And I want the Congress to know that there is more to helping our economy grow than just tax relief or just spending. And there's two items I want to briefly touch on. One is an energy plan.

Our nation needs an energy plan, an energy plan that encourages conservation and encourages exploration. And I believe we can do both in a responsible way. And we need to modernize the infrastructure that develops energy from point A to point B, from plant to consumer. We need to get after it. It is our national interest that we have an energy plan, one designed to make us less reliant upon foreign sources of energy.

October 26, 2001:

Tax relief is an essential step, but it's not the only step we should take. We need an energy plan for America. Under the leadership of the vice president, we drafted a comprehensive, commonsense plan for the future of this country.

It passed the House of Representatives. It needs a vote in the United States Senate. Oh, I understand energy prices are low right now. Thank goodness. But that shouldn't lead our nation to complacency. We need to be more self-reliant and self-sufficient. It is in our nation's national interest that we develop more energy supplies at home. It is in our national interest that we look at safe nuclear power. It is in our national interest that we conserve more. It is in our national interest that we modernize the energy infrastructure of America. It's in our national interest to get a bill to by desk, and I urge the Senate to do so.

October 17, 2001:

And I ask congress to now act on an energy bill that the House of Representative passed back in August.

This is an issue of special importance to California. Too much of our energy comes from the Middle East. The Plan I sent up to Congress promotes conservation, expands energy supplies and improves the efficiency of our energy network. Our country needs greater energy independence.

October 4, 2001:

But there are two other aspects to a good, strong economic stimulus package, one of which is trade promotion authority. And the other is an energy bill.

And I urge the Senate to listen to the will of the senators and move a bill—move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of the country. The less dependent were on foreign sources of crude oil, the more secure we are at home.

We've spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. And I ask the Senate to respond to the call to get an energy bill moving.

Mr. MURKOWSKI. It is not just the Senator from Alaska crying in the dark. We have heard from Gale Norton, Secretary of Interior, saying it is in the national energy security interests of this country to reduce our dependence, and the best way to do it is basically to open up this area because we have the technology to do it. We can create American jobs.

Also, we have heard from the Secretary of Energy, indicating the significance of what this can mean to reducing our dependence.

We have had the Secretary of Veterans Affairs, Anthony Principi, indicate that America's veterans who fought the wars—and I will reflect on one comment made by a former Member, Mark Hatfield, who was a pacifist and a good friend of ours. He said: I would vote for opening ANWR anyday rather than send another American man or woman overseas to fight a war in a foreign country over oil.

That is what we are doing. We did that in the Persian Gulf conflict. We fought a war over oil to keep Saddam Hussein from going into Kuwait and moving on into Saudi Arabia.

If we look at affairs in the Mideast now and consider the vulnerability associated with that area and our dependence on Saudi Arabia and the weakness of the royal family and Bin Laden's terrorist activities that would disrupt those oilfields—we are sitting on a situation very similar to what we saw maybe 30 years ago with the fall of the Shah in Iran. That situation could happen, dramatically, overnight.

We could face a terrorist attack on the Straits of Hormuz. Why are we waiting?

Let me tell you something. I mean this in all candor. This issue has been a godsend to the extreme environmental community. It is an issue that they have been milking for revenue and dollars and will continue to do so until the very end. When it finally passes, they will move on to another issue. It has been a cash cow because they refuse to argue the merits of if it can be opened safely. It can. We have 30 years of experience in the Arctic. Where would we be today if we didn't have Prudhoe Bay?

The same arguments today being used against opening this area were used 27 years ago against opening Prudhoe Bay: You are going to build a fence across Alaska, 850 miles. The caribou are not going to be able to cross it. It is going to break up the permafrost. All these arguments failed because it is one of the engineering wonders of the world.

Let's be realistic. America's veterans have spoken. We have had press conferences: The American Legion, Veterans of Foreign Wars, AMVETS, Catholic War Veterans of America, Vietnam Veterans Institute. The Veterans of Foreign Wars are for it. The seniors organizations support it. The 60-Plus have come out in support of it, as have the Seniors Coalition and the United Seniors Association; in Agriculture, American Farm Bureau, and National Grange. Organized labor is totally aboard.

I know many Members have been contacted by organized labor—by the International Brotherhood of Teamsters, by union laborers, by the Seafarers Union, Operating Engineers, Brotherhood of Plumbers and Steamfitters, carpenters—and America's business. There are over 1,000 businesses that support opening up this area as part of our national energy security bill.

I encourage Members to recognize the reality that we are going to get a vote on an energy bill under one of two provisions. Either the Democratic leadership is going to respond to the President's request to bring up an energy bill before this body or work out some time agreement that is reasonable. We can take it up, have amendments, and have an up-or-down vote on it. It shouldn't be a filibuster issue. Imagine filibustering on our national security. It has never been done in this body before. We should have an up-or-down vote.

Let us recognize it for what it is. If we don't get the assurance from the Democratic leader to take up an energy bill, then our other opportunity is a stimulus bill. And it will be on the stimulus bill. The House has done its job. It passed an energy bill, H.R. 4. It will be on the stimulus bill.

When you think about stimulus, you think about what other stimulus provisions we have talked about which will provide nearly $1.5 billion worth of revenue from lease sales to the Federal Treasury. It will employ a couple hundred thousand Americans in shipbuilding, and so forth. It will not cost the taxpayer one dime. I challenge my colleagues to come up with a better answer.

Thank you for the opportunity to speak this morning. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to speak for up to 10 minutes as if in morning business for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, before I do so, I would like to make a couple of comments based on Senator MURKOWSKI's observations.

I think he is absolutely right on point. About a third of Senate Members are veterans. Several are veterans of World War II. One of my comments will certainly not surprise them.

I ask the Senator if he remembers the story about how we won the North Africa Campaign in World War II when some of the world's great generals were pitted against each other: General Patton from America and Field Marshal

Montgomery from Great Britain on the Allied side, and Field Marshal Rommel on the German side. History shows that Rommel was not a Nazi. In fact, he was later forced to commit suicide for his complicity in the events designed to kill Hitler.

But at that time, the state-of-art tanks were called Tiger 88s, with 88-millimeter guns in the Panzer Divisions, which outclassed anything that America and Great Britain had in the North Africa Campaign. Everybody knew it. Field Marshal Rommel, of course, was one of the great minds of World War II. Unfortunately, he was on the wrong side.

History tells us that one of the reasons we won that campaign was that we bombed the oil fields. When we cut off their oil, the tanks stopped running.

I remind my colleagues that they still run on oil. They do not run on wind power or solar power.

I am absolutely supportive of Senator MURKOWSKI's belief that there is a national security connection with being less dependent on foreign oil. He mentioned the statistics and how dependent we are. It really should not come as a big surprise to most Americans if we tell them we are more dependent on Iraqi oil than we were before the war. In fact, 25 percent of the oil we import, as I understand, comes from the Saudis, who every year divide much of the billions of America dollars among the 300 members of the extended royal family, one of whom is Bin Laden. It just defies common sense that because we cannot cut this umbilical cord, we are actually paying people for oil so they can buy weapons with the intent of killing.

I want to tell the former chairman that I am absolutely in support of his efforts. When I was chairman of the Indian Affairs Committee, I had many opportunities to visit with Native Alaskans and native peoples of the North. I found that almost to the person, when they would come down to lobby about ANWR, the Native Alaskans who are American citizens supported opening of ANWR. The only ones opposed to it were the people who were natives of Canada, Canadian citizens. There was no question in my mind when I asked them how they got here and who paid their bills, they were being spoon fed to us basically to get us to oppose something that most American natives supported.

Mr. MURKOWSKI. I thank my great friend from Colorado. We have enjoyed many meetings together in conjunction with his responsibilities as chairman of the Indian Affairs Committee. He has been an outstanding proponent of American Indian opportunities.

His reference to history and what happened in North Africa is certainly appropriate to our energy dependence on the Mideast. We just need to look at the terrorist activities associated with September 11. We have found that most of the individuals responsible for taking down the buildings in New York were Saudi Arabian.

I thank the Senator.

Mr. CAMPBELL. That is right. I hope history doesn't repeat itself. The only way we can prevent that is to become less dependent on foreign oil.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 1644 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. The Senator has that right.

LAND FOR THE FORT SCOTT NATIONAL CEMETERY

Mr. BROWNBACK. Mr. President, I rise today to recognize an activity that is going on in my home State of Kansas that I think is quite commendable. Thirteen veterans from Fort Scott, KS, have expanded the lifespan of the Fort Scott National Cemetery by about 35 years through their hard work and dedication.

I point this out because I think this is what America is all about. It is about a can-do atmosphere and about people taking it upon themselves to do something that they believe is not getting done; and making it happen.

With about 1,100 World War II veterans dying every day, many veterans cemeteries are struggling to accommodate veterans' burials. That is true in my State as well. According to the U.S. Department of Veterans Affairs, by 2008, the annual number of deaths of veterans from all U.S. conflicts will reach 620,000, or about 1,700 a day.

Fort Scott National Cemetery is one of 12 Civil War national cemeteries. It was dedicated in 1862 by President Abraham Lincoln. I grew up just north of Fort Scott, about 40 miles away. It was an old Indian fort early on. Then it was used, obviously, as well, during the Civil War.

In a concession to make space for veterans wanting to be buried at the Fort Scott National Cemetery, burial spots are currently being made smaller, and sloping land that originally was deemed unusable is now being used.

Thanks to the extraordinary efforts of these veterans I have mentioned, these 13 veterans, working as the Fort Scott National Cemetery Expansion Committee, 10 acres of land will be added to the cemetery. This land, just across the old stone wall from the cemetery, was purchased by the 13 veterans, who took out a loan, and who then sought contributions and worked the crowds at American Legion and VFW halls throughout the region to raise money to pay off the loan. Once the loan was paid off, the veterans donated the land to the Department of Veterans Affairs.

On Veterans Day, this year, November 12, 2001, this land will be dedicated and ready to handle about 3,300 burial sites. I applaud the initiative of these Fort Scott veterans who have successfully undertaken the effort to expand this historic cemetery and provide a place of honor for veterans and their eligible dependents for several decades to come.

I point this out because Fort Scott National Cemetery is one of the oldest veterans cemeteries in the country, dedicated by Abraham Lincoln. It is filled up—or soon will be full. These veterans, by their own initiative, secured the loan, purchased the land, got the loan paid off, and donated it to the Department of Veterans Affairs, which is receiving the land, and now will be able to provide an additional 3,300 burial sites for veterans.

I think that this is such a commendable thing that these veterans have done. I will be there on November 12, along with a number of other people, to recognize and honor what these men have done. I think it is wholly appropriate to recognize what they have done in this body as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TORRICELLI are printed in today's RECORD under "Morning Business.")

Mr. TORRICELLI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m.

There being no objection, the Senate, at 1:32 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes of debate evenly divided on the Hutchison amendment. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understood it was 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I suggest the Senator from Connecticut be recognized—and this has been cleared on both sides—as in morning business for 7 minutes.

(The remarks of Mr. DODD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. DODD. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, so there is no misunderstanding, I have spoken with Senator LANDRIEU and Senator HUTCHISON, and the unanimous consent request Senator LANDRIEU made takes 3½ minutes off each side.

The PRESIDING OFFICER. That is the Chair's understanding.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to use 5 minutes and be informed at the end of 5 minutes so Senator DURBIN may take the floor, and I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, my amendment attempts to be a compromise between those who wish to take the caps off the attorney's fees for suing the District of Columbia School District and what I think is a quite reasonable approach, which is to keep the caps but raise them.

For the last 3 years, we have had caps on attorney's fees. That was made necessary because of the exorbitant fees that were being charged to the District, and that was money coming directly out of the education system. In fact, before the caps were put in place, attorney's fees represented $14 million of the DC school budget. Since the caps have been put in place, we have had a figure of $3.5 million per year average for attorney's fees, and the extra $10.5 million has been able to go into the services we are seeking to provide for handicapped and special needs children.

Moreover, we have been informed by the District of some of the excessive fees that were being billed before the caps. This is billing the school district for plaintiff's lawyer fees when the plaintiff has been successful. One attorney before the caps individually made $1.4 million in fees in 1 year suing the District of Columbia schools.

Another law firm billed over $5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we are trying to put some reasonable caps on these attorney's fees and excessive billings is so the money will go into education. Our amendment has a cap of $150 an hour. If a lawyer billed 2,000 hours at $150 an hour, that would be a $300,000 annual income.

So, we are not saying lawyers should not make a reasonable amount, and we are certainly not subjecting parents to lawyers who cannot make a living. I think $150 an hour is quite respectable. That is why we have tried to reach out to the other side and do something that is reasonable but not exorbitant.

We are trying to help the District of Columbia schools. We have a letter from the superintendent of schools and the president of the school board requesting us to take this action. They are very concerned that millions of dollars will go into lawyer's fees rather than to improve the services they give. In fact, they are increasing the number of teachers for special needs students. They are increasing the amount of medical equipment for these special needs students, and that is exactly what we want them to do. So I am trying to be helpful to the DC schools. Educators are the ones who can best determine need.

Our amendment also has an out; that if the District itself believes the caps are too low, they have the ability to override this amendment and this act of Congress and increase the fee caps, with the mayor and the school district working together.

I think that takes care of letting the local people have a final decision, doing what they have asked us to do in putting on reasonable caps, as they are trying to do the very difficult job of providing a quality education for all the students of the District of Columbia.

I was the chairman of the DC Subcommittee and I want so much to do what is right for the District. I learned their needs, and I worked with the mayor and the school representatives to try to give them the tools to do the job they are doing. That is why I feel strongly enough to offer this amendment so the millions of dollars that have been actually assessed against the school, even though it was against the law by one of the judges, will not be able to be collected. It would be against the Federal law for retroactive fees to be collected.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I will stop there, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. I believe the chair of our subcommittee has yielded her remaining time in debate to me.

I ask the Senator from Texas a simple question, and a yes or no answer would suffice. We are talking about limiting the fees paid to attorneys who represent children who are trying to get into special education. Could the Senator from Texas tell me, is there a law in her home State of Texas limiting the fees paid to attorneys in her State who represent children in special education cases?

Mrs. HUTCHISON. Mr. President, I thank the Senator for the question because, of course, there are not those kinds of limits in Texas, but neither does the State of Texas get 20 percent of its budget from the Federal Government. The Federal Government has the constitutional role of making sure the District runs. That is why we have taken on 23 percent of the Federal budget.

Mr. DURBIN. I thank the Senator from Texas for responding to my question.

Reclaiming my time, Mr. President.

Mrs. HUTCHISON. That is why we make sure the Federal taxpayer dollars are used wisely.

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DURBIN. I thank the Senator from Texas.

The answer was no. It was a long answer, but the answer was no, in Texas there is no limit on the amount of money paid in her home State to attorneys representing the families of children who are seeking special education. But she is saying with her amendment we are going to change that rule in the District of Columbia. No other State in the Nation has done what the Senator from Texas wants to do to the District of Columbia.

What is this all about? It is about a law passed by Congress which said we want to give kids with disabilities a chance for an education. We know sometimes when they try to seek that education they have to put up a fight. The school board says, no, we cannot put them in a special education class. If they put up a fight, they have to hire a lawyer to go through an administrative hearing.

The law we passed, for which many of us voted, said if the family prevails, if the child goes into special education, the court can decide to pay the attorney's fees for the family. Otherwise, what would happen? Exactly what has happened in the District of Columbia right now because of Senator HUTCHISON's amendment the previous years.

Poor kids from poor families cannot afford lawyers. As a result, they do not get representation. They do not get a chance to go into special education classes.

Senator HUTCHISON wants to limit the attorney's fees to stop the poor children in the District of Columbia who are seeking special education to have a legal voice in the process. That is just plain wrong. If the Senator wants to repeal the Children with Disabilities Act as it applies all across America, let her offer the amendment. I would vote against it, but it would be a fair amendment.

What she is doing is zeroing in on this town because some Members of the Senate and the House cannot help themselves from playing the role of city councilman and mayor. They just love it. They will not leave to the District of Columbia the power to make its own decisions. They want to make the decisions for it. Whether we give the District of Columbia 10 percent or 20 percent of the money it spends, the fact is it is responsible under the same laws as every State in the Union.

My colleagues ought to see the letters I received in opposition to the Hutchison amendment. The Senator from Texas would have us believe this is a battle over whether or not lawyers get paid. This letter I received from the Consortium for Citizens with Disabilities makes it clear all of these organizations—and these are not bar associations, I might say for the record: Easter Seals, the American Occupational Therapy Association, Higher Education Consortium for Special Education, Council for Learning Disabilities, Council for Exceptional Children, Epilepsy Foundation, Helen Keller National Center—oppose the Hutchison amendment.

If it was such a wonderful idea to stop paying the attorney's fees so we could give money for special education, would you not think these groups that represent disabled kids would be in favor of this amendment?

They know better. They know what Senator HUTCHISON is doing. She is taking away the legal voice of the poorest kids in the District of Columbia.

Then we received letters from some lawyers, and the lawyers tell us what has happened as a result of the Hutchison amendment over the last 3 years. The number of hearings filed in 1998, before the Hutchison amendment, for special education purposes in the District of Columbia: 2,140. As of last year, that number was cut more than 50 percent to 1,011—more than a 50-percent drop.

Why? Because the poorest kids in the District of Columbia who cannot afford to have their families pay for a lawyer cannot get to court, cannot get into special education. Imagine the life of that small child which has been decided at an early age, which says that whether they have a learning disability, a physical handicap, or a mental disability, they do not have a chance. If the District of Columbia school system turns them down, they are finished because under Senator HUTCHISON's amendment they would limit the attorneys to being paid $3,000 and not one penny more.

I want to say something about the attorneys who are involved in this. I made a statement earlier, but I want to make sure it is clear in the RECORD. The men and women involved in this practice are doing a great service to the families and a great service to our Nation, giving these kids a chance for special education to receive their fullest potential. The fact is, if we hold the fees to $3,000 as a maximum in these cases, many attorneys cannot afford to take the case and, sadly, some taking these cases are not prepared to deal with them because they frankly cannot put in the time necessary to be successful.

The worst part of the Hutchison amendment is the fact that even though each year she continues to pass this along, to stop the poor kids in the District of Columbia from having access to special education, the courts have said they are going to ignore it. They continue to award attorney's fees to these firms. Now the District of Columbia cannot pay out anything more than Senator HUTCHISON has allowed them, but the amount of money that the District still owes to these attorneys is there and continues to earn interest and grow. It is a huge element of debt for the District of Columbia that is not being served by the amendment of the Senator from Texas.

I urge all Members to think about the simple justice of this situation. Senator HUTCHISON says she is just declaring war on trial lawyers. Very few trial lawyers are going to take on cases involving special education. It takes a special attorney with a special dedication to make it happen. She may pick or choose some of the attorney's fees, if a particular fee is excessive, but each has to be approved by the court. If that court and that judge make a decision under the law, we have said that is the way it will apply to Texas, to Louisiana, and to the State of Illinois. But at this point in time, to take this city, the Nation's Capital, and say DC children will be denied access to special education at a time when all of the major disability groups beg us to vote against the Hutchison amendment is unfair.

I reserve the remainder of my time.

Mrs. HUTCHISON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes 19 seconds, and the Senator from Illinois has 6 minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I want the right to close on my amendment. I will then yield to the Senator from Illinois.

Mr. President, I will discuss some of the issues raised by the Senator from Illinois. First, he says the number and quality of attorneys who take special education cases has declined since the imposition of the cap. This is not supported by the facts. The number of attorney representations in 1997 before the caps were put into place was over 2,000. Last year, there were 1,700 such representations. We have not seen a steep decline in the number of attorneys willing to take these cases. Most certainly, $125 an hour, which is what used to be the cap, and $150, which we are proposing, makes a good living for a person.

A lawyer working 2,000 hours in a year earns $300,000 with a $150-an-hour fee structure. It is not as if we are looking at people who would not be able to have a quality of life. This is a reasonable amendment.

Second, he made the statement that access to special education will be inhibited, that the disabled students will not be able to get access to this education. Access to special education in the District has improved since the imposition of attorney fee caps in 1999. The backlog of IDEA initial assessments shrank from 1,805 before the caps to 143 as of March 2001. The backlog of hearings has been reduced from 900 to 20 during the same period. Overall expenditures for special education in the District have increased 38 percent since the caps were imposed. The number of new special education placements, the number of children who have been able to be served, has increased from 8,120 before the fee caps to 11,991 last year. The argument that children are being denied access is not supported by the facts. More children have been able to be accommodated because the money is going into special education and not into the coffers of lawyers.

The Senator talks about who is against my amendment. Let's talk about who is for my amendment. The school board of the District of Columbia is elected by the people of the District. They are for this amendment. They have asked the caps be left in place because they know the money can go into education, and they are very concerned if the caps go off and the judge who has been awarded lawyer's fees, even against the Federal law, has said he is going to require the District to pay the fees that were illegal, which is a convoluted reasoning, at the very best, but nevertheless the judge has said he is going to do it.

We are told we better lift the caps so the judge can go ahead and do it, and we are told that will be good for the children of the District.

I have not quite gotten that line of thinking. The bottom line is the people elected by the people of the District of Columbia want the caps. They did not ask me to raise the caps. I did that because I was trying to come up with something that would be reasonable, to try to make sure we were not in any way doing something to harm anyone.

My bottom line is when the superintendent of schools and the chairman of the school board, elected by the people of the District, ask me to keep the caps and, for Heavens' sake, not allow a retroactive use of the District's funds to go to lawyers instead of education, to the children of the District, it will not wash.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it should not come as a surprise the Senator from Texas says since she put a limitation on attorney's fees, few cases are filed. That is no surprise. The poor children in this District looking for special education cannot get attorneys who will do it for $3,000. What happens to those kids? They end up sitting in the back of the classroom, falling behind. They become discouraged and drop out. Then think of the problems that follow in their lives.

What a great solution offered by the Senator. We are keeping out of special education kids who have learning disabilities, mental and physical handicaps. That is the outcome. We can tighten up the system even more, I say to the Senator from Texas, by limiting how many children can go into special education. Then think of how much money would be spent per pupil. That is not fair. It is not just.

When she says we ought to do this because the DC public school board wants it done, I am sorry, I have seen the DC public schools. I have seen reports on them for years. And I frankly think the management of the DC public schools could be a heck of a lot better. It is one of the reasons the District of Columbia, year in and year out, has such poor ratings by the Annie Casey Foundation when it comes to the quality of life for children.

Let me tell you something else the DC public schools did not tell you. The average cost per case before the Hutchison cap for attorney's fees, for those representing kids going into special education, was between $7,500 and $10,000. That is the average. Senator HUTCHISON gives reference to $1 million here and $1 million there. That is not the case.

What you have here is as a result of the Hutchison amendment, the DC city council has said we should keep in mind in voting against the Hutchison amendment—8 out of 13 members of the city council said by putting the Hutchison cap on the payment of fees for those who want to get kids into special education, it makes it more difficult for the kids to get the education to which they are entitled.

It discriminates against low-income families. Make no mistake, if you live in the DC area and you want to get your child into special education, and you are wealthy, you will hire a lawyer. But if you are poor, you are out of luck under the Hutchison amendment. The effect of the cap is to treat the children in the District of Columbia differently than any other State, including the State of Texas.

The way to improve special education, according to the District of Columbia city council, is programmatic. Improve the programs rather than limit the advocacy. The fact is, the inefficiency of the DC public school system, their inability to deal with the legal challenges that face them, has led to this problem.

Although the Hutchison amendment in the last 3 years may have made us feel good about limiting DC liability, we have not done it. During that period of time, the amounts awarded to attorneys for the work they have done have continued to grow and interest has continued to grow. There will be a day of reckoning for the District of Columbia. It is time for us to face reality. These are legitimate debts of the District for attorneys who have represented some of the poorest kids in the District of Columbia. If a cap on attorney's fees in the State of Texas is not a good idea, it is not a good idea in the District of Columbia.

I ask Members to remember the simple fairness that if we stand for special education and access for all children, poor and rich alike, you cannot deny for those poor children the voice and the process they need to get into school. The Hutchison amendment denies to these children and their families a chance for special education: That is wrong. It is unjust. I hope my colleagues will join me in voting against the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 6 seconds. The Senator from Illinois has 27 seconds.

Mrs. HUTCHISON. I ask the Senator from Illinois if he has any further use for his time or has he yielded back?

I want to address a couple of points made by the Senator from Illinois. He says it is no surprise that since the caps were put in place there were fewer lawsuits filed. No, that is not the issue. The issue is that more students are actually being served and there is no charge by anyone that there is a denial of due process.

In fact, before the caps went into place there were 8,120 special need students in the DC schools. Now there are 11,191. There are only fewer than 50 cases even left pending.

I think the District is now getting a handle on the situation. They are putting more students in the classrooms. That is because they have the money not going to lawyers but going into education. That is why the elected representatives of the school district have asked that the caps be left in place.

We are raising the caps to keep in step with the times. One hundred and fifty dollars an hour certainly will get a quality lawyer. I think that has been proven. The fact is, before the caps, these were the kinds of abuses that the attorneys made of the system. One attorney, before the caps, earned $1.4 million in fees alone on suing the District schools. One law firm billed over $5 million in fees in a single year, suing the District schools. There were submissions of incredible expenses, asking the District to pay for flowers, for a trip to New Orleans to supposedly scout out another school where they would argue a child should be sent, a ski trip—my goodness.

We need some limitations on these kinds of abuses. That is what the amendment would do.

The District is asking us to do this. It has worked well. It has allowed the District to increase its ability to serve the special needs students and the amendment also allows the mayor and the school superintendent to increase the caps if they think it is necessary.

I urge my colleagues to vote for this amendment for the DC children, the schoolchildren of the District.

Mr. REID. I ask unanimous consent that upon disposition of all amendments to H.R. 2944, the District of Columbia Appropriations bill, the bill be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time for the amendment has expired. The Senator from Illinois.

Mr. DURBIN. I move to lay the Hutchison amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Mr. President, didn't the unanimous consent agreement say there would be a vote on my amendment? I ask there be a direct vote.

Mrs. BOXER. Reserving the right to object, could we find out if it said "on" or "in relation to." If not, the motion would be in order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to the Senator from Texas, the unanimous consent agreement said the Senate proceed to vote in relation to the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Let me try to clarify it. I may be confused about what we are doing. We had committed to a vote on the Hutchison amendment, which is supposed to be at this time. Then I am aware of no other amendment to this bill, and we could move to final passage.

I am also aware that Senator LEVIN had a request for a colloquy about a subject that he is very interested in. I wanted to bring that to the attention of our leader.

Mr. REID. I say to my friend from Louisiana, I guess the question is whether or not Senator DURBIN's motion to table would be in order and it is according to the unanimous consent agreement. I don't know if there was some other agreement.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to withdraw my motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—51

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Craig
DeWine
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Crapo
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 2110) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator CLELAND be recognized to speak in morning business for up to 10 minutes and that following his statement, there be 30 minutes for debate with respect to the Durbin amendment which he will offer and that the time be equally divided and controlled and that no amendments be in order prior to the vote on the amendment.

Mr. DURBIN. Reserving the right to object, I would like to amend that so I have the same opportunity the Senator from Texas had for an up-or-down vote.

Mr. REID. That was done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1650 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2111

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mrs. BOXER, proposes an amendment numbered 2111.

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq) (Sec. 138) shall not apply if the plaintiff is a child who is—

(a) from a family with an annual income or less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

Mr. DURBIN. Mr. President, it is my understanding, pursuant to the unanimous consent request, that there are 30 minutes equally divided. I will not use the 15 minutes on my side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I hope to bring this amendment to a vote quickly.

The purpose of this amendment is to dramatize for those who voted for the Hutchison amendment the types of children who will be affected by the limitation on attorney's fees. Without this Durbin amendment, offered by myself and Senator BOXER from California, literally children from families with less than poverty income, children from families where one of the parents is a disabled veteran, or children from families where there has been adjudication that the child has been neglected or abused would have been limited in being represented in an effort to bring them into a special education class. These kids face learning disabilities and other mental and physical disabilities.

The purpose of this amendment is to say we are making a clear exception to the Hutchison limitation, and that section applies to these three categories—children and the families as they are described in the amendment. I sincerely hope that those who vote for this amendment will pause and reflect on the fact that these are only three categories of children who will be disadvantaged by the Hutchison amendment. There are many others, I am sure, who will come to light as we consider the impact of her amendment.

To think the District of Columbia, the Nation's Capital, would be the one city in the United States of America where we would not give the full protection of the laws to the poorest children is unacceptable. At least with this amendment, children in three categories will have a fighting chance, if they need special education to have any opportunity to be successful in life.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield.

Ms. LANDRIEU. Mr. President, I know the Senator from California is here to speak on the amendment. I think the amendment the Senator from Illinois has offered has a great deal of merit. If we are called to vote on it, we will be happy to vote for this amendment because it points out some of the real problems we are trying to resolve.

My question for the Senator from Illinois is, I have some language that I am prepared to offer requesting the GAO to study some of the costs associated not just with the District but for other districts in the Nation that have comparable demographics and size. Will he mind if we discuss the possibility of including this language as we debate his amendment and perhaps decide to vote on it if that will expedite this process and get to a vote more quickly on this bill?

Mr. DURBIN. I say to the Senator, I consider this a friendly amendment. I want to have a chance to review it while the Senator from California is addressing my amendment. I hope we can find a way to deal with this issue.

I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for his leadership this afternoon on behalf of children and families who perhaps have the softest voice. Why do I say that? It is because these families are struggling with children who have disabilities, who are unable to speak for themselves, who need to get special help in school and sometimes have to fight and struggle and work to get that help.

I believe the amendment that was just adopted by this body on a narrow vote sends a very bad message. It sends a message that disabled children, children in need of special education, simply are not as important as a governmental entity that has an unlimited ability to hire the highest paid attorneys.

In the case of the District, I have learned that, in fact, the District does go to the private sector, does throw the best they can against these children and against their families. There is no limit, as my friend from Illinois pointed out, on the attorneys the school district decides to hire. Yet this onerous amendment that was just adopted quite narrowly treats these children differently.

We have the greatest country in the world, and in these days more than ever we have come to recognize that every minute of every hour of every day. One of the reasons is that before the law, everyone is equal. That is what we stand for: Before the law, everyone is equal.

But when we say to a governmental entity it can pay whatever it wants against a family who has a child in need of special help, but then we restrict the kind of attorney, the number of dollars that can go to fight that child's battle, we are setting up a playing field that is not level.

That is why I am so happy the Senator from Illinois, with the support of the chair of the subcommittee, Senator LANDRIEU, has put forward this amendment for the two of us because what we are saying is: Let's take a look at these children. Let's not just have some vague amendment that says attorney's fees shall be limited. That always looks good on a voting record, but if we dig a little bit, what do these kids look like? A lot of them are living in poverty. A lot of them are abused and neglected. Some have parents, one or two, who served in the military who may be disabled. These families need special help for these special children.

I am very proud to be a cosponsor of this amendment. I look forward to a resounding vote which will, in fact, change the amendment we just adopted and say in these circumstances, which will cover many children I am happy to note, we will not have this double standard.

I thank the Chair, and I reserve the remainder of the time for Senator DURBIN.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I ask for 3 minutes to speak in behalf of the Durbin amendment.

Mr. DURBIN. I ask the Senator from Minnesota be yielded 3 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. WELLSTONE. Mr. President, I have not had a chance to examine every word of the Durbin amendment, but my understanding of what the Senator from Illinois has said is when it comes to making sure parents of children with disabilities have legal representation if they need it to make an appeal for their children whom they believe are not receiving the support and education they need, in light of the amendment of the Senator from Texas being adopted, when it comes to a single parent or low-income or a disabled Vietnam vet or veteran and other such categories, it is clear these families absolutely should not be without legal representation. Therefore, the amendment of the Senator from Texas would not apply.

My colleague from Illinois has made an appeal to Senators to avoid the harshness, to make sure there is the legal representation for families who need it, to make sure we are on the side of vulnerable children and vulnerable families.

This amendment is compassionate. This amendment goes directly to what is at issue. I hope there will be 100 votes for the amendment offered by the Senator from Illinois. I add my support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, we are ready to vote on this amendment. The Senator from Illinois perhaps has some additional time, but if there are no other speakers, if the Senator from Illinois wants to call for the yeas and nays, we probably can have this vote.

Mr. DURBIN. I want to make certain the other side has the opportunity, if they want, to speak. Otherwise, I am prepared to yield all my time back and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. Before I yield the time, I want to see if there is anyone on the other side—the Senator from Texas or others—who wants to speak to this amendment.

Mr. President, I yield back the remainder of my time under the unanimous consent request, and I ask unanimous consent that all time on this amendment be yielded back so we can go to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 2111. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—73

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow

Stevens
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—26

Allard
Bond
Brownback
Bunning
Craig
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Inhofe
Kyl
Lott
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Thurmond

NOT VOTING—1

Hagel

The amendment (No. 2111) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2112

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. Dorgan] proposes an amendment numbered 2112.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) Air Cargo Information.—

(1) In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) Production of Manifest.—Any manifest" and inserting the following:

"(b) Production of Manifest.—

"(1) In general.—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) Additional information.—

"(A) In general.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) Information required.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) Availability of information.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) Conforming amendments.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) Passenger Information.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) In General.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) Information.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) Availability of Information.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) Definition.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) Air Carrier.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) Effective Date.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Mr. President, the amendment I have offered is an amendment I have offered on two previous appropriations bills. I will not go into a long and tortured explanation. The Advance Passenger Information System should now be in the law. But because of a jurisdictional issue that arose a couple of weeks ago, it is not in the law. In a couple minutes, I will explain exactly what it is.

I just came from S. 207 where I am a conferee on the aviation security issue. That conference is ongoing right now. We are dealing with the issue of aviation security which is of great importance to all people in this country. How do we make flying more safe and more secure? We are doing that because of the concern about terrorism.

One of the issues in dealing with terrorism has been to try to make mandatory something that has been voluntary with respect to all airlines that are carrying passengers into this country. Some 78 million people fly into this country each year as guests of our country. They come on visas. They are guests of the United States. Most of them are precleared. Their names are provided by airline carriers under what is called the Advance Passenger Information System, APIS. They are provided to us in advance so we can run the names of the people who are coming from other countries against a list that the FBI has, that the Customs Service has, and that 21 different Federal agencies have. It is a list to determine whether any of these people who are coming into the country are known or suspected terrorists or are people who are acquainted with and associated with terrorists because we don't want them to come to this country. People who come in are guests of ours with visas. But if they are on a list of suspected people who associate with terrorists or who are suspected of terrorist acts, we don't want them in this country.

Eighty-five percent of the people coming into the United States have their names submitted to this Advance Passenger Information System. Fifteen percent do not.

Among the airlines that do not comply with this voluntary system are airlines from Saudi Arabia, Pakistan, Egypt, Jordan, and, until last week, the country of Kuwait. I could name others.

One should ask the question: Wouldn't we want passenger information from those airlines flying here from that part of the world? The answer is clearly yes. The head of the Customs Service, the Bush administration, and others say this ought to be made mandatory. I agree.

I offered the amendment in the Senate to make it mandatory on the counterterrorism bill. The Senate approved that amendment, and we would, therefore, have mandatory information about who is coming into this country, and that would be applied to the various devices we have in the Customs Service and the FBI to check these names. It went to conference with the other body, and it was kicked out of conference because of jurisdictional issues. Some believed committee jurisdictional issues were more important than national security, so they kicked it out.

I stated that I would offer it to the bills that are on the floor of the Senate until we get it passed and into law. It should have been on the counterterrorism bill the President signed. Since the day the President signed that bill, a bill that contains this provision, 180,000 people have come into this country whose names have not been precleared under the Advance Passenger Information System. A fair number of them came from Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Does that improve security in this country? In my judgment, no. We ought to do the right thing. This is not about committee jurisdiction; it is about national security. In my judgment, we ought to say to all foreign carriers and airlines coming into this country and bringing our foreign guests that if they do not subscribe to mandatory submission of names under the Advance Passenger Information System, they are welcome to land elsewhere; they may not land at an airport in this country.

That is all my amendment does. It is supported by the administration. It was requested by the administration and should now be law, but is not because we had a squabble here a couple of weeks ago and it was kicked out in conference. I have offered it previously. I offer it again today. My understanding is that it will be approved by a voice vote. I also intend to offer it in the conference on aviation security, of which I am a member and which is now meeting in S. 207.

I ask for immediate consideration of my amendment.

I yield the floor.

Ms. LANDRIEU. Mr. President, we have no further debate.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2112) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. Mr. President, we are ready to move to final passage. There are no other outstanding amendments that will require a vote.

AMENDMENT NO. 2113

Ms. LANDRIEU. Mr. President, I have an amendment by Senator DEWINE and myself referencing the need for a GAO report. I ask unanimous consent that it be agreed to at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2113) was agreed to.

The amendment is as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

FOOD AND FRIENDS

Mr. SARBANES. Will the distinguished floor manager yield for the purpose of a colloquy with Senator MIKULSKI and myself regarding Food and Friends, a nonprofit organization that provides meals to adults and children battling AIDS and other life-threatening illnesses in the Washington metropolitan region?

Ms. LANDRIEU. I am happy to yield.

Mr. SARBANES. For the past 12 years, Food and Friends has been providing an invaluable and unique service to people in Washington, DC, eight counties of Maryland and seven counties in Virginia, living with HIV/AIDS and other life-challenging illnesses. The group's network of over 700 volunteers and some 45 chefs, registered dieticians and other staff provide home-delivered meals and groceries, nutrition counseling, as well as friendship and care to more than 1,300 clients daily and the number of people seeking these services continues to grow dramatically.. In order to accommodate the service demands, Food and Friends has embarked on a $6 million capital campaign to construct a new facility to serve its clients. We recognize that the committee was faced with many significant funding demands in this bill and limited allocations and could not accommodate the $2 million in funding provided by the House. We hold out hope that, as the Chairwoman and the other conferees negotiate with our colleagues in the House, you could find some way to provide funding needed by Food and Friends.

Ms. MIKULSKI. We would not make this request unless we were truly convinced of the need and the terrific work that Food and Friends does. Food and Friends serves individuals from diverse economic backgrounds, but 64 percent of their clients live on incomes of less than $550 per month. With the cost of medication and treatments for critically ill individuals estimated at between $500 and $1,000 per month, the services provided by Food and Friends are critical. This funding would allow the organization to serve more than 2,000 clients daily. The organization has already raised $1.6 million for this initiative and expects to raise an additional $2 million, but needs Federal support to complete the project. For me this is a hand-up to Food and Friends, not a hand-out.

Ms. LANDRIEU. I thank the Senators from Maryland. I am certainly aware of this wonderful organization and this project and the good work that they do delivering meals to people suffering from terminal illnesses and AIDS. I know that the Senators from Maryland are very concerned about this matter and I will certainly be willing to work with you both to see if we can include this worthy project in conference with the House.

Mr. SARBANES. I thank the Chair and look forward to working with her.

Ms. MIKULSKI. As an appropriator, I appreciate the efforts of the chairman, and also look forward to working with her.

Mr. LEVIN. Mr. President, since the late-1980s, I have urged the mayors of the District of Columbia and Commissioners of the DC Taxicab Commission toward implementation of recommendations from numerous District of Columbia studies to replace the current taxicab zone fare with a meter system. According to the nationwide Taxicab, Limousine, and Paratransit Association, the District of Columbia is the only major city in the Nation where taxi fares are calculated by a zone system rather than a meter system. The use of the zone system is especially unfair to our great number of out-of-town tourists who have to cope with a complicated, confusing zone fare system with no basis on which to judge the accuracy of a particular fare. In my own experience, as a DC resident, I have encountered at least 10 different cab fares for the exact same trip to and from National Airport. A metered system would eliminate this problem.

There is a lot of correspondence that has transpired over the years on this matter. I would like to share with the Senate the letter I recently received from Mayor Williams. I would also like to include earlier correspondence I received from Representative ELEANOR HOLMES NORTON, who I have kept informed at every stage of the taxi meter issue, as well as several letters from the Barry and Kelly administrations. There have been broken promise after broken promise. Mayor Williams' letter sets out a course of action. If it is not followed, I intend to bring this matter to a head next year—after two decades of broken promises.

Ms. LANDRIEU. Mr. President, let me just say from the outset that I appreciate my colleague's comments. The District of Columbia is the only major city that does not have a meter system in place. The current zone system compromises the integrity of the DC taxicab system. The apparent variance among cab fares to the same destination shows how the current system can be misunderstood and even abused. I deeply appreciate Senator LEVIN's decision to withhold an amendment at this time based on the mayor's letter. And I certainly understand that Senator LEVIN will be back with his amendment if meters are not in place, as indicated in Mayor Williams' letter, early next year, and I intend to support Senator LEVIN's efforts to end the current intolerably confusing situation.

Mr. LEVIN. Mr. President, I ask unanimous consent the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 10, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: In accordance with your request, I am writing to advise you of the status of the introduction of a meter system for District of Columbia taxicabs. Let me state at the outset that I support a change from the current zone system to a meter system. A proposal to that effect was approved by the District of Columbia Taxicab Commission and transmitted to the Council of the District of Columbia for review in 1999. At that time, the Council requested that the proposal be withdrawn and resubmitted with more detailed information on the potential impact of increased fares on the riding public.

Since that time, the District of Columbia Taxicab Commission has developed a proposed fare structure and conducted the analysis requested by the Council. In addition, the Chairman of the Commission has held a number of meetings with drivers, individual taxicab owners, taxicab companies, and others in the industry to explain the impact of the planned change and allay any fears regarding implementation of the new system. The most recent of those meetings was held last week.

It now appears that the Commission is prepared to act on the proposal. The matter is expected to be referred to the Commission's Panel on Rates and Rules for a vote as early as next week and will thereafter be acted upon by the full Commission and transmitted to the Council for final approval. It is anticipated that meters could be required in District taxicabs by early next year.

I thank you for your interest in this matter and for sharing my commitment to improve the District's taxicab industry. Should you require any additional information, do not hesitate to contact me.

Sincerely,
ANTHONY A. WILLIAMS.

MARCH 15, 1999.

Hon. LINDA W. CROPP,
Chairman, Council of the District of Columbia, Washington, DC.

DEAR CHAIRMAN CROPP: I am transmitting for the consideration of the Council of the District of Columbia (Council) a proposed resolution entitled the "District of Columbia Taxicab Commission Metered System for Determining Fares Approval Resolution of 1999." The proposed resolution is submitted in accordance with D.C. Law 6–97, the "District of Columbia Taxicab Commission Establishment Act of 1985," as amended, specifically, D.C. Code §40–1707(b)(1)(B) (1998 Repl. Vol.). The law provides that the Commission's Panel on Rates and Rules shall not authorize a metered system for determining taxicab fares without a 60-day period of Council review of the proposal.

If you have any questions regarding this matter, please contact George W. Crawford at the Taxicab Commission.

I urge the Council to take prompt and favorable action to approve the Commission's proposal for the use of meters for determining taxicab fares at your earliest convenience.

Sincerely,
ANTHONY A. WILLIAMS,
Mayor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Senator CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR CARL: Thank you for coming in to see me last week regarding the failure of the District to adopt a meter system for cabs, following the recommendations of several studies. I very much appreciate your willingness to discuss the matter with me and to give the District the opportunity to consider the matter before you consider any action. I write to provide you with a status report on my efforts since our meeting.

I have spoken directly with the new Chair of the Taxicab Commission, Chairman Novell Sullivan and with the Chair of the D.C. City Council, Linda Cropp. Chairman Sullivan has agreed to submit the matter to the full Commission at its next regularly scheduled meeting on October 6th to consider whether the District should adopt a meter system. Although Chairman Sullivan could not say what the outcome of the vote will be, he is eager, as I know you are, to resolve this matter without further study or delay. The Commission's recommendation must be submitted to the City Council for its final review and approval. I have assigned my Legislative Director, Jon Bouker, to follow-up with the Commission's General Counsel, Mr. George Crawford, and with staff from the office of City Council Chair Linda Cropp to ensure that the process moves forward as expeditiously as possible.

I hope that this information is responsive to your concerns. I appreciate that you want the District and the Taxicab Commission to resolve this matter at the local level. As always, if I can be of further assistance on this or any other matter concerning the District of Columbia, please do not hesitate to contact me.

Sincerely,
ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1998.

Re Taxicab Issue Follow-up.

JACKIE PARKER,
Deputy Legislative Director (Senator Carl Levin).

This memo is a follow-up to our recent conversations on the taxicab issue. As you know, Senator Levin came in to see the Congresswoman regarding the D.C. Taxicab Commission's reluctance to forward to the City Council the previous Commission's recommendation to move to a meter system for D.C. cabs. Following the meeting with Senator Levin, the Congresswoman called Taxicab Commission Chair Novell Sullivan and City Council Chair Linda Cropp. Council Chair Cropp confirmed that the new Taxicab Commission had not yet forwarded a recommendation to the full Council for its consideration. However, Commission Chair Sullivan agreed to schedule the meters issue for a vote before the full Commission at its next regularly scheduled meeting. That vote occurred on October 6, 1998, and the Commission voted unanimously to recommend meters to the Council. Once the Council receives the transmission (after the Corporation Counsel reviews the legal sufficiency of the transmission and the Mayor gives his approval), it has 60 days to decide whether or not it will approve the recommendations of the Commission. The Commission does not have the authority, on its own, to effectuate a change to a meter system for D.C. cabs.

I hope that this information is useful. Please do not hesitate to call me if you have any further questions.

JON BOUKER,
Legislative Director and Counsel (Congresswoman Eleanor Holmes Norton).

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC December 1, 1998.

JACKIE PARKER,
Senator Levin's Office.

This is to inform you that the Office of the Corporation Counsel has approved the Taxicab Commission's proposal to covert to a meter system for determing fares. The Office of Chief Financial Officer is reviewing the proposal for fiscal impact on the District. It is anticipated that the proposal will be transmitted to the City Council within the next few days. Should you need additional information, please let me know.

GEORGE W. CRAWFORD,
General Counsel and Secretary.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC September 9, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for taking time from your very demanding schedule to meet with me on August 5th. Let me assure you again that both Mayor Kelly and I understand and share your concerns about taxicab service in the District of Columbia. The Mayor has directed me to resolve the long standing issues and problems as quickly as possible. We sincerely appreciate your support and patience as we work toward this goal.

When we met, you requested a description of specific strategies we are undertaking, including timeframes, to fulfill congressional mandates and to improve regulation of the taxicab industry. Our strategies will accomplish three major goals by the end of fiscal year 1994:

(1) establishment of an appropriate mechanism—zones, meters, a new technology or a combination—for calculating taxi fares;

(2) development of a rate-setting methodology; and

(3) improvement of the Commission's regulatory and enforcement efforts.

Funding for these initiatives is being provided by fees imposed by the Commission for the Taxicab Assessment Fund; no appropriated funds will be used. Descriptions of the strategies and timeframes for each goal are enclosed.

Much needs to be done, and I am excited about the prospects for improving taxi service in the District. My plans and goals for the Taxicab Commission, and an overview of the issues facing the Commission, are provided in my testimony that was recently submitted to the House Appropriations Subcommittee on the District of Columbia. A copy of that testimony is also enclosed for your information.

Let me thank you again for your longstanding support of the District of Columbia, and your continuing interest in the District's taxicab policies and services. I am available to you and your staff if you have any questions or need additional information.

Sincerely,

KAREN JONES HERBERT,
Chairperson.

THE DISTRICT OF COLUMBIA,
Washington, DC, August 18, 1993.

Hon. CARL LEVIN,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand you recently met with Karen Herbert, our new chairperson of the D.C. Taxicab Commission. Ms. Herbert has developed an ambitious, but long overdue reform agenda for the D.C. Taxicab Commission. In addition, she has taken steps to improve driver training and testing, complaint resolution and enforcement activities.

I fully understand your concerns and frustrations and want to assure you that we are aggressively seeking consultants who specialize in taxicab regulation and transportation economics to assist us in developing a rate methodology and a definitive analysis of meters versus zones. The selection is scheduled to be made before the end of September and I will be certain that you will be provided with a timeline that will enable you to track the progress of this effort.

In the months ahead, I intend to work closely with Ms. Herbert and will be pursuing initiatives designed to make a visible difference in our regulation of the vehicle for hire industry. Your continued interest and support of this issue are helpful and have been greatly appreciated.

Sincerely,

SHARON PRATT KELLY.

Mr. LEAHY. Mr. President, I rise today in support of the FY 2002 District of Columbia appropriations bill. I want to congratulate Senator LANDRIEU and Senator DEWINE for their hard work in crafting this annual appropriations bill for the District of Columbia. This is an important piece of legislation and they have done their best to help ensure that the District of Columbia gets the resources it needs to run our Nation's capital.

In addition to many important policy provisions and essential funding provisions, this legislation removes several restrictions Congress has placed upon the District of Columbia during the last several years. These congressional provisions have prevented locally passed laws and initiatives from being implemented even with the use of local funds. With the leadership of Senator LANDRIEU, the underlying legislation takes the necessary steps to correct those past wrongs.

I am particularly pleased with Senator LANDRIEU's leadership in lifting the restriction limiting the autonomy of the local government in the District of Columbia and the rights of domestic partners who reside here. For the past 9 years, Congress has prohibited the District from using Federal or local funds to enact the locally passed Health Care Benefits Expansion Act. This law, passed by the D.C. City Council in 1992, would allow domestic partners to register with the Mayor's office. The Health Care Benefits Expansion Act would require all health care facilities to grant domestic partners visitation rights, and allow District employees to purchase health insurance at their own cost for domestic partners.

This law recognizes the legal and civil rights of domestic partners in the District of Columbia and is similar to laws passed by more than 100 jurisdictions and city governments throughout this country—including my own State of Vermont. Vermont passed its version of a domestic partnership law for health benefits in 1994. Last year, our State went even further when it took the bold and courageous step of extending the same legal State benefits already enjoyed by married couples to same sex couples.

This restriction Congress placed on the D.C. Government sent the wrong message to District residents and local officials by telling the people of Washington, DC, that the U.S. Senate knows best how local officials should spend their local dollars. This restriction sent the wrong message to the American public by disregarding the rights of domestic partners. I am pleased that the Senate has not continued down the unfortunate path of dictating social policy for the District of Columbia.

During consideration of the D.C. appropriations bill last month, the House Appropriations Committee approved an amendment to remove the ban on the use of local funds to implement the Health Benefits Expansion Act. During the House debate on the legislation, the provision prevailed, despite an effort similar to the one before us today to reinstate the ban on local funds. Our colleagues in the House have spoken on this measure, and the Senate has concurred.

This is a challenging time for our entire Nation. During this time, leaders at all levels of government—especially our local leaders—are working to ensure the safety and preparedness of their communities. Mayor Anthony Williams and the local government of the District of Columbia should be provided the same opportunity to perform those duties, and others, as are enjoyed by other cities and jurisdictions throughout the Nation. With the hard work of Senator LANDRIEU, the underlying bill recognizes the rights of D.C. residents and their elected officials to debate and decide for themselves the same policy questions that each of the states and cities in our country may debate and decide for themselves.

The issue of the rights of domestic partners—like rights for women, racial minorities, and people with disabilities—is one of basic civil rights for all people. Individuals should be evaluated on the basis of what they can offer and what they can contribute—not on irrelevant considerations like their race, gender or sexual orientation. It is a question of fundamental fairness. The United States Congress did not interfere with Vermont's approach to providing equal access to health insurance benefits, or with any of the other cities and localities throughout the country that passed their own laws governing domestic partnership. I strongly believe that Congress should follow its own example set in those instances, and should not treat the District of Columbia any differently.

Again, I applaud Senator LANDRIEU for her leadership in drafting this bill and I encourage my colleagues to vote in support of the FY 2002 District of Columbia appropriations bill.

Ms. LANDRIEU. Mr. President, as we move to final passage on this bill, I again thank my ranking member for his very extraordinary and dedicated work over the weeks and months to bring this bill to the floor and to work out many important and challenging issues. Together, we have tried to focus our efforts on post-control board financial discipline and laying a foundation so that the District, which is in a surplus today because of a lot of hard work that has been done, will remain in a surplus. Together, we have tried to enhance local decisionmaking, where appropriate. I believe we have made a lot of progress along that line.

In addition, particularly with Senator DEWINE's excellent leadership, we are reforming the child welfare system in the District and working with the mayor and the local government officials to do that. We have put significant investments in this bill to accomplish that end.

In addition, because of the September 11 attack, we have provided additional resources for the mayor and the local government and for regional public officials—our own Senators representing Virginia and Maryland—of course, to be a part of that to enhance the security of the District and this region.

Finally, we have together made some tremendous headway in providing resources to create more excellence in the public schools here in DC and reform that system, as well as to step up the environment and children's health with some of the projects with which Senator DEWINE has been particularly helpful.

In closing, I again thank publicly the mayor and the city council chairperson, Linda Cropp, and all of the members of the city council who have been so helpful in working with us on this bill.

I would like to acknowledge the work of the District chief financial officer, Dr. Gandhi, and particularly his staff, Sam Kaiser, for their work in putting the local portion of this bill together.

I want to recognize Representative ELEANOR HOLMES Norton. She continues to work with us almost daily on these issues. I thank her, and also the shadow Senator from the District, Paul Strauss.

Our staff members, Cathleen Strottman, Kate Eltrich, Kevin Avery, Chuck Kieffer, and Mary Dietrich on the Republican side have been terrific in their help bringing us to this point.

I have no further remarks.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague, Senator LANDRIEU, for doing a great job on this bill. This is a bill that will make a difference for people of the District of Columbia, particularly children of the District.

I thank Senator LANDRIEU and her staff, Chuck Kieffer and Kate Eltrich, for their hard work on this bill.

I also thank my appropriations team, particularly Mary Dietrich, who has been working hard on this bill for a long time, as well as Stan Skocki from my team.

I also commend and thank the other members of our subcommittee: Senator HUTCHISON, Senator DURBIN, and Senator REED.

Mr. President, as Senator LANDRIEU has indicated, this was a bipartisan effort. This bill makes a downpayment and is a real beginning on what we said we were going to do several years ago. In Congress, we took on the responsibility of trying to improve the court system, specifically the court system that deals with our young people. I do not have to remind anyone in this Chamber of the tragedy of the children's system in the District of Columbia—headline after headline, story after story, tragedy after tragedy, of children who have died in the system in the District of Columbia. This bill provides the money to begin to change that system.

Senator LANDRIEU and I have also been working, along with some of our other colleagues, to get a family court bill passed. Money in this bill will go a long way to making the changes that we have outlined in that family court bill.

This bill we are about to vote on also provides some significant money for Children's Hospital in the District of Columbia, which serves not only children who come from the District but serves children who come from many States.

It also provides money for the Safe Kids Program, a program that saves lives. I am convinced the money we will provide will help to save the lives of young children in the District of Columbia.

We also provide money for the Green Door Program, a mental health program of which Senator DOMENICI has been a strong supporter.

Finally, the bill provides, as Senator LANDRIEU indicated, some much needed money and resources to tie our communications system together in the District of Columbia. That need has been apparent for some time. Certainly, after the events of September 11, it is even more apparent and more obvious. So this bill provides money to do that as well.

I, again, thank my colleague for her great work on the bill. I urge my colleagues to vote aye, to pass the bill. I hope we will be able to work any differences out with the House fairly quickly and get this bill on to the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know of no further amendments to be offered. I believe we are ready for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDIING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Graham
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—24

Allard
Brownback
Bunning
Craig
Ensign
Enzi
Fitzgerald
Gramm
Grassley
Gregg
Helms
Hutchinson
Inhofe
Kyl
Lott
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thurmond

NOT VOTING—1

Kerry

The bill (H.R. 2944) was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2944) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest *earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.*

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $72,694,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,634,000, of which not to exceed $1,500 is for official reception and representation expenses; and $27,850,000 for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That of this amount not less than $23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: Provided further, That of the funds made available for the District of Columbia Superior Court, $6,603,000 may remain available until September 30, 2003: Provided further, That of the funds made available for the District of Columbia Court System, $485,000 may remain available until September 30, 2003: Provided further, That of the funds made available for capital improvements, $21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11–1722(a), District of Columbia Code, is amended in the first sentence by striking ", subject to the supervision of the Executive Officer".

Section 11–1723(a)(3), District of Columbia Code, is amended by striking "and the internal auditing of the accounts of the courts".

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq. (1981 Ed., 1999 Supp.) as amended by Public Law 106–113, § 160 and Public Law 106–554, § 1(a)(4), H.R. 5666, Division A, Chapter 4, § 403) is amended: (a) in section 2 (D.C. Code, sec. 3–421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3–426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(b); (c) in section 8 (D.C. Code, sec. 3–427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(c); and (d) in section 16(e) (D.C. Code, sec. 3–435(e) (1981 Ed., 1999 Supp.)), to read as follows:

"(e) All compensation and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.".

Section 11–2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking "50" and inserting "75"; and

(2) in subsection (b)—

(A) by striking "1300" each time it appears and inserting "1900";

(B) by striking "2450" each time it appears and inserting "3600".

Section 16–2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking "1,100" each time it appears and inserting "1,600";

(2) in paragraph (3), by striking "1,500" and inserting "2,200"; and

(3) in paragraph (4), by striking "750" and inserting "1,100".

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking "in excess of $250,000"; and

(2) by striking "and approved by" and all that follows and inserting a period.

These amendments shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $39,311,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, $2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and $2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended, and of which not to exceed $5,000 is for official receptions related to offender and defendant support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: Provided further, That the Director is authorized to accept and use gifts in *the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.*

Federal Payment to the District of Columbia for Security Costs Related to the Presence of the Federal Government in the District of Columbia

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, $16,058,000: Provided, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: Provided further, That of this amount, $3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: Provided further, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency, the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region and the respective state and local law enforcement entities in the region an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: Provided further, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: Provided further, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: Provided further, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

Federal Payment to the Thurgood Marshall Academy Charter School

For a Federal payment to the Thurgood Marshall Academy Charter School, $1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

Federal Payment to the District of Columbia Public Schools

For a Federal payment to the District of Columbia Public Schools, $2,750,000, of which $2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; $250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; $250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools; and $250,000 for the Southeastern University for a public/private partnership with McKinley Technical High School.

Federal Payment to the George Washington University Center for Excellence in Municipal Management

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, $250,000 to increase the enrollment of managers from the District of Columbia government.

Federal Payment to the Children's National Medical Center

For a Federal payment to the Children's National Medical Center in the District of Columbia, $3,200,000 for capital and equipment improvements.

Federal Payment for Child and Family Social Services Computer Integration Plan

For a Federal payment to the District of Columbia, $200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: Provided, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

Federal Payments for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, $333,334 shall be for a payment to the United States Secret Service, $333,333 shall be for a payment to the United States Capitol Police, and $333,333 shall be for a payment to the United States Park Police: Provided, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

Federal Payment to the Chief Financial Officer of the District of Columbia

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,250,000 shall be for payment for a pilot project to demonstrate the "Active Cap" river cleanup technology on the Anacostia River; $500,000 shall be for payment to the Washington, D.C. Sports and Entertainment Commission which, in coordination with the U.S. Soccer Foundation, shall use the funds for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; $500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; $1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; $500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; $200,000 for a payment to Teach for America DC, for teacher development; and $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

Court Appointed Special Advocates

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

Child and Family Services Agency—Family Court Reform

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

Administrative Provisions

Under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000 to remain available until September 30, 2003: Provided, That $2,000,000 of said amount shall be used for attorney fees and home studies: Provided further, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families and children without parents, due to the September 11, 2001 terrorist attack on the District of Columbia, will use for post high school education and training for adopted children: Provided further, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: Provided further, That $1,000,000 of said amount shall be used for adoption incentives and support for children with special needs.".

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106–522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: Provided, That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2002: Provided further, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,051,646,000 (of which $124,163,000 shall be from intra-District funds and $3,553,300,000 shall be from local funds): Provided further, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,117,000 (including $228,471,000 from local funds, $61,367,000 from Federal funds, and $17,279,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: Provided further, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: Provided further, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: Provided further, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase "shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman".

(2) A new subsection (d) is added to read as follows:

"(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.".

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That the Department of Consumer and Regulatory Affairs use $50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: Provided further, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5–513 fund to be used to implement the provisions in D.C. Act 13–578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to D.C. Act 13–578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: Provided further, That 18 percent of the annual total amount in the 5–513 fund, up to $500,000, deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13–578: Provided further, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $632,668,000 (including $593,618,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: Provided further, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: Provided further, That no less than $296,000 shall be available to support the Child Fatality Review Committee: Provided further, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Official Code, sec. 47–1812.11(c)(3)): Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,915,000 (including $894,494,000 from local funds, $187,794,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,292,000 (including $658,624,000 from local funds, $147,380,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $26,917,000 from Federal funds, $542,000 from other funds), for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $142,257,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(A)(2)(D)): Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: Provided further, That the $1,007,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and $129,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled

"An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38–201 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall spend $1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: Provided further, That no less than $200,000 be available for adult education: Provided further, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.41), is amended to read as follows: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.": Provided further, That the first paragraph under the heading "Public Education System" in Public Law 107–20, approved July 24, 2001, is amended to read as follows: "For an additional amount for 'Public Education System', $1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.".

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): Provided, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14–144; $90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended: Provided further, That no less than $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7–3003): Provided further, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: Provided further, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: Provided further, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: Provided further, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That no less than $650,000 be available for a mechanical alley sweeping program: Provided further, That no less than $6,400,000 be available for residential parking enforcement: Provided further, That no less than $100,000 be available for a General Counsel to the Department of Public Works: Provided further, That no less than $3,600,000 be available for ticket processing: Provided further, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: Provided further, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: Provided further, That no less than $262,000 be available for taxicab enforcement activities: Provided further, That no less than $241,000 be available for a taxicab driver security revolving fund: Provided further, That no less than $30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: Provided further, That no less than $12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: Provided further, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: Provided further, That no less than $313,000 be available for handicapped parking enforcement: Provided further, That no less than $190,000 be available for the Ignition Interlock Device Program: Provided further, That no less than $473,000 be available for the Motor Vehicle Insurance Enforcement Program: Provided further, That $11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available: Provided further, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $403,868,000 (including $250,015,000 from local funds, $134,839,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, $30,000,000, for the purpose of spending funds made available through the reduction from $150,000,000 to $120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: Provided, That $12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: Provided further, That $18,000,000 shall be available pursuant to a local District law: Provided further, That of the $30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: Provided further, That the $18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)), has a minimum balance in the amount of $150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law

93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $4,440,000 shall be for the Fire and Emergency Medical Services Department, $2,010,000 shall be for the Department of Parks and Recreation, and $7,850,000 shall be for the Department of Public Works: Provided further, That no less than $533,000 be available for trash transfer capital debt service. Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the "District of Columbia Emergency Assistance Act of 2001": Provided, That the District of Columbia shall use local funds for any payments under this heading: Provided further, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $500,000 from local funds.

Wilson Building

For expenses associated with the John A. Wilson Building, $8,859,000 from local funds.

Emergency Reserve Fund Transfer

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)).

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,953,000 payable to the District's debt service fund and $26,291,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, $10,182,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

Washington Aqueduct

For operation of the Washington Aqueduct, $46,510,000 from other funds for fiscal year 2002.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds for fiscal year 2002.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $229,688,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Sports and Entertainment Commission

For the Sports and Entertainment Commission, $9,127,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

Housing Finance Agency

For the Housing Finance Agency, $4,711,000 from other funds.

National Capital Revitalization Corporation

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,786,700 of which $1,348,782,387 shall be from local funds, $44,431,135 shall be from the Highway Trust Fund, and $157,573,178 shall be from Federal funds, and a rescission of $476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the capital budget of $83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: Provided further, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL–MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: Provided further, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act *of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).*

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 123. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

"(j) RESERVE FUNDS.—

"(1) BUDGET RESERVE.—

"(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

"(i) $120,000,000, in the case of fiscal year 2002.

"(ii) $70,000,000, in the case of fiscal year 2003.

"(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

"(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.

"(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

"(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

"(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

"(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

"(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

"(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

"(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482) is amended to read as follows:

"(c) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

"(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

"(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.".

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).''; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2002, 0 percent.

"(ii) For fiscal year 2003, 0 percent.

"(iii) For fiscal year 2004, 0 percent.

"(iv) For fiscal year 2005, 1 percent.

"(v) For fiscal year 2006, 2 percent.".

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: Provided, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code §28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code §1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code §28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code §2–402).

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 138. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C §794a, or any other law, none of the funds appropriated under this Act, or in appropriations Acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations Acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

SEC. 139. The limitation on attorneys' fees paid by the District of Columbia for actions brought under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (sec. 138) shall not apply if the plaintiff is a child who is—

(1) from a family with an annual income of less than $17,600; or

(2) from a family where one of the parents is a disabled veteran; or

(3) where the child has been adjudicated as neglected or abused.

SEC. 140. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES. (a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) PRODUCTION OF MANIFEST.—Any manifest" and inserting the following:

"(b) PRODUCTION OF MANIFEST.—

"(1) IN GENERAL.—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) ADDITIONAL INFORMATION.—

"(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SEC. 141. The General Accounting Office, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on the District of Columbia, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations Acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.): Provided, That such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

This Act may be cited as the "District of Columbia Appropriations Act, 2002".

Ms. LANDRIEU. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS conferees on the part of the Senate.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEPTEMBER 11 VICTIMS' TAX LEGISLATION

Mr. TORRICELLI. Madam President, nearly 2 months have passed since the events of September 11. The tragedy and its ramifications have been part of the life of every American family in the weeks that have followed. Even American schoolchildren can recount not only the images but recite the numbers of the dead, the cost, and the consequences.

In my State there are hundreds of people who did not come home on that night. The changes experienced by average Americans cannot obviously be compared with the families themselves—wives and husbands, children, brothers and sisters who are rebuilding shattered lives. They wake up every day reminding themselves of the new reality that will follow them throughout their lives.

Recently, Senator CORZINE and I met with a number of the widows and widowers. You can only imagine, if this entire Nation has found it difficult to accept the reality of these circumstances, what it is like for a young mother still recoiling from the experience of informing her children, or a father, now left to raise children alone.

The pain of September 11 is measured on many scales. It has changed the finances of this Government. It has forever impacted our national sense of safety. But for these few thousand families, it has changed lives in ways we could never hope to understand.

There is little in terms of the things that matter that any of us can do to generally offer comfort or consolation. But in the ways that Government can measure compassion, there are things we must try to do.

Families that JON CORZINE and I met with indicated to us that when they are not dealing with the pain or the trauma, life has returned to much more mundane things: A woman who even as she buries her husband thinks about next month's mortgage; the young family who even when they are consoling their children are dealing with colleges or grade schools on next year's tuition; the young family who may have just started life together and bought a home or rented an apartment and used all their resources; and now, as a mother thinks about her children's future, she is thinking about the groceries next week.

America can afford to debate this issue philosophically and how it may have changed our laws or our lives. That luxury is not available to these young families.

It raises in the Senate an important question about how we can respond. Some weeks ago the House of Representatives passed legislation to provide tax relief to families of these victims so that as these young mothers or fathers received their last paychecks or struggled to deal with the financial realities or negotiate perhaps bonuses from employers who are themselves struggling to deal with the impact, they can at least husband these resources without concern that the Federal Government will tax what they have remaining. That legislation has been sent to the Senate Finance Committee. These weeks we have been working to prepare it and have it ready for committee consideration.

I want my colleagues to know that enough time has now passed. I am, on this day, introducing this legislation to the Senate. I will offer it as an amendment when the Senate Finance Committee meets tomorrow to consider stimulus and tax legislation as an amendment.

I commend Senator BAUCUS for not only his support but his efforts in drafting this legislation. I also understand Senator NICKLES wants to understandably change the legislation to include equitable treatment for the victims of Oklahoma City.

The victims' tax legislation will essentially extend the benefits currently offered to military personnel and Government employees who die as a result of combat or terrorism to civilians abroad. The legislation will waive income tax liability for both this year and last year and will refund any income taxes paid in those years to the family.

As I am certain my colleagues would agree, these funds are better used by families to rebuild their lives rather than used by the Federal Government at this moment.

There is, however, the question of those employees who lost their lives and their families who may have had income so modest, they did not pay Federal income tax. Under my legislation, which improves upon the version of the House of Representatives, the Senate bill I am introducing will refund 2 years' worth of payroll taxes to families of those who lost their lives on September 11.

I have also drafted legislation to include significant estate tax relief for families by exempting the first $3 million in assets from both Federal and State estate taxes and $8.5 million from Federal estate tax.

These are the funds these families will use for this generation and perhaps succeeding generations to bring order and security to their lives. They should keep this money. It is not for us. If this is the last and only gift a mother or father had to give to their children or husband, or wife to their spouse, that is as it should be. It is not for us.

Current law excludes disability benefits from income if a U.S. employee is injured in a terrorist attack outside the United States. This legislation will also expand this to include those injured in a terrorist attack in the United States.

Every Member of the Senate should feel proud to be part of this legislation. We have offered assistance to the States of Virginia and New York and New Jersey because of the terrorist attacks. We have offered relief to the airline industry to save them from bankruptcy. There is debate now on what should be done for the insurance industry. These things may all be right and proper. They are not complete.

No financial arrangement, no change of the law could possibly be complete unless we address the question of families themselves. Senator CORZINE and I made a solemn pledge to these families that we would not rest until this is done. I can assure you that promise will be kept. There is little else this Government can offer these people. This much, Madam President, we can and should do.

THANKING SENATOR ALLEN

Ms. MIKULSKI. Madam President, I would like to take this opportunity to thank Senator ALLEN for his generosity and his collegiality.

As one of the displaced Hart people, he very graciously offered facilities in his own office to welcome my staff. It was a bridge across the Potomac, hopefully a little bit less expensive than the Woodrow Wilson Bridge. Now we are working together on the capital region security plan. I express in this time this is what bipartisan collegiality is all about.

COVE POINT

Ms. MIKULSKI. Madam President, I want to bring the full attention of the Senate to a national security issue about which I am deeply alarmed. Plans are well underway to reactivate and expand a liquefied natural gas, LNG, terminal at Cove Point in Maryland.

What would this mean? It would mean that foreign ships, transporting flammable liquid natural gas, would come up the Chesapeake Bay and dock 3½ miles down from the nuclear powerplant at Calvert Cliffs.

Can you believe that the Federal Energy Regulatory Commission has given preliminary approval to reopen the Cove Point LNG facility and will let this type of tanker steam up the bay and park next to a nuclear powerplant? And guess when they did it? They did it on October 11, the 1-month anniversary of the terrorist attack on America.

The President of the United States was warning us against more attacks. The Attorney General had us on high alert. And FERC is signing little pieces of paper saying "you all come from Algeria."

I cannot believe it. Calvert Cliffs, 3½ miles away, needs to be protected. The International Atomic Energy Agency and U.S. officials have warned that nuclear powerplants are at risk.

The Homeland Security Director, Tom Ridge, has called for increased security at nuclear powerplants.

We cannot fly over nuclear powerplants. Why should we be able to dock next to them with an LNG tanker?

From where do these LNG tankers come? One of the main sources is Algeria. Algeria is on every terrorist watch list. It is the home of the Armed Islamic Group, or IGA, a terrorist group with international reach. Islamic radicals from Algeria are key players in bin Laden's terrorist network. But that is OK; an Algerian tanker can just come up and park in Maryland next to a nuclear powerplant. I am concerned that these terrorists could attack ships carrying fuels, posing a real risk.

The mayor of Boston is also worried about it. That is why he tried to keep an LNG tanker out of Boston Harbor.

If LNG tankers are allowed in the Chesapeake Bay near Calvert Cliffs, a nightmare scenario could become a reality.

As America leads the war on terrorism, we cannot do business as usual and issue permits without analysis through a national security prism.

I acknowledge we do need more natural gas in our country. I acknowledge we need to look at energy policy. But while we are looking at the long-range solutions, we should not make short-range decisions that put us further at risk.

So what am I doing about it?

I am demanding that the Chairman of FERC review their permitting process and review their Commission's decision on Cove Point in the interest of national security and national safety. I don't know what they were thinking about on October 11, but they are going do have to rethink this whole process.

I am bringing this matter to the attention of Homeland Security Director Tom Ridge and FBI Director Robert Mueller, urging them to fully consider potential risks from terrorism and to get a hold on the permitting processes that are going on in this country.

I am turning to U.S. Coast Guard Admiral Loy to ensure that the Coast Guard rigorously reviews the Cove Point proposal, working with the Office on Homeland Security and the FBI to fully consider potential risks from terrorism.

The Coast Guard has authority over foreign LNG tankers that would come into the Chesapeake Bay. I have already discussed this with our local commander, Captain Peoples, who is now taking a look at this issue.

I am asking the Nuclear Regulatory Commission to look into the potential threat to the safety of Calvert Cliffs by this proposed reopening.

Finally, I am asking the Governor of Maryland, Parris Glendening, to use his local regulatory authority to review this proposal.

You can be sure that I will follow up with all these officials. I am very serious about the threat of terrorism. And I am sure some of my colleagues will share my concern.

I want to make sure that LNG shipments into Cove Point and other American terminals are thoroughly considered as a national security issue, not just an energy issue, and that they are part of our threat assessment.

I am not confident that those who gave preliminary approval to reopen Cove Point gave this matter the rigorous review it deserves.

I want every single agency with authority over LNG plants and shipping to take a look at the risk of terrorist attacks.

Madam President, let me conclude by saying this. We are all warriors in the war on terrorism. Whether we are a bureaucrat or a technocrat or whether we are a soldier in Afghanistan, we all need to stand sentry. Thousands of people died at the two World Trade Center Towers because of sloppiness and incompetence at our airports. We cannot let the same sloppiness go on at our seaports.

I will stand sentry, working for the United States of America and protecting the Chesapeake Bay. I wanted to bring this to my colleagues' attention. I say to my colleagues, where they are giving permits, you want to make sure that it is not quite as permissible as people might think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

ELECTION REFORM

Mr. DODD. Madam President, I thank the distinguished Senator from Louisiana, the distinguished Senator from Texas, and the distinguished Senator from Illinois for allowing me to speak for 7 minutes on an unrelated subject matter.

It was 1 year ago on this very day that we had a national election. It was on November 7 of last year when 105 million of our fellow citizens went to the polls to elect a President of the United States, Congress, and a variety of governorships and State legislative offices. As we all recall, although it is hard to imagine it has been a year, it was a very controversial election, one that went on for a month before a final decision was made by the Supreme Court.

According to the CalTech-MIT report, as many as 4 million to 6 million people actually showed up to vote that day, but for a variety of reasons in States across the country, were told they could not vote or they voted and their vote was not counted. That is according to CalTech and MIT.

According to that same report, these votes were lost due to a variety of reasons that have existed for a long time. They did not just happen in one place or in one election: Faulty equipment, confusing ballots, registration mixups, flawed polling place operations, absentee ballot problems, and the list goes on.

It was not about one State. We all focused on Florida, but the fact remains, in the other 49 States there were problems to varying degrees. Again, these problems were not limited to one State. In fact, the General Accounting Office found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 7, 2000, elections.

These problems were not limited to one election. In fact, many of these are systemic problems with our election systems that have existed for years. For example, over 11 million Americans who are blind or have a hand mobility disability have never been able to cast a secret ballot. Not a single ballot in America is in braille.

In fact, according to the General Accounting Office, of the 120,000 polling places in America, 50,000 of them are physically inaccessible to the disabled. Despite the fact we passed the Americans with Disabilities Act, there still is a staggering number of our voting places that are not accessible.

We could spend a lot of time talking about what happened a year ago, but I want to take the few minutes available to me to strike a more positive note. Senator BOND of Missouri, Senator MCCONNELL of Kentucky, myself, and Senator SCHUMER of New York are all working to put together a bill to bring to the Senate in the coming weeks. We are working on a compromise proposal that will allow us to try to fix the problems that existed in the year 2000 elections.

This is not about the past, but about the future of our democracy. As Thomas Paine once said, the right to vote is the right upon which all other rights depend. Certainly we ought to be able to get this right in the 21st century.

To reach that goal, those of us who are interested in the issue have been working together to come up with a bipartisan proposal that will meet the concerns and objectives of all of us in this Chamber and, hopefully, in the other body as well.

On August 2, the Rules Committee, which I chair, approved a bill which does three major things:

It creates a temporary commission to study election reform issues and issue "best practice" recommendations.

It creates a grant program to provide States and localities with Federal funds to acquire updated voting systems and technology, improve voter registration systems, and educate voters and poll workers.

It establishes three minimum Federal requirements for Federal elections and authorizes Federal funding for these requirements.

These three requirements provide for: Federal standards for voting machines and technology, provisional voting, and distribution of sample ballots and voting instructions.

There are a lot of ideas for improving our system that can be incorporated. It is not about ideology, it is about what reforms need to be made to enhance the voting systems of our country.

Our staffs are meeting. Senator BOND is deeply interested in the fraud issue. He has said what I think is the best line about the election process. Senator BOND says: Voting ought to be easy, and cheating ought to be hard. He is exactly right, and his efforts to try to deal with the fraud issues are ones I welcome.

I am hopeful we can weave reforms which address these issues into a bill to which we all will be willing to lend our names. I intend to continue to work with those Members who are interested in this subject.

We do not have the answer yet, but I did not want this day to pass when I know there will be a lot of discussion about what happened a year ago. Obviously, the events of September 11 threw the entire agenda of the Congress off its predictable path. We are scrambling to get back to some of these issues that need to be addressed. For Americans who wonder if anything has been done over the last year, the answer is yes. These are not simple matters. There are strongly held views. We have longstanding traditions about how voting is to be conducted in this country.

Americans, as they demonstrated yesterday in New Jersey, Connecticut, Virginia, and in places all over the country where elections were held, still believe very deeply in the right to vote and have their votes counted. I am hopeful that in the coming days we will be able to announce a compromise proposal.

Again, I thank my colleague from Missouri, Senator BOND, my colleague from Kentucky, Senator MCCONNELL, my colleague from New York, Senator SCHUMER, and many others interested in this subject matter. Our hope is we will soon be able to bring a compromise election reform bill before the Senate of the United States.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference report to H.R. 2620, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 2002, provides $1.5 billion in designated emergency funding in 2002 for FEMA disaster relief. Because that budget authority is not estimated to result in any new outlays in 2002, the adjustment made herein is for budget authority only.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

I ask to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,944	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740
Adjustments:		
General Purpose Discretionary	1,500	0
Highways	0	0
Mass Transit	0	0
Conservation	0	0
Mandatory	0	0
Total	1,500	0
Revised Allocation:		
General Purpose Discretionary	549,444	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	909,771	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,516,219	1,481,928	186,737
Adjustments: Emergency funds, FEMA	1,500	0	0
Revised allocation: Budget Resolution	1,517,719	1,481,928	186,737

EMPOWERING STUDENTS TO PREVENT GUN VIOLENCE IN SCHOOLS

Mr. LEVIN. Madam President, over the past several years, there have been a number of incidents of gun violence in our schools. Tragedies such as the shootings at Columbine High School in Littleton, CO, have amplified concerns among students across the Nation that gun violence could happen in their schools.

Many organizations have initiated efforts to help students cope with their fear. The National Crime Prevention Council, NCPC, for example, has developed a list of "12 Things Students Can Do" to stop school violence. Some of the suggestions include, reporting any crime immediately to school authorities or police and reporting suspicious or worrisome behavior or talk by other students to a teacher or counselor. There are also recommendations for students to manage their anger effectively and to refuse to bring a weapon to school, refuse to carry a weapon for another, and refuse to keep silent about those who carry weapons. The complete list can be found on the NCPC website at http://www.ncpc.org/2schvio2.htm. Every student should read this list and consider involvement in the safety and security of his or her own school.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 9, 1993, in Hartford, CT. Johny Pittman, 29, and John L. Pittman, 21, allegedly robbed, abducted, and sexually assaulted a gay man. The assailants allegedly asked the victim if he was gay before assaulting him. They were charged with a hate crime and four other offenses related to the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

IN MEMORY OF JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR.

Mrs. CLINTON. Madam President, I rise today to pay tribute to two men who lost their lives while serving their country, and to express the profound sorrow that our entire country feels as a result of this loss. I want to extend my deepest sympathies to the families of Joseph Curseen, Jr. of Clinton, MD and Thomas Morris, Jr. of Suitland, MD. I commend their service to our country, which combined totals nearly 50 years, and pay tribute to the honorable lives they lived.

The sudden deaths of two District of Columbia postal employees a few weeks ago shook our nation. We have come to realize that in our battle against terrorism at home, our postal workers, men and women in uniform, are on the front lines.

Joseph Curseen, Jr., 47, an employee of the United States Postal Service for 15 years, never missed a day of work—a truly commendable feat. He worked evenings at the Brentwood Road mail facility in Northeast Washington, D.C. where he supervised bar coding machines that handled government mail. Mr. Curseen was dedicated to his community and served as president of the homeowners' association. He helped institute a neighborhood watch and, although he did not have children of his own, he helped build the neighborhood playground. Shortly before his death, Mr. Curseen, concerned about speeding traffic, went door to door to urge his neighbors to sign a petition to install speed bumps in their neighborhood. One of his neighbors has pledged to carry on Mr. Curseen's petition drive for the speed bumps.

A religious man, who led a bible study group at work and was often the first one at church on Saturdays, Mr. Curseen never forgot the Washington, D.C. neighborhood where he was raised and often returned to visit his old church and school. The Reverend Lowell Chase of Our Lady of Perpetual Help church in Washington said of Mr. Curseen, He was just a good and honorable man who did his duty in a very simple and responsible way.

The account of Mr. Curseen's illness and sudden death is tragic. On a Tuesday, he started feeling ill, but assumed it was just a cold. Despite his worsening pain in the following days, he insisted on going to work, and was upset on Friday when he had to leave work early because he was so ill.

Mr. Curseen did not suspect that his illness might be something more dangerous than a cold. He was not worried that he might have contracted anthrax, according to his wife Celestine, because the Postmaster-General had told the workers that there was little risk of infection from sealed envelopes at mail sorting facilities. Still, Mr. Curseen took some precautions and purchased rubber gloves and shared them with seven co-workers.

In church that Saturday, he fainted. The medics who came to revive him asked if he wanted to go the hospital. Replying that it would not be necessary, Mr. Curseen went to work instead. At work, he felt worse and decided to go to the hospital. There, he was treated for flu-like symptoms and released only to faint again on Sunday, this time at home. His family rushed him to the hospital where he died six hours later.

His sister, Joan Jackson, has remarked,

> And I just feel that my brother did not die in vain; that he is an example, he is a saint, he's a martyr for this country. He's every man, and . . . He's an example to us of how this affects home, how it affects us in all of our lifestyles.

Thomas Morris, Jr., 55, fondly called "Moe" by those who knew him, had 32 years of service with the Postal Service. His strong work ethic—he often worked overtime on the night shift—was well known. He had a passion for bowling and served as president of the "Tuesday Morning Mixed League" at the Parkland Bowl in Silver Hill, Maryland. Mr. Morris was dedicated to his family. He leaves behind his wife, Mary, a son, two stepchildren and three grandchildren.

Mr. Morris was an intensely private man and, in keeping with this, his family requested that people who knew him not share their memories of him with the media.

Washington Mayor Anthony Williams, who attended Morris' funeral, said of him, "He was a man who worked in the Post Office, a God-fearing man, a diligent man trying to support his family."

Our nation's postal employees are mothers and fathers, grandparents, sons and daughters and neighbors who, just like other Americans, go to work and earn a living. Unlike our men and women in uniform overseas, they did not sign up for this new battle. However, like their own predecessors in years gone by, they are serving our country with courage and distinction.

Mr. Curseen and Mr. Morris, two men who were dedicated to their jobs and never sidestepped their responsibilities even when there were risks, have inspired us all to live up to our responsibilities and face with determination and courage the obstacles that are placed before us. Their lives have become an inextricable part of our nation's history and their spirits live on.

ADDITIONAL STATEMENTS

RECOGNIZING THE CONTRIBUTIONS OF THE EMPLOYEES OF DELL COMPUTER CORPORATION

• Mr. GRAMM. Mr. President, I am sure many Americans know of the Dell Computer Corporation because they use a Dell at work or at home. However, I would like to recognize Dell for the outstanding contribution the company's employees made in helping America respond to the terrorist attacks of September 11.

On the day after the attacks, Dell technicians were helping Department of Defense employees displaced from the Pentagon to set up computers in temporary offices. Dell employees also worked diligently to prioritize and facilitate orders critical to the rebuilding effort, intelligence gathering, and our Nation's military offensive. Shipments for financial services firms were also pushed to the head of the assembly line so they had needed computers to reopen for business when Wall Street and the financial markets resumed trading. On a personal level, Dell and its employees contributed more than $3.4 million to the rebuilding and recovery effort, including equipment to the American Red Cross to help serve the families directly affected by those terrible attacks.

I am grateful for the hard work and generosity of the people at Dell, and I am proud of their efforts in the difficult and challenging time.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1408. An act to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 1447) to improve aviation security, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. MICA, Mr. EHLERS, Mr. OBERSTAR, Mr. LIPINSKI, and Mr. DEFAZIO, as managers of the conference on the part of the House.

The message further announced that the House agrees to amendments of the Senate to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints as the managers of the conference on the part of the House: Mr. KOLBE, Mr. CALLAHAN, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. WICKER, Mr. BONILLA, Mr. SUNUNU, Mr. YOUNG of Florida, Mrs. LOWEY, Ms. PELOSI, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. ROTHMAN, and Mr. OBEY.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 852. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse."

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9-13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 852. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1408. An act to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan; to the Committee on Foreign Relations.

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 942: A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002. (Rept. No. 107–94).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mrs. LINCOLN:

S. 1647. A bill to amend title XVI of the Social Security Act to include any veterans' or survivors' compensation or pension in the determination of the yearly income disregard for purposes of the supplemental security income program; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1648. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BROWNBACK, and Mr. CONRAD):

S. 1651. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. MCCAIN):

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 730

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 730, a bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1084

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1179

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1179, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1409

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1548

At the request of Mrs. CARNAHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1548, a bill to allow the Director of the Centers for Disease Control and Prevention to award a grant to create and maintain a website with information regarding bioterrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1570

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Dakota (Mr. CONRAD), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1570, a bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

S. 1578

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1627

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

S. 1630

At the request of Mrs. CARNAHAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

AMENDMENT NO. 2107

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 2107 proposed to H.R. 2944, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

Mrs. MURRAY. Madam President, I rise today along with my colleagues, Senator SNOWE, Senator LIEBERMAN, Senator SANTORUM, Senator DORGAN, Senator THURMOND, Senator DURBIN, Senator CRAIG, Senator CLELAND, Senator BOND, and Senator FEINSTEIN, to introduce the Sales Tax Holiday Act of 2001.

Our economy needs a shot in the arm. The GDP is declining, consumer confidence is at a 7-year low, and consumer spending has slowed to its lowest level in 8 years. But consumer spending is just what we need to get our economy going again. In fact, two-thirds of our economy depends on consumer spending.'

Today, we are proposing an innovative way to get Americans back into stores and to get our economy back on its feet. What we are proposing is a national sales tax holiday, a 10-day period where every American can shop without having to pay a State sales tax.

The national sales tax holiday will save one money on everything from cars and computers to books and baby clothes. It will boost retail sales and consumer confidence, and it will help everyone in the retail chain, from assembly line workers and truck drivers to shelf stockers and sales people.

This national sales tax holiday we are proposing is immediate. Every American can take advantage of it. It will not break the bank, and it will directly stimulate our economy by boosting sales and supporting retail, transportation, and manufacturing jobs throughout our entire country.

Many businesses rely on the holiday season to make it through the year, and many workers count on those retail jobs before the holidays. Our bill will help both. Even before September 11, this was shaping up to be a very difficult time for retail businesses and the thousands of workers they employ. This sales tax holiday will give our economy a shot in the arm and will give families a break when they need it the most.

Our bill sets the date of the tax holiday from November 23 to December 2. That is the traditional start of the holiday shopping season. Many Americans are looking for ways to support our country. With the sales tax holiday, we can help jump-start our economy by buying things for school, for work, or for home.

It is all so easy. You do not have to wait for a check. You do not have to fit into a certain income tax bracket. You buy what you need, you put someone to work, you give our country a boost, and you save money.

Seven States, plus the District of Columbia, have used these sales tax holidays, and they have had great results. Under our approach, the Federal Government will reimburse States for the lost sales tax revenue. Right now we estimate the cost to be about $6.5 billion, depending on how many States participate and how strongly consumers respond.

Under our plan, every penny of the $6.5 billion will go directly into the economy.

In the coming weeks, the Senate will debate legislation to stimulate the American economy and to help workers who have lost their jobs as a result of the economic downturn. The final product needs to stimulate additional economic activity. It needs to boost consumer confidence and spending. It needs to encourage business investment and job creation. It needs to address the needs of workers and their families who have lost their jobs. It must maintain a commitment to fiscal discipline and the long-term economic health of this Nation. And it should help return the country to a sense of normalcy.

I believe the legislation I am introducing today with Senator SNOWE can be an important part of a balanced economic stimulus package.

First, our proposal will stimulate economic activity and consumer confidence. States and businesses that have participated in sales tax holidays reported an increase in sales during their sales tax holiday. Most importantly, businesses have found that consumers do not just shift their spending to the holiday period, but these holidays create new spending that would not have otherwise occurred.

Second, our proposal will stimulate business investment and job creation. Retail businesses will need to boost inventories to prepare for larger crowds. That is good news for manufacturers, distributors, and other businesses that help meet consumer demand for all kinds of products.

Third, it benefits all Americans. Low, middle, and upper income people all pay sales taxes on the products they buy, and since the sales tax is the most regressive kind of tax, lower income consumers will benefit the most.

Our proposal is fiscally responsible. This tax holiday will last for no more than 10 days in any State and, therefore, there are no exploding costs in the long term.

Our proposal does not negatively affect State and local budgets. Here, in fact, is how the States will get reimbursed: Every State that participates in the holiday will receive a quick payment of their estimated lost revenue.

Before the tax holiday, a State can decide if it wants to be reimbursed for the exact amount of its loss. Then after the tax holiday, those States would go through a reconciliation process with the Federal Government.

We need a sales tax holiday. The economic slowdown and other factors are having a tremendous impact on the ability of State and local governments to provide critical services and to help working families who have been hurt by higher unemployment. That is why I have worked very hard to make sure that the Federal Government will fully compensate the States that take advantage of this holiday. In addition, our plan is optional so States can choose to opt in if they want to stimulate their own economy.

Even without Federal incentives, seven States and the District of Columbia have already used sales tax holidays to help working families buy school clothes, computers, and to stimulate economic activity.

This will help return this country to a sense of normalcy. Our Nation, and each of our lives, have been changed forever by the events of September 11. We can never go back to September 10. Those events reminded us how fragile life is. They reminded us of everything for which we have to be thankful—our family, our friends, our faith, our communities, and our democracy. But as we celebrate these important things during the upcoming holiday season, I believe it is important that we not feel guilty about getting back to business and to our daily lives.

President Bush has urged all of us in the wake of the September 11 attacks to return to our daily lives and get back to business. I believe this legislation will help us get the Nation back to business. It is fair, it is responsible, it will help families, and it will stimulate our economy.

I urge my colleagues to support including it in the economic stimulus package.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sales Tax Holiday Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Consumer confidence and spending is critical to a healthy United States economy.

(2) In order to prevent a further decline in consumer spending, which fell 1.8 percent in September 2001, and consumer confidence, which is at its lowest level since February 1994, the Federal Government needs to provide an immediate and targeted tax incentive to encourage consumer spending.

(3) The most immediate and targeted incentive for consumption would be to reduce the price of goods to consumers, which can be done most effectively by removing sales taxes imposed on those goods.

(4) A 10-day sales tax holiday, prior to the 2001 Holiday season, would encourage Americans to make immediate purchases and help to counteract the decline in consumer confidence Americans have experienced since September 11, 2001. The direct boost to consumption resulting from a sales tax holiday would enhance the benefits of individual tax cuts provided by any Federal tax stimulus legislation.

(5) A State and local sales tax holiday would allow all taxpayers to benefit, especially lower-income Americans who spend a larger portion of their income.

(6) To encourage a State and local sales tax holiday, the Federal Government should ensure that each participating State and local government receives fast and fair reimbursement for lost sales tax revenue.

(7) Florida, Texas, Pennsylvania, South Carolina, Iowa, Connecticut, Maryland, Ohio, North Carolina, and the District of Columbia currently provide consumers with similar temporary sales tax holidays. Consumer response to these holidays has been extraordinary, with retailers reporting greatly increased foot traffic in stores as well as an increase in incremental retail sales.

SEC. 3. STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.

(a) In General.—The Secretary shall reimburse each State for the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) Determination and Timing of Reimbursement.—

(1) Predetermined amount.—Not later than December 20, 2001, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) the amount of State and local sales tax payable and collected in such State during the same period in 2000 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) Reconciliation amount.—Not later than February 20, 2002, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) Requirement for Reimbursement.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than November 15, 2001, of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers,with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than January 31, 2002, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than February 20, 2002, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2000 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) Determination of Reimbursement of Local Sales Taxes.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) Definitions.—For purposes of this section—

(1) Home rule state.—The term "home rule State" means a State that does not control imposition and administration of local taxes.

(2) Local.—The term "local" means a city, county, or other subordinate revenue or taxing authority within a State.

(3) Sales tax.—The term "sales tax" means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois,

but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term "sales tax holiday period" means the period beginning after November 22, 2001, and ending before December 3, 2001.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(6) STATE.—The term "State" means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term "use tax" means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

Ms. SNOWE. Madam President, I rise today with Senator MURRAY and our other colleagues to introduce the Sales Tax Holiday Act of 2001.

Since last Wednesday, when Senators MURRAY, LIEBERMAN and I first publically raised the idea of a national sales tax holiday, this exciting and innovative concept has truly taken root. Indeed, the idea of a sales tax holiday has been supported by economists and editorial writers alike and from all across the political spectrum—from Alan Blinder, former Vice Chairman of the Federal Reserve Bank to Grover Norquist, President of Americans for Tax Reform. So we are talking about a bipartisan bill with support as wide as it is deep.

And one thing everyone agrees on is that our National Sales Tax Holiday legislation offers the ultimate economic stimulus, literally feeding Federal stimulus dollars directly into the economy. We believe that this direct approach is perhaps the most immediate, fair, and responsible approach that will have the most stimulative effect on the economy.

With December fast approaching, we need to give a "shot in the arm" to our economy and help restore the confidence of consumers, because we have seen a dramatic and negative reaction to the events of September 11. In fact, the Conference Board's first report on consumer confidence since the attacks showed the steepest two-month drop since the 1980 recession—and confidence has plummeted to the lowest level in 7 years, since 1994, even as consumer spending dropped 1.8 percent in September, the first decline in 2½ years and the biggest spending drop since 1987.

According to a survey released yesterday by the Credit Union National Association and the Consumer Federation of America, almost one-third, 28 percent, of those surveyed plan to spend less this year than last. With the economy already on the brink of a recession following the attacks—including economic growth actually declining 0.4 percent in the third quarter—a one-third decline in spending this season could be detrimental.

Clearly, we need to take action to restore this confidence in the economy, and tell consumers that "Help is on the way." As Lynn Franco, director of The Conference Board Consumer Research Center said recently, "Widespread layoffs and rising unemployment do not signal a rebound in confidence anytime soon. With the holiday season quickly approaching, there is little positive stimuli on the horizon."

Indeed, the signs are ominous. According to the National Governors Association, dollar Christmas sales may actually fall below last year—which would be the first decline since Christmas of 1953, in the wake of the Korean War.

Our Sales Tax Holiday Act of 2001 will provide that positive stimuli at a critical time when consumers need the help most. Holiday sales make up one-fifth, 22.8 percent, of annual consumer spending, so we will target our bill directly toward these sales. States that opt to participate by rolling back their sales tax will be "held harmless" for their decisions; with reimbursement made by the Federal Government for lost sales tax revenue. This revenue will be replaced on a timely basis so that States' cash flows are not affected, with States opting to be reimbursed for lost revenue based on a formula which is based on historical December sales tax revenue, or opting to receive dollar for dollar reimbursement based on actual sales. States will have to choose which method of reimbursement they would like to receive prior to implementation of the sales tax holiday.

Forty-five States, and the District of Columbia will be eligible to participate in our plan, with an estimated overall economic impact of about $6.5 billion for the 10-day sales tax holiday. Needless to say, no State would be required to take action, but we think they deserve to have the option.

This is a proven approach that can dramatically boost sales. When Maryland and the District of Columbia tried sales tax holidays last August, for example, monthly sales jumped by 10 percent. One retailer even saw sales jump 35 percent over the same period a year ago. And the Wall Street Journal in 1997 reported that a survey of 102 stores in the New York City metropolitan area averaged 125 percent increases in sales during the region's January sales tax holiday on most clothing and footwear.

The fact is, this is an approach that fulfills every one of the principles for a stimulus that the Centrist Coalition I cochair laid out earlier this month. And as the Los Angeles Times reported on October 12, "in the view of many economists—conservative as well as liberal—most plans fall short of the key criteria for stimulus proposals: they should take effect quickly, promote new spending or investment that otherwise would not occur, and do no long-term damage."

Our plan fits the bill and makes perfect sense—and will pay off for consumers with more dollars and cents in their pockets. What better signal of holiday cheer and confidence than to include a savings on every purchase, enticing consumers back into the stores and giving a much-needed boost to our economy?

As we approach this holiday season, rather than being "a day late and a dollar short" in helping consumers and stimulating the economy, we should pass this legislation and give America the gift of an immediate boost to our economic strength and well-being.

I thank the Chair.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

PROTECTING THE SITES HONORING THOSE WHO PROTECT US

Mr. CAMPBELL. Madam President, today, 4 days before Veterans Day, I introduce legislation that would recognize and protect the sanctity of veterans' memorials. Currently, there is no comprehensive Federal law to protect veterans' memorials, which is why I am introducing the Veterans' Memorial Preservation and Recognition Act of 2001.

My bill would prohibit the desecration of veterans' memorials, provide for repairs of veterans memorials and permit guide signs to veterans' cemeteries on Federal-aid highways.

Under this legislation, someone who willfully desecrates any type of monument commemorating those in the Armed Forces on public property would be fined or put in jail. The violator would be subject to a civil penalty in addition to the fine, equal to the cost of repairing the damage.

The funds generated by these penalties would then go into a Veterans' Memorial Restoration Fund, established by the Secretary of Veterans' Affairs, to make those monies available for the repair of the damaged memorials. But the vandals won't be the only ones contributing to the fund; individuals and veterans' organizations could also make donations and get a charitable contribution deduction. In essence, this would be a new way to provide for the repair of veterans' memorials without any new appropriation or providing other Federal funding.

The second part of this bill would permit states to place supplemental guide signs for veterans' cemeteries on Federal-aid highways. These veterans' cemeteries deserve recognition; by allowing signs to be posted, we pay our respect to these sites by offering direction to them. It is my goal to make these important sites easily accessible.

Our veterans, living and lost, are a reminder of our unity. Those who served in our Armed Services are more than just symbols of freedom and justice in the midst of conflict and during times of peace.

They are real people, integral to our entire population, who enrich our day-to-day lives with their proud service, with their personal accounts of war, their organizations of service, and their expressions of deep-down American pride. Not only have we lost many of these brave men and women in conflict, but we lose thousands of them forever each year as the veteran population ages. We have to honor their sacrifices by protecting the sites that recognize them.

It is a shame that there is no comprehensive federal law to protect veterans' memorials.

Sometimes they are the only tangible reminders we have of courageous service to this country. We can easily read about those brave Americans who served in war, but it's not always easy to gather more than just hard facts from newspapers or history books. Being in the presence of a statue or memorial structure can evoke a deeper response. We can walk around it, sometimes we can touch it, and oftentimes we can see the names of each brave American who died in conflict.

Madam President, the timing of this bill is appropriate. This Sunday, November 11, we will recognize Veterans' Day, which informally began as a series of memorial gestures to celebrate the end of World War I in 1918. Three years later, on the eleventh hour of the eleventh day of the eleventh month, an unknown American soldier of the war was buried on a hillside in Arlington Cemetery, overlooking the Potomac River. This site became a summit of veneration for Americans everywhere. Similarly, at Westminster Abbey in England and the Arc de Triomphe in France, an unknown soldier was buried in each of these places of highest honor.

These three memorial sites are symbols of our reverence; it is only appropriate that we do everything we can to preserve sites like these across America.

There are hundreds of veterans' memorials, on public property, here in the United States. From nationally-known places such as Iwo Jima, to smaller sites such as the Colorado Veterans' Memorial across from the capitol in Denver, each is a site where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I encourage my colleagues to work together for swift consideration of this timely and important legislation. I have the support of several veterans' organizations, who have offered words of encouragement for this bill. These Americans know, firsthand, the concept of service. Let's honor what they and thousands of others have done to preserve our freedom.

Madam President, I thank the Chair and ask unanimous consent that letters of support from the American Legion, Rolling Thunder, Inc., and the Paralyzed Veterans of America be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, November 6, 2001.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your efforts to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. These historic monuments serve not only to honor the men and women of the nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,
STEVE A. ROBERTSON,
Director, National Legislative Commission.

ROLLING THUNDER, INC.,
Neshanic Station, NJ, November 5, 2001.
Senator BEN "NIGHTHORSE" CAMPBELL,
Russell Senate Office Building, Washington, DC.

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, "Veterans Memorial Preservation and Recognition Act of 2001.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for your help and support to all American Veterans.

Sincerely,
SGT., ARTIE MULLER,
National President.

PARALYZED VETERANS OF AMERICA,
Washington, DC, November 5, 2001.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support for the "Veterans' Memorial Preservation and Recognition Act of 2001."

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for their service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the "Veterans' Memorial Preservation and Recognition Act of 2001."

Sincerely,
RICHARD B. FULLER,
National Legislative Director.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

Mr. HELMS. Madam President, on top of the mayhem and slaughter in New York and at the Pentagon in Washington last September, a travesty against democracy occurred, again, in Belarus. Aleksandr Lukashenka, the dictator controlling this country, stole through intimidation and repression, the presidential elections that took place on September 9.

Tragic as the events in our own country were and as serious an undertaking as the war against terrorism will continue to be, we must not overlook the brutality and injustice of a regime such as the one led by Lukashenka, especially in the heart of Europe.

For this reason, I am introducing today the Belarus Democracy Act of 2001, the purpose of which is to support the people in Belarus who are struggling, often at great peril to their lives, to revive democracy, and to reconsolidate their country's declining independence and sovereignty.

Democracy has been crushed in Belarus by a fanatical dictatorship that can only be described as a brutal throwback to the Soviet era. Aleksandr Lukashenka is an authoritarian obsessed with recreating the former Soviet Union, which he believes he will ultimately lead. Because of Lukashenka, Belarus has emerged as a dark island of repression, censorship, and command economy in a region of consolidating democracies.

Belarus has tragically become the Cuba of Europe. Nonetheless, the people of Belarus have not succumbed to Lukashenka. Independent newspapers struggle to publish. The leadership of the parliament he unconstitutionally dismissed refuses to concede legitimacy to his sham regime. Scores of non-governmental organizations fight to promote the rule of law and to protect fundamental human rights. The vibrancy of Belarus's struggling civil society has been made evident by the "Freedom Marches" that have attracted literally tens of thousands of Belarusians to the streets of Minsk and countless other anti-Lukashenka demonstrations elsewhere in Belarus.

Their agenda is the promotion of a free, independent, democratic and Western-oriented Belarus, a sharp contrast to Lukashenka's efforts to reanimate the former Soviet Union.

This is an agenda not without risk. Those who have dared to take a stand against Lukashenka have disappeared. Yuri Zakharenko disapproved soon after he resigned his post as Lukashenka's Minister of Interior and began working with the opposition. Opposition leader Victor Gonchar and his colleague, Anatoly Krasovsky, vanished just hours after Lukashenka, in a drooling rage broadcast on state television, called upon his henchmen to crackdown on the "opposition scum."

Other opposition leaders such as Andrei Klimov, have been imprisoned under harsh conditions simply for expressing their opposition to Lukashenka's regime.

This regime has tried to crush opposition marches with truncheon-wielding riot police. The independent press and non-governmental organizations promoting democracy, rule of law and human rights in Belarus are subject to constant government harassment, intimidation, arrests, fines, beatings, and murder. Dmitry Zavadsky, a cameraman for Russian television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances.

If passed, this bill will impose sanctions against the Lukashenka regime. It will deny international assistance to his government. It will freeze Belarusian assets in the United States. It will prohibit trade with the Lukashenka government and businesses owned by that government. It will also deny officials of the Lukashenka government the right to travel to the United States.

And, if Lukashenka continues to surrender Belarusian sovereignty, this bill will strip his government of the diplomatic properties it currently enjoys in the United States. Indeed, if he is successful in his warped effort to recreate the Soviet Union, the Government of Belarus will sadly have no need for these properties.

This bill supports our Nation's vision of Europe that is democratic, free and undivided. That vision will never be fulfilled as long as Belarus suffers under the tyranny of Aleksandr Lukashenka. It is our moral and strategic interest to support those fighting for democracy and freedom in Belarus and the return of their country to the European community of free states.

To ignore this struggle for democracy and freedom and to turn an indifferent eye upon Lukashenka's effort to reconstruct the former Soviet Union would be a grave error. Not only would it be immoral, it would be strategically shortsighted.

Allowing Moscow to reabsorb a state that was once independent and democratic would only whet Moscow's appetite to restore the old Soviet borders. That would set a precedent that would only jeopardize the security of Ukraine, Lithuania, Latvia, and Estonia. Indulging antiquated Russian imperial pretensions would also undercut the prospects for democratic reform in Russia.

For these reasons the Belarus Democracy Act of 2001 authorizes $30 million in assistance to restore and strengthen the institutions of democratic government in Belarus. It specifically urges the President of the United States to furnish assistance to political parties in Belarus committed to those goals.

It expands the resources available to support radio broadcasting into Belarus that will facilitate the flow of uncensored information to the people of Belarus.

The September elections in Belarus were stained by the Lukashenka regime's cruel suppression of democratic and human rights. Let the Belarus Democracy Act be America's response to Europe's last dictator, Aleksandr Lukashenka.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belarus Democracy Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has a vital interest in the consolidation and strengthening of the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies;

(2) the United States supports the promotion of democracy, the rule of law, and respect for human rights in Belarus;

(3) in November 1996, Belarusian President Aleksandr Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose upon the Belarusian people a new constitution, abolish the old parliament, the 13th Supreme Council, replace it with a rubber stamp legislature, and extend his term office to 2001;

(4) in May 1999, the Belarusian opposition challenged Lukashenka's illegal extension of his presidential term by staging alternative presidential elections and these elections were met with repression;

(5) the Belarusian opposition has organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus, including the Freedom I March of October 17, 1999, the Freedom II March of March 15, 2000, and the Chernobyl Way March of April 26, 2000, each of which took place in Minsk and involved tens of thousands of Belarusians;

(6) the Lukashenka regime has responded to these peaceful marches with truncheon-swinging security personnel, mass arrests, extended incarcerations, and beatings;

(7) Andrei Klimov, a member of the last democratically elected Parliament in Belarus remains imprisoned under harsh conditions for his political opposition to Lukashenka;

(8) Victor Gonchar, Yuri Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the opposition, have disappeared under mysterious circumstances;

(9) former Belarus government officials, including four police investigators, have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the murders of opposition figures Yury Zakharenka, Victor Gonchar, Anatol Krasovsky, Dmitry Zavadsky, and scores of other people.

(10) the Lukashenka regime systematically harasses and persecutes the independent media and actively suppresses freedom of speech and expression;

(11) Dmitry Zavadsky, a cameraman for Russian public television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances;

(12) the Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, evangelical churches, and other minority groups;

(13) Lukashenka advocates and actively promotes a merger between Russia and Belarus, and initiated negotiations and signed December 8, 1999, the Belarus-Russia Union Treaty even though he lacks the necessary constitutional mandate to do so;

(14) the Belarusian opposition denounces these intentions and has repeatedly called upon the international community to "unambiguously announce the nonrecognition of any international treaties concluded by Lukashenka";

(15) the United States, the European Union, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, and other international bodies continue to recognize the 13th Supreme Council as the legal Belarusian Parliament:

(16) the parliamentary elections of October 15, 2000, conducted by Aleksandr Lukashenka were illegitimate and unconstitutional:

(17) these elections were plagued by violent human rights abuses committed by his regime, including the harassment, beatings, arrest, and imprisonment of members of the opposition;

(18) these elections were conducted in the absence of a democratic election law;

(19) the presidential election of September 2001 was fundamentally unfair and featured significant and abusive misconduct by the regime of Aleksandr Lukashenka, including—

(A) the harassment, arrest, and imprisonment of opposition leaders;

(B) the denial of opposition candidates equal and fair access to the dominant state-controlled media;

(C) the seizure of equipment and property of independent nongovernmental organizations and press organizations and the harassment of their staff and management;

(D) voting and vote counting procedures that were not transparent; and

(E) a campaign of intimidation directed against opposition activists, domestic election observation organizations, opposition and independent media, and a libelous media campaign against international observers; and

(20) the last parliamentary election in Belarus deemed to be free and fair by the international community took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been

usurped by the authoritarian regime of Aleksandr Lukashenka.

SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of Belarus in regaining their freedom and to enable them to join the international community of democracies.

(2) To restore and strengthen institutions of democratic government in Belarus.

(3) To encourage free and fair presidential and parliamentary elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(4) To sustain and strengthen international sanctions against the Lukashenka regime in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c) and primarily for indigenous Belarusian political parties and nongovernmental organizations.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) democratic forces, including political parties, committed to promoting democracy and Belarus' independence and sovereignty;

(2) democracy building;

(3) radio and television broadcasting to Belarus;

(4) the development and support of nongovernmental organizations promoting democracy and supporting human rights both in Belarus and in exile;

(5) the development of independent media working within Belarus and from locations outside of Belarus and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) the development of all elements of democratic processes, including political parties and the ability to conduct free and fair elections.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President $30,000,000 for the fiscal year 2002.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 4. AUTHORIZED FUNDING FOR RADIO BROADCASTING IN AND INTO BELARUS.

(a) IN GENERAL.—The purpose of this section is to augment support for independent and uncensored radio broadcasting in and into Belarus that will facilitate the dissemination of information in a way that is not impeded by the government of Lukashenka.

(b) ALLOCATION OF FUNDS.—Not less than $5,000,000 made available under section 3 shall be available only for programs that facilitate and support independent broadcasting into and in Belarus on AM and FM bandwidths, including programming from the Voice of America and RFE/RL, Incorporated.

(c) REPORTING ON RADIO BROADCASTING TO AND IN BELARUS.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on how funds allocated under subsection (b) will be used to provide AM and FM broadcasting that covers the territory of Belarus and delivers to the people of Belarus programming free from censorship of the government of Lukashenka.

SEC. 5. SANCTIONS AGAINST THE LUKASHENKA REGIME.

(a) APPLICATIONS OF MEASURES.—The sanctions described in this section and sections 6, 8, and 9, shall apply with respect to Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of all those individuals who have been jailed for their political views.

(2) The withdrawal of politically motivated legal charges against all opposition figures.

(3) The provision of a full accounting of those opposition leaders and journalists, including Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, who have disappeared under mysterious circumstances, and the prosecution of those individuals who are responsible for those disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, nongovernmental organizations, and the political opposition.

(5) The implementation of free and fair presidential and parliamentary elections.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve basic human needs.

(d) INTERNATIONAL FINANCIAL INSTITUTIONS DEFINED.—In this section, the term international financial institution includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

SEC. 6. BLOCKING BELARUSIAN ASSETS IN THE UNITED STATES.

(a) BLOCKING OF ASSETS.—All property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that are owned in whole or in part by the Government of Belarus, or by any member of the senior leadership of Belarus, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are hereby blocked.

(b) EXERCISE OF AUTHORITIES.—The Secretary of the Treasury, in consultation with the Secretary of State, shall take such actions, including the promulgation of regulations, orders, directives, rulings, instructions, and licenses, and employ all powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to carry out subsection (a).

(c) PROHIBITED TRANSFERS.—Transfers prohibited under subsection (b) include payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Belarus, or any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of Belarus.

(d) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under subsection (a) shall be charged to the owners or operators of such property, which expenses shall not be met from blocked funds.

(e) PROHIBITIONS.—The following shall be prohibited as of the date of enactment of this Act:

(1) The exportation to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

(A) from the United States;

(B) requiring the issuance of a license for export by a Federal agency; or

(C) involving the use of United States registered vessels or aircraft, or any activity that promotes or is intended to promote such exportation.

(2) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

(f) EXCEPTIONS.—Notwithstanding any other provision of this section, this section does not apply to—

(1) assistance provided under section 3 or 4 of this Act;

(2) those materials described in section 203(b)(3) of the International Emergency Economic Powers Act relating to informational materials; or

(3) materials being sent to Belarus as relief in response to a humanitarian crisis.

(g) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits any contract or other financial transaction with any private or nongovernmental organization or business in Belarus.

SEC. 7. DENYING ENTRY INTO THE UNITED STATES TO BELARUSIAN OFFICIALS.

It is the sense of Congress that the President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to suspend the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Belarus; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

SEC. 8. PROHIBITION ON STRATEGIC EXPORTS TO BELARUS.

No computers, computer software, goods intended to manufacture or service computers, no technology intended to manufacture or service computers, or any other goods or technology may be exported to or for use by the Government of Belarus, or by any of the following entities of that government:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

SEC. 9. PROHIBITION ON LOANS AND INVESTMENT.

(a) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus.

(b) Trade and Development Agency.—No funds made available by law may be available for activities of the Trade and Development Agency in or for Belarus.

(c) Third Country Action.—Congress urges the Secretary of State to encourage all other countries, particularly European countries, to suspend any of their own programs providing support similar to that described in subsection (a) or (b) to the Government of Belarus, including the rescheduling of repayment of the indebtedness of that government under more favorable conditions.

(d) Prohibition on Private Credits.—No United States person may make or approve any loan or other extension of credit, directly or indirectly, to the Government of Belarus or to any corporation, partnership, or other organization that is owned, operated, or controlled by the Government of Belarus.

SEC. 10. DENIAL OF GSP.

(a) Finding.—Congress finds that the Government of Belarus has failed to respect internationally recognized worker rights.

(b) Denial of GSP Benefits.—Congress approves the decision of the United States Government to deny tariff treatment under title V of the Trade Act of 1974 (the Generalized System of Preferences (GSP)) to Belarus.

SEC. 11. MULTILATERAL SANCTIONS.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures similar to those described in this Act.

SEC. 12. OWNERSHIP AND USE OF DIPLOMATIC AND CONSULAR PROPERTIES.

It is the sense of Congress that, if an undemocratic and illegitimate Government of Belarus, enters into a union with the Russian Federation that results in the loss of sovereignty for Belarus, the United States should immediately withdraw any and all privileges and immunities under the Vienna Convention on Diplomatic Relations enjoyed by the personnel and property of the Government of Belarus and demand the immediate departure of such personnel from the United States.

SEC. 13. REPORTS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees reporting on—

(1) assistance and commerce received by Belarus from other foreign countries during the previous 12-month period;

(2) the sales of weapons and weapons-related technologies from Belarus during that 12-month period;

(3) the relationship between the Lukashenka regime and the Government of the Russian Federation; and

(4) the personal assets and wealth of Aleksandr Lukashenka and other senior leaders of the Government of Belarus.

(b) Report Elements.—Each report required by subsection (a) shall, for the period covered by the report, contain, to the extent such information is known—

(1) a description of all assistance, including humanitarian assistance, provided to the Government of Belarus by foreign governments and multilateral institutions;

(2) a description of Belarus' commerce with foreign countries, including the identification of Belarus' chief trading partners and the extent of such trade;

(3) a description of joint ventures completed, or under construction by foreign nationals involving facilities in Belarus; and

(4) an identification of the countries that purchase or have purchased, arms or military supplies from Belarus or that have come into agreements with the Belarus Government that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Belarus and such countries; and

(B) a listing of the goods, services, credits, or other consideration recieved by the Belarus government in exchange for military supplies, equipment, or material.

SEC. 14. SENSE OF CONGRESS.

Congress hereby—

(1) expresses its support to those in Belarus seeking—

(A) to promote democracy and the rule of law, to consolidate the independence and sovereignty of Belarus; and

(B) to promote its integration into the European community of democracies;

(2) expresses its grave concern about the disappearances of Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, Dmitry Zavadsky, and other members of the opposition and press;

(3) calls upon Lukashenka's regime to cease its persecution of political opponents and to release those, including Andrei Klimov, who have been imprisoned for opposing his regime;

(4) calls upon the Lukashenka regime to respect the basic freedoms of speech, expression, assembly, association, language, and religion;

(5) calls upon Lukashenka to allow parliamentary and presidential elections to be conducted that are free, fair, and fully meet international standards;

(6) calls upon the Government of Russia, the State Duma, and the Federation Council to end its support, including financial support, to the Lukashenka regime and to fully respect the sovereignty and independence of the Republic of Belarus;

(7) calls upon the Government of Belarus to resolve the continuing constitutional and political crisis through free, fair, and transparent elections, including, as called for by the Organization for Security and Cooperation in Europe (OSCE), of which Belarus is a member—

(A) respect for human rights;

(B) an end to the current climate of fear;

(C) opposition and meaningful access to state media;

(D) modification of the electoral code to make the code more democratic;

(E) engaging in genuine talks with the opposition; and

(F) permitting real power for the parliament.

(8) calls upon other governments to refuse to use as diplomatic residences or for any other purpose properties seized by the Lukashenka regime from the Belarusian political opposition;

(9) calls upon the international community, including the Government of Russia, to refuse to ratify or accept any treaty signed by Aleksandr Lukashenka or any other official of his government.

(10) commends the democratic opposition in Belarus for their commitment to freedom, their courage in the face of Lukashenka's brutal repression, and the unity and cooperation their various political parties and nongovernmental organizations demonstrated during the October 2000 parliamentary elections and the October 2001 presidential elections and calls upon the democratic opposition of Belarus to sustain that unity and cooperation as part of the effort to bring an end to Lukashenka's dictatorship.

SEC. 15. DEFINITIONS.

In this Act:

(1) Senior leadership of Belarus.—The term "senior leadership of Belarus" includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, and deputy ministers of Belarus;

(B) the Governor of the National Bank of Belarus;

(C) officials of the Belarus Committee for State Affairs (BKGB), the police, and any other organ of repression;

(D) any official of the Government of Belarus involved in the suppression of freedom in Belarus, including judges and prosecutors;

(E) any official of the Government of Belarus directly appointed by Aleksandr Lukashenka; and

(F) officials of the presidential administration.

(2) United states.—The term "United States" means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States.

(3) United states person.—The term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the states of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environmental and Public Works.

Mr. BINGAMAN. Madam President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Union and Colfax Counties and throughout all of Northeastern New Mexico. By improving the transportation infrastructure, I believe this legislation will also help promote tourism across all of northern New Mexico.

The bill we are introducing today completes the designation of the route for the Ports-to-Plains High Priority Corridor, which runs 1,000 miles from Laredo, Texas, to Denver, CO. I am honored to have my colleague, Senator DOMENICI, as a cosponsor of the bill.

I continue to believe strongly in the importance of highway infrastructure for economic development in my State. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways will more readily attract out-of-state visitors and new jobs. Travelers prefer the safety of a four-lane highway rather than sharing a two-lane road with a large number of semi tractor-trailer rigs.

In 1998, Congress identified the Ports-to-Plains corridor between the border with Mexico to Denver, CO, as a High Priority Corridor on the National Highway System. This designation arose in part as a result of the North American Free Trade Agreement. Under NAFTA, commercial border traffic is already increasing, and the Ports-to-Plains corridor was considered to be centrally situated to serve international trade and promote economic development along its entire route. Congress had previously designated a parallel route, the Camino Real Corridor, including Interstate Highway 25 through central New Mexico, as a high priority corridor; this corridor runs from the Mexican border at El Paso, TX, through Albuquerque and Denver, and on to the Canadian border.

Last year, a comprehensive study was undertaken to determine the feasibility of creating a second continuous four-lane highway along the proposed Ports-to-Plains High Priority corridor. Alternative highway alignments for the trade corridor were developed and evaluated. The study was conducted under the direction of a steering committee consisting of the State departments of transportation in Texas, New Mexico, Oklahoma, and Colorado. The Ports-to-Plains feasibility study was completed and a final report circulated earlier this year.

With the results of the feasibility study in hand, representatives of the four State highway departments met on July 30 to reach consensus on the preferred designation for the northern portion of the Ports-to-Plains corridor between Dumas, TX, and Denver, CO. The four representatives agreed to recommend designating the route north of Dumas, TX, along U.S. Highway 287 through Boise City, OK, to Limon, CO, and then along Interstate 70 to Denver. They also recommended including the route from Dumas, TX, along U.S. Highway 87 through Clayton, NM, to Raton in the corridor.

I am pleased the four States were able to come to a unified consensus on the route for the Ports-to-Plains corridor. I ask unanimous consent that a letter from the directors of the four State highway departments to the Federal Highway Administration summarizing the four-State consensus recommendation be printed in the RECORD at the conclusion of my remarks.

I do believe the consensus recommendation is a good result for all four States in the region. Both New Mexico and Texas plan to upgrade their portion of the corridor to the full four lanes envisioned in the feasibility study for the Ports-to-Plains trade corridor. Indeed, the State of Texas will soon begin construction that will four-lane its portion of Highway 87 from Dumas to the New Mexico State line. Meanwhile, Colorado plans to develop it's portion as a super-two-lane highway at a cost of $537 million. The estimated cost to four-lane New Mexico's 81 miles of the corridor between Clayton and Raton is $185 million.

I do believe that once Highway 87 has been upgraded to four lanes between Dumas and Raton, the route will act as a magnet for out-of-state visitors to the year-round tourist attractions throughout northern New Mexico. Tourists in particular will prefer the safety and a convenience of a four-lane highway.

Congress designated the southern portion of the Ports-to-Plains corridor last year. Now the feasibility study has been completed and all four States are in unanimous agreement on the preferred route for the northern portion. The time to act is now. Congress should move quickly to confirm the four-state consensus of the Ports-to-Plains Trade Corridor by passing our bill. I look forward to working with the Chairman of the Environment and Public Works Committee, Senator JEFFORDS and the Ranking Member, Senator SMITH, to confirm the four states' recommendation with this non-controversial, bipartisan legislation.

Once the route is established, I am committed to working to help secure the funding required to complete the four-lane upgrade as soon as possible. I do believe the four-lane upgrade of Highway 87 is vital to economic development for the communities of Raton and Clayton and throughout all of northeast New Mexico.

I again thank Senator DOMENICI for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation.

I ask unanimous consent that the text of the bill and the previously referenced letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A-201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking "(38) The" and inserting "(38)(A) The";

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking "and" at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico."; and

(B) by adding at the end the following:

"(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

"(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

"(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

"(II) Interstate Route 70 from Limon to Denver.

"(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton."; and

(5) by striking "(B) The corridor designation contained in paragraph (A)" and inserting the following:

"(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)".

DEPARTMENT OF TRANSPORTATION

September 21, 2001.

C.D. REAGAN,
Division Administrator, Federal Highway Administration, Austin, TX.

DEAR MR. REAGAN: We are pleased to inform you that we have finalized the preferred designation for the Ports-to-Plains Corridor.

This letter confirms the consensus reached by the states of Colorado, New Mexico, Oklahoma and Texas on July 30, 2001, whereby the northern portion of the Ports-to-Plains Corridor would be formally designated as routes from Dumas, Texas on U.S. 287 to I-70 at Limon, Colorado and then to Denver, Colorado, and U.S. 87 from Dumas, Texas to Raton, New Mexico.

We submit these routes formally as representing the states agreed unified designation for the Ports-to-Plains Corridor north of Dumas, Texas and request that you submit our recommendation to the appropriate congressional committees.

Thank you for your strong consideration of this issue.

Sincerely,

THOMAS E. NORTON,
Colorado Executive Director, DOT.
MICHAEL W. BEHRENS,
Texas Executive Director, DOT.
PETE RAHN,
New Mexico Executive Director, DOT.
GARY M. RIDLEY,
Oklahoma Executive Director, DOT.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Madam President, I am introducing legislation today that will reauthorize Federal participation in the historic preservation efforts of one of the most historically significant sites in the Pacific Northwest, the Fort Vancouver National Historic Reserve.

The Historic Reserve is rich in cultural and historic national significance, pre-dating the arrival of Lewis and Clark through the mid-20th century. For more than 10,000 years, Native American groups inhabited the prairies along the Columbia River that include the site of present-day Vancouver and the historic reserve.

Located on the great American waterway, the Columbia River, the Vancouver National Historic Reserve site became the base of Columbia region operations for the Hudson's Bay Trading Company in the early 19th century. As my colleagues know, Hudson's Bay was the powerful British fur trading company that vied for control of the trapping industry in Western lands of the present-day United States, even before political control of those lands were established. At its peak, the company built an enormous network through the region, with Fort Vancouver as the administrative headquarters and supply depot for the hundreds of employees at dozens of posts in the region.

Fort Vancouver became a trade center for the Western territories, with goods arriving frequently from Europe and the Hawaiian Islands and large quantities of furs and other natural resource products returned to London. The Fort came to serve as a hub for numerous other developing industries, including sawmills, dairies, shipbuilders, fishers and tanneries. In essence, Fort Vancouver truly served as a historic foundation for the development of the entire Pacific Northwest region.

But this history of the trapping industry is not the only significant aspect of this site. The Fort also served as the Northwest's military administrative headquarters beginning in 1849. The United States Army continuously occupied the Vancouver Barracks at the historic reserve site for 150 years. In the 1920's, the Army created a small airfield for the Army Air Corps, which is now the site of the oldest operating airfield in the Nation, Pearson Airfield. In the 1930's, the Fort was used as a training camp for those participating in the Civilian Conservation Corps' reforestation program. And, during World War II, General George C. Marshall presided over the Barracks and resided on Officer's Row.

Thanks to the wisdom, respect for history, and foresight of numerous individuals including Representative Russell Mack, the esteemed chairwoman of the House Interior Appropriations Subcommittee, Julia Butler Hansen, Congressman Don Bonker, and Congresswoman Jolene Unsoeld, among many others, the tremendous resources of the site have been protected for future generations.

President Truman signed legislation in 1948 that first authorized for Fort Vancouver National Monument. The act allowed the War Assets Administration to transfer surplus property in Vancouver Barracks to the Secretary of the Interior. On June 30, 1954, the National Monument was officially established and the nearly 60 acres of the Vancouver Barracks were transferred to the National Park Service. Finally, the site was designated as a National Historic Site in 1961.

In 1996, the expanded, 366-acre Vancouver National Historic Reserve was established to protect all of the historically significant historical areas within adjacent to the barracks. The reserve includes Fort Vancouver, the Vancouver Barracks, Officers' Row, Pearson Field, the Water Resources Education Center, and portions of the Columbia River waterfront. The sites serve as an enormously significant resource in Southwest Washington.

The restoration of the barracks alone is an enormously important project to stimulate the economic revitalization of Vancouver. Last year, Congress authorized the transfer of the 16 buildings that comprise the West Barracks to the City of Vancouver, and the partners involved in this tremendous project have devised a Cooperative Management Plan that identifies $40 million in necessary spending to replace failing infrastructure and rehabilitate the 16 buildings to the standards established under the National Historic Preservation Act.

The Partner's Cooperative Management Plan for the Historic Reserve calls for the Barracks to be reused primarily for historic preservation, education, and other forms of public use. But the location of the site near the heart of Vancouver and the potential for drawing additional economic activity back to the city make this vitally important for Southwest Washington.

The public-private partnership plan for the Barracks has also developed a cost-sharing plan between federal, state, and private sources to locate the necessary funds and perform the renovation during the next four to six years. While we at the Federal level have contributed to the project in recent years, the State of Washington and the City of Vancouver have also committed significant resources, and the Vancouver National Historic Reserve Trust has initiated aggressive efforts to raise funds quickly. I have worked this year, and my colleague Senator MURRAY has successfully worked this year and in years past, to obtain those critical federal dollars for the project.

However, I believe that more can and should be done to keep this project moving ahead. We must never forget our cultural, political, and economic heritage, and our historic resources help educate and remind us of those origins. That is why we have come together to introduce this legislation that will authorize additional federal spending on the project.

I look forward to working with Senator MURRAY and others on the Appropriations Committee to move this legislation quickly and continuing progress on this significant project for the Pacific Northwest and our Nation.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. CLELAND. Madam President, the events of the past month have presented the agencies of the Federal Government with a challenge like none we have ever seen. The anthrax attacks in Florida, New York, New Jersey, and Washington have placed unprecedented demands on both the public health and law enforcement arms of the Federal Government. Yet, in spite of the fact that the men and women of the Federal Government have never before encountered circumstances like these, I am pleased to say that, by and large, their response has been exceptional, and I would like to thank them for their courageous efforts. However, as might be expected, this latest trial has exposed a number of weaknesses in our bioterrorism response mechanism which we must now act swiftly to remedy.

The Federal response to the anthrax crisis has revealed some uncertainty with regard to the precise roles assigned to each of the several Federal agencies with responsibilities in such situations and with regard to coordination between these agencies and the dissemination of public information. For example, while the CDC took the lead in testing anthrax samples from Florida, the anthrax samples found in New York and Washington were collected by the FBI and sent, not to the CDC, but to DoD labs for testing. By sending these samples to different facilities, not only are we duplicating services, but, more importantly, we run the risk of critical results not being expeditiously reviewed by the appropriate health officials thereby unacceptably increasing the response time in what is quite literally a life and death situation.

I believe the uncertainty that has prevailed as to the proper role of the CDC in a bioterrorist incident, particularly vis-a-vis law enforcement agencies, is largely due to ambiguity in present statutes and regulations. Presidential Decision Directive 39 of 1995 clearly designates the FBI as the overall lead federal agency for domestic terrorism incidents. At the same time, per last year's Public Health Threats and Emergencies Act, P.L. 106-505, if the Secretary of Health and Human Services determines, after consulting with the Director of the CDC, that a public health emergency exists, the Secretary is authorized to take such action as may be appropriate to respond to the public health emergency, including conducting and supporting investigations into the cause, treatment, or prevention of a disease. Further, the Federal Response Plan designates HHS as the primary federal agency for the medical and public health response to emergencies. So it seems that, under current law and regulation, the FBI is the lead agency in the event of a terrorist attack, and HHS has significant authority to act in the event of a public health emergency. But if a terrorist attack is also a public health emergency, as has been the case of late, it is not readily evident who is in charge. Clearly, both the FBI and the CDC have essential roles in such a situation. These roles are distinct but do occasionally overlap, necessitating a clarification of how precisely the agencies are to coordinate with one another in a bioterrorism crisis.

While the law enforcement and public health response to terrorist attacks are both vital, in the event of a public health emergency, the unique life and death health ramifications of such an attack mandate, in my view, that public health experts take the lead role in investigating and treating the attack. Bioterrorism is a new arena for us all, including the CDC and in such uncharted territory nothing we do can guarantee that no mistakes will be made. However, with adequate funding and armed with their training and expertise, the public health experts of the CDC constitute our best defense against this emerging threat. Therefore, the measure I am introducing today will clarify the role of the CDC and minimize the problems caused by bureaucratic infighting over agency roles, thereby preventing time from becoming an additional enemy.

Law enforcement agencies and the CDC have equally important, but separate, roles in the event of a terrorist attack involving biological, chemical, or radiological weapons. Such an attack allows us absolutely no room for confusion over these roles, however, as evidenced by the tragic results of the current anthrax attacks. While I am eagerly awaiting further definition of the role of the new Office of Homeland Security and I will support giving it the necessary authority to get the job done, the American people cannot afford any delay in eliminating existing uncertainties in the federal response to bioterrorism.

My Public Health Emergencies Accountability Act is an attempt to eliminate the confusion of the current system and address the immediate threats stemming from this uncertainty. In proposing this measure, I am building upon current law by clarifying the role of the CDC when acting during a public health emergency. Furthermore, my measure is consistent with the proposed Kennedy-Frist Bioterrorism Preparedness Act and builds on our work in last year's Public Health Threats and Emergencies Act. We have already had to endure the consequences of the current confusion over the important, but distinct, roles of public health and law enforcement in responding to terrorist attacks. It is our responsibility to act immediately to rectify this situation in order to assure public health, safety, and security.

The Public Health Emergencies Accountability Act changes current law in several ways. First, it redefines "public health emergency" to include chemical and radiological attacks, in addition to bioterrorism, and to make suspected as well as proven such attacks eligible for emergency designation. Second, as under last year's Public Health Threats and Emergencies Act, the Secretary of HHS, acting in consultation with CDC, is given the authority to determine the existence of a public health emergency, and to respond to such an emergency by making grants and conducting investigations. My measure provides additional authority for the Secretary and CDC in these cases to take the lead in "directing the response of other Federal departments and agencies" and in "disseminating necessary information" to the general public. Third, the time period of the emergency is to be set by the Secretary and is not to exceed 180 days, but may be extended by the Secretary after notification of Congress and other Federal agencies.

Finally, and most importantly, the determination of a public health emergency by the Secretary of HHS, in consultation with CDC, is made the defining action in clarifying who should take the lead role in handling a biological, chemical or radiological attack. Thus, when it is determined that a given situation does not rise to the level of a public health emergency, law enforcement will assume the lead position. On the other hand, when the Secretary of HHS has identified and declared a public health emergency, public health and the CDC will take the leading role. In either case, my proposal mandates that the lead agency keep all other relevant authorities, including the Congress, fully and currently informed. If there is one message that emerges time and time again about shortcomings in the Federal Government's current response to terrorism, especially bioterrorism, it is that the relevant Federal agencies don't talk to each another soon enough or completely enough. The Public Health Emergencies Accountability Act will put an end to that.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Public Health Emergencies Accountability Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

"SEC. 319. PUBLIC HEALTH EMERGENCIES.

"(a) Emergencies.—If the Secretary determines, after consultation with the Director of the Centers for Disease Control and Prevention and other public health officials as may be necessary, that—

"(1) a disease or disorder presents a public health emergency; or

"(2) a detected or suspected public health emergency, including significant outbreaks of infectious diseases or terrorist attacks involving biological, chemical, or radiological weapons, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and, acting through the Centers for Disease Control and Prevention, conducting and supporting investigations into cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2), directing the response of other Federal departments and agencies with respect to the safety of the general public and Federal employees and facilities, and disseminating necessary information to assist States, localities, and the general public in responding to a disease or disorder as described in paragraphs (1) and (2).

"(b) Determination.—A determination of an emergency by the Secretary under subsection (a) shall supersede all other provisions of law with respect to actions and responsibilities of the Federal Government, but in all such cases the Secretary shall keep the relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, and the committees of Congress listed in subsection (f), fully and currently informed.

"(c) Full Disclosure.—In cases involving, or potentially involving, a public health emergency, but where no determination of an emergency by the Secretary, under the provisions of subsection (a), has been made, all relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, shall keep the Secretary and the Centers for Disease Control and Prevention and the committees of Congress listed in subsection (f), fully and currently informed.

"(d) Public Health Emergency Fund.—

"(1) In general.—There is established in the Treasury a fund to be designated as the "Public Health Emergency Fund" to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

"(2) Report.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

"(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

"(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

"(e) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"(f) Emergency Declaration Period.—A determination by the Secretary under subsection (a) that a public health emergency exists shall remain in effect for a time period specified by the Secretary but not longer than the 180-day period beginning on the date of the determination. Such period may be extended by the Secretary if the Secretary determines that such an extension is appropriate and notifies the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations of the Senate and the Committee on Commerce of the House of Representatives and the Committee on Appropriations of the House of Representatives.".

By Mr. DORGAN (for himself, Mr. Brownback, and Mr. Conrad):

S. 1651. A bill to establish the United States Consensus Council to provide for consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

Mr. DORGAN. Madam President, today I am introducing legislation that would create the United States Consensus Council. This council would be a non-profit, quasi-governmental entity that would serve both the legislative and executive branches of government. Its role would be to build agreements among stakeholders primarily on legislative issues where there are diverse and conflicting views and bring these agreements back to Congress or other decision-makers for action.

Leaders from the Administration and the Congress have worked together in recent weeks to respond to the terrorist attacks against our country. This has shown the benefit of working across party lines to develop consensus on a variety of policy issues. At a time when the Nation is unified and focused on these unprecedented challenges, the Consensus Council can help institutionalize this spirit of comity. The Council can provide ongoing support to Congress by bringing stakeholders to the table to resolve a wide range of difficult national issues.

The North Dakota Consensus Council in my home State serves as a model for this national proposal. In North Dakota, the Consensus Council has helped to find common ground on the use of grasslands in the western part of the State, the structure of judgeships across the State, and flood mitigation efforts in the Red River Valley. By bringing together all of the interested parties, the North Dakota Consensus Council was able to find solutions to problems that had previously seemed unsurmountable. Washington, DC, is ripe with opportunity for the same kind of consensus building and mediation. We can not only build on the experience of consensus building in North Dakota, but similar successes in Montana, Florida, Oregon and many other States.

The United States Consensus Council would bring people together and then help to develop recommendations. These recommendations would be advisory, subject to normal legislative or regulatory processes. The board of directors would be appointed by the President and the bipartisan Congressional leadership. The council would remain neutral on substantive policy matters.

The Council would focus primarily on issues that Congressional leaders and the White House have agreed are appropriate. These could be issues that are contentious or deadlocked, or they could be emerging issues where mediation could help to prevent later polarization.

The Council's role will be to design and conduct processes that lead to common ground on effective public policy for a particular issue. The Council could be called upon to convene key stakeholders in face-to-face meetings over time to build agreements on complex issues.

The legislation authorizes $5 million for the first year and would also allow private contributions to the Council. The Council would not be a part of the Federal Government and its employees would not be considered Federal workers.

I have long been a supporter of building consensus and finding ways to reach compromise. I believe that this legislation could help the Congress and the administration to find that middle ground. There are so many important issues that get deadlocked in Washington, and this approach will help to break that logjam. Recent weeks have shown that it can be done. I hope that this bill will allow it to happen more often. I look forward to working with my colleagues on both sides of the aisle to move this bill through the process.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Consensus Council Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) throughout the Nation there is increasing success in the use of collaborative and consensus-building approaches to address critical public policy issues at the national, State, and local levels;

(2) there is a need for a national Council that can promote and conduct consensus-building processes that primarily address legislative policy issues of national importance;

(3) such a Council may enroll specific stakeholders, both public and private, to build agreements that ultimately may be implemented by Congress, Federal agencies, or other policymaking bodies;

(4) such a Council will strive to create public policy agreements that integrate differing perspectives into highest common denominator solutions;

(5) the establishment of such a Council is an appropriate investment by the people of this Nation in a capacity that works in cooperation with Congress, the executive branch, and others and complements current public policymaking processes on selected issues;

(6) the existence of such a Council could contribute especially to resolving differences on contentious policy issues, preventing polarization on emerging policy issues and addressing issues of complexity that involve multiple parties and perspectives;

(7) the establishment of such a Council may contribute significantly to a renewed sense of civility and respect for differences, while at the same time promoting vigorous interchange and open communications among those with differing points of view; and

(8) the Council may become a repository of wisdom and experience on public policy collaboration and consensus-building that can be shared with public and private sector policymakers and the public in the interest of promoting more effective public policy and the increased use of collaborative processes.

(b) Purpose.—The purpose of this Act is to establish an independent, nonprofit, national Council to serve the people and the Government by constructing an adjunct to the existing legislative and regulatory process that seeks to produce consensus on Federal policy issues through collaborative processes open to key stakeholders.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "Board" means the Board of Directors of the Council;

(2) "Council" means the United States Consensus Council established under this Act; and

(3) "Director" means an individual appointed to the Board of Directors of the Council.

SEC. 4. UNITED STATES CONSENSUS COUNCIL.

(a) Establishment.—There is established the United States Consensus Council.

(b) Status; Restrictions.—The Council is an independent nonprofit corporation and shall be treated as an organization described under 170(c)(2)(B) of the Internal Revenue

Code of 1986. The Council does not have the power to issue any shares of stock or to declare or pay any dividends. The Council is not an agency or instrumentality of the United States.

(c) ESTABLISHMENT OF OR AFFILIATION WITH A UNITED STATES CONSENSUS COUNCIL FOUNDATION.—As determined by the Board, the Council may establish or affiliate with a nonprofit legal entity which is capable of receiving, holding, expending, and investing public or private funds for purposes in furtherance of the Council under this Act. Such legal entity may be designated as the "United States Consensus Council Foundation".

(d) TRADE NAME AND TRADEMARK RIGHTS; VESTED RIGHTS PROTECTED; CONDITION FOR USE OF FEDERAL IDENTITY.—

(1) IN GENERAL.—The Council has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Consensus Council" and "United States Consensus Council Foundation" and the use of any official United States Consensus Council emblem, badge, seal, and other mark of recognition or any colorable simulation thereof.

(2) UNITED STATES REFERENCES.—The Council may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations, or appropriations, for the Council for such fiscal year provided by law.

SEC. 5. POWERS AND DUTIES.

(a) DISTRICT OF COLUMBIA NONPROFIT-CORPORATE POWERS.—The Council may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-301 et seq.) consistent with this Act.

(b) DESCRIPTION OF SPECIFIC ACTIVITIES.—

(1) IN GENERAL.—Acting through the Board, the Council may—

(A) promote and advance programs based on consensus building as a complement to the current deliberative processes employed by Congress and the executive branch;

(B) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this Act;

(C) receive referrals from Congress, the President, executive departments, agencies, private groups, or organizations that request the Council's expertise in building a consensus on a particular public policy issue;

(D) coordinate with, make referrals to and receive referrals from, other consensus-building instrumentalities of the United States, including the United States Institute for Environmental Conflict Resolution or the Federal Mediation and Conciliation Service; and

(E) develop and apply assessment plans for the purpose of reviewing such referrals.

(2) CONSENSUS-BUILDING PROCESS.—Acting through the Board, the Council may, for each consensus-building process—

(A) consider such factors as issue complexity, cost, ripeness, likelihood of participation by key stakeholders, and any other relevant indices that may assist the Council in determining whether to accept a referral;

(B) identify any appropriate facilitator for the negotiation process;

(C) identify the key stakeholders involved or interested in the outcome of a particular issue, including those individuals who have the authority to implement the Council's recommendations;

(D) develop and publish a common set of facts to inform and assist consensus-building processes;

(E) establish ground rules, including matters related to confidentiality, representation of counsel, and ex parte communications;

(F) work to promote consensus among the stakeholders by methods such as negotiation, discussion, meetings, and any other process of dispute resolution;

(G) build and construct agreements among stakeholders;

(H) draft, present, and submit recommendations to the legislative, executive, or judicial body with oversight of the particular issue; and

(I) provide training and technical assistance in response to the request of a department, agency, or instrumentality of the Government to investigate, examine, study, and report on any issue within the Council's competence.

(3) OTHER ACTIVITIES.—The Council also may engage in any other activity consistent with its mission.

(c) GENERAL AUTHORITY.—The Council may do any and all lawful acts necessary or desirable to carry out the objectives and purposes of this Act.

(d) GUIDELINES FOR COUNCIL OPERATIONS.—As necessary, the Council shall develop guidelines, through its bylaws or otherwise, to address—

(1) policies relating to personal service contracts;

(2) standards to ensure that the Council, its Directors, employees, and agents, avoid conflicts of interest that may arise;

(3) fundraising policies, donor development programs, and matters related to the acceptance of private donations;

(4) the duties and responsibilities of the Council, its Board, officers, employees, and agents; and

(5) the establishment of advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Council may require.

(e) ADMINISTRATIVE SERVICES FROM GENERAL SERVICES ADMINISTRATION.—The Council may obtain administrative support services from the Administrator of General Services and use all sources of supply and services of the General Services Administration on a reimbursable basis.

SEC. 6. BOARD OF DIRECTORS.

(a) VESTED POWERS.—The powers of the Council shall be vested in a Board of Directors unless otherwise specified in this Act.

(b) APPOINTMENTS.—The Board of Directors shall consist of 16 voting members as follows:

(1) Eight individuals, including private citizens, State or local employees, or officers or employees of the United States, appointed by the President, except that no more than 4 of such individuals may share the same political party affiliation.

(2) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States, appointed by the Majority Leader of the Senate.

(3) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States appointed by the Minority Leader of the Senate.

(4) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Speaker of the House of Representatives.

(5) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Minority Leader of the House of Representatives.

(c) TERM OF OFFICE: COMMENCEMENT AND TERMINATION, INTERIM AND REMAINDER SERVICE, LIMITATION.—

(1) TERM OF OFFICE.—Directors appointed under subsection (b) of this section shall be appointed to 4-year terms, with no Director serving more than 2 consecutive terms except that—

(A) as designated by the President, the terms of 4 of the Directors initially appointed under subsection (b)(1) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section;

(B) as designated by the Speaker of the House of Representatives, the terms of the 2 Directors initially appointed under subsection (b)(4) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section; and

(C) as designated by the Minority Leader of the House of Representatives, the terms of the 2 Directors initially appointed under subsection (b)(5) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section.

(2) INTERIM SERVICE.—Any Director appointed to the Board may continue to serve until his or her successor is appointed.

(3) REMAINDER SERVICE.—Any Director appointed to the Board to replace a Director whose term has not expired shall be appointed to serve the remainder of that term.

(4) PRESIDENT OF COUNCIL.—The President of the Council shall serve as a nonvoting Director of the Board.

(d) QUALIFICATIONS.—A demonstrated interest in the mission of the Council or expertise in consensus building may be considered in appointments made under this section.

(e) REMOVAL FROM OFFICE.—A Director may be removed by a process to be determined by the Council's bylaws.

(f) MEETINGS; NOTICE IN FEDERAL REGISTER.—Meetings of the Board shall be conducted pursuant to the Council's bylaws, except as provided in the following:

(1) MEETINGS; QUORUM.—The Board shall meet at least semiannually. A majority of the Directors in office shall constitute a quorum for any Board meeting.

(2) OPEN MEETINGS.—All official governing meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of Directors present and with the vote taken in public session, which are likely to disclose information or that may adversely affect any ongoing proceeding or activity or to disclose information or matters exempted from public disclosure under subsection (c) of section 552b of title 5.

(g) COMPENSATION.—Directors shall be compensated at a rate not to exceed the daily equivalent of the rate payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which they are engaged in the performance of the duties of the Council. The Directors shall not be employees of the United States.

(h) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, a Director may receive reasonable travel, subsistence, and other necessary expenses.

SEC. 7. OFFICERS AND EMPLOYEES.

(a) Appointment, Compensation, and Status of President of Council and Other Officers.—There shall be a President who shall be appointed by the Board. The President shall be the chief executive officer of the Council and shall carry out or cause to be carried out the functions of the Council subject to the supervision and direction of the Board.

(1) Compensation of president of the council.—The President of the Council shall be compensated at an annual rate of pay not to exceed the rate payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) Assignment of federal officers or employees to the council.—The Council may request the assignment of any Federal officer or employee to the Council by an appropriate executive department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(3) Personnel.—The President of the Council, with the approval of the Board, may appoint and fix the compensation of such additional personnel as determined necessary. The President and employees of the Council shall not be employees of the United States.

(4) Compensation for services or expenses; prohibition on loans to council directors and personnel.—

(A) In general.—No part of the financial resources, income, or assets of the Council or of any legal entity created by the Council shall inure to any agent, employee, officer, or Director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the Directors, officers, employees, and agents of the Council in amounts approved in accordance with this Act.

(B) Loans.—The Council shall not make loans to its Directors, officers, employees, or agents.

SEC. 8. PROCEDURES AND RECORDS.

(a) Monitoring and Evaluation of Programs.—The Council shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this Act to ensure that the provisions of this Act and the bylaws, rules, regulations, and guidelines promulgated under this Act are adhered to.

(b) Accounts of Receipts and Disbursements; Financial Reports.—The Council shall keep correct and complete books and records of accounts, including separate and distinct accounts of receipts and disbursements of Federal funds. The Council's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Council.

(c) Minutes of Proceedings.—The Council shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(d) Record and Inspection of Required Items.—

(1) In general.—The Council shall keep a record of—

(A) the names and addresses of its Directors, copies of this Act, and any other Act relating to the Council;

(B) all Council bylaws, rules, regulations, and guidelines;

(C) required minutes of proceedings;

(D) all applications and proposals and issued or received contracts and grants; and

(E) financial records of the Council.

(2) Inspection.—All items required by this subsection may be inspected by any Director or any agent or attorney of a Director for any proper purpose at any reasonable time.

(e) Audits.—The accounts of the Council shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(f) Report to Congress; Copies for Public.—The Council shall provide a report to the President and to each House of Congress not later than 6 months following the close of the fiscal year for which the audit is made. The report' shall set forth such statements of the Council's activities for the prior year. The report shall be made available to the public.

SEC. 9. FUNDING.

(a) Authorization of Appropriations.—

(1) In general.—For the purpose of carrying out this Act, there are authorized to be appropriated $5,000,000 for fiscal year 2002 and such sums as may be necessary for succeeding fiscal years.

(2) Availability.—Funds appropriated under the authority of paragraph (1) shall remain available until expended.

(b) Transfer of Unobligated Funds; Reports of Use of Funds to Congress and President.—The Board may transfer to the legal entity authorized to be established under section 4(c) any funds not obligated or expended from appropriations to the Council for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of Congress and to the President.

SEC. 10. DISSOLUTION OR LIQUIDATION.

Upon dissolution or final liquidation of the Council, all income and assets appropriated by the United States to the Council, but not any other funds, shall revert to the United States Treasury.

By Mr. SANTORUM (for himself and Mr. McCain);

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Madam President, I rise today to introduce the Sugar Program Reform Act. This bill is a continuation of my ongoing efforts to bring needed reform to Federal agriculture programs that have perpetuated Federal control over prices and production.

While the 1996 farm bill modernized Federal agriculture policy for some commodities, the sugar program, however, only realized minor reforms. As a result, trade opportunities for other agriculture producers have been hampered, and Americans have been twice affected, both as consumers and taxpayers.

A GAO report released in June 2000, presents information suggesting the Federal sugar program is not serving consumers and taxpayers well. That report, an update to a 1993 report on the same matter, estimated that the sugar program resulted in net losses to the U.S. economy of about $700 million in 1996, and about $900 million in 1998. Moreover, it found that the primary beneficiaries of the sugar program's higher prices are domestic sugar beet and cane producers who were estimated to receive benefits of about $800 million in 1996 and nearly $1 billion in 1998.

In terms of trade opportunities, the sugar program harms other agricultural producers by slowing efforts to open foreign markets for American farm products. As long as the United States uses restrictive sugar import quotas to stiffle trade, these counties have a ready excuse not to drop their own trade barriers.

The Sugar Program Reform Act, which I am pleased to introduce with Senate McCain, will finally bring major change to the sugar program. It will accomplish that goal by: reducing support prices and ending them after 2004; requiring that loans be repaid ending sugar processors' ability to turn over surplus sugar to the government instead of repaying the amounts they have borrowed; and assuring adequate supplies, requiring that import quotas be administered to maintain prices at no more than the price support level established by Congress.

When the Senate considers legislation to reauthorize farm programs, I look forward to a spirited debate on the necessity of reforming policies that have not served the best interests of taxpayers or the agricultural community at large.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sugar Program Reform Act".

SEC. 2. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS AND REDUCTION IN LOAN RATES.

(a) Gradual Reduction in Loan Rates.—

(1) SUGARCANE PROCESSOR LOANS.—Section 156(a) of the Agricultural Market Transition Act (7 U.S.C. 7272(a)) is amended by striking "equal to 18 cents per pound for raw cane sugar." and inserting the following: ", per pound for raw cane sugar, equal to the following:

"(1) In the case of raw cane sugar processed from the 1996 through 2000 crops, $0.18.

"(2) In the case of raw cane sugar processed from the 2001 crop, $0.17.

"(3) In the case of raw cane sugar processed from the 2002 crop, $0.16.

"(4) In the case of raw cane sugar processed from the 2003 crop, $0.15.

"(5) In the case of raw cane sugar processed from the 2004 crop, $0.14.".

(2) SUGAR BEET PROCESSOR LOANS.—Section 156(b) of the Agricultural Market Transition Act (7 U.S.C. 7272(b)) is amended by striking "equal to 22.9 cents per pound for refined beet sugar." and inserting the following: ", per pound of refined beet sugar, that reflects—

"(1) an amount that bears the same relation to the loan rate in effect under subsection (a) for a crop as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; and

"(2) an amount that covers sugar beet processor fixed marketing expenses.".

(b) CONVERSION TO RECOURSE LOANS.—Section 156(e) of the Agricultural Market Transition Act (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1), by inserting "only" after "this section"; and

(2) by striking paragraph (2) and inserting the following:

"(2) NATIONAL LOAN RATES.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.".

(c) CONVERSION TO PRIVATE SECTOR FINANCING.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

"(i) CONVERSION TO PRIVATE SECTOR FINANCING.—Notwithstanding any other provision of law—

"(1) no processor of any of the 2005 or subsequent crops of sugarcane or sugar beets shall be eligible for a loan under this section with respect to the crops; and

"(2) the Secretary may not make price support available, whether in the form of loans, payments, purchases, or other operations, for any of the 2005 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary."; and

(3) in subsection (j) (as redesignated by paragraph (1))—

(A) by striking "subsection (f)" and inserting "subsections (f) and (i)"; and

(B) by striking "2002" and inserting "2004".

(d) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking "sugar cane for sugar, sugar beets for sugar,".

(e) OTHER CONFORMING AMENDMENTS.—

(1) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking "milk, sugar beets, and sugarcane" and inserting "and milk".

(B) OTHER NONBASIC AGRICULTURAL COMMODITIES.—Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting "(other than sugarcane and sugar beets)" after "title II".

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting "(except for the 2005 and subsequent crops of sugarcane and sugar beets)" after "agricultural commodities".

(3) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph by inserting "(other than sugarcane and sugar beets)" after "commodity" the last place it appears.

(f) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446g note; Public Law 99-198) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Beginning with the quota year for sugar imports that begins after the 2000/2001 quota year, the President shall use all authorities available to the President as may be necessary to enable the Secretary of Agriculture to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices that are not greater than the higher of—

"(1) the world sugar price (adjusted to a delivered basis); or

"(2) the raw cane sugar loan rate in effect under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), plus interest.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 2109. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, supra.

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, supra.

SA 2112. Mr. DORGAN proposed an amendment to the bill H.R. 2944, supra.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, supra.

TEXT OF AMENDMENTS

SA 2109. Ms. LANDRIEU (for herself, and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 6, line 25, insert the following after "inserting "1,100".":

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4-515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking "in excess of $250,000"; and

(2) by striking "and approved by" and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after "Agency," insert the following: "the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region".

Page 12, line 7, after "and" and before "state" insert the following: "the respective".

Page 12, line 8, after "emergency" and before "plan" insert: "operations".

Page 13, line 14, strike "$500,000" and insert: "$250,000".

Page 13, line 15, strike "McKinley Technical High School" and insert the following: "Southeastern University".

Page 13, line 16, strike "Southeastern University" and insert the following: "McKinley Technical High School.".

Page 13, line 14, insert after "students;": "$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;".

Page 16, line 3, strike "U.S. Soccer Foundation, to be used" and insert: "Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds".

Page 17, line 18, insert after "families" the following: "and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,".

Page 18, line 8, after "*Provided,*" and before "That" insert the following: "That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided,*".

Page 34, line 4, District of Columbia Funds—Public Works, insert after "available": "*Provided,* That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.".

Page 37, line 4, insert the following after "service": "Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the "District of Columbia Emergency Assistance Act of 2001": *Provided,* That the District of Columbia shall use local funds for any payments under this heading: *Provided further,* That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.".

Page 63, line 8, after "expended." insert the following new subsection:

"(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.".

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001. Notwithstanding section 602(c)(1) of the District of

Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001 (D.C. Act 14-106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Under "General Provisions" insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq.) (Sec. 138) shall not apply if the plaintiff's a child who is

(a) from a family with an annual income of less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

SA 2112. Mr. DORGAN proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking "(b) PRODUCTION OF MANIFEST.—Any manifest" and inserting the following:

"(b) PRODUCTION OF MANIFEST.—

"(1) IN GENERAL,—Any manifest";

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

"(2) ADDITIONAL INFORMATION.—

"(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

"(i) The port of arrival or departure, whichever is applicable.

"(ii) The carrier code, prefix code, or, both.

"(iii) The flight or trip number.

"(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

"(v) The request for permit to proceed to the destination, if applicable.

"(vi) The numbers and quantities from the master and house air waybill or bills of lading.

"(vii) The first port of lading of the cargo.

"(viii) A description and weight of the cargo.

"(ix) The shippers name and address from all air waybills or bills of lading.

"(x) The consignee name and address from all air waybills or bills of lading.

"(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

"(xii) Transfer or transit information.

"(xiii) Warehouse or other location of the cargo.

"(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

"(b) INFORMATION.—The information specified in this subsection with respect to a person is—

"(1) full name;

"(2) date of birth and citizenship;

"(3) sex;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

"(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

"(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on

DC Appropriations shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et. seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, November 7, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 7, 2001, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: John Marshall, of Virginia, to be an Assistant Administrator (Management) of the United States Agency for International Development and Constance Newman, of Illinois, to be an Assistant Administrator (for Africa) of the United States Agency for International Development.

Panel 2: Cynthia Perry, of Texas, to be United States Director of the African Development Bank for a term of five years; Jose Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank for a term of three years; and Jorge Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President: I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 10 a.m., in Dirksen room 226, to consider the nominations of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, Clay D. Land, to be United States District Judge for the Middle District of Georgia, Frederick J. Martone, to be United States District Judge for the District of Arizona, Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, Julie A. Robinson, to be United States District Judge for the District of Kansas, and James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Witnesses will include Senators DON NICKLES, MITCH MCCONNELL, JAMES INHOFE, JON KYL, SAM BROWNBACK, PAT ROBERTS, MAX CLELAND, JIM BUNNING, and ZELL MILLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, November 7, 2001, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 2 p.m., in Dirksen 226.

Tentative witness list for "International Aviation Alliances: Market Turmoil and the Future of Airline Competition": Donald Carty, President and Chief Executive Officer, American Airlines; Leo Mullen, Chief Executive Officer, Delta Airlines; Richard Anderson, Chief Executive Officer, Northwest Airlines; Richard Branson, Chief Executive Officer, Virgin Atlantic Airlines; Roger Maynard, Director of Alliances and Strategy, British Airways; and Larry Kellner, President, Continental Airlines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, November 7, 2001, at 2:30 p.m., to hold a hearing entitled "Current and Future Weapons of Mass Destruction Proliferation Threats."

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF CONTROLLED SUBSTANCES FOR PHYSICIAN ASSISTED SUICIDE

Mr. NICKLES. Madam President, in a memorandum issued yesterday to Drug Enforcement Administration chief Asa Hutchinson, Attorney General Ashcroft overturned a 1998 decision by Attorney General Janet Reno that allowed for the use of controlled substances for physician assisted suicide.

Until June 5, 1998, everyone understood that assisted suicide was not a "legitimate medical purpose." On that date, Attorney General Janet Reno issued a letter carving out an exception for Oregon to use Federally-controlled substances for assisted suicide, a decision that overturned an earlier determination by the Drug Enforcement Administration and which was in direct conflict with 29 years of practice under the Controlled Substances Act.

Attorney General Ashcroft wrote that assisting in a suicide is not a "legitimate medical purpose" under federal law and determined that prescribing, dispensing, or administering federally controlled substances to assist suicide violates the Controlled Substances Act, regardless of whether State law authorizes or permits such conduct by practitioners.

This important decision restores the uniform national standard that federally-controlled substances can not be used for the purpose of assisted suicide by applying the law to all 50 states.

Federal law is clearly intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. The Controlled Substances Act requires that these substances can only be used for a "legitimate medical purpose" in the interest of "public health and safety". Assisted suicide can neither be counted as a "legitimate medical purpose" or in the interest of "public health and safety."

I have personally been a long, strong advocate of States' rights and the limited role of the Federal Government. This decision neither overturns or preempts any State legislation related to suicide. Instead, it clarifies that the dispensing of controlled substances for the purpose of assisted suicide is prohibited under longstanding federal law.

Because of Attorney General Reno's letter, for three years the federal government has been complicite in allowing the use of Federally controlled substances for the specific purpose of causing death—in my opinion, in violation of Federal law. There is no role for the Federal Government in providing assisted suicide. I compliment Attorney General Ashcroft's decision to return to the correct and only reasonable interpretation of the Controlled Substances Act. Federally controlled substances should be used for a "legitimate medical purpose" and not for assisted suicide.

In my opinion, this is very good news for patients and health care providers in all 50 States. Yesterday's decision encourages doctors to aggressively use Federally-controlled drugs to treat pain while making sure that one State cannot overturn Federal law. This move by Attorney General Ashcroft was absolutely the right thing to do and I applaud him for it.

A couple of other editorial comments: I heard someone say, Well, wait a minute; this directly overturns Oregon law. It does not. Conversely, the State of Oregon cannot overturn Federal law, and that is what the State of Oregon tried to do.

Federal law has been in effect for 29 years. The Controlled Substances Act goes way back, and it said the Federal Government regulates the use of these very strong and in some cases deadly drugs. The Federal law states it can only be used for a legitimate medical purpose.

The State of Oregon tried to pass by referendum a law that says these drugs can be used for assisted suicide. The Drug Enforcement Administration said they cannot be used for assisted suicide.

Attorney General Reno made a serious mistake 3 years ago when she said it was okay. She was wrong. She was overturning basically and not interpreting the law correctly, not agreeing with the Drug Enforcement Agency that said they never could be used. They reviewed it extensively. I think she made a serious mistake, and as a result some physicians in Oregon were using federally controlled drugs to assist in death.

Attorney General Ashcroft has overturned her letter. Her letter, in my opinion, was in direct contradiction of law. It was very explicit. These drugs can only be used for a legitimate medical purpose, and assisted suicide was never considered a legitimate medical purpose.

Attorney General Ashcroft has now corrected that. Somebody says he has overturned Oregon law. No. What he did was interpret the Federal statute exactly as it was written, exactly as it has been interpreted for the last 30 years, and overturned Attorney General Janet Reno's mistaken interpretation of law.

The fact is, neither Oregon nor Oklahoma can overrule Federal law. If so—we have Federal laws against cocaine—some States could say, we are going to legalize cocaine. But they cannot do that. Individual States cannot overturn Federal statutes. That is exactly what the State of Oregon tried to do. They were mistaken in their legislative approach through the referendum.

Some people say this is denying the people of Oregon their right to vote. That is not correct. The people of Oregon can vote all they want. They just cannot change public law by a public referendum. That is what they tried to do.

So again I compliment Attorney General John Ashcroft for his decision and for his memorandum to Asa Hutchinson, who is the Drug Enforcement Administration chief. I think both are doing an outstanding job, and I think the decision is good news for patients because now these drugs can be used to alleviate pain.

I still hope we will pass legislation to encourage the use of these very strong drugs to alleviate pain. We have thousands of citizens all across this country who are suffering greatly, and they should be allowed and encouraged to use these very strong drugs to alleviate the pain. If that is the purpose, that is fine. If the purpose is to cause their death by suicide, assisted by a doctor or not, that is not right. That is not allowed under this statute. This statute cannot allow these very strong drugs to be used to alleviate pain.

We should encourage that. Senator LIEBERMAN and I have introduced legislation to that end, and I hope and expect we can get that passed in the not-too-distant future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1428

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. on Thursday, November 8, the Senate proceed to the consideration of Calendar No. 214, S. 1428, the intelligence authorization bill; that other than committee-reported amendments, all amendments be limited to relevant amendments, and any second-degree amendments be relevant to the amendment to which it was offered with the exception of the Smith of New Hampshire amendment relating to immigration deportation, and a Leahy or designee amendment on the same subject as the Smith amendment; that relevant second-degree amendments be in order to these two amendments; that upon the disposition of all amendments the bill be read a third time, and the Senate then proceed to Calendar No. 188, H.R. 2883, the House companion; that all after the enacting clause be stricken, and the text of S. 1428, as amended, if amended, be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1428

Mr. REID. Madam President, I ask unanimous consent that S. 1428 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 8, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, November 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate begin consideration of the intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Thursday, November 8, 2001 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 2001:

DEPARTMENT OF THE INTERIOR

REBECCA W. WATSON, OF MONTANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE SYLVIA V. BACA, RESIGNED.

DEPARTMENT OF STATE

JOHN V. HANFORD III, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE ROBERT A. SEIPLE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, JR., TERM EXPIRED.

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCRACKEN FOX, RESIGNED.

WITHDRAWAL

Executive message transmitted by the president to the senate on November 7, 2001, withdrawing from further senate consideration the following nomination:

W. MICHAEL COX, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2001.

EXTENSIONS OF REMARKS

TRIBUTE TO LOURDES M. DENNISON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Society will be hosting the 25th Annual Asian-American Medical Society Gala on Saturday, November 10, 2001, at Avalon Manor in Hobart, Indiana. Each year, this society honors prominent, extraordinary residents of Northwest Indiana for their contributions to the community. In recognition of their tremendous efforts for the betterment of Northwest Indiana, they are honored at a banquet and awarded the prestigious Crystal Globe Award. This Saturday, Lourdes M. Dennison will be presented with the Crystal Globe Award for her dedication and devotion to her community.

Lourdes M. Dennison exemplifies the sense of selflessness that is prevalent among the citizens of Indiana's First Congressional District. Her dedication to improving the welfare of the citizens of Northwest Indiana is evident as one learns of the various organizations that are enriched by her involvement. As a registered nurse, Mrs. Dennison's abilities focus upon caring for individuals whose lives are affected by an illness or by a disability. Drawing upon the knowledge gleaned from this intimate patient/caregiver relationship, Mrs. Dennison has extended her commitment to others by serving on the boards of the Hospice of Calumet Region, the Lake Area United Way, the Tradewinds Rehabilitation Center, and the Saint Mary Medical Center Foundation. In addition, she served as the past president of the Lake County Medical Auxiliary.

Mrs. Dennison offers her services and time to other professional organizations as well. She has been involved with the Women's Association of the Northwest Indiana Symphony Society, with the Endowment Board of Northern Indiana Arts Association, and with the Indiana Dunes Environmental Learning Center, all of which play an essential part in the cultural development of the First Congressional District. Furthermore, in spite of her taxing schedule, Mrs. Dennison received her real estate education from Indiana University, a feat that has allowed her to be an active partner in real estate developments in both Lake and Porter counties. While the above mentioned endeavors consume a significant amount of her time, Mrs. Dennison manages to serve on the Catholic Board of Trustees. The medical, cultural, and religious communities of Northwest Indiana are all enriched by her active participation.

By recognizing the efforts of Mrs. Dennison, a native Filipino, the Asian-American Medical Society offers to the Asian-American community a role model whose achievements have contributed significantly to the betterment of Northwest Indiana. As a testament to her professionalism, she was granted the honor of being named a lifetime member of the Philippine Professionals Association. Her success is to be applauded.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Lourdes M. Dennison for receiving the 2001 Crystal Globe Award from the Asian-American Medical Society. Her service and dedication inspire us all to greater deeds.

100TH ANNIVERSARY OF THE McKINLEY BAPTIST CHURCH, WILLOW GROVE, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today in celebration of the one hundredth anniversary of the McKinley Baptist Church in Willow Grove, Pennsylvania. The church has had a long commitment to serving the spiritual needs of the community.

The McKinley Memorial Baptist Church was established in 1901. The founding members of the church named it in honor of the late President William McKinley. The church began as a prayer group with the original members belonging to the Salem Baptist Church in Jenkintown, Pennsylvania. The new church members met at the home of A.T. Cottom to organize a new church, which would be formally recognized as a Baptist Church in June, 1902. The church began a new era in 1970 under the inspiring leadership of the Reverend Lowell M. McCown, Sr.

Through the years both the McKinley Church family and the programs offered have grown in Christian brotherhood. The church continues its tradition of developing and sponsoring community outreach programs. These include the Youth Scholarship Fund, the President's Council, the Board of Christian Education, the Missionary Circle, the Young Adult Ministry, and the Drama Ministry.

In 1976, McKinley Memorial Baptist Church created the Willow Grove Senior Citizen Center and named Pastor McCown as its executive director. The Center serves the needs of the elderly in the community, providing them with an atmosphere of Christian fellowship.

Throughout its history, McKinley Baptist Church has served the needs of many parishioners. It has been successful in bringing many people together in Christian brotherhood. As one of the oldest churches in Montgomery County, it stands as a pillar of strength and prosperity in the Willow Grove community. It is a privilege to recognize McKinley Memorial Baptist on its one hundredth anniversary.

PETER B. MARSHALL, 2001 WACHUSETT CHAMBER OF COMMERCE "PERSON OF THE YEAR"

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. McGOVERN. Mr. Speaker, I rise to honor Peter B. Marshall of West Boylston, Massachusetts, an outstanding citizen of the 3rd Congressional District. Mr. Marshall was selected the 2001 "Person of the Year" by the Wachusett Chamber of Commerce. He was chosen from three dozen nominees based upon his dedication, hard work, and commitment to improving the quality of life for everyone in the Waschusett Chamber area. Mr. Marshall has contributed and continues to play an important role in the community. He served as President of the Clinton Rotary Club, and Chairman of the Wachusett Chamber of Commerce. Currently, he is Corporator of the Clinton Savings Bank, a member of the Clinton Hospital Foundation, and Chairman of the Clinton High School-Nypro First Partnership. Those who nominated him describe Mr. Marshall as a leader who brings out the best in others and a man of integrity and passion for his family and community. Mr. Marshall has been instrumental in the success of the Clinton High School-Nypro participation in the First Science & Robotics program which has grown into an international event. Because of his leadership in this endeavor, the partnership has received many prestigious awards including a national championship in this event.

Mr. Marshall recently retired as Vice President after 25 years with Nypro, Inc., a world renowned injection molding company based in Clinton, Massachusetts. He has been a vital part of that company which is ranked in the top ten among North American injection molding companies with annual sales of over 600 million dollars. Mr. Marshall is truly deserving of recognition for his professional accomplishments and community leadership. I would like to join his family, friends, and business colleagues in paying tribute to him for his exceptional service and offer my very best wishes for the future.

HONORING MID VALLEY PACKAGING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mid Valley Packaging on the occasion of their 21st year anniversary. Mid Valley Packaging has been a supplier of quality packaging since its inception in 1980.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mid Valley Packaging is a distributor of agricultural and industrial packaging supplies. Their business is a great service in an area where agriculture and agriculture distribution supplies are very necessary and important.

Husband and wife John and Lorrie Gahvejian started Mid Valley Packaging in January of 1980. The Gahvejian's began as the first two employees of Mid Valley Packaging.

Today, Mid Valley Packaging employs over 50 people out of their headquarters in Fowler, California. Mid Valley Packaging has always been located in the quaint city of Fowler, which is famous for their abundant raisin production.

John and Lorrie's business philosophy has always been to offer customers the highest level of service combined with the most competitive price. Much of their growth can be attributed to their willingness and ability to respond quickly to their customer's needs.

Mid Valley Packaging has been recognized by many vendors and customers as a leader in the packaging industry. In 1997, the Fowler Chamber of Commerce selected Mid Valley Packaging as the "Industry of the Year."

Mr. Speaker, I rise to pay tribute to Mid Valley Packaging on the occasion of their 21st year anniversary celebration. I urge my colleagues to join me in honoring Mid Valley Packaging and wishing the Gahvejian family many more years of continued success.

EAST BAY CENTER FOR THE PERFORMING ARTS CELEBRATES 33RD ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to commend the East Bay Center for the Performing Arts on the occasion of its 33rd Anniversary. Each year, East Bay Center programs benefit more than 25,000 members of the ethnically diverse, low-income, inner-city communities in and around Richmond, California. Since its founding in 1968, East Bay Center has directly touched the lives of over 700,000 people. Its Art and Public Education Outreach Program reaches an average of 2,500 students per week in 24 schools in two school districts. Center faculty, staff and board members reflect the community they serve in terms of ethnicity, economic background and family structure. Together, the staff and faculty speak more than 15 languages.

The Center nurtures a critical range of minority and mainstream arts, including over 12 culturally distinct repertoire forms, and sustains nine culturally distinct Resident Companies providing 30–40 low or no-cost performances each year. Those resident companies are: Iron Triangle Theater, Richmond BLOCO, Son de la Tierra, Mien Legends, My View Film Crew, Richmond Jazz Collective, Youth West African Music And Dance Ensemble, Richmond Chamber Ensemble, and Richmond Ballet Theater. The Center's Living the Mission programs involve the Center in ongoing partnerships with social service providers such as group homes, domestic violence agencies, homeless shelters, and juvenile hall.

The East Bay Center for the Performing Arts has been the recipient of many awards and honors over the years. Among those recently received by the Center are: a "2001 Youth to Youth Award" from the San Francisco Foundation's Youth Initiative Leadership Program; "2001 Community Impact Award" from the Iron Triangle Neighborhood Council and Community Collaborative; "1999 Coming Up Taller Award" supported by the President's Commission on the Arts and the Humanities and the National Endowment for the Arts, "1999 Cyril Magnin Award for Outstanding Achievement in the Arts" presented by the Business Arts Council, a project of the San Francisco Chamber of Commerce; "Governors Award for Community Service for 1999" from the Board of Governors of the San Francisco Chapter of the National Academy of Recording Arts and Sciences (NARAS); and "1998 Honor Roll Winner" in the category of "Communities that are Safe and Provide a High Quality of Life", awarded by the Contra Costa Children and Families Policy Forum.

Mr. Speaker, I commend the East Bay Center for the Performing Arts for its commitment to excellence and its efforts to ensure that the opportunities for a quality education in the arts should be available to all persons, regardless of background, age, physical disabiilty, previous experience or ability to pay standard fees. I applaud the Center for its efforts to engage the arts, which speak to our common humanity, as a vehicle for social reconciliation and social change.

CONGRATULATIONS TO CHURCH WOMEN UNITED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and high regard that I congratulate a very special group of women within Indiana's First Congressional District. On Friday, November 9, 2001, the members of Church Women United of Gary, Indiana will be holding their Recognition Dinner at Turkey Creek Banquet Facilities in Merrillville, Indiana.

Church Women United is a national ecumenical movement of Christian women whose life centers around prayer, Bible study, advocacy and action. Founded in 1951, Church Women United is organized in over 1,400 local and state units in the United States and Puerto Rico.

The members of Church Women United are Protestant, Roman Catholic, Orthodox and other Christian women who are called by the Holy Spirit to act for justice on behalf of women and children throughout the global community. Biblically based through their shared Christian faith, the women are gifted by their diversity of race, economics, age, culture and theology.

Church Women United brings Christian women together for spiritual nourishment and faith based advocacy. The Church Women United local and state units are active in a broad spectrum of community ministries, including prison ministries, food pantries, tutoring and child care; and job skills training. On a national level, Church Women United works in coalition with partner groups around common issues and concerns.

On Friday, the Gary Chapter of Church Women United will honor all of its past presidents for their devotion to Christianity. Those being honored include: Clara Guster Nicholson, elected in 1971; Mary Glidewell, elected in 1980; Mynette Cope, elected in 1987; Maxine Watts Levels, elected in 1992; Velma Richardson, elected in 1996; Susie Threatt, elected in 1999; and current president, Madlyn C. Adams, elected in 2001. These women have come together in fellowship to witness to their faith in Jesus Christ and, enabled by the Holy Spirit, to go out together in every neighborhood as instruments of reconciling love.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the past presidents of Church Women United of Gary, Indiana for their strong commitment to social justice, to human rights, to civil rights and to the welfare and benefit of women and children so that all may flourish.

HONORING GUIDO J. MARTINELLI, MONTGOMERY COUNTY, (PENNSYLVANIA) CHAMBER OF COMMERCE OUTSTANDING CITIZEN AWARD

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Guido J. Martinelli, who has been awarded the Montgomery County, (Pennsylvania) Chamber of Commerce "Outstanding Citizen Award," for his many years of dedicated service to his community.

Guido was born and raised in Conshohocken, Pennsylvania as the fourth of five children of Italian immigrants. After graduating from Norristown High School in 1955, he took a position with the Montgomery-Norristown Penn Trust which was the forerunner of the PNC bank. He quickly ascended through the ranks of the bookkeeping departments, advancing all the way to assistant branch manager and then was granted the first corporate title of assistant secretary. Guido received numerous promotions culminating with the rank of branch manager of the Continental Bank, in Norristown. He retired from PNC Bank in 1998 after forty-three years' service. But his retirement did not last long as he accepted the position of vice president in business development with the Progress Bank where he still is currently employed.

In addition to his stellar career in the financial services sector, community service has been extremely important to Guido. He currently serves on the board of the Montgomery County Chamber of Commerce and has been active with the organization for seventeen years. He currently serves as a board member of the Senior Adult Activities Center of Montgomery County. He participates in the Norristown Lions Club, the Norristown Rotary Club and the Meals on Wheels program.

Guido and his wife Janet have been married for forty years. They are the proud parents of three children and three grandchildren.

I am pleased and honored to present this award to Guido Martinelli. His dedication to his community is commendable.

HONORING SUPERVISOR SHARON LEVY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Fresno County Supervisor Sharon Levy for her years of dedicated service to the community.

Sharon Levy was first elected to the Fresno County Board of Supervisors in 1975 and was reelected for a 7th term in March of 1996. She served as Governor Deukmejian's Appointee to the State Board of Corrections and currently serves as a member of Fresno County Children & Families First Commission (Chairman), Fresno County Transportation Authority, San Joaquin River Conservancy, Selma-Kingsburg-Fowler County Sanitation, Fresno Rotary, Board of Governors of the California State University (Fresno Foundation), Airport Land Use Commission, Co-Chairman of Adult Volunteer Crossing Guard Program, COG Rail Committee, Domus Mitis Foundation.

Supervisor Levy's past committee and board Memberships include: Fresno County Planning Commission, Workforce Development, Fresno Convention Visitors Bureau, Philharmonic Board, Valley Children's Hospital Board, Past-President of Jr. League of Fresno, Past-President of Women's Symphony League, Past-President of Mallock PTA, Former Den Mother.

Sharon is married to Joe Levy. They have three children and 8 grandchildren.

Mr. Speaker, I rise to pay tribute to Sharon Levy for her active and distinguished community involvement. I urge my colleagues to join me in wishing Sharon Levy many more years of continued success.

TRIBUTE TO MR. EUGENE A.R. MONTGOMERY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Eugene A.R. Montgomery who was a longtime friend and mentor. Mr. Montgomery was a true champion of civil rights, a reputable leader in the business and real estate arenas, and an inspiration to all members of his community. The Eugene A.R. Montgomery Foundation at South Carolina State University carries on the legacy of service that Mr. Montgomery began and cultivated throughout his lifetime.

I commend the Eugene A.R. Montgomery Foundation for helping students with dreams of entering the business world turn those dreams into reality. Through programs that provide incentives for young African-Americans pursuing careers in entrepreneurial business—particularly the fields of real estate and insurance—the Foundation also encourages students to remain sensitive to the civil issues surrounding them. The mission of the foundation is one which seeks to foster and encourage the success, commitment, and character that Mr. Montgomery exemplified with his many accomplishments and achievements.

As an active participant in the landmark Clarendon County school desegregation case, Briggs vs. Elliott—one of the five cases which became Brown vs the Board of Education of Topeka, Kansas, Mr. Montgomery demonstrated tremendous courage and determination. He worked very closely with Thurgood H. Marshall coordinating many activities of the plaintiffs and the NAACP attorneys.

He served as the First Executive Secretary of the South Carolina Branches of the NAACP, Treasurer of the Orangeburg NAACP, and was a Life Member of the NAACP. He was a faithful member of Trinity United Methodist Church, a partner in the first black-owned real estate and insurance company in Orangeburg, South Carolina, and owner of Montgomery and Company Insurance Company. He was a Postal Service retiree, a Mason, and an active member of the Veterans of Foreign Wars (VFW).

A former member of the Orangeburg Zoning and Appeals board, the Human Rights Council, the South Carolina Governor's School for the Arts, Junior Achievement, and a founder of the National Association for Real Estate Brokers, Mr. Montgomery was a member of the Orangeburg Chamber of Commerce and the Orangeburg School District Five Foundation Committee at the time of his death in 1996.

Mr. Montgomery was a fine citizen in every respect. His wife Georgia continues much of his ideas and ideals today with her own community service endeavors and support of the Foundation named in his honor.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to Eugene A.R. Montgomery, whose life's visions live on and continue to foster and encourage young people through the Eugene A.R. Montgomery Foundation. I wish the Foundation good luck and Godspeed in carrying out the visions and honoring the legacy of a fine American who exemplified the concept of leading by example.

60TH ANNIVERSARY OF BOYD HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Boyd Hospital on this, the 60th Anniversary of its service to Carrollton and Greene County, Illinois.

For over half a century, the Boyd Hospital has been administering to the needs of the people of Carrollton and the surrounding areas. And they have been successful; in this last year alone, they have admitted hundreds of patients to their full-time care and helped thousands more on an outpatient basis. Moreover, Boyd also has a strong physical therapy program and a crack ER staff—this hospital has undoubtedly saved many hundreds of lives. Especially in these troubled times, it is comforting for the people of Carrollton to know that they are being served by such a skilled institution.

Over the last sixty years, the staff of Boyd Hospital has acted with care, compassion, and competence. And though the deeds themselves are perhaps reward enough for the staff of Boyd Hospital, I think it appropriate that on this special day they are recognized.

So, on behalf of the people of Carrollton and of the great State of Illinois, I would like to thank them for their efforts—they are greatly needed and greatly appreciated. As a token of that appreciation, I would like to list some of their names here for the CONGRESSIONAL RECORD: Dr. Adams, Dr. Reid, Dr. Turpin, Dr. Mapue, Dr. Khalisia, Dr. Parcon, Dr. Casleton, Dr. Voights, Dr. Harmon, Dr. McNeer, Dr. Dizon, Dr. Palcheff, and Deb Campbell.

Thank you all, and may God bless you and your work.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased to introduce the Reservists Education Protection Act of 2001. Original cosponsors of this legislation include my good friend Lane Evans (D–IL), the Ranking Democratic Member of the VA Committee and 31 other Members of the House. This bill would reinstate VA educational entitlement to certain Active Duty servicemembers and veterans in reserve components called up for Operation Enduring Freedom and future national emergencies.

Up to 10,000 of the 50,000 Reservists recently called to active duty by President Bush as a result of the September 11th attacks against the United States would lose educational assistance entitlement if they are forced to disenroll from school. Many of them would also lose the tuition they paid.

The Reservists Education Protection Act of 2001 would restore monthly entitlement to (a) veterans in reserve components who are using the Montgomery GI Bill (MGIB) earned by prior active duty, and (b) regular Active Duty servicemembers and veteran reservists who are transferred to a new duty station or assignment.

The Reservists Education Protection Act of 2001 would cover any such servicemember involved in a national emergency after September 11, 2001. (Note: Reservists using the MGIB-Selected Reserve program already have entitlement restoration benefits, and additional time to use their benefit.)

Active Duty servicemembers and veterans are currently entitled to 36 months of educational benefits; this bill assures that no entitlement is lost due to mobilization. The Reservists Education Protection Act of 2001 is similar to the relief that Congress provided during the Persian Gulf War.

The servicemember would also regain time to attend school by extending their Montgomery GI Bill delimiting date by their mobilization tour of duty, plus four months, to the 10 years that they already have. For example, if a servicemember is mobilized for six months, he or she would have 10 months added to their delimiting date.

Active Duty servicemembers and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) (chapter 32) and Survivors and Dependants Educational Assistance (chapter 35) would also be included in the Reservists Education Protection Act of 2001.

EXPAND EFFECTIVENESS OF U.S. BROADCASTING

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BLUMENAUER. Mr. Speaker, today we adopted H.R. 2998 authorizing the establishment of Radio Free Afghanistan to create a surrogate radio broadcasting service in Afghanistan. I am a cosponsor of this legislation and I look forward to its serving as a valuable complement to the important contribution already made by the Voice of America (VOA). We need to increase and improve our public diplomacy in the Arabic-speaking world. We can reach millions and provide fair, accurate information about America, its principles and policies by increasing our VOA broadcasting in this way.

A constituent of mine who is an Arabic linguist has written to me regarding his thoughtful idea about how we can better utilize information we already receive and make it even more useful in our information-sharing efforts here and abroad.

The Smith-Mundt Act (22 U.S.C. 1461) should be amended to allow the release of materials such as manuscripts upon request and further assist U.S. linguists to receive these materials. As we respond to the events of September 11, I believe this modification would expand the effectiveness of VOA and allow qualified private institutions greater access to information so vital for intercultural exchange.

I urge my colleagues' consideration of allowing this greater use of the information we are already receiving, and will be working to accomplish this through my membership on the House International Relations Committee.

CONGRATULATING MARIO G. OBLEDO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to Honor Mario G. Obledo for receiving the Lifetime Achievement Award from the City of Orange Cove. Mr. Obledo received the award at a ceremony held on July 20, 2001.

Obledo has an extensive educational background as well as a long career in public service. He received a degree in pharmacy in 1957. Three years later he earned a Doctor of Law degree. Mr. Obledo served as Assistant Attorney General for the State of Texas, and also served as Secretary of Health and Welfare in the State of California. He has also served as a member of the faculty at Harvard Law School.

Along with his time in public office and teaching in the classroom, Mr. Obledo is active in several community organizations. He is the co-founder and president of the National Hispanic Bar Association and the Mexican-American Legal Defense Fund. He was national president of the League of United Latin American Citizens and co-founded the Southwest Voter Registration Project.

Mr. Obledo has received several prestigious awards. In 1998, he received the Presidential Medal of Freedom, the highest civilian award in the United States. He also received Mexico's highest civilian award to a foreigner. He was Pharmaceutical Planning Service, Inc.'s Distinguished Person of the Year in 1999 and in the same year was given the National Hispanic Hero Award by the United States Hispanic Leadership Institute.

Mr. Speaker, I congratulate Mario G. Obledo for receiving the Lifetime Achievement Award from the City of Orange Cove. I urge my colleagues to join me in wishing Mr. Obledo many more years of continued success.

PERSONAL EXPLANATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained from the House of Representatives on November 6, 2001. I therefore missed Rollcall votes Nos. 426, 427, and 428. Had I been present, I would have voted "yes" on all three items. And I ask for unanimous consent that my votes and remarks be included in the proper place in the RECORD.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. FOSSELLA. Mr. Speaker, on Rollcall No. 428, I was unavoidably detained. Had I been present, I would have voted "yea".

RECOGNIZING MARCIA CAMPBELL MATHEWS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Marcia Campbell Mathews for being named a Farm Advisor Award finalist by the Friends of Agricultural Extension. The Friends of Agricultural Extension will recognize Marcia at their annual awards dinner.

Marcia is the Stanislaus County Agronomy Farm Advisor. She has developed a program on the subject of the "Use of Dairy Lagoon Water as a Nutrient Source for Crops." Through her program she has developed practical tools, such as a Nitrogen Quick Test and a flow meter/valve configuration, to help crop producers evaluate nutrient levels achieved by the application of manure products. Marcia is continuing to refine and promote the use of these procedures, as well as several other valuable nutrient management techniques.

Mr. Speaker, I congratulate Marcia Campbell Mathews for being named a Farm Advisor Award finalist by the Friends of Agricultural Extension. I urge my colleagues to join me in wishing Marcia Mathews many more years of continued success.

ADDITIONAL COSPONSORS FOR H.R. 3167

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BEREUTER. Mr. Speaker, due to House Rules, unfortunately there were several Members of Congress who wanted to cosponsor, H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001, but were unable to be officially listed by the House Bill Clerk under our House Rules. The distinguished gentleman from Texas [Mr. THORNBERRY], the distinguished gentleman from Maryland [Mr. WYNN], the distinguished gentleman from Pennsylvania [Mr. BORSKI] and the distinguished gentleman from New York [Mr. SWEENEY] all contacted my office to cosponsor; however, their names were not added as cosponsors since the House International Relations Committee reported the bill on November 5th. This Member regrets that they were not added, but wants to recognize their intentions in this fashion.

COURT RULING ON PROJECT LABOR AGREEMENTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to commend the United States District Court for the District of Columbia for upholding the rights of workers and preventing the President from arbitrarily unilaterally, and unfairly restricting those rights.

On February 17, 2001, President Bush issued Executive Order 13202 prohibiting Federal agencies or recipients of federal funds from entering project labor agreements, prehire agreements that typically establish wages and working conditions for the employees of contractors and subcontractors on a construction project. Bush's Executive Order was permanently enjoined today in a decision issued today by Judge Emmet G. Sullivan. The lawsuit overturning the Executive Order, Building and Construction Trades Department, AFL–CIO, et al., v. Joe M. Allbaugh, Director Federal Emergency Management Agency, et al., was brought by the Building and Construction Trades Department, the City of Richmond, California and the Contra Costa County Building and Construction Trades Council. My congressional district includes Richmond and Contra Costa County.

Today's decision is a clear victory for working Americans. The court found that project labor agreements are expressly protected by the National Labor Relations Act and that the President's Executive Order harms workers by altering the bargaining power between employers and unions. In effect, by trying to impose new limits on the right of the workers to bargain collectively, the President was undermining the ability of workers to protect and improve their wages and working conditions. In our system of government, however, a President may not unilaterally undermine the laws that Congress has enacted. The District Court's decision is a victory for due process and the rule of law as well as the rights of workers.

I strongly commend the Mayor and City Council of Richmond and the Contra Costa County Building and Construction Trades Council and its president, Greg Feere, all of whom I am proud to represent in Congress, as well as the Building and Construction Trades Department of the AFL–CIO, for their role in standing up for the rights and well being of workers.

PROCLAMATION FOR DAVID ANTHONY FUCALORO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, David Fucaloro. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Friday, December 7th 2001.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Fucaloro, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Edward and his family.

EXPRESSING APPRECIATION TO THE COUNTRY OF TURKEY

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. WYNN. Mr. Speaker, I rise to introduce a resolution to express my appreciation for Turkey's offer to provide special forces in support of Operation Enduring Freedom—the war against terrorism.

As a member nation of the North Atlantic Treaty Organization located closest to Afghanistan, Turkey is the first Muslim country to offer direct military participation in Operation Enduring Freedom. Turkey's offer is further proof that our coalition against terror is not a war against Islam, but a war against evil.

Mr. Speaker, during this critical time of international cooperation, it is encouraging to see Turkey, a key Muslim ally, offer to join forces with our forces to combat a heinous world evil—terrorism. I welcome this offer and urge the passage of this resolution.

FRANCE'S LAW AFFECTS FREEDOM OF WORSHIP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I take this opportunity to salute France's historic leadership in the defense of human rights. After the events of September 11th, as freedom-loving people wrestle with the scourge of terrorism, they will look to countries like France to see whether the torch of human rights is being held high. Therefore, mindful of France's historic work and current commitments to defend human rights, it was with remorse and surprise that I observed this summer the National Assembly's approval of the law for the "Prevention and Repression of Cultic Movements."

As participating States of the Organization for Security and Cooperation in Europe (OSCE), France and the United States share the commitment and responsibility to observe and uphold religious freedom, including the right of the individual to profess and practice religion or belief. Through my work as Co-Chairman of the U.S. Helsinki Commission, I am alarmed by recent developments in Europe that impinge on this fundamental freedom. Recently, it would appear that certain OSCE friends and allies have forgotten that religious movements can play a positive role in society, providing impetus for important social change. For instance, the role of the Catholic Church in Poland during the cold war or the activism of some churches and religious leaders in the Southern United States during the Civil Rights Movement offered vital moral and ethical guidance and support.

Mr. Speaker, particularly in Western Europe, we have observed an increase in laws calibrated specifically to target religious groups. The United States shares with Western Europe core values regarding human dignity and rights, and we gratefully acknowledge Western Europe's traditional openness toward religious minorities. However, the development of "anti-cult " laws threatens this tradition.

At the same time, I understand and appreciate the dangers of criminal activity operating under the guise of religion. However, I strongly believe that any religious movement violating the rule of law should be prosecuted using mainstream law enforcement tools, as opposed to special laws or extra-judicial investigations not in harmony with the core values enshrined in the OSCE's Helsinki Final Act and other international documents regarding human dignity and rights. In sum, I am concerned about vaguely crafted government regulations against religious organizations and adherents that serve to foster intolerance against individuals because of their beliefs.

In France, such a law entered into effect this summer.

Provisions of the law, Mr. Speaker, provide governmental entities and private citizens the ability to apply civil and criminal sanctions against any so-called "cult" or its de facto leader. Other extensive powers include the removal of basic civic freedoms if an individual is found guilty of using "techniques likely to alter judgment." Despite the law's obvious bent against minority faiths, its broad powers, combined with the vague wording, could permit arbitrary application and abuse.

Overall, I find the creation of such a law, especially in a mature democracy like France, alarming and incongruent with the nation's long history of supporting human rights. I had the opportunity this past summer to meet with the President of the National Assembly, Mr. Raymond Forni, as well as one of the key author's of the bill, Mme. Catherine Picard, and shared with them these concerns. Considering France's position as a world leader, this domestic action will cause repercussions elsewhere, such as in emerging democracies which will have and look to French leadership on these matters.

Often, the U.S. Government and Congress are criticized for "meddling" in the internal affairs of another sovereign nation. I feel certain detractors in France will level the same argument. However, the OSCE Moscow Concluding Document (1991) speaks directly to this issue, declaring "The participating State emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of international order. *They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension * * * are matters of direct and legitimate concern to all participating States and do not belong exclusively* *to the internal affairs of the State concerned.*" [emphasis added]

Mr. Speaker, religious believers in France have already offered concerns about the effects of the new French law on their right to profess and practice their faith in their own country. Statutes of this nature, which target individuals with unpopular belief systems, are antithetical to democracies in the twenty first century. Accordingly, I join them in urging French authorities to fully respect France's commitments as an OSCE participating State when implementing the new law.

AFGHAN WOMEN'S RESOLUTION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce a resolution commending the work of organizations led by Afghan women that are providing substantial education, health and relief services during a time of humanitarian crisis in Afghanistan. This resolution also urges the President to ensure that any new government established in Afghanistan include women as full and active participants.

Since 1996, when the Taliban regime took over, the women of Afghanistan have lived in absolute fear. To be a woman in Afghanistan under the Taliban's rule is to be considered little more than chattel. Women are banned from receiving an education, holding a job or engaging in conversations outside the home. They can be arrested for venturing outside their house without a male relative or stoned to death if they are married and accompanied by an unrelated male. The Taliban enforces these draconian decrees in a brutal and capricious fashion that does not begin to resemble due process or a fair judicial system.

Prior to the Taliban's rule, women held careers as doctors, nurses, and teachers. They were free to exercise their rights as citizens, move about, and speak freely. Many of them were considered leaders in their communities, educated, and well-respected. Since 1996, these women have gone into hiding. They are forced to be mere shadows of their former selves.

To women like myself who live in a free democracy, these severe restrictions of movement, speech, and dress are unimaginable. And, without question, the laundry list of blatant human rights violations would not be tolerated against any other population in the world, particularly not in the United States. So how can we, as decent, intelligent people stand by and watch?

Thankfully, a few courageous organizations led by Afghan women are taking action. These organizations are often clandestine in nature and strive to improve the status of women and girls in Afghanistan through underground circles. At this time, it is by their valiant efforts alone that many women and girls in Afghanistan have received an education or health and relief services.

One of the most prominent examples of such an organization is the Revolutionary Association of the Women of Afghanistan, or RAWA. Established in 1977, this organization offers relief to the women and girls of Afghanistan by running primary and secondary schools for refugee girls, creating mobile health teams in Pakistan, and running handicrafts, carpet and tailoring workplaces.

Engaging in these modest activities, however, is only one way in which RAWA serves Afghan women. Despite the risk to their own lives, many RAWA activists have also carried video cameras under their burqas to record executions of Afghan women and other similar punishments. In many cases, these videotapes have been the key to exposing the inhuman acts of the Taliban and proving to the Western world that these women need help.

While efforts like RAWA's relieve some of the worst excesses of the Taliban's regime, however, they do not fix the problem. Afghan women will never regain their freedom in the future unless a constitutional democracy is restored in Afghanistan and Afghan women play a leadership role in rebuilding their country.

Fortunately, for the first time since the Taliban regime took over, the U.S. is in a strong position to make this happen and to provide substantial help to Afghan women.

As our government fights to eliminate the Taliban and those who support them in Afghanistan, we must ensure that not only are the rights of women and girls in Afghanistan preserved, but that their full citizenship is restored.

In addition, we must call upon the U.S. government and the United Nations to provide direct funding to these Afghan women's organizations. If provided, this funding would strengthen their ability to deliver services and to enhance their role in fostering a more civil society. Finally, we must urge the Administration to encourage any new government in Afghanistan to include women as leaders.

After five years of enduring the wrath of the Taliban regime, it is time to restore basic human rights to all Afghan people, especially women and girls, and to end these repressive policies. The women of Afghanistan have proven their ability to lead; they simply need the opportunity to exercise it.

Mr. Speaker, on behalf of Rep. ROS-LEHTINEN and myself, I am proud to introduce H.Res _____ and urge my colleagues to support it.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I am unable to be present for legislative business scheduled for today, Wednesday, November 7th. Had I been present, I would have voted "aye" on (1) Rollcall No. 429, H.R. 2998, the Radio Free Afghanistan Act; (2) Rollcall No. 430, H.R. 852, designating the Nathaniel R. Jones and Frank J. Battisti Federal Building and Courthouse; (3) Rollcall No. 431, H.R. 3167, the Gerald B. H. Solomon Freedom Consolidation Act; and (4) Rollcall No. 432, H. Con. Res. 262.

TRIBUTE TO DR. LEE HARTWELL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. INSLEE. Mr. Speaker, I rise today to pay very special tribute to a truly outstanding individual from Seattle, Washington. On October 8, 2001, Dr. Lee Hartwell, president and director of the Fred Hutchinson Cancer Research Center, was awarded the Nobel Prize in Physiology or Medicine 2001 for his pioneering work in yeast genetics.

Dr. Hartwell's three-decade devotion to the study of and his insight into yeast cells provide the foundation for understanding how normal cells divide and the mechanisms leading to the uncontrolled growth of cancer cells. He has consistently contributed experimental and theoretical insights. Thanks to Dr. Hartwell's groundbreaking efforts, scientists have a fundamental understanding of how cancer cells mutate. This research is allowing the development of approaches that predict, prevent or reverse that mutation so that someday we can develop cancer cures. Today, the yeast related research of Dr. Hartwell and his colleagues is being used at the Fred Hutchinson Cancer Research Center to develop drugs for use against cancer and other diseases.

Dr. Hartwell is a man of great accomplishment. After earning B.S. at the California Institute of Technology and a Ph.D. from the Massachusetts Institute of Technology, he did postdoctoral work at the Salk Institute for Biological Studies. In 1968 he joined the University of Washington's faculty and, since 1973, has been a professor of genetics at that institution. He joined the faculty of Seattle's Fred Hutchinson Cancer Research Center in 1996 and became its president and director in 1997.

Dr. Hartwell is the recipient of many honors including the Albert Lasker Basic Medical Research Award, the Gairdner Foundation International Award and the Alfred P. Sloan Award in cancer research. The 2001 Nobel Prize in Physiology or Medicine is the ultimate recognition of his life's work.

I ask my colleagues to join me in saluting Dr. Lee Hartwell, a man whose dedication and achievements are a credit to the State of Washington, our country, and indeed the world.

A TRIBUTE TO ELIE WIESEL ON THE OCCASION OF HIS RECENT ARTICLE IN "PARADE" WITH REGARD TO TERRORISM AND RESISTANCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. GILMAN. Mr. Speaker, the evil, despicable, barbaric terrorist acts that are still producing fear among the people of our country—and the tragic scale of which we still have not fully realized—were not motivated by the zeal we usually associate with individual acts of crime. These acts were not committed with the purpose of enrichment. They are not logical responses to America's actions, real or imagined, abroad. Rather, they were the result of a kind of deep hatred towards our freedom loving life style and our proud democratic traditions.

This hatred is almost incomprehensible to the modern mind. As my good friend author Elie Wiesel has recently eloquently pointed out, the terrorism we have until now experienced is only the tip of the iceberg. If the terrorists could, they would take us all out. Their hatred is an all-encompassing drive to deprive mankind of freedom and safety. The terrorists do not intend to stop halfway.

Elie Wiesel, the holder of numerous academic titles, recipient of many distinguished honors and awards—among them the Nobel Prize for Peace in 1986—and author of several world renowned books, was only fifteen years old when he and his family were deported by the Nazis to the Aushwitz concentration camp. His mother and younger sister perished while only his two older sisters survived. He wrote about his experiences in the death camps in his internationally acclaimed memoir, "Night," and in 1978, President Jimmy Carter appointed him as Chairman of the President's Commission on the Holocaust.

A dedicated supporter of Israel, Elie Wiesel has also seen it as his duty to defend the causes of various persecuted minority groups. For this reason, in 1986 along with his wife, Marion Wiesel, he established the Elie Wiesel Foundation for Humanity. Through his indefatigable efforts Mr. Wiesel has continuously reminded us of our duty to hold life sacred, to honor liberty, fairness and peace and to resist fanaticism in whatever shape we might encounter it. In submitting to the CONGRESSIONAL RECORD Mr. Wiesel's contemplative reflections on the nature of resistance that he recently contributed to "Parade" I desire not only to inform my colleagues of his views, but also to pay tribute to his remarkable service to mankind.

In the spirit of Elie Wiesel, the resolve that America, since September 11, has implemented in its struggle to free the world of this terrible hatred has been a source of bipartisanship and unity. We must continue to work towards this end, in this same spirit.

[From Parade Magazine, Oct. 26, 2001]

WE CHOOSE HONOR

(By Elie Wiesel)

None of us will ever forget that sunny day in September when the United States was subjected to a manmade nightmare: a heinous terror attack unprecedented in contemporary history. It will remain shrouded in mourning in the violated memory of our country.

Would this terrible act drive us apart, I asked myself, or draw us together as a nation?

My wife and I were in a taxi in midtown Manhattan. We looked with disbelief at the gigantic clouds of smoke and ashes hanging over the lower part of the city. We listened to the radio and couldn't understand what we heard. Suddenly our hearts sank: Someone we love worked on Wall Street. Cell phones remained mute. At home, we found a message: He was all right.

Glued to television like so many others, we watched the first pictures. They were both surreal and biblical: the flames, the vertical collapse and disappearance of the world's two proudest towers. Many of us were stunned into silence. Rarely have I felt such failure of language.

I remember what I was thinking: "That's madness, madness." Two banal words, like an accursed mantra. Sheer madness. Terrorists wanted to die in order to spread death around them. They demanded neither ransom nor concessions. They proclaimed no belief and left no testament. But then what did they wish to affirm, negate or prove? Simply that life is not worth living? Some observers insisted that they were "courageous," since they wanted to die. I disagree: They wanted to kill and to do so anonymously. It would have taken more courage to live and explain why they had chosen murder.

More questions, many of them, came later: Faced with such immense suffering, how can one go on working, studying and simply living without sinking into despair? How is one to vanquish the fear that infiltrated our very existence? And how are we to console the families and friends of the more than 5000 victims?

The pictures of missing victims, the sobbing of relatives, the farewell words on cell phones, the sight of hardened journalists weeping . . . Days and days elapsed, and the devastated site was still reminiscent of war-torn Europe in 1945.

I checked history books for a semblance of precedent for this terror. There may be one. In the 11th century, a certain Hasan-e Sabbāh founded a secret small sect of assassins in Persia. Known as the Messengers of Death, they roamed around Islam clandestinely for years before fulfilling their mission. They killed people they did not know, for motives they themselves did not comprehend. Is Osama bin Laden a reincarnation of Husan-e Sabbāh? No. Those times and those violent "dreamers" are gone. The 21st century will not be theirs.

Why, then, the mass murder now? A human earthquake, it was caused by people whose faith had been perverted. There can be no justification for it. Can it be explained? Yes, by hatred. Hatred is at the root of evil everywhere. Racial hatred, ethnic hatred, political hatred, religious hatred. In its name, all seems permitted. For those who glorify hatred, as terrorists do, the end justifies all means, including the most despicable ones. If they could, fanatics of violence would slaughter all those who do not adhere to their ideological or religious principles. But this they cannot achieve and so they resort to simply arousing fear, the goal of terrorists since they emerged in history.

Only this time, they failed. The American people reacted not with fear and resignation but with anger and resolve. Here and there it was misguided and misdirected: Individual Muslims were assaulted and humiliated. That was and is wrong. Collective blame is unwarranted and unjust. Islam is one of the world's great religions and most of its believers in our country are good and decent citizens. That had to be said and our leaders said it.

On the highest level of government, President Bush immediately charted the right path to follow by declaring war against terrorist leaders and all those who harbor and aid them. His address before the joint session of Congress made the American people experience a moment of greatness. The Senate and the House made us proud. Democrats and Republicans spoke with one voice. The White House, the State Department, the Pentagon lost no time in preparing for the battle to come. In a very short while, our entire nation and its allies were mobilized to wage a new world war whose aims are to identify, uproot, disarm and apprehend all those who were and are directly, or indirectly, linked to terrorist practitioners of mass murder.

One thing is clear: By their magnitude as well as by their senselessness, the terrorist atrocities constitute a watershed. Yes, life will go back to normal; it always does. But now there is a before and an after. Nothing will be the same. The political philosophy of governments, the national economy, the concern over security, the psychology of citizens, the weight of comradeship and hope: Everything has changed. One will not, as before, take a plane without considering the possibility of sabotage. Nor will one look at his or her neighbors without suspicion. We may never visit Lower Manhattan without pangs of sadness; we all know of someone who perished simply because he or she was there.

But the American people did not bend. Never have they been more motivated, more generous. Their behavior was praised the world over. Instead of trying to save themselves, men and women, young and old, ran to Ground Zero to offer assistance. Some stood in line for hours to donate blood. Hundreds of thousands of sandwiches, sodas and mineral waters were distributed. Those who were evacuated from their buildings were offered food and shelter by neighbors and strangers alike. Rudy Giuliani, the most admired New Yorker of the day, appealed in vain over radio and television for volunteers to stay away; they kept coming. And then, one had to see the outpouring of affection and gratitude toward policemen and firefighters to believe it.

And so, the terrorists achieved the opposite of what they wanted. They moved people to transcend themselves and choose that which is noble in man.

For in the end, it is always a matter of choice. Even when faced with the murderous madness of criminals, and in the presence of the silent agony of their victims, it is incumbent upon us to choose between escape and solidarity, shame and honor. The terrorists have chosen shame. We choose honor.

I belong to a generation that thinks it knows all that is possible to know about the thousand manners of dying but not about the best way of fighting death. And I know that every death is unjust, that the death of every innocent person turns me into a question mark. Human beings are defined by their solidarity with others, especially when the others are threatened and wounded. Alone, I am on the edge of despair. But God alone is alone. Man is not and must not be alone.

If the terrorists believe they can isolate their living targets by condemning them to fear and sadness, they are mistaken. Americans have never been as united.

Nor has our hope been as profound and as irresistibly contagious.

RADIO FREE AFGHANISTAN ACT OF 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Ms. MILLENDER-McDONALD of California. Madam Speaker, I rise in full support of H.R.

2998, "The Radio Free Afghanistan Act," of which I am an original cosponsor. This legislation creates a "Radio Free Afghanistan" under Radio Free Europe/Radio Liberty (RFE/RL). It will revive the broadcasts that RFE/RL conducted when the Soviets invaded Afghanistan during the Cold War. Europe is very familiar with the challenges of broadcasting to Afghanistan, and it has the institutional knowledge necessary to perform these broadcasts and get them up and running quickly. This bill authorizes the funds necessary to allow broadcasting into Afghanistan for 12 hours a day. This vital legislation will provide the voice the US currently lacks within the region.

At the present time there is no alternative to the hateful propaganda that is being aired in support of Afghani terrorism. One such example is a bogus story that reported that 4,000 Jews did not go to work on Sept. 11th at the World Trade Center. This false information insinuates that Israel is somewhat responsible for the attacks—unfortunately these lies are not being responded to. The Afghan people deserve an alternative to listen to—the truth.

Prior to September 11, tragic conditions existed in Afghanistan. The Afghanis had endured their worst drought in 30 years, 23 years of military fighting, and oppressive and barbaric treatment of women and minorities by the Taliban regime. All of these circumstances contributed to massive numbers of Afghan refugees who migrated to Pakistan. Some 3.5 million Afghan refugees fled to Pakistan, two million to refugee camps and 1.5 million to the cities and villages. Since September 11, the number of people attempting to flee Afghanistan and its cities has increased dramatically, and the plight of refugees and displaced persons has become even more perilous. These figures are a prime example of why the people of Afghanistan need to know the truth—that America stands in support of their freedom and is not the cause of their strife. They need to know that humanitarian aid is just that and nothing more.

Author Henry Peter Brougham once said "Education makes people easy to lead, but difficult to drive; easy to govern, but impossible to enslave." The people of Afghanistan are being enslaved because they have no access to accurate information. We must empower the people of Afghanistan, counter the lies and false propaganda, and allow free flowing the factual information to be presented to Afghanis. "Radio Free Afghanistan," will allow us to do just that.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mrs. CAPPS. Mr. Speaker, I was detained in returning from my district last night due to delays in my flights and missed three votes. Had I been here I would have made the following votes: Rollcall Nos. 426—"aye", 427—"aye", 428—"aye."

IN RECOGNITION OF THOMAS J. NOWIERSKI, R.PH., M.PH AND ROSE MARIE POVEROMO, BEING HONORED BY THE TAMINENT REGULAR DEMOCRATIC CLUB, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Thomas J. Nowierski and Rose Marie Poveromo who are being honored on November 3, 2001 at this year's annual Taminent Regular Democratic Club, Inc. dinner and dance. Taminent's two honorees have made outstanding contributions to the civic life of the community.

For twenty-five years, Thomas J. Nowierski has served this community's pharmacological needs. He opened his first pharmacy, Ravenswood Drugs, in the Ravensview projects in Long Island City. He purchased Astoria Chemists at Astoria General Hospital, now known as The Mount Sinai Hospital of Queens, three years later.

In 1984, he opened Chris Drug, named for his daughter Christine, at Astoria Medical Group. Mr. Nowierski established one of the first programs in the state where seniors could receive information about their medications free of charge, in various languages.

Mr. Nowierski has spent much of his career working to address the needs of others. This is precisely what led him to open the Western Queens Dialysis Center almost two years ago. His goal was to ensure that patients in need of dialysis can get the quality of care they require.

Over the last decade Thomas Nowierski has worked on behalf of the Variety Boys and Girls Club. He became President of its Board of Directors in 1999. Tom has also dedicated his time and energy to SHAREing & CAREing, work he has done largely in memory of his late mother who battled breast cancer.

For two decades Rose Marie Poveromo has been a dedicated community activist in Astoria and Jackson Heights. A native New Yorker, she owns and operates Rose Marie Realty, while also working as an aide to City Council Speaker Peter Vallone.

She served as President of the United Community Civic Association for 9 years, during which time she organized one of the most successful Town Hall Meetings coordinated by a civic association in Queens County, with more than 600 residents participating to discuss community needs and concerns. She also organized a "Community Health Fair," which attracted over 700 attendees. Rosemarie is a tireless advocate for a better quality of life in Queens, and I have often worked with her on issues relating to the noise and congestion generated by the airports.

Rose Marie Poveromo has also served her community in numerous other capacities. She was a member of Community Board #1, Vice-President of the Astoria Heights Homeowners and Tenants Association and Vice President of Kiwanis Club of Jackson Heights. She currently serves on the Queens Borough President's Air Monitoring Task Force and the Queens Borough President's Aviation Advisory Council.

Mr. Speaker, today I ask that my colleagues join me in honoring Thomas J. Nowierski and Rose Marie Poveromo for their contributions to their community.

A TRIBUTE TO THE LATE HONORABLE MARY WARREN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in recognition of the Honorable Mary Warren for her life long commitment to serving her community.

Sadly, Mary passed away suddenly on this past Sunday, November 4, 2001. She began her long career in community service with the New York City Housing Authority (NYCHA). During her thirteen years at NYCHA, Mary held a variety of positions; she worked as a Community Associate, Community Liaison, and Community Service Aide. She was an expert on New York City Housing programs. While she worked for NYCHA, she volunteered for her East New York community as the spokesperson for the Community Police Precinct Council. In addition, she organized tenant patrols, youth patrols, and led her tenant association.

After a rewarding career at NYCHA, I was able to lure Mary and her housing expertise to my staff as my Special Assistant. In this role, Mary proved herself to be an outstanding advocate on behalf of community residents. Also, she was a tireless worker, organizing events, working with constituents, and acting as my liaison to groups and agencies concerning crime, drugs, and, most importantly, housing.

Of course, Mary's service to her community never ended at the end of the work day, she also continued to be involved with both the youth and elderly in her community. As the Community Relations Associate for the Wartburg Lutheran Home for the Aging, Mary developed and implemented marketing strategies to increase participation for Meals-on-Wheels, Adult Day Health Care, Senior Housing and at the nursing home itself. This effort required the ability to work closely with people from the community of all different backgrounds, an area in which Mary excelled. Her outgoing personality served her well as the Recreation Specialist for the New York City Parks Department's Brownsville Recreation Center. Here, she served as Program Coordinator and Registration Supervisor for the various school and summer programs.

In addition, Mary had five children, 15 grandchildren, and one great-grandchild and was still an active volunteer in her Brooklyn community. She served as the District Leader for the 40th Assembly District for three terms. Finally, as a testimonial of her passion for providing affordable housing to her community and her devotion to the children of East New York, she served as the President of the Long Island Baptist Tenant Association at Unity Plaza Housing for over 20 years.

Mr. Speaker, the Honorable Mary Warren devoted her life to serving her community on all levels and was an invaluable member of the community and my staff. She will truly be missed. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring the life of this truly remarkable community leader.

TRIBUTE TO STATE SENATOR PAULA J. CARTER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. CLAY. Mr. Speaker, I rise today to express my profound sadness over the passing on Monday of Missouri State Senator Paula J. Carter, one of Missouri's most distinguished and respected public servants. She was a powerful force in the state legislature and represented her St. Louis constituents well during her combined 15 years of service in the Missouri Senate and House of Representatives.

Paula Carter was a dear friend of a former colleague of mine in the Missouri General Assembly, and her passing is a tremendous loss to those of us who had the privilege of serving with her. She will be greatly missed.

Paula Carter began her career as a public servant in 1984, when she was elected Committeewoman of the 27th Ward in St. Louis and two years later she was elected to her first term in the Missouri House of Representatives. While in the House, she became an outspoken champion of the poor, the disabled and the disenfranchised, and she worked tirelessly to make Missouri government more caring and responsive to our state's neediest citizens. Through her efforts in the House, Missouri improved its assistance and care of those with mental illness and disabilities, and expanded employment and educational opportunities for women and minorities.

In March 2000, Senator Carter was elected to the Fifth Senate District seat in a special election and subsequently re-elected to her first full term in November 2001. She wasted little time in making her presence felt in the upper chamber. She served on the Senate Appropriations Committee; the Civil and Criminal Jurisprudence Committee; the Insurance and Housing Committee; and the Aging, Families and Mental Health Committee. She also served as President of the Missouri Legislative Black Caucus.

Despite her illness, just two months ago in a special legislative session, Paula Carter played an instrumental role in the passage of a critical prescription drug benefit plan for Missouri senior citizens. As always, Paula Carter never let her own physical limitations get in the way of her commitment to helping those less fortunate.

So on behalf of the Missouri delegation of the U.S. House of Representatives, I want to offer our deepest sympathies and condolences to the family of Senator Paula Carter. She will be greatly missed, both in our state capital and in her beloved City of St. Louis, but her legislative legacy and accomplishments will endure in the thousands of people she touched through her leadership and determination.

TALIBAN HUMAN RIGHTS ABUSES NOT COMPARABLE TO CIVILIAN DEATHS RESULTING FROM U.S. BOMBING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the October 27, 2001, editorial from the Omaha World-Herald entitled "Taliban Atrocities."

Despite its great efforts to prevent civilian deaths in Afghanistan, the U.S. will inadvertently kill some civilians as it continues its bombings against Taliban-held areas. The civilian deaths which have already occurred (and those which likely will occur) certainly and very obviously are not part of a concerted scheme to kill the Afghan people. They are (and will be) an unfortunate consequence of the war on terrorism and those who continue to harbor terrorists. Unfortunately, civilian deaths simply are a part of any war.

Contrast that fact with the conditions, as outlined in the editorial, which the Taliban has inflicted upon the Afghan people.

Mr. Speaker, it is critical that the U.S. win not only the war on terrorism but also the media war to uncover the horrific human rights abuses systematically implemented by the Taliban against the Afghan people.

[From the Omaha World-Herald, Saturday, October 27, 2001]

TALIBAN ATROCITIES

(By John Cottschalk)

The Taliban's ambassador to Pakistan sounded a hypocritical note when he claimed that the United States is carrying out genocide against the Afghan people.

On the contrary, the United States has gone to great lengths to minimize civilian casualties. Although accidental bombings of residential structures have occurred, military analyst William Arkin noted in The Washington Post that for U.S. military planners, "avoidance of civilian casualties has become institutionalized even to the point of rejecting important targets if there is a high probability of civilian harm."

The Taliban's claim of the moral high ground is further undermined by the fact that it is using Afghan civilians as human shields by relocating its military hardware into schools and mosques.

It is especially brazen of the Taliban to pose as a champion of human rights, considering the horrors it has imposed on the Afghan people in recent years. Here are only a few incidents in the lengthy inventory of human rights abuses by the Taliban:

In January of this year, the organization Human Rights Watch reports, the Taliban conducted a summary execution of 300 civilian adult males after it retook the town of Yorkaolang.

In September 2000, Taliban forces used bombs, shells and cluster munitions indiscriminately against residential areas in the town of Taloquan and surrounding villages before capturing the area, according to statements by refugees.

In May 2000, Taliban forces summarily executed at least 200 prisoners near a mountain pass northwest of the town of Pul-i Khumri.

In August 1998, the Taliban captured Mazar-i Sharif, a strategic city in northern Afghanistan. Here is how Human Rights Watch described the Taliban's subsequent actions:

"Within the first few hours of seizing control of the city, Taliban troops killed scores of civilians in indiscriminate attacks, shooting noncombatants and suspected combatants alike in residential areas, city streets and markets. Witnesses described it as a 'killing frenzy' as the advancing forces shot at 'anything that moved.' "

Anti-Taliban guerrilla groups, including fighters for the Northern Alliance now supported by the United States, by no means have a spotless human rights record either. Over the past decade, such forces have attacked residential areas with artillery fire and carried out summary executions of Taliban soldiers and suspected supporters, according to Human Rights Watch.

Such considerations indicate the difficulties that lie ahead in erecting a stable, democratic government in Afghanistan in the post-Taliban era.

As for the Taliban, it stands damned by its own disreputable actions. In light of its appalling record, it has no moral standing to lecture the United States about respect for human life and protection of innocent civilians.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 8, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 13

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine how the Immigration and Naturalization Service processes persons arrested for illegal entry into the U.S. outside ports of entry.
SD–342

10 a.m.
Judiciary
To hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement.
SD–226

NOVEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Kathleen Burton Clarke, of Utah, to be Director of the Bureau of Land Management, Department of the Interior.

SD–366

10:30 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold joint hearings to examine improvement processes concerning airline security.

SD–342

Foreign Relations

Business meeting to consider pending calendar business.

SD–419

2 p.m.

Environment and Public Works

Superfund, Toxics, Risk, and Waste Management Subcommittee

To hold hearings on S. 1602, to help protect the public against the threat of chemical attack.

SD–406

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

SD–366

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings to examine hawala—referring a creditor to a third party to receive his/her money; and underground terrorist financing mechanisms.

SD–538

NOVEMBER 15

9:15 a.m.

Governmental Affairs

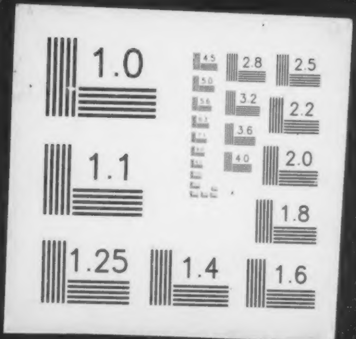
To hold oversight hearings to examine the Medicare payment policies for ambulance services of the Centers for Medicare and Medicid Services of the Department of Health and Human Services.

SD–342

LIBRARY OF MICHIGAN

MAR 2 3 2006

U.S. DOCUMENT
RECEIVED DEPOSITORY


1.0
4.5
5.0
5.6
2.8
2.5
3.2
2.2
3.6
4.0
2.0
1.1
1.8
1.25
1.4
1.6